

OPM 00-08

DATE: February 4, 2000

TO: All Appointing Authorities

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

RE: Proposed Permanent Amendments to the Merit System
of Personnel Administration Rules

I have scheduled a public hearing for comments on proposed permanent amendments and new rules in the following subchapters of the Merit System of Personnel Administration Rules in Chapter 10 of Title 530 of the Oklahoma Administrative Code:

- Subchapter 1. General Provisions
- Subchapter 3. Affirmative Action and Equal Employment Opportunity
- Subchapter 5. Position Allocation and Employee Classification System
- Subchapter 7. Salary and Payroll
- Subchapter 9. Recruitment and Selection
- Subchapter 11. Employee Actions
- Subchapter 13. Reduction-in-Force
- Subchapter 15. Time and Leave
- Subchapter 17. Employee Performance Management System and
Career Enhancement Programs

The rules hearing will be at **1:30 p.m.**, Friday, **February 11, 2000**, at the Department of Transportation Commission Room, 200 Northeast 21st Street, Oklahoma City. I hope you or your representative(s) will attend.

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 in the Office of Personnel Management by 5:00 p.m. on Friday, February 18, 2000.

Written comments should be sent to Oscar B. Jackson, Jr., Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, ATTENTION: Kimberlee Williams.

The rule proposals enclosed are identical in substance to the emergency rules which went into effect November 1, 1999, except that the Administrator is also considering the following proposals:

- Amendments to **530:10-7-24** to clarify that skill-based pay adjustments may be given to employees whose base pay is at or exceeds the maximum of the pay band.
- An amendment to **530:10-7-26** to clarify that equity-based adjustments may be made on the basis of intra-agency comparisons only.
- An amendment to **530:10-11-51** to delete language stating that promotional posting is not required for positions in noncompetitive job family levels (to provide consistency with the statutory language).
- Amendments to clarify that employees supplementing workers comp with any type of leave continue to accrue leave.
- An amendment to **530:10-15-45** to clarify that agencies must continue to pay the dependent benefit allowance while employees are on FMLA leave.
- An amendment to **530:10-15-49** to clarify that agencies must pay employee basic plan insurance coverage and dependent benefit allowance while on workers comp (to make rule consistent with statutory language).
- An amendment to **530:10-17-77** to clarify that Carl Albert Executive Fellows who have fulfilled their degree requirements to not have to obtain a faculty signature when executing a new agreement form.
- An amendment to **530:10-17-80** to clarify under what circumstances Carl Albert Interns may receive a raise or salary adjustment.
- An amendment to **530:10-17-84** to allow agencies to set the salary of a Carl Albert Executive Fellow upon conversion to the classified service at a rate of pay that is consistent with the agency's salary administration plan.
- Amendments to **530:10-17-91** to allow agencies to meet mandatory supervisory training requirements with training other than traditional, classroom training (such as training via CD-Rom or Internet).

If you have questions regarding the rule proposals, please contact Kimberlee Williams at (405) 521-2160.

Copies of the proposals are attached.

1 February 4, 2000

2
3 **SUBCHAPTER 1. GENERAL PROVISIONS**

4
5 **PART 1. GENERAL PROVISIONS**

6
7 **530:10-1-2. Definitions**

8 In addition to terms defined in OAC 455:10-1-2, the following words and terms, when
9 used in the Merit Rules, shall have the following meaning, unless the context clearly
10 indicates otherwise.

11 **"Absence without leave"** and **"unauthorized absence"** means any absence of an
12 employee from duty without specific approval.

13 **"Absolute preference veteran"** means a veteran eligible for placement at the top of
14 registers for appointment to the classified service because of a service-connected disability
15 of **30%** or more.

16 **"Act"** means the Oklahoma Personnel Act.

17 **"Administrator"** means the appointing authority of the Oklahoma Office of
18 Personnel Management [74:840-1.3]. As the term is used in the Merit Rules, the term
19 includes employees of the Office of Personnel Management to whom the Administrator
20 has lawfully delegated authority to act on his or her behalf. The term, as used in the Merit
21 Rules, may also include Appointing Authorities to whom the Administrator has delegated
22 authority under a duly executed delegation agreement.

23 **"Adverse impact"** or **"disparate impact"** means a substantially different rate of
24 selection in hiring, promotion, or other employment decision which works to the
25 disadvantage of members of a race, sex, or ethnic group. A common yardstick for
26 determining adverse impact is the **"4/5ths rule"** which indicates adverse impact if the
27 selection rate for any protected group is less than 4/5ths (80%) of the selection rate of the
28 group with the highest selection rate.

29 **"Agency"** means any office, department, board, commission or institution of the
30 executive branch of state government [74:840-1.3].

31 **"Allocation"** or **"Position allocation"** means the process ~~of designating to~~ by which
32 the Office of Personnel Management designates a position to an established class job
33 family—a position is assigned. A position is ~~assigned~~ allocated on the basis of duties,
34 authority, responsibilities, classification guides, and other appropriate factors.

35 **"Appointing authority"** means the chief administrative officer of an agency
36 [74:840-1.3]. As the term is used in the Merit Rules, the term includes employees of an
37 agency to whom the Appointing Authority has lawfully delegated authority to act on his or
38 her behalf.

39 **"Assignment"** or **"Position assignment"** in the context of position allocation
40 means the process by which an Appointing Authority designates a position to an
41 established job family level.

42 **"Balanced and representative work force"** means a work force whose composition
43 at all levels approximates the composition of the relevant civilian labor force in terms of
44 race, sex, and ethnicity.

1 **"Base pay"**, **"base rate"**, or **"base salary"** means the hourly rate or salary
 2 established for a job performed. It does not include shift differentials, benefits, overtime,
 3 incentives, longevity, or any other pay elements.

4 **"Career progression"** means a type of intra-agency promotion in which an
 5 employee is advanced from one level of a job family to a higher non-supervisory level in
 6 the same job family.

7 **"Certification"**, in the context of initial classified appointments, means the
 8 submission of available names of eligibles from the appropriate register to an Appointing
 9 Authority. Such a list is called a **"certificate"**. Individuals whose names appear on the
 10 certificate are said to be **"certified"**. In the context of all other types of appointments,
 11 certification means the determination by the Office, or by an Appointing Authority to
 12 whom the Administrator has delegated authority, that a candidate possesses permanent
 13 classified status or is eligible for reinstatement to permanent classified status, and meets
 14 requirements for appointment to a specified class job in the classified service.

15 ~~**"Class"** or **"class of positions"** [except as provided in 530:10-13-31], means~~
 16 ~~positions that are sufficiently similar in duties, levels of responsibility, and requirements~~
 17 ~~of the work to warrant similar treatment as to title, pay grade, and minimum~~
 18 ~~qualifications [74:840-1.3].~~

19 ~~**"Class specification"** means a written document that describes a class [74:840-1.3].~~

20 ~~**"Classification"** means the process of placing an employee into a class.~~

21 **"Classification" means:**

22 (A) the process of placing an employee into an appropriate job family and level
 23 within the job family, consistent with the allocation of the position to which the
 24 employee is assigned, or

25 (B) an employee's job family and the level at which work is assigned
 26 [74:840-1.3].

27 **"Classification plan"** means the orderly arrangement of positions within an agency
 28 into separate and distinct classes job families so that each class job family will contain
 29 those positions which involve similar or comparable skills, duties and responsibilities
 30 [74:840-1.3].

31 **"Classified employee"** means an employee in the classified service, or an employee
 32 currently on leave from the classified service in accordance with established Merit Rules
 33 governing leave.

34 **"Classified service"** means state employees and positions under the jurisdiction of
 35 the Oklahoma Merit System of Personnel Administration [74: 840-1.3].

36 **"Commission"** means the Oklahoma Merit Protection Commission [74:840-1.3].

37 **"Compensation plan"** means a schedule of salaries or hourly wages established for
 38 the classes jobs recognized in the agency classification plan so that all positions of a given
 39 class job within an agency may be paid the same salary range established for the class job.

40 **"Consider"** means a reasonable judgment based on job related criteria and on an
 41 individual's fitness for duties for initial or internal appointment.

42 **"Demotion"** means the reclassification of a classified employee ~~from a position in a~~
 43 ~~given class to a position in a lower class. The lower class shall have a lower grade~~
 44 ~~assigned to a different job with a lower pay band assignment.~~ Demotion may be voluntary
 45 or involuntary.

1 **"Direct reclassification"** means a change made in a classified employee's
2 classification by an Appointing Authority as a result of the adoption of a new and more
3 appropriate ~~class specification~~ job family descriptor.

4 **"Discharge"** is defined in 455:10-11-3.

5 **"Displacement" or "displace"** means the process of an employee accepting an offer
6 of employment to an occupied or funded vacant position [74:840-2.27B].

7 **"EEO Job Categories"**, as used in the context of affirmative action/equal
8 employment opportunity, means the following occupational categories:

9 (A) **Officials and Administrators:** Occupations in which employees set broad
10 policies, exercise overall responsibility for execution of these policies, or direct
11 individual departments or special phases of the agency's operations, or provide
12 specialized consultation on a regional, district, or area basis.

13 (B) **Professionals:** Occupations which require specialized and theoretical
14 knowledge which is usually acquired through college training or through work
15 experience and other training which provides comparable knowledge.

16 (C) **Technicians:** Occupations which require a combination of basic scientific or
17 technical knowledge and manual skill which can be obtained through specialized
18 post-secondary school education or through equivalent on-the-job training.

19 (D) **Protective Service Workers:** Occupations in which workers are entrusted
20 with public safety, security and protection from destructive forces.

21 (E) **Paraprofessionals:** Occupations in which workers perform some of the duties
22 of a professional or technician in a supportive role, which usually require less
23 formal training and/or experience normally required for professional or technical
24 status.

25 (F) **Administrative Support (Including Clerical and Sales):** Occupations in
26 which workers are responsible for internal and external communication, recording
27 and retrieval of data and/or information and other paperwork required in an office.

28 (G) **Skilled Craft Workers:** Occupations in which workers perform jobs which
29 require special manual skill and a thorough and comprehensive knowledge of the
30 processes involved in the work which is acquired through on-the-job training and
31 experience or through apprenticeship or other formal training programs.

32 (H) **Service-Maintenance:** Occupations in which workers perform duties which
33 result in or contribute to the comfort, convenience, hygiene or safety of the general
34 public or which contribute to the upkeep and care of buildings, facilities or
35 grounds of public property.

36 **"Eligible"** means a person who has met all requirements for appointment to a given
37 class job.

38 **"Employee" or "state employee"** means an elected or appointed officer or
39 employee of an agency unless otherwise indicated [74:840-1.3].

40 **"Entrance examination"** means any employment test used by the Office of
41 Personnel Management to rank the names of applicants who possess the minimum
42 requirements of education, experience, or licensure for a class job or group of similar
43 jobs on a register of eligibles established by the Office of Personnel Management
44 [74:840-1.3].

1 *"Executive Director" means the appointing authority of the Oklahoma Merit*
 2 *Protection Commission [74:840-1.3].*

3 *"FEPA" means the Oklahoma Fair Employment Practices Act, Section 840-4.12 (F)*
 4 *of the Oklahoma Personnel Act.*

5 *"FLSA" means the federal Fair Labor Standards Act.*

6 *"FLSA exempt" means employees performing work which is considered to be*
 7 *exempt from the overtime payment provisions of the FLSA.*

8 *"FLSA non-exempt" means employees performing work which is considered to be*
 9 *under the overtime payment provisions of the FLSA.*

10 ~~*"Grade" means the pay range assigned to a class.*~~

11 *"Hiring rule" refers to the names of the top 10 available eligibles certified to an*
 12 *Appointing Authority by the Administrator.*

13 *"Hiring rate" means the initial rate of pay for a given job within the pay band*
 14 *assigned to the job family level.*

15 ~~*"In-class transfer" means a reassignment of a classified employee from one position*~~
 16 ~~*to another position in the same class in the classified service.*~~

17 *"Initial appointment" or "original appointment" means the act of an Appointing*
 18 *Authority hiring a person, usually from a certificate, for a probationary period.*
 19 *Contrast the meaning of these terms with "internal action" and "internal appointment"*
 20 *which are also defined in this Section.*

21 *"Interagency transfer" means an action in which an employee leaves employment*
 22 *with one agency and enters employment with another agency while continuously*
 23 *employed with the state [74:840-1.3].*

24 *"Internal action" or "Internal appointment" means the reclassification or in-class*
 25 ~~*transfer*~~ *of a current employee or the reinstatement, recall or reemployment from a Priority*
 26 *Reemployment Consideration Roster of a former employee.*

27 *"Intra-agency transfer" means moving an employee from one position to another*
 28 *position with the same agency either with or without reclassification [74:840-1.3].*

29 *"Job" means a position or job family level in a job family [74:840-1.3].*

30 *"Job family" means:*

31 *(A) jobs which require similar core skills and involve similar work, and*

32 *(B) a logical progression of roles in a specific type of occupation in which the*
 33 *differences between roles are related to the depth and breadth of experience at*
 34 *various levels within the job family and which are sufficiently similar in duties*
 35 *and requirements of the work to warrant similar treatment as to title, typical*
 36 *functions, knowledge, skills and abilities required, and education and experience*
 37 *requirements [74:840-1.3].*

38 *"Job family descriptor" means a written document that:*

39 *(A) describes a job family, including, but not limited to, the basic purpose, typical*
 40 *functions performed, various levels within the job family, and the knowledge,*
 41 *skills, abilities, education, and experience required for each level, and*

42 *(B) identifies the pay band assigned for each level [74:840-1.3].*

43 *"Job family level" or "level" means a role in a job family having distinguishable*
 44 *characteristics such as knowledge, skills, abilities, education, and experience [74:840-*
 45 *1.3].*

1 **"Job-related organization"** means a membership association which collects annual
 2 dues, conducts annual meetings and provides job-related education for its members and
 3 which includes state employees, including any association for which payroll deductions
 4 for membership dues are authorized pursuant to paragraph 5 of subsection B of Section
 5 7.10 of Title 62 of the Oklahoma Statutes [74:840-1.3].

6 **"Lateral transfer"** means the reclassification of an employee to another ~~class~~ state
 7 job with the same ~~salary grade~~ pay band assignment as the job family level in which the
 8 employee had been classified prior to the lateral transfer [74:840-1.3].

9 **"Leave of absence without pay"** means leave or time off from duty granted by the
 10 Appointing Authority, for which period the employee receives no pay.

11 **"Manifest imbalance"** means representation of females, Blacks, Hispanics,
 12 Asian/Pacific Islanders and American Indians/Alaskan natives in specific job groups or
 13 EEO job categories within the agency's work force that is substantially below its
 14 representation in the appropriate civilian labor force.

15 **"Merit Rules" or "Merit Rules for Employment" or "Merit System of Personnel**
 16 **Administration Rules"** means rules adopted by the Administrator of the Office of
 17 Personnel Management or the Oklahoma Merit Protection Commission pursuant to the
 18 Oklahoma Personnel Act [74:840-1.3]. Merit Rules adopted by the Administrator are in
 19 OAC 530:10, and Merit Rules adopted by the Commission are in OAC 455:10.

20 **"Merit System"** means the Oklahoma Merit System of Personnel Administration
 21 [74:840-1.3].

22 **"Minimum qualifications"** means the requirements of education, training,
 23 experience and other basic qualifications for a ~~class~~ job.

24 **"Minority"** means a person who appears to belong, identify with, or is regarded in
 25 the community as belonging to one of the following racial or ethnic groups:

26 (A) **"Black"**, meaning all persons having origins in any of the Black racial groups
 27 of Africa;

28 (B) **"Hispanic"**, meaning all persons of Mexican, Puerto Rican, Cuban, Central
 29 or South American, or other Spanish culture or origin, regardless of race;

30 (C) **"Asian or Pacific Islander"**, meaning all persons having origins in any of the
 31 original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the
 32 Pacific Islands. This area includes, for example, China, Japan, Korea, the
 33 Philippine Islands, and Samoa.

34 (D) **"American Indian or Alaskan Native"**, meaning all persons having origins
 35 in any of the original peoples of North America, and who maintain cultural
 36 identification through tribal affiliation or community recognition. For affirmative
 37 action purposes, persons who are reported as American Indian shall verify tribal
 38 affiliation by providing a certificate of Degree of Indian Blood from the U.S.
 39 Department of Interior, Bureau of Indian Affairs, or by providing the name and
 40 address of tribal officials who can verify tribal affiliation [74:840-2.1(~~E~~)].

41 **"New position"** means a position not previously existing.

42 **"Noncompetitive appointment"** means the appointment of a person to a
 43 noncompetitive ~~class~~ job level within a job family [74:840-1.3].

44 **"Noncompetitive class job"** means ~~a class of positions of an unskilled or semiskilled~~
 45 ~~labor or a similar class job designated by the Office of Personnel Management as~~

1 *noncompetitive. Noncompetitive jobs do not require written examinations for placement*
 2 *on registers of eligibles [74:840-1.3].*

3 *"Office" means the Office of Personnel Management [74:840-1.3].*

4 **"Oklahoma Personnel Act"** means Sections 840-1.1 et seq. of Title 74 of the
 5 **Oklahoma Statutes**, creating the Merit System of Personnel Administration and any
 6 amendments or supplements.

7 **"Part-time employee"** means an employee who works less than full time.

8 **"Pay band"** means the pay range assigned to a job family level.

9 **"Payline"** means the relationship between the rate of pay of a particular ~~classification~~
 10 job family level and the assigned job evaluation points for the same ~~classification~~ job family
 11 level.

12 **"Permanent employee"** means a classified employee who has acquired permanent
 13 status in the classified service according to the Act and the Merit Rules.

14 **"Position"** means a group of specific duties, tasks and responsibilities assigned by
 15 the Appointing Authority to be performed by one person; a position may be part time or
 16 full time, temporary or permanent, occupied or vacant.

17 **"Priority reemployment consideration"** means the requirement that Appointing
 18 Authorities consider eligible former state employees who were separated as a result of a
 19 reduction-in-force whose names appear on Priority Reemployment Consideration Rosters
 20 before any vacant position is filled by any eligible initially appointed from an employment
 21 register.

22 **"Probationary employee"** means a classified employee who has not acquired
 23 permanent status in the classified service in accordance with the Act and the Merit Rules.

24 **"Probationary period"** means a working test period during which a classified
 25 employee is required to demonstrate fitness for the ~~class~~ job to which appointed by the
 26 satisfactory performance of the duties and responsibilities of the ~~class~~ job.

27 **"Promotion"** means the reclassification of a classified employee ~~from a position in a~~
 28 ~~lower class to a position in a higher class in the classified service. The higher class shall~~
 29 ~~have a higher grade assigned to a different job with a higher pay band assignment.~~

30 **"Promotional examination"** means any employment test designated by the Office of
 31 Personnel Management to determine further the qualifications of a permanent classified
 32 employee of a state agency for employment in a different ~~class~~ job for which the
 33 employee possesses the minimum qualifications of education, experience, or licensure
 34 within that agency [74:840-1.3].

35 **"Reallocation" or "Position reallocation"** means the process of reassigning an
 36 established position, occupied or vacant, from one ~~class~~ job family to another.

37 **"Recall right"** means the entitlement of an eligible person to be offered
 38 reappointment to the ~~class~~ job family level from which removed by a reduction-in-force
 39 before any other person may be appointed, except by recall.

40 ~~"Reclassification" means the process of changing a classified employee from one~~
 41 ~~class to another class in the classified service.~~

42 **"Reclassification"** means the process of changing a classified employee from one
 43 job family to another job family or from one job family level to another job family level
 44 in the same job family, resulting in a change in the employee's assigned job code
 45 [74:840-1.3].

1 **"Register"** means a list of eligibles for original probationary appointment to a class
2 job.

3 **"Register life"** means the length of time during which a person's name may be
4 continuously or intermittently on a register as a result of an entrance examination.

5 **"Regular and consistent"** means, in connection with an employee's work
6 assignments, the employee's usual and normal work assignments, excluding incidental,
7 casual, occasional tasks, and activities the employee assumes without direction to do so.
8 Temporary work assignments of less than **60** days in any **12** month period are not
9 considered regular and consistent.

10 ~~**"Regular unclassified employee"** means an unclassified service employee who is not~~
11 ~~on a temporary or other time-limited appointment [74:840-1.3].~~

12 **"Regular unclassified service employee"** means an unclassified service employee
13 who is not on a temporary or other time-limited appointment [74:840-1.3].

14 **"Reinstatement"** means the reappointment of a former permanent classified
15 employee as provided in the Merit Rules or the replacing of an eligible's name on a
16 register.

17 **"Resignation"** means an employee's voluntary termination of his or her employment
18 with the state. In the case of a classified employee, it includes the forfeiture of status in the
19 classified service.

20 **"Salary administration plan"** means the plan adopted by an Appointing Authority
21 and submitted to the Administrator for approval which establishes hiring ranges for
22 positions. Components of a salary administration plan may include but are not limited to
23 conditions for hiring above the midpoint of a pay range, skill-based pay programs, and
24 other pay movement mechanisms authorized by Section 840-2.17 of the Oklahoma
25 Personnel Act.

26 **"Senior EEO Investigator"** means a person who has been designated by the
27 Administrator to provide advice and support to persons completing the training
28 requirements for discrimination complaints investigators as described in 530:10-3-22.

29 ~~**"Series"** means a group of classes identified by the Administrator that are in the same~~
30 ~~job family and involve the same type of work, as represented on the job description, but~~
31 ~~which are different in level of difficulty, supervision received, responsibility, and grade.~~
32 ~~Classes in a series often have the same title distinguished by roman numerals or other~~
33 ~~modifiers, such as, senior, supervisor, trainee, etc.~~

34 ~~**"Specification"**, also called **"Class specification"**, means the written document that~~
35 ~~describes a class.~~

36 ~~**"Successor class"**~~ **"Successor job family level"** means a class job family level that
37 takes the place of a class or another class job family level ~~either in whole or in part.~~

38 **"Supervisor"** means a classified or unclassified employee [within the executive
39 branch, excluding employees within The Oklahoma State System of Higher Education
40 74:840-3.1(A)] ~~who has been assigned authority and responsibility for all of the~~
41 ~~following functions on a continuous and uninterrupted basis with respect to subordinates:~~

42 ~~(A) Assigning work to subordinates and making sure work is performed correctly~~
43 ~~and in a timely manner;~~

44 ~~(B) Training subordinates in the performance of their assigned duties or~~
45 ~~planning and directing such training through subordinates;~~

1 ~~—— (C) Reviewing work performance of subordinates; and~~
 2 ~~—— (D) Participating in [sharing responsibility for] determining appropriate~~
 3 ~~personnel actions regarding subordinates such as performance appraisal,~~
 4 ~~discipline, and corrective action evaluating the performance of [other state~~
 5 ~~employees] [74:840-3.1(C)].~~

6 **"Trial period"** means a working test period after promotion or voluntary demotion
 7 during which a classified employee is required to demonstrate satisfactory performance in
 8 the class job to which promoted or voluntarily demoted before acquiring permanent status
 9 in the class job.

10 **"Unclassified service"** or **"exempt service"** means employees and positions
 11 excluded from coverage of the Oklahoma Merit System of Personnel Administration
 12 [74:840-1.3]. Such employees and positions are subject to various provisions of the
 13 Oklahoma Personnel Act and the Merit Rules.

14 **"Veteran"** means a person who has been honorably discharged from the Armed
 15 Forces of the United States and who has been a resident of Oklahoma for at least 1 year
 16 before the date of examination [74:840-1.3].

17
 18 **530:10-1-11. Employee roster**

19 The Office of Personnel Management shall establish and maintain a roster of all
 20 employees in the classified service, showing for each employee the class title, salary, date
 21 of employment and such other employment data as is deemed pertinent. Also, for the
 22 purpose of identifying employees and positions, for payroll certification, the Office of
 23 Personnel Management shall maintain a list of unclassified personnel.

24
 25 **530:10-1-13. Conversion to new classification system**

26 (a) Effective November 1, 1999, all positions within the classified service will be
 27 converted from classes to job families and levels according to a conversion chart
 28 established by the Administrator. The conversion chart will show classes and the
 29 comparable job family and levels to which each class shall be converted. The
 30 Administrator shall make the determination as to the comparable job family and level for
 31 each class, except in cases where a class is converted to 2 or more job families and levels.
 32 In such cases, the Appointing Authority shall determine which of the comparable job
 33 families and levels are most comparable to the current class for each position.

34 (b) Effective November 1, 1999, all permanent classified employees will be converted to
 35 permanent classified status in the comparable job family level as determined in subsection
 36 (a). Probationary classified employees will be converted to probationary status in the
 37 comparable job family level as determined in subsection (a). Employees shall be converted
 38 at the same rate of pay as that received on October 31, 1999, unless the employee's rate of
 39 pay is below the minimum for the assigned pay band, in which case the employee's rate of
 40 pay shall be increased to the minimum for the assigned pay band. All classified employees
 41 shall be converted into the new job families and pay bands at the time the new
 42 classification and compensation system is implemented without loss of pay or status, and
 43 shall not have the right to appeal such conversion [74:840-1.6A].
 44

(C) **Demotions.** This group includes both voluntary and involuntary demotions, direct reclassifications to a job with a lower grade pay band, and any other transactions resulting in an employee being assigned to a lower grade pay band;

(D) **Separations.** This group includes discharges, resignations, transfers out, retirements, reduction-in-force, or other voluntary or involuntary separation from full-time employment with the agency, but not including the separation of persons on temporary, part-time, or time-limited appointments;

(3) List summary information on a form prescribed or approved by the Administrator, including but not limited to: staffing numbers at the beginning and end of the period, gains and losses during the period, personnel transaction goals for hiring and promotions goals for the preceding period, and the actual numbers of new hires, promotions, demotions, and separations. If the agency is authorized 15 or more full-time-equivalent employees, the Appointing Authority shall include the hiring goals and any optional promotional goals for the preceding period on the form.

PART 7. AFFIRMATIVE ACTION AND CIVIL RIGHTS PERSONNEL

530:10-3-75. Qualifications of civil rights and affirmative action personnel

(a) Personnel selected by Appointing Authorities to fill full-time Civil Rights Administrator ~~I, II, or III~~ positions in the classified service shall meet the minimum requirements contained in the ~~class specifications~~ job family descriptor for ~~this job series~~ these jobs.

(b) Personnel selected by Appointing Authorities to fill full-time civil rights or affirmative action administrator, coordinator or officer positions in the unclassified service shall meet the requirements as provided in a job description approved by the Administrator.

(c) Other classified and unclassified personnel designated by Appointing Authorities to perform civil rights/affirmative action duties on a part-time basis shall have knowledge of: federal and state civil rights laws; affirmative action and equal employment laws; and Oklahoma state government personnel practices and procedures.

SUBCHAPTER 5. POSITION ALLOCATION AND EMPLOYEE CLASSIFICATION SYSTEM

PART 1. GENERAL PROVISIONS

530:10-5-2. Authority and responsibility of the Office of Personnel Management

(a) The Office of Personnel Management shall develop and maintain a classification system [~~74:840-2.12(4)~~ 74:840-1.6A] in which all positions ~~allocated to~~ within a class job family and level are sufficiently similar in duties and responsibilities that:

- (1) the same descriptive title may be used to designate each position; and
- (2) essentially the same selection requirements and procedures may be used to select employees; and
- (3) under like working conditions, the same salary grade pay band may be applied.

(b) The Office of Personnel Management shall be responsible for the adoption, revision and abolishment of ~~class specifications~~ job family descriptors; for the audit of positions to

1 ~~ensure that positions are properly allocated~~ determine the proper job family to which a
 2 position is allocated [74:840-4.3(A)]; and for the assignment of position identification
 3 codes; and for the allocation of positions to classes.

4
 5 **530:10-5-3. Authority and responsibility of Appointing Authorities**

6 (a) Appointing Authorities have control of positions within their agency and have the
 7 authority to organize their agencies, to create positions, to abolish positions and to
 8 prescribe or change the duties and responsibilities assigned to any position or employee at
 9 any time ~~[74:840-4.3(A)]~~. Appointing Authorities shall determine the level within a job
 10 family at which duties and responsibilities are assigned [74:840-4.3]. Appointing
 11 Authorities have the authority to reclassify employees in accordance with other provisions
 12 of the Merit Rules.

13 (b) Appointing Authorities are responsible for ensuring that:

14 (1) ~~class specifications~~ job family descriptors are reviewed at least annually and the
 15 Office of Personnel Management is notified of any recommended changes in ~~class~~
 16 ~~specifications~~ job family descriptors;

17 (2) managers and supervisors assign work to employees on a regular and consistent
 18 basis that conforms with the employee's ~~class~~ classification;

19 (3) employees are classified in accordance with the work they are assigned on a
 20 regular and consistent basis as an integral part of their normal job [74:840-4.3(B)];

21 (4) managers and supervisors cooperate in position allocation audits and classification
 22 grievance audits by supplying timely and accurate information about positions being
 23 audited; ~~and~~

24 (5) all records relied on by the Appointing Authority in making changes to the job
 25 family level are maintained; and

26 ~~(5)(6)~~ each employee is given a copy of the:

27 (A) ~~specification~~ job family descriptor for the ~~class~~ job family to which the
 28 position occupied by the employee is allocated if the employee requests a copy;

29 (B) ~~task~~ list of accountabilities to be used in evaluating the employee's
 30 performance, as required in 530:10-17-31; and

31 (C) Position Description Questionnaire for the position if one exists and the
 32 employee requests a copy.

33
 34 **530:10-5-4. Rights and responsibilities of employees**

35 (a) Employees shall be familiar with the ~~class specification~~ job family descriptor, Position
 36 Description Questionnaire if one exists, and ~~task~~ list of accountabilities for the position
 37 they occupy.

38 (b) Employees shall participate in the processes and procedures pertaining to the
 39 allocation of positions and classification of employees. This is a duty of all employees.
 40 Employees shall supply timely and accurate information about duties and responsibilities
 41 of other employees and positions when requested to do so.

42 (c) An employee has the right and responsibility to file a classification grievance, as
 43 provided by law and rule, when duties performed on a regular and consistent basis do not
 44 conform to the ~~{employee's} class specification~~ employee's job family descriptor and level
 45 of assignment [74:840-4.3(B)].

1 (d) *Employees are entitled to the ~~classification~~ job family level they are currently*
 2 *assigned [74:840-4.3(C)(1)] and to perform work consistent with their classification. An*
 3 *employee is entitled to the compensation assigned to the ~~class-specification~~ job family*
 4 *level for which duties were performed on a regular and consistent basis ~~as determined by~~*
 5 *the Office of Personnel Management. This provision does not entitle the employee to a*
 6 *higher ~~classification~~ job family level [74:840-4.3(B)] and does not prohibit*
 7 *reclassification in accordance with other Merit Rules. Employees have no right to*
 8 *reclassification, to occupy a specific position, or to the continued assignment of specific*
 9 *duties and responsibilities.*

10 (e) *An employee is not required to perform all of the work operations described in a*
 11 *~~class-specification~~ job family descriptor in order to be eligible for classification*
 12 *thereunder. An employee is not eligible or entitled to classification by reason of*
 13 *performing isolated or singular duties incidental to the job but which are described in*
 14 *another ~~class-specification~~ job family descriptor. Employees are entitled to the*
 15 *~~classification~~ job family level they are currently assigned. [74:840-4.3(C)(1)]*

16 (f) *An employee normally performs some of the work of higher-rated jobs and some of*
 17 *the work of lower-rated jobs when required. ~~The normal duties of an employee may~~*
 18 *include some of the work of related jobs in the same salary grade when required. The*
 19 *normal duties of an employee may include assistance to [other employees].*
 20 *[74:840-4.3(C)(2)] An employee is required to perform the work operations and duties*
 21 *described or appraised as being covered by a ~~class-specification~~ job family descriptor*
 22 *pursuant to that degree or amount of guidance or instruction which is considered usual*
 23 *and normal in order to qualify for the classification [74:840-4.3(C)(3)].*

24 (g) The fact that the ~~task~~ list of accountabilities used in the appraisal of the employee's
 25 work performance in accordance with 530:10-17-31 does not include all of the tasks
 26 assigned to the employee, does not exempt the employee from performance of such tasks.

27
 28 **530:10-5-6. Notice of creation of positions, changes in positions and abolishment of**
 29 **positions**

30 (a) After a position is created, the Appointing Authority shall furnish the Office of
 31 Personnel Management with a completed Position Description Questionnaire form. OAC
 32 530:10-5-54 530:10-5-55 describes this form.

33 (b) ~~Appointing Authorities shall maintain a current position description for each position~~
 34 ~~allocated by the Office of Personnel Management.~~ The supervisor and the manager of a
 35 position shall review the Position Description Questionnaire each time the position
 36 becomes vacant to ensure that the duties assigned to the position are in substantial
 37 agreement with the ~~class-specification~~ job family descriptor and that both continue to
 38 identify the work the Appointing Authority wants assigned to the position.

39 ~~(c) At the time of an employee's annual service evaluation, the supervisor and employee~~
 40 ~~shall review the class-specification, the task list used to evaluate the employee's~~
 41 ~~performance in the position, and the Position Description Questionnaire for the position if~~
 42 ~~one exists. The purpose of this review is to make sure these documents identify the work~~
 43 ~~the Appointing Authority wants assigned to the position and the employee.~~

44 ~~(d)~~(c) An Appointing Authority may change the duties and responsibilities of positions at
 45 any time. When there is a significant change in a position or if there is reason to believe the

1 position is not properly allocated, the Appointing Authority shall request an audit of the
2 position in accordance with 530:10-5-50.

3 ~~(e)~~(d) An Appointing Authority shall promptly notify the Office of Personnel
4 Management when a position is abolished.

5
6 **530:10-5-8. ~~Class specifications~~ Job family descriptors**

7 (a) **Purpose and use of class specifications job family descriptors.** ~~Class specifications~~
8 Job family descriptors shall be used to distinguish one job ~~classification~~ family from
9 another as clearly and definitively as possible [74:840-4.3~~(C)~~]. ~~Class specifications~~ Job
10 family descriptors shall also be used as a basis for:

- 11 (1) allocating positions to ~~classes~~ job families [74:840-4.3~~(C)~~];
- 12 (2) selecting employees to fill positions;
- 13 (3) ~~adopting salary grades~~ assigning jobs to pay bands; and
- 14 (4) ensuring that employees are properly classified [74:840-4.3~~(C)~~]; and
- 15 (5) assigning positions to levels by the Appointing Authority.

16 (b) **Format and content of class specifications job family descriptors.** The Office of
17 Personnel Management shall determine the format to be used in preparing ~~class~~
18 specifications job family descriptors.

- 19 (1) A ~~class specification~~ job family descriptor shall consist of:
 - 20 (A) a title and code, including a code for each level in the job family descriptor;
 - 21 (B) a ~~definition~~ basic purpose, in general terms, of the supervision received and
22 exercised, describing duties, authorities, or and responsibilities of employees in the
23 job family;
 - 24 (C) ~~examples of work~~ typical functions performed;
 - 25 (D) ~~knowledges~~ knowledge and skills necessary to perform work at each level;
 - 26 and
 - 27 (E) the minimum qualifications, such as those for education and experience, that
28 are required for initial or internal appointment to ~~the class~~ a job included in the job
29 family.

30 (2) A ~~class specification~~ job family descriptor may also include identification
31 information and other information, such as position allocation standards ~~and selective~~
32 qualifications, which facilitates the allocation of positions to ~~classes~~ job families, the
33 selection of qualified employees, and the ~~adoption~~ assignment of ~~salary grades~~
34 appropriate pay bands.

35 (c) **Adoption, revision and abolishment of class specifications job family**
36 **descriptors.** ~~Before the Administrator adopts a new class or revises a specification to the~~
37 ~~extent that the allocation of positions or the salary grade for the class is affected, the~~ After
38 the initial conversion of classes to job families on November, 1, 1999, the Administrator
39 shall have a public hearing before adopting a new job family descriptor or revising a job
40 family descriptor to the extent that the allocation of positions or the pay band for the job
41 family is affected, so that interested persons will have an opportunity to express their
42 views. However, the Administrator may make other revisions to class specifications job
43 family descriptors and may abolish unused classes job families as the need to do so is
44 identified.

45 (d) **Distribution of class specifications job family descriptors.**

1 (1) Before the effective date of the adoption or revision of a ~~specification~~ job family
 2 descriptor for a ~~class~~ to which positions in an agency have been allocated, the Office of
 3 Personnel Management shall provide the Appointing Authority with a copy of the ~~class~~
 4 specification job family descriptor.

5 (2) The Office of Personnel Management shall provide all agencies with a summary of
 6 all ~~class specifications~~ job family descriptors adopted, revised, or abolished within **1**
 7 month after the action.

8 (3) Appointing Authorities shall give employees notice of new and revised ~~class~~
 9 specifications job family descriptors and give copies of ~~specifications~~ job family
 10 descriptors to employees in the ~~class~~ job family and their supervisors upon request.

11
 12 **530:10-5-11. Detail to special duty**

13 (a) When the services of a permanent classified employee are temporarily needed in a
 14 ~~class~~ job family or level other than the ~~class~~ one to which the incumbent is regularly
 15 assigned the employee may be detailed to special duty, at the discretion of the Appointing
 16 Authority, to perform the duties of the ~~class~~ job to which temporarily assigned.

17 (b) An employee may be detailed to special duty for **6** months or less without meeting the
 18 minimum qualifications for the ~~class~~ job family level to which the employee is detailed. An
 19 employee may be detailed to special duty for a total of **12** months if:

20 (1) the employee meets the minimum qualifications of the ~~class~~ job to which the
 21 employee is detailed; and

22 (2) the position to which the employee is assigned while on detail is a filled position;
 23 that is, the position is temporarily vacant because the incumbent is absent.

24 (c) A detail to special duty in no way shall affect the status, title or ~~class~~ job family held
 25 before the detail.

26 (d) An employee shall not be placed on detail to special duty more than **12** months in any
 27 **36** month period.

28 (e) Pay upon detail to special duty is covered in 530:10-7-17.

29 (f) Detail to special duty is not required when an employee is temporarily assigned duties
 30 of another ~~class~~ job for a period of less than **60** days in any **12**-month period. However,
 31 any temporarily assigned duties shall count toward the time limitations described in
 32 subsection (b).

33
 34 **530:10-5-13. Authority to underfill positions [REVOKED]**

35 ~~(a) The Office of Personnel Management may approve a request from an Appointing~~
 36 ~~Authority to underfill positions with employees in specified lower classes than classes to~~
 37 ~~which positions are allocated. Purposes for underfilling positions are to serve the~~
 38 ~~administrative needs of an agency to fill positions and to provide employees with training,~~
 39 ~~career opportunities or upward mobility within the occupational series.~~

40 ~~(b) Any appointment to underfill a position shall be preceded by posting the position at~~
 41 ~~the full performance level with the option to underfill the position at the specified underfill~~
 42 ~~class. The Appointing Authority shall record the action as an underfill in the remarks on~~
 43 ~~the personnel action form and shall include with the form a statement of the duties,~~
 44 ~~responsibilities, and supervision exercised, or received, that the Appointing Authority has~~
 45 ~~changed to ensure the employee is assigned work consistent with his or her classification.~~

1 ~~(e) The underfilling of a position by an employee in a lower class than that to which the~~
2 ~~position is allocated shall be accompanied by a corresponding modification in the duties~~
3 ~~and responsibilities of the position. The employee occupying the position shall be properly~~
4 ~~classified in accordance with the provisions of 530:10-5-4.~~

5 ~~(d) Employees who are underfilling positions cannot be reclassified or assigned to~~
6 ~~perform work at the full performance level of the position until they have:~~

7 ~~—(1) acquired the required minimum qualifications for full performance in the position~~
8 ~~as allocated and~~

9 ~~—(2) been promoted to that class in accordance with the provisions of the Merit Rules~~
10 ~~governing promotions. Promotion to the full performance level does not require an~~
11 ~~additional promotional posting, if the position was posted at the full performance level~~
12 ~~at the time of the underfill in accordance with subsection (b).~~

13 ~~(e) Appointing Authorities shall not appoint employees to underfill positions without~~
14 ~~approval from the Office of Personnel Management in accordance with the provisions of~~
15 ~~(a) of this Section.~~

16
17 **PART 3. ALLOCATION OF POSITIONS**

18
19 **530:10-5-31. Authority for allocation of positions**

20 The Office of Personnel Management has the authority to allocate a position to the
21 appropriate class job family. The Office of Personnel Management shall audit both vacant
22 and occupied positions in accordance with Part 5 of this Subchapter, to determine if
23 positions are properly allocated and shall reallocate positions if it is necessary.

24
25 **530:10-5-34. Determination of appropriate class job family**

26 ~~(a) Class specifications~~ Job family descriptors shall be used in the determination of the
27 allocation of positions. In determining the class job family to which a position shall be
28 allocated, a ~~position description questionnaire~~ Position Description Questionnaire and a
29 ~~class specification~~ job family descriptor shall be interpreted and applied as a composite
30 picture of positions the class job family includes [74:840-4.3(C)(1)].

31 (b) Relevant information about the position shall be considered. This may include, but is
32 not limited to, individual position descriptions, ~~supplemental~~ information submitted by the
33 Appointing Authority and employee, job audit reports, organizational charts, and task lists
34 of accountabilities to be used in appraising performance in the position.

35 (c) Consideration shall be given to the specific tasks and duties, levels of authority and
36 responsibility, supervision received and exercised, discretion and judgment required,
37 management of work processes and programs, organizational relationships to other
38 positions, and any other factors which assist in the proper allocation of the position.

39 ~~(d) Although comparisons among positions are not the basis for the allocation of a~~
40 ~~position to a class, the Office of Personnel Management may clarify the duties and~~
41 ~~responsibilities of a position being audited by considering the relationship of that position~~
42 ~~with other positions in the organization. The Office of Personnel Management may~~
43 ~~consider information about other~~ the relationship of positions to accurately determine
44 gain a better understanding of the duties and responsibilities of a position being allocated.

1 However, comparisons among positions are not the basis for the allocation of a position to
2 a job family.

3 (e) The fact that all of the tasks of a position do not appear in the ~~specifications of a class~~
4 job family descriptor to which the position has been allocated shall not be taken to mean
5 that the position is necessarily excluded from the ~~class~~ job family, nor shall any one
6 example of a typical task, taken without relation to the other parts of the ~~specification~~ job
7 family descriptor, be construed as determining that a position should be allocated to the
8 class job family.

9 (f) If a ~~class~~ job family descriptor which clearly encompasses the duties and
10 responsibilities of a position does not already exist, the Office of Personnel Management
11 shall allocate the position to the most appropriate existing ~~class~~ job family, revise an
12 existing ~~class~~ job family descriptor, or prepare a new ~~class-specification~~ job family
13 descriptor to describe the position.

14
15 **PART 4. ASSIGNMENT OF JOB FAMILY LEVELS**

16
17 **530:10-5-40. [RESERVED]**

18
19 **530:10-5-41. Authority for assignment of positions**

20 After the initial conversion of classes to job families and levels on November 1, 1999,
21 Appointing Authorities have the authority to assign a position to the appropriate job
22 family level, consistent with the job family allocation made by the Office of Personnel
23 Management. Appointing Authorities will be responsible for maintaining appropriate
24 records to track and monitor the level assigned and any changes based on significant
25 changes in duties and responsibilities.

26
27 **530:10-5-42. [RESERVED]**

28
29 **530:10-5-43. [RESERVED]**

30
31 **530:10-5-44. Determination of appropriate job family level**

32 (a) Appointing Authorities shall use job family descriptors and the job family allocation
33 made by the Administrator in assigning positions to job family levels. In determining the
34 job family level to which a position shall be assigned, Appointing Authorities shall
35 interpret and apply the Position Description Questionnaire (OPM 39), and the job family
36 descriptor as a composite picture of positions the job family level includes [74:840-4.3].
37 Appointing Authorities may also use a Supplemental Position Description Questionnaire
38 (OPM 39A) in assigning positions to job family levels.

39 (b) Relevant information about the position shall be considered. This may include, but is
40 not limited to, individual position descriptions, information submitted by the Appointing
41 Authority and employee, job audit reports, organizational charts, and lists of
42 accountabilities to be used in appraising performance in the position.

43 (c) Consideration shall be given to the specific tasks and duties, levels of authority and
44 responsibility, supervision received and exercised, discretion and judgment required,

1 management of work processes and programs, organizational relationships to other
2 positions, and any other factors which assist in the proper allocation of the position.

3 (d) Appointing Authorities may consider the relationship of positions to gain a better
4 understanding of the duties and responsibilities of a position in assigning a position to a
5 job family level. However, comparisons among positions are not the basis for the
6 assignment of a position to a job family level.

7
8 **PART 5. AUDITS OF POSITIONS**
9

10 **530:10-5-50. Initiation of audits**

11 (a) The Office of Personnel Management may initiate audits of individual positions or
12 survey audits of positions as any need to do so is identified.

13 (b) Audits of positions shall be conducted by the Office of Personnel Management at the
14 written request of an Appointing Authority [74:840-4.3(A)]. The written request shall
15 include a Position Description Questionnaire completed according to ~~530:10-5-54~~ 530:10-
16 5-55.

17 (c) Audits of positions shall be conducted by the Office of Personnel Management at the
18 written request of the Executive Director of the Merit Protection Commission in
19 connection with a complaint filed with the Commission.

20 (d) The Office of Personnel Management shall conduct audits on receipt of a
21 Classification ~~or Allocation~~ Dispute Review Request form completed according to
22 ~~530:10-5-54~~ 530:10-5-55.

23
24 **530:10-5-51. Classification and ~~position allocation~~ disputes**

25 (a) *An employee has the right and responsibility to file a classification grievance, as*
26 *provided by law and rule, when duties performed on a regular and consistent basis do*
27 *not conform to the ~~class specification~~ job family descriptor [74:840-4.3(B)]. The Office*
28 *of Personnel Management shall not accept classification grievances directly from*
29 *employees. ~~Classification grievances~~ A formal classification grievance shall be filed with*
30 *the employing agency according to the rules for filing classification grievances*
31 *promulgated by the Merit Protection Commission (OAC 455:10-19-1 et seq.). ~~A~~ An*
32 *internal classification grievance must be concluded within the agency before an employee*
33 *may file a Classification ~~or Allocation~~ Dispute Review Request form with the Office of*
34 *Personnel Management. ~~The Classification or Allocation Dispute Review of the Office of~~*
35 *Personnel Management is a separate procedure which may follow a classification*
36 *~~grievance.~~ If the resolution decision by the Appointing Authority is to advise the*
37 *employee to complete an Office of Personnel Management Classification Dispute Review*
38 *Request form (OPM-70), as provided in OAC 455:10-19-35, the form will be submitted*
39 *through appropriate supervisory channels to the agency office responsible for human*
40 *resources functions.*

41 (b) Upon receipt of a Classification Dispute Review Request form submitted through
42 appropriate supervisory channels, the agency office responsible for human resources
43 functions will review it along with any other appropriate records, including the internal
44 grievance file, to determine the nature and scope of the grievance. If the grievance
45 concerns only the job family level to which the position is assigned, a position audit will be

1 conducted by a designated agency representative who has been assigned the responsibility
2 to complete positions audits, to determine the proper job family level. If an Appointing
3 Authority has been delegated position allocation authority in accordance with OAC
4 530:10-1-30, designated agency representatives will also be responsible for conducting
5 classification grievance audits to determine both the appropriate job family and job family
6 level. In conducting these audits, consideration shall be given to all relevant information
7 concerning the position according to OAC 530:10-5-34.

8 (c) If the review of the Classification Dispute Review Request and other related
9 information indicates that the grievance includes the job family to which the position is
10 allocated, and the agency has not been delegated position allocation authority, the form
11 will be forwarded within 20 days to the Office of Personnel Management requesting that a
12 position audit be completed. The Office of Personnel Management will then be
13 responsible for completing the audit and determining an appropriate job family for the
14 position. Upon receipt of the allocation decision made by the Office of Personnel
15 Management, a designated agency representative will be responsible for determining the
16 proper job family level for the position.

17 (d) If an incumbent employee does not agree with the job family level assigned to a
18 position by the Appointing Authority after completion of a grievance audit, the employee
19 may request a review by the Office of Personnel Management. The employee shall submit
20 the request to the agency office responsible for the agency's human resources management
21 functions within 20 calendar days of the date of the notice of the final decision by the
22 agency. Upon receipt, all documents considered by the agency in determining the job
23 family level will be attached to the request for review which must be submitted to the
24 Office of Personnel Management. Within 14 calendar days of receipt, the Office of
25 Personnel Management will review the information submitted and make a final decision
26 concerning the proper level of assignment. Such decision shall be based solely on a review
27 of the written documentation submitted.

28 (e) An employee may request an OPM review of the job family to which a position has
29 been allocated by an agency which has delegated position allocation authority. The
30 request for review must be received in the agency office responsible for the agency's
31 human resource management functions no later than 20 calendar days after the date of the
32 final notice of the decision by the agency.

33 ~~(f) An employee is entitled to the compensation assigned to the class-specification job~~
34 ~~family level for which duties were performed on a regular and consistent basis as~~
35 ~~determined by the Office of Personnel Management [74:840-4.3(B)]. The Office of~~
36 ~~Personnel Management shall determine the class-specification for which duties were~~
37 ~~performed after receipt of a Classification or Allocation Dispute Review Request form~~
38 ~~completed according to 530:10-5-54.~~

39 ~~(g) If a classification grievance or a classification or allocation dispute review~~
40 ~~conducted by the Office of Personnel Management indicates an employee has not received~~
41 ~~the compensation assigned to the class-specification job family level for which duties were~~
42 ~~performed on a regular and consistent basis, the Appointing Authority shall compensate an~~
43 ~~employee for the difference between the employee's actual rate of pay and the rate of pay~~
44 ~~the employee would have received on promotion to the class job family level that was~~
45 ~~consistent with the duties and responsibilities of the employee. Back pay shall be limited to~~

1 the date the employee filed the classification grievance pursuant to Section 840-6.2 of the
2 Oklahoma Personnel Act. ~~The compensation shall be made to the employee according to~~
3 ~~the following conditions:~~

4 ~~—(1) No one shall receive back pay under subsection B of Section 840 4.3 of Title 74~~
5 ~~of the **Oklahoma Statutes** for work performed before August 26, 1994.~~

6 ~~—(2) If the employee and supervisor agreed on the duties of the position when they last~~
7 ~~compared the duties of the position with the class specification according to~~
8 ~~530:10-5-6(c), back pay shall be limited to the date the employee filed a classification~~
9 ~~grievance pursuant to Section 840-6.2 of the Oklahoma Personnel Act, but the date~~
10 ~~shall not be before August 26, 1994.~~

11 ~~—(3) In the absence of agreement as described in (2) of this subsection, back pay shall~~
12 ~~be limited to two years as provided for administrative underpayments in Section~~
13 ~~840-2.19 of the Oklahoma Personnel Act, but the date shall not be before August 26,~~
14 ~~1994.~~

15
16 **530:10-5-54. Collection and exchange of information about positions**

17 ~~(a) The basic document for the collection of information about positions is the Position~~
18 ~~Description Questionnaire (OPM 39), a form prescribed by the Office of Personnel~~
19 ~~Management. This form shall be completed by the Appointing Authority or a person~~
20 ~~designated by the Appointing Authority who is familiar with the duties and responsibilities~~
21 ~~the Appointing Authority has assigned or wishes to assign to the position to be audited.~~
22 ~~The completed form shall be submitted to the Office of Personnel Management according~~
23 ~~to this Section. The purpose of the Position Description Questionnaire is to help the~~
24 ~~person completing the form supply the information about a position that is needed to~~
25 ~~properly allocate the position.~~

26 ~~—(1) The form contains instructions for its completion and for it to be accompanied by~~
27 ~~an organization chart showing the relationship of the position to other positions.~~

28 ~~—(2) The form contains spaces for the Appointing Authority or the Appointing~~
29 ~~Authority’s designee to:~~

30 ~~—(A) identify himself or herself, the position described, any employee who occupies~~
31 ~~the position, and the agency where the position is located;~~

32 ~~—(B) indicate the reasons for completion of the form;~~

33 ~~—(C) describe the position, including but not limited to duties, supervision exercised~~
34 ~~and received, decision making, work guidelines, equipment operated, personal~~
35 ~~contacts, fiscal impact of work, travel and other special requirements; and~~

36 ~~—(D) sign and date the form.~~

37 ~~—(3) The form contains spaces for any employee occupying the position to indicate~~
38 ~~having read the completed form.~~

39 ~~—(4) The form contains spaces for the Office of Personnel Management to record the:~~

40 ~~—(A) allocation of the position;~~

41 ~~—(B) staff member making the allocation; and~~

42 ~~—(C) date of the allocation.~~

43 ~~(b) A completed Classification or Allocation Dispute Review Request form (OPM 70)~~
44 ~~shall be used as the basis for the allocation of a position instead of a Position Description~~
45 ~~Questionnaire if the audit is initiated as a result of a classification or position allocation~~

1 ~~dispute according to 530:10-5-51. This form shall be completed by the employee who~~
 2 ~~occupies the position. The completed form shall be submitted to the Office of Personnel~~
 3 ~~Management according to this Section. The purposes of the Classification or Allocation~~
 4 ~~Dispute Review Request form are to help the employee completing the form supply the~~
 5 ~~information about his or her duties and responsibilities, to help the Appointing Authority~~
 6 ~~in comparing what the employee does or has done with what the Appointing Authority~~
 7 ~~wants done, and to help persons who are allocating the position or reviewing the~~
 8 ~~classification of the employee to make the correct decision.~~

9 ~~—(1) The form contains instructions for completing the form which require it to be~~
 10 ~~accompanied by an organization chart showing the relationship of the position to other~~
 11 ~~positions.~~

12 ~~—(2) The form contains spaces for the incumbent employee to:~~

13 ~~—(A) identify himself or herself, the position occupied, and the agency where the~~
 14 ~~position is located;~~

15 ~~—(B) indicate the reasons for completion of the form;~~

16 ~~—(C) describe his or her duties, including but not limited to duties, supervision~~
 17 ~~exercised and received, decision making, work guidelines, equipment operated,~~
 18 ~~personal contacts, fiscal impact of work, travel and other special requirements; and~~

19 ~~—(D) sign and date the form.~~

20 ~~—(3) The form contains spaces for the Appointing Authority or a person designated by~~
 21 ~~the Appointing Authority to respond to the employee's statements.~~

22 ~~—(4) The form contains spaces for the Office of Personnel Management to record the:~~

23 ~~—(A) allocation of the position or the classification of the duties and responsibilities;~~

24 ~~—(B) staff member making the decision; and~~

25 ~~—(C) date of the decision.~~

26 ~~(e) (a) The In addition to the forms described in 530:10-5-55, the Office of Personnel~~
 27 ~~Management may request other information from the Appointing Authority and from the~~
 28 ~~employee if the position is occupied. Additionally, the Office of Personnel Management~~
 29 ~~may collect information through on-site job audits, meetings or other methods. Only the~~
 30 ~~Office of Personnel Management shall have authority to determine when an on-site audit is~~
 31 ~~appropriate.~~

32 ~~(d) (b) A task list of accountabilities to be used in the appraisal of an employee's work~~
 33 ~~performance in the position in accordance with 530:10-17-31, does not by itself contain~~
 34 ~~sufficient information to make a determination of appropriate allocation for the position.~~

35 ~~(e) (c) Upon completion of an audit and the final allocation of a position in accordance~~
 36 ~~with 530:10-5-56, the Office of Personnel Management shall send one copy of the~~
 37 ~~allocated Position Description Questionnaire (or the Classification Grievance Audit~~
 38 ~~Dispute Review Request Form) to the Appointing Authority and one copy to the~~
 39 ~~employee if the position is occupied. Other materials submitted to, or collected by, the~~
 40 ~~Office of Personnel Management which were considered in the allocation of the position~~
 41 ~~shall become the property of the Office of Personnel Management and shall not be~~
 42 ~~returned. All such documents are open to the public.~~

43 ~~(f)(d) The Office of Personnel Management shall determine those records which are~~
 44 ~~relevant to the proper allocation of a specific position and may refuse or return other~~

1 records, such as, training manuals, operations manuals, evaluations of individual employee
2 performance, work samples, magnetic tapes and disks, photographs, clippings, etc.

3 ~~(g)~~(e) Throughout the process that leads to the ~~final~~ allocation of a position, the
4 Appointing Authority shall give the employee who occupies the position being audited
5 copies of any completed Position Description Questionnaire (if the audit was initiated by
6 the Appointing Authority, the Office of Personnel Management, or the Executive Director
7 of the Commission) and any additional written material about the position or the audit
8 before the agency submits the material to the Office of Personnel Management.

9 ~~(h)~~(f) Any employee who occupies the position being audited shall provide written
10 comments through appropriate supervisory channels in the agency. The employee shall
11 send a copy of any Classification-~~or Allocation~~ Dispute Review Request form (if the audit
12 was initiated by a classification grievance) and any additional written material about the
13 position or the audit through appropriate supervisory channels in the agency to the Office
14 of Personnel Management. The Appointing Authority shall not alter the statements made
15 by the employee and shall forward materials submitted by the employee to the Office of
16 Personnel Management.

17 ~~(i)~~(g) Appointing Authorities shall ensure that employees occupying positions being
18 audited are informed about appropriate supervisory channels in the agency, including
19 when and where to submit information concerning the audit.

20
21 **530:10-5-55. Forms used to describe positions**

22 (a) Position Description Questionnaire. The basic document for the collection of
23 information about positions is the Position Description Questionnaire (OPM 39), a form
24 prescribed by the Office of Personnel Management. This form shall be completed by the
25 Appointing Authority or a person designated by the Appointing Authority who is familiar
26 with the duties and responsibilities the Appointing Authority has assigned to the position
27 to be audited. The completed form shall be submitted to the Office of Personnel
28 Management according to this Section. The purpose of the Position Description
29 Questionnaire is to help the person completing the form supply the information about a
30 position that is needed to properly allocate the position.

31 (1) The form contains instructions for its completion and for it to be accompanied by
32 an organization chart showing the relationship of the position to other positions.

33 (2) The form contains spaces for the Appointing Authority or the Appointing
34 Authority's designee to:

35 (A) identify himself or herself, the position described, any employee who occupies
36 the position, and the agency where the position is located;

37 (B) indicate the reasons for completion of the form;

38 (C) describe the position, including but not limited to duties, supervision exercised
39 and received, decision-making, work guidelines, equipment operated, personal
40 contacts, fiscal impact of work, travel and other special requirements; and

41 (D) sign and date the form.

42 (3) The form contains spaces for any employee occupying the position to indicate
43 having read the completed form.

44 (4) The form contains spaces for the Office of Personnel Management to record the:

45 (A) allocation of the position;

- 1 (B) staff member making the allocation; and
- 2 (C) date of the allocation.

3 **(b) Classification Dispute Review Request form.** A completed Classification Dispute
 4 Review Request form (OPM 70) shall be used as the basis for the allocation and
 5 assignment of a position instead of a Position Description Questionnaire if the audit is
 6 initiated as a result of a classification dispute according to 530:10-5-51. This form shall be
 7 completed by the employee who occupies the position and is the only form authorized for
 8 use in completing an audit or review of a position as a result of a classification grievance.
 9 The completed form shall be submitted to the Office of Personnel Management according
 10 to this Section. The purposes of the Classification Dispute Review Request form are to
 11 help the employee completing the form supply the information about his or her duties and
 12 responsibilities, to help the Appointing Authority in comparing what the employee does or
 13 has done with what the Appointing Authority wants done, and to help persons who are
 14 allocating the position or reviewing the classification of the employee to make the correct
 15 decision.

16 (1) The form contains instructions for completing the form which require it to be
 17 accompanied by an organization chart showing the relationship of the position to other
 18 positions.

19 (2) The form contains spaces for the incumbent employee to:

- 20 (A) identify himself or herself, the position occupied, and the agency where the
 21 position is located;
- 22 (B) indicate the reasons for completion of the form;
- 23 (C) describe his or her position, including but not limited to duties, supervision
 24 exercised and received, decision-making, work guidelines, equipment operated,
 25 personal contacts, fiscal impact of work, travel and other special requirements; and
 26 (D) sign and date the form.

27 (3) The form contains spaces for the Appointing Authority or a person designated by
 28 the Appointing Authority to respond to the employee’s statements.

29 (4) The form contains spaces for the Office of Personnel Management to record the:

- 30 (A) allocation of the position or the classification of the duties and responsibilities;
- 31 (B) staff member making the decision; and
- 32 (C) date of the decision.

33 **(c) Supplemental Position Description Questionnaire.** An additional document for the
 34 collection of information about positions is the Supplemental Position Description
 35 Questionnaire (OPM 39A). This form is designed primarily for the collection of
 36 information concerning significant changes in the duties and responsibilities assigned to a
 37 position since it was last audited and may be used by agencies in conducting reviews
 38 related to the job family level to which a position is assigned to determine whether
 39 assignment to another level is appropriate. This form will be completed by the Appointing
 40 Authority or a person designated by the Appointing Authority who is familiar with the
 41 duties and responsibilities the Appointing Authority has assigned or wishes to be assigned
 42 to the position. Agencies may also use other forms or methods for collecting the
 43 information needed, if desired.

44

1 **530:10-5-56. Conduct of position audits**

2 (a) The conduct of an audit of a position begins when a properly completed Position
3 Description Questionnaire (OPM 39) or a Classification ~~or Allocation~~ Dispute Review
4 Request form (OPM 70) is received in the Office of Personnel Management. The Office of
5 Personnel Management reserves the right to refuse to accept incomplete or improperly
6 completed forms.

7 ~~(b) The Office of Personnel Management shall send a written notice of preliminary~~
8 ~~allocation of the position to the Appointing Authority and to the employee if the position~~
9 ~~is occupied. If the Office of Personnel Management finds that a preliminary allocation shall~~
10 ~~not be made within 30 calendar days after the receipt of a properly completed form~~
11 ~~according to (a) of this Section, both the Appointing Authority and the employee shall be~~
12 ~~sent written notice of the expected date of preliminary allocation.~~

13 ~~(c) Either the Appointing Authority or the employee if the position is occupied, may~~
14 ~~submit additional information if there is a disagreement with the preliminary allocation.~~
15 ~~The additional information shall be in writing and shall state specific reasons why the~~
16 ~~preliminary allocation of the position should not become final. Additional information~~
17 ~~submitted to the Office of Personnel Management shall be exchanged by the Appointing~~
18 ~~Authority and the employee in accordance with 530:10-5-54. Additional information shall~~
19 ~~be received in the Office of Personnel Management within 40 calendar days after the date~~
20 ~~of the notice of the preliminary allocation.~~

21 ~~(d) The Office of Personnel Management shall consider any timely received additional~~
22 ~~information about a position and may review any information already available or collect~~
23 ~~further information that may be needed in order to make a final allocation. The Office of~~
24 ~~Personnel Management shall issue a final allocation within 15 calendar days after~~
25 ~~additional information is received.~~

26 ~~(e) If no additional information is received or the additional information is not timely, the~~
27 ~~preliminary allocation shall automatically become final and effective 40 calendar days after~~
28 ~~the date of the notice of preliminary allocation unless the preliminary allocation is accepted~~
29 ~~and an earlier effective date is agreed to in writing by the Appointing Authority and the~~
30 ~~employee if the position is occupied.~~

31 ~~(f)~~(b) The Office of Personnel Management shall send a written notice of the final
32 allocation of the position and its effective date to the Appointing Authority and the
33 employee if the position is occupied. If the Office of Personnel Management finds that an
34 allocation shall not be made within 30 calendar days after the receipt of a properly
35 completed form according to (a) of this Section, both the Appointing Authority and the
36 employee shall be sent written notice of the expected date of allocation. If the audit is
37 conducted at the request of the Executive Director of the Merit Protection Commission, a
38 notice shall be sent to the Executive Director.

39 (c) After an allocation has been made by the Office of Personnel Management, the
40 Appointing Authority shall assign an appropriate level to the position based on the duties
41 and responsibilities assigned. If the position is occupied, the Appointing Authority shall
42 send a written notice of the level assignment and its effective date to the employee within
43 20 calendar days of receipt of the OPM allocation.

44 (d) Position audits by an agency, either to determine the proper job family level or to
45 determine an appropriate allocation under a position allocation delegation agreement, shall

1 begin upon receipt of a properly completed Position Description Questionnaire (OPM 39),
 2 Classification Dispute Review Request (OPM 70), Supplemental Position Description
 3 Questionnaire (OPM 39A), or other information prescribed by the agency. These audits
 4 shall be completed within 30 calendar days after the receipt of required information, or the
 5 requesting official and the incumbent employee shall be provided written notice of the
 6 expected date of completion.

7
 8 **530:10-5-57. Conduct of classification survey audits**

9 (a) The Office of Personnel Management may conduct audits of positions within ~~classes~~
 10 job families to resolve internal inequities in the allocation of positions and to determine the
 11 need to adopt, revise or abolish ~~classes~~ job family descriptors. While survey audits are
 12 being conducted, the timing and methods for collection of information and issuance of
 13 notices provided for individual audits shall not apply. The Office of Personnel
 14 Management shall notify Appointing Authorities and employees of the procedures to be
 15 followed during survey audits as survey audits are conducted.

16 (b) The allocation of positions may be delayed by the Office of Personnel Management
 17 until after the completion of the survey audit and the effective date of adoption, revision or
 18 abolishment of ~~classes~~ job family descriptors as appropriate. At such time, the provisions
 19 of 530:10-5-56 shall become applicable.

20
 21 **530:10-5-58. Reinitiation of audit after the allocation of a position becomes final**

22 Once the allocation of a position to a ~~class~~ job family becomes final in accordance with
 23 the Merit Rules in this Subchapter, the Appointing Authority shall not reinitiate an audit
 24 unless the duties and responsibilities of the position are significantly changed, a new ~~class~~
 25 job family descriptor is adopted, an existing ~~class~~ job family descriptor is revised, or a
 26 classification survey is conducted that results in a better understanding of the duties and
 27 responsibilities of the position.

28
 29 **PART 9. STATUS OF EMPLOYEES WHEN POSITIONS ARE REALLOCATED**

30
 31 **530:10-5-90. Status of incumbent when ~~class~~ job family is adopted or revised**

32 (a) Direct reclassification is the placement of an employee into a successor ~~class~~ job
 33 family level to which the employee's position has been reallocated. Direct reclassification
 34 does not require individual position audit or promotional posting. In all cases where
 35 licensure, certification, or examination is required by law, the requirement shall be met by
 36 the employee within any time limits prescribed by law. Otherwise, the employee shall not
 37 be required to possess the minimum qualifications or be examined for the successor ~~class~~
 38 job family level.

39 (b) An Appointing Authority shall directly reclassify a probationary or permanent
 40 employee in a position which has been reallocated to the ~~class~~ job family level to which the
 41 position was reallocated, if the:

- 42 (1) Office of Personnel Management determines that the duties and responsibilities
 43 corresponding with an employee's ~~class~~ job family level are ~~reidentified~~ identified as
 44 part of a new or revised ~~class-specification~~ job family descriptor; and

(2) employee had status in the former ~~class~~ job family level on a regular basis, that is, not on detail to special duty; however, direct reclassification shall not cancel or otherwise affect a probationary period with the agency or a trial period after promotion.

(c) Direct reclassification shall take place within **30** calendar days after the effective date of the adoption of the new or revised ~~class specification~~ job family descriptor.

(d) If the employee is ineligible for direct reclassification and the Appointing Authority does not or cannot directly reclassify, promote, demote, or transfer the employee, or detail the employee to special duty, the applicable provisions in the Merit Rules for reductions-in-force shall apply.

530:10-5-91. Other position reallocations

(a) If a position is reallocated under conditions other than those outlined in 530:10-5-90, and the ~~class~~ classification of an incumbent employee does not match the new allocation of the position, the Appointing Authority shall take action within **60** calendar days after the effective date of the ~~final~~ allocation to ensure that the employee is properly classified. The Appointing Authority may:

(1) transfer a permanent employee ~~in-class~~ to another position in the agency allocated to the ~~class~~ job family matching the classification of the employee in accordance with the Merit Rules governing ~~in-class~~ transfers; or

(2) change the duties of the position to the extent necessary to reflect the classification of the employee and initiate another audit of the position; or

(3) reclassify a permanent employee to the ~~class~~ job family to which the position occupied by the employee was reallocated in accordance with the Merit Rules governing promotional posting, demotions and lateral transfers; ~~or~~

~~—(4) the employee may be assigned to underfill the position as it was allocated, provided such action is authorized in accordance with and consistent with 530:10-5-13 and other provisions of the Merit Rules.~~

(b) If the employee is ineligible or is not selected to continue in the reallocated position, and if the Appointing Authority does not or cannot promote, demote or transfer the employee, detail the employee to special duty or change the duties of the position to match the ~~class~~ classification of the employee, ~~or underfill the position as it was allocated,~~ the applicable provisions in Merit Rules for reductions-in-force shall apply.

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATES OF PAY

530:10-7-1. Purpose and general provisions

(a) The purpose of the rules in this Part is to *establish pay regulations, regulations for performance pay increases, rates for pay differentials, on-call pay, and other types of pay incentives and salary adjustments* ~~[74:840-2.12(11) 74:840-1.6A]~~.

(b) Pay raises are prohibited unless specifically authorized by legislation or the Merit Rules. A cost-of-living raise or any other type of raise that would be given to state

1 employees on an across-the-board basis is prohibited unless specifically authorized by the
2 Legislature.

3 (c) The rules in this subchapter provide for market adjustments, increases upon intra-
4 agency lateral transfer, skill-based adjustments, equity-based adjustments, career
5 progression increases, and salary adjustments upon completion of the initial probationary
6 period or trial period. Appointing Authorities may use these pay mechanisms only if funds
7 are available in the agency’s budget for the current and subsequent fiscal years without the
8 need for additional funding to increase the personal services budget of the agency. Upon
9 certification from the Director of State Finance that an Appointing Authority has exceeded
10 the agency’s budget for the current or subsequent fiscal year due to the use of the pay
11 movement mechanisms listed in this subsection, the Administrator may withdraw
12 authorization for the agency to use the following pay movement mechanisms during the
13 next appropriations cycle: market adjustments, increases upon intra-agency lateral
14 transfer, equity-based adjustments, and career progression increases. [74:840-2.17]

15
16 **530:10-7-1.1. Salary administration plan**

17 An Appointing Authority shall adopt a salary administration plan for the agency’s
18 classified positions and submit the plan for the approval of the Administrator. The salary
19 administration plan shall establish hiring ranges for all positions within the agency’s
20 classification plan. Components of a salary administration plan include but are not limited
21 to conditions under which the Appointing Authority may establish a hiring rate above the
22 midpoint of the pay range, skill-based pay programs, and other pay movement mechanisms
23 authorized by 74:840-2.17. The salary administration plan may be amended by the
24 Appointing Authority at any time and submitted to the Administrator for approval of the
25 amended plan.

26
27 **530:10-7-1.2. Funding and reporting requirements**

28 (a) Use of pay movement mechanisms involving market adjustments, lateral transfers,
29 skill-based pay adjustments, equity-based adjustments, career progression increases,
30 probationary increases, and increases upon the completion of trial periods are limited to
31 those possible using funds available in the agency’s budget for the current and subsequent
32 fiscal year without the need for additional funding. [74:840-2.17]

33 (b) An Appointing Authority may, at his or her discretion, use any of the following pay
34 movement mechanisms for positions in the unclassified service: skill-based pay
35 adjustments, equity-based adjustments, and adjustments upon intra-agency lateral transfer.
36 Use of these pay movement mechanisms for positions in the unclassified service is not
37 subject to the Merit Rules regarding these pay movement mechanisms. However, Section
38 840-2.17 of the Oklahoma Personnel Act requires an Appointing Authority who uses any
39 of these pay movement mechanisms for positions in the unclassified service to report their
40 use to the Office of Personnel Management. Reporting requirements are listed in
41 subsection (c) of this section. Nothing in this subsection is intended to limit the use of any
42 other salary adjustments authorized by law for positions in the unclassified service.

43 (c) An Appointing Authority using any of the pay movement mechanisms listed in
44 subsection (a) shall annually report the pay movement mechanisms used to the Office of
45 Personnel Management no later than January 1 of each year on a form prescribed by the

1 Administrator. The report shall include information for the twelve-month period ending
 2 on December 31 of each year and shall include the type of pay mechanisms used,
 3 frequency, amounts provided, and affected job families and classifications for both
 4 classified and unclassified employees. The report shall also include a projection of the pay
 5 movement mechanisms to be used and anticipated costs for the remainder of the fiscal
 6 year. [74:840-2.17]

7
 8 **530:10-7-1.3. Calculation of rates of pay**

9 (a) The basis for expressing base rates of pay shall be the annualized salary. Annualized
 10 salary shall be computed by multiplying the monthly rate of pay by 12 months or by
 11 multiplying the hourly rate of pay by 2,080 hours.

12 (b) Before calculating any changes in monthly or hourly rates of pay, the base rate of pay
 13 shall be converted to an annualized salary.

14 (c) In making multiple calculations to arrive at a final figure, five decimal places shall be
 15 retained throughout all intermediate calculations: only the final figure shall be rounded.

16 (d) In mathematical calculations of rates of pay, calculations to convert remainders to
 17 cents shall be carried five decimal places and rounded to two decimal places (cents). Any
 18 number greater than or equal to 0.005 shall be rounded to the next higher cent.

19 Example 1: $\$22,718.00 \div 12 = 1,893.16666$ or $\$1,893.17$

20 Example 2: $\$25,432.00 \div 12 = 2119.33333$ or $\$2,119.33$

21 (e) The formula for converting an annualized salary to a monthly rate of pay shall be:
 22 Monthly Rate of Pay = Annualized Salary \div 12.

23 Example: Monthly Rate of Pay = $\$22,718.00 \div 12$

24 Monthly Rate of Pay = 1,893.16666

25 Monthly Rate of Pay = $\$1,893.17$

26 (f) The formula for converting an annualized salary to an hourly rate of pay shall be:
 27 Hourly Rate of Pay = Annualized Salary \div 2080.

28 Example: Hourly Rate of Pay = $\$23,241.00 \div 2080$

29 Hourly Rate of Pay = 11.17355

30 Hourly Rate of Pay = $\$11.17$

31
 32 **530:10-7-2. Salary schedule; calculation of rates of pay**

33 (a) ~~The Administrator of the Office of Personnel Management shall develop a salary~~
 34 ~~schedule . . . The schedule shall reflect the minimum and maximum salaries for each~~
 35 ~~grade listed [74:840 4.6(B)]. The rate of pay of employees shall be maintained within the~~
 36 ~~grade pay band for the class job family level and kept within the established minimum and~~
 37 ~~maximum rates of pay, except as provided in the Merit Rules by law or Merit Rule.~~

38 (b) ~~The basis for expressing base rates of pay shall be the annualized salary. Annualized~~
 39 ~~salary shall be computed by multiplying the monthly rate of pay by 12 months or by~~
 40 ~~multiplying the hourly rate of pay by 2,080 hours.~~

41 (c) ~~Before calculating any changes in monthly or hourly rates of pay, the base rate of pay~~
 42 ~~shall be converted to an annualized salary.~~

43 (d) ~~In making multiple calculations to arrive at a final figure, five decimal places shall be~~
 44 ~~retained throughout all intermediate calculations: only the final figure shall be rounded.~~

1 ~~(e) In mathematical calculations of rates of pay, calculations to convert remainders to~~
 2 ~~cents shall be carried five decimal places and rounded to two decimal places (cents). Any~~
 3 ~~number greater than or equal to 0.005 shall be rounded to the next higher cent.~~

4 ~~— Example 1: \$22,718.00 ÷ 12 = 1,893.16666 or \$1,893.17~~

5 ~~— Example 2: \$25,432.00 ÷ 12 = 2119.33333 or \$2,119.33~~

6 ~~(f) The formula for converting an annualized salary to a monthly rate of pay shall be:~~
 7 ~~Monthly Rate of Pay = Annualized Salary ÷ 12.~~

8 ~~— Example: Monthly Rate of Pay = \$22,718.00 ÷ 12~~

9 ~~— Monthly Rate of Pay = 1,893.16666~~

10 ~~— Monthly Rate of Pay = \$1,893.17~~

11 ~~(g) The formula for converting an annualized salary to an hourly rate of pay shall be:~~
 12 ~~Hourly Rate of Pay = Annualized Salary ÷ 2080.~~

13 ~~— Example: Hourly Rate of Pay = \$23,241.00 ÷ 2080~~

14 ~~— Hourly Rate of Pay = 11.17355~~

15 ~~— Hourly Rate of Pay = \$11.17~~

16 (b) The following table lists the minimum, midpoint, and maximum annual rates of pay for
 17 each established pay band, which shall be used by Appointing Authorities in establishing
 18 hiring rates and making other decisions concerning rates of pay and individual pay
 19 adjustments.

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
A	\$12,483	\$13,458	\$16,823
B	\$12,483	\$14,104	\$17,630
C	\$12,483	\$14,921	\$18,651
D	\$12,483	\$16,087	\$20,109
E	\$13,272	\$17,696	\$22,120
F	\$14,599	\$19,465	\$24,331
G	\$16,059	\$21,412	\$26,765
H	\$17,665	\$23,553	\$29,441
I	\$19,562	\$26,083	\$32,604
J	\$21,506	\$28,675	\$35,844
K	\$23,508	\$31,344	\$39,180
L	\$25,859	\$34,478	\$43,098
M	\$28,703	\$38,271	\$47,839
N	\$31,861	\$42,481	\$53,101
O	\$35,684	\$47,578	\$59,473
P	\$40,322	\$53,763	\$67,204
Q	\$45,565	\$60,753	\$75,941
R	\$51,488	\$68,650	\$85,813

40 **530:10-7-3. Entrance salary**

41 ~~(a) The entrance salary~~ Appointing Authorities may establish the hiring rate for any
 42 classified position jobs shall be at any point between the minimum salary and midpoint for
 43 the class pay band for the job family level to which the employee is appointed, except as
 44 provided in the Merit Rules without prior approval of the Administrator. Appointing
 45 Authorities shall submit a salary administration plan to the Office of Personnel

1 Management for setting hiring rates above the midpoint. The salary administration plan
2 shall establish hiring ranges for positions. Upon approval of the salary administration plan
3 by the Administrator, the Appointing Authority may establish hiring rates above the
4 midpoint in accordance with the plan. Hiring rates shall not be established below the
5 minimum or above the maximum rate of pay established for a pay band.

6 ~~(b) Appointing Authorities may offer class or individual special entrance rates of pay~~
7 ~~above the minimum salaries of a grade according to paragraphs (1) and (2) of this~~
8 ~~subsection.~~

9 ~~— (1) **Class special entrance rate of pay.** When the Appointing Authority submits a~~
10 ~~written statement that economic or employment conditions make recruitment or~~
11 ~~retention of employees at the minimum rate for the class difficult, the Office of~~
12 ~~Personnel Management may authorize appointment of eligibles at a higher rate of pay~~
13 ~~within the salary grade for the class in a limited geographical area or in positions in a~~
14 ~~class where employment conditions are unusual. Such higher rate of pay shall remain~~
15 ~~in effect until the Office of Personnel Management orders the rate of pay rescinded or~~
16 ~~the salary grade is adjusted. Such special entrance rates of pay shall not exceed 20%~~
17 ~~above the minimum rate of pay for the grade for that class. All employees in the same~~
18 ~~class under the same conditions who are earning less than the higher rate of pay shall~~
19 ~~be increased to the approved entrance rate of pay, and thereafter all new employees~~
20 ~~shall be appointed at the higher entrance rate of pay which shall be considered to be~~
21 ~~the minimum rate of pay.~~

22 ~~— (2) **Individual special entrance rate of pay.**~~

23 ~~— (A) An Appointing Authority may offer to appoint from a certificate or reinstate~~
24 ~~an applicant who exceeds the minimum qualifications for a class at a rate of pay~~
25 ~~which does not exceed 20% above the minimum rate of pay for the grade for that~~
26 ~~class or the minimum rate of pay for the next higher pay grade in the same series.~~
27 ~~Such offer shall be based upon the applicant's qualifications and the needs of the~~
28 ~~agency. Before any Appointing Authority authorizes or grants an individual special~~
29 ~~entrance rate of pay, the Appointing Authority shall articulate in writing an~~
30 ~~individual special entrance rate of pay policy statement for the agency. The policy~~
31 ~~statement shall be consistent with the Oklahoma Personnel Act and the federal~~
32 ~~Equal Pay Act. The policy statement shall be made available to requesting parties.~~

33 ~~— (B) The Appointing Authority's determination that an individual special entrance~~
34 ~~rate of pay is justified shall be in writing and shall describe how the applicant~~
35 ~~exceeds the minimum qualifications. The Appointing Authority shall take into~~
36 ~~consideration rates of pay paid to employees or previously offered to other~~
37 ~~applicants where the relationship between qualifications and needs of the~~
38 ~~Appointing Authority were essentially the same as in the current case. The written~~
39 ~~determination shall be preserved by the Appointing Authority. Individual special~~
40 ~~entrance rates of pay shall not be offered to applicants for classes which require~~
41 ~~neither education nor experience.~~

42 ~~— (C) Such individual special entrance rate of pay would affect that applicant only~~
43 ~~and would not affect salary for other incumbents.~~

44 (b) Appointing Authorities shall establish hiring rates for jobs included in a pay band based
45 on the work performed, the duties and responsibilities assigned, and other relevant factors.

1 This may include consideration of recruitment and retention issues, internal pay equity,
2 market rates, previous hiring rates, and the training and qualifications of the employee
3 being appointed.

4
5 **530:10-7-4. Rate of pay upon reinstatement to the classified service**

6 (a) When an Appointing Authority reinstates a person to the classified service in
7 accordance with 530:10-9-102 after at least a 30-day break in service, the Appointing
8 Authority may set the person’s salary above the minimum salary for the class to which the
9 person is reinstated in accordance with this Section at any point within the pay band for
10 the job to which the person is reinstated which is consistent with the hiring range
11 established for the job, salaries paid to other individuals performing similar work, or other
12 relevant factors.

13 ~~—(1) The Appointing Authority may offer the person an individual special entrance rate~~
14 ~~of pay according to 530:10-7-3(b)(2) if:~~

- 15 ~~(A) the reinstatement became effective after at least a 30-day break in service; or~~
- 16 ~~(B) the Appointing Authority has:~~

- 17 ~~—(i) posted the position according to 530:10-11-51 or 530:10-11-53; and~~
- 18 ~~—(ii) selected the person while the person was not employed by the agency.~~

19 ~~—(2) The Appointing Authority may set the salary of a person who is reinstated to a~~
20 ~~class previously held at or below the greatest percent above the minimum salary the~~
21 ~~person was previously paid while in the class.~~

22 (b) When an Appointing Authority reinstates a person to the classified service in
23 accordance with 530:10-9-102 to a job having the same pay band assignment as the
24 employee's previous job after less than a 30-day break in service, the Appointing Authority
25 shall set the employee's salary at any rate within the pay band that does not exceed the
26 employee's previous salary.

27
28 **530:10-7-6. Data processing pay incentive**

29 (a) Appointing Authorities may implement a pay incentive for individuals not currently
30 employed in state government and who are hired to fill ~~positions in~~ professional-level data
31 processing ~~classes~~ jobs as determined by the Administrator of the Office of Personnel
32 Management.

33 (b) Appointing Authorities who choose to implement the pay incentive shall file a plan
34 with the Administrator of the Office of Personnel Management and the Director of the
35 Office of State Finance which contains information related to the implementation of the
36 pay incentive within the agency. The plan shall include a project description, a staffing
37 plan, specific prerequisites that each employee shall meet in order to receive the pay
38 incentive, and information concerning the funding of the incentive from the agency’s
39 existing budget.

40 (c) The pay incentive shall not exceed \$5,000.00 and is payable to eligible individuals as a
41 lump sum payment during the week of the eligible individual’s enter-on-duty date or in
42 two equal payments during the first six months of state employment. Former state
43 employees may be eligible for the pay incentive following a break-in-service of at least 180
44 days.

1 (d) To receive the pay incentive, an eligible individual shall be required to sign an
 2 agreement form acknowledging that the individual is obligated to repay the entire
 3 incentive, including tax withholdings on the incentive, if the individual leaves state
 4 employment or accepts employment with another state agency within 1 year after he or
 5 she receives the pay incentive. Appointing Authorities may use the agreement form
 6 developed by the Administrator or any other agreement form which is consistent with the
 7 provisions of this Section.

8 (e) An individual may receive only one pay incentive during his or her state employment.
 9

10 **530:10-7-7. Pay differential**

11 (a) The ~~Office of Personnel Management~~ Administrator may authorize a pay differential
 12 for a position within a class job family because of special duty requirements related to the
 13 position. This may include shift pay, on-call pay, data processing mission critical pay, skill-
 14 based pay adjustments, and other types of differentials based on special work
 15 requirements, as approved by the Administrator. This differential These payments shall be
 16 over and above the employee's base pay ~~within the salary grade~~ and shall be paid only as
 17 long as the employee occupies the particular position under the circumstances which have
 18 necessitated the differential. The request for the differential shall be submitted in writing
 19 by the requesting agency and shall adequately identify the need.

20 (b) An Appointing Authority shall determine whether pay differentials will be paid while
 21 employees are in paid leave status or provided only for hours actually worked.
 22 Appointing Authorities shall apply such practices uniformly. Pay differentials shall not be
 23 provided for hours that an employee is not in pay status.
 24

25 **530:10-7-8. Rate of pay upon recall to class job family level from which removed by**
 26 **reduction-in-force**

27 The base rate of pay of an employee who has been recalled to the class job family level
 28 from which removed by a reduction-in-force in accordance with OAC 530:10-13, Part 5,
 29 shall be fixed at the rate of pay received immediately before the reduction-in-force. The
 30 employee's rate of pay shall be adjusted according to any across-the-board increases for
 31 agency employees in that class job family level made in the interim. If the grade pay band
 32 for the class job family level has been changed in the interim, the employee's rate of pay
 33 shall be adjusted in accordance with 530:10-7-13.
 34

35 **530:10-7-9. Rate of pay for positions that become classified**

36 Whenever a position in an agency is brought under the classified service, the rate of
 37 pay of the continuing incumbent shall be placed in the ~~grade of the class~~ pay band for the
 38 job family and level to which the position is allocated, without adjustment, if such rate is
 39 equal to or greater than the minimum rate of pay established for that ~~class job~~. If it is not,
 40 the rate of pay shall be increased to the minimum ~~authorized for the allocated class~~ rate
 41 established by the agency for that job. Unless otherwise provided by statute, pay
 42 adjustments and required classification actions for incumbent employees shall be
 43 retroactive to the effective date of the placement of the employee in the classified service.
 44 No employee's rate of pay shall be reduced as a direct result of becoming classified.
 45

530:10-7-10. Rate of pay higher than maximum

Where the rate of pay of an employee is higher than the maximum rate of ~~the grade pay~~ for the ~~class pay band to which the job is assigned~~, the rate will remain the same as long as the employee retains the present classification, but no further increases will be approved unless provided by statute.

530:10-7-13. Adjustments in rates of pay when pay grades bands are changed

When a pay ~~grade band~~ is changed for a ~~class job family level~~, all employees in that ~~class classification~~, including persons whose rate of pay exceeds the maximum of the old ~~grade for the class pay band~~, shall receive an adjustment to the new ~~grade pay band~~. No person's salary may be reduced as a result of such a change ~~in grade~~. All employees of an agency in that ~~class job~~ shall be given uniform treatment using one of the following methods: providing by adjustment to the minimum of the new grade pay band; rate to rate, or the providing a percent increase given to each employee, which shall not exceed the percent of difference between the minimum of the old grade pay band and the minimum of the new grade pay band; or any other uniform method of adjustment approved by the Administrator. At the discretion of the Appointing Authority, no change in employee salary need occur provided that all affected salaries fall within the new pay band. OAC 530:10-7-10 does not apply to adjustments made in accordance with this Section.

530:10-7-14. Rate of pay upon reclassification, promotion, career progression, and demotion

(a) **Rate of pay when incumbent is reclassified directly.** When an employee is reclassified directly under 530:10-5-90, the rate of pay shall be fixed in accordance with 530:10-7-13.

(b) **Rate of pay upon promotion or career progression.**

(1) An Appointing Authority shall adopt objective written criteria for the amount of salary advancements on promotion or career progression. These criteria shall be a part of the agency ~~promotional plan~~ salary administration plan established under ~~530:10-9-35 and 530:10-11-51~~ 530:10-7-1.1 and shall be consistent with state and federal statutes prohibiting discrimination.

(2) The Appointing Authority shall set an employee's salary on promotion or career progression within the new ~~salary grade pay band~~, except as provided in paragraph (3) of this subsection.

(A) The Appointing Authority shall set an employee's salary on promotion or career progression at least ~~2-1/2%~~ 5% above the employee's salary before the promotion or career progression advancement, unless the increase would make the employee's salary after promotion or career progression greater than the maximum rate of pay for the new ~~salary grade pay band~~ (in which case the employee's salary shall be set at the maximum rate of pay for the new ~~salary grade pay band~~). However, if the employee's salary before promotion is more than 5% below the minimum of the new salary band, the Appointing Authority shall set the employee's salary on promotion or career progression to at least the minimum of the new pay band.

1 (B) The Appointing Authority ~~has the option to raise~~ may set an employee’s
 2 salary on promotion or career progression up to 20% above the employee’s salary
 3 before promotion or career progression, or any rate within the hiring range
 4 established for the position in an approved salary administration plan ~~any one of~~
 5 ~~the following limits:~~

- 6 ~~_____ (i) 20% above the employee’s salary before promotion; or~~
- 7 ~~_____ (ii) 20% above the minimum salary for the new salary grade; or~~
- 8 ~~_____ (iii) If an employee is promoted to a class previously held, the greatest percent~~
 9 ~~above the minimum salary the employee was previously paid while in the class.~~

10 (3) The Appointing Authority shall not lower the salary of an employee on promotion
 11 or career progression. If the employee’s salary before promotion or career progression
 12 exceeds the maximum for the new ~~salary grade~~ pay band, the employee’s salary ~~on~~
 13 ~~promotion~~ shall remain the same.

14 (c) **Rate of pay when demoted.** The rate of pay of an employee who is demoted shall be
 15 set by the Appointing Authority at any rate of pay within the range for the ~~class~~ job to
 16 which demoted, which does not exceed that employee's last rate of pay, ~~except as~~
 17 ~~provided in 530:10-7-3(b)(1)~~. An Appointing Authority may delay setting the rate of pay
 18 upon demotion for up to 1 year when the demotion is due to an agency reorganization.
 19 For the purposes of this subsection, “agency reorganization” means the reclassification of
 20 employees in lieu of reduction-in-force.

21 (d) **Rate of pay when transferred interagency.** An Appointing Authority shall set the
 22 salary of an employee who receives an interagency transfer to the same ~~class~~ job or
 23 another ~~at the same grade~~ with the same pay band assignment, at ~~any the same~~ rate of pay
 24 ~~which is at or below that received before transfer, except as provided in 530:10-7-3(b)(1)~~.
 25 ~~An Appointing Authority shall not set an employee’s rate of pay below the minimum grade~~
 26 ~~for the class.~~

27 (e) **Rate of pay when transferred upon intra-agency lateral transfer.** An Appointing
 28 Authority ~~shall not change the base pay of~~ may provide up to a 5% increase in salary, not
 29 to exceed the maximum rate of pay for the pay band, for an employee on intra-agency
 30 transfer to a position in the same class ~~job family and level~~ or another class ~~job family and~~
 31 level at the same grade with the same pay band assignment, based on the needs of the
 32 agency, except as provided in 530:10-7-3(b)(1). [74:840-2.17]

34 **530:10-7-17. Rate of pay upon detail to special duty**

35 The pay of an employee who is detailed to special duty in accordance with
 36 530:10-5-11 shall not be reduced, but must be increased to at least the minimum rate but
 37 not more than the maximum rate the employee could receive upon promotion to that ~~class~~
 38 job family and level, provided:

- 39 (1) any such temporary increase shall not affect eligibility for increase in the regular
 40 class job family and level which the Appointing Authority could grant if the employee
 41 had not been detailed.
- 42 (2) at the conclusion of the detail, pay shall revert to the authorized rate of pay in the
 43 employee's regular class job family and level.

44
 45 **530:10-7-18. Discretionary performance pay increases [REVOKED]**

1 — This Section establishes a policy for discretionary performance pay increases granted
2 to employees by Appointing Authorities. It is based on Section 840-2.17 of the Oklahoma
3 Personnel Act. Nothing in this Section shall be interpreted to authorize the granting of
4 discretionary pay increases to employees in the absence of specific authorization by the
5 Legislature:

6 — (1) Unless otherwise provided by law, legislatively authorized discretionary pay
7 increases for permanent classified employees are subject to this Section. Probationary
8 employees are not eligible for discretionary pay increases. *The term "raise" includes,*
9 *but is not limited to, increases in pay, wages and salaries, commonly known as "merit*
10 *increases", "performance pay increases", "salary adjustments", and "step increases"*
11 *[74:840-2.17(A)]. The term "discretionary pay increase" does not include the*
12 *following actions:*

13 — (A) *Salary advancements on promotion or direct reclassification to a job*
14 *classification with a higher grade; [74:840-2.17(B)(1)]*

15 — (B) *Salary adjustments resulting from a grade change for a class adopted by the*
16 *Office of Personnel Management; [74:840-2.17(B)(2)]*

17 — (C) *Increases in longevity payments; [74:840-2.17(B)(3)]*

18 — (D) *Payment of overtime, special entrance rates, pay differentials; or*
19 *[74:840-2.17(B)(4)]*

20 — (E) *Increases in wages, salaries, or rates of pay established and mandated by law.*
21 *[74:840-2.17(B)(5)]*

22 — (2) Discretionary performance pay increases shall be subject to the following
23 conditions and provisions:

24 — (A) Discretionary pay increases shall not be automatic or retroactive.

25 — (B) A discretionary pay increase shall become part of an employee's base salary.

26 — (C) No employee shall be granted more than one discretionary pay increase in any
27 **12** month period.

28 (D) No employee shall be granted a discretionary pay increase above the
29 maximum of the salary grade for the employee's class.

30 (E) To be eligible for a discretionary pay increase:

31 (i) a classified employee shall be permanent with the agency, and both
32 classified and unclassified employees shall have had **1** year of continuous
33 service as an employee of the state immediately preceding the effective date of
34 the increase; and

35 (ii) employees shall have received an overall rating of at least "satisfactory," or
36 its equivalent, on an evaluation conducted in accordance with Section 840-4.17
37 of the Act within **1** year before the effective date of any discretionary pay
38 increase.

39 (F) The personnel transaction form effecting any discretionary pay increase shall
40 include the statutory citation for the specific legislative authority to give a
41 discretionary pay increase in accordance with Section 840-2.17 of the Oklahoma
42 Personnel Act.

43
44 **530:10-7-19. [RESERVED]**

1 **530:10-7-20. Market adjustments**

2 (a) A cost-of-living raise or any other type of raise that would be given to state
3 employees on an across-the-board basis is prohibited unless specifically authorized by the
4 Legislature. The Office of Personnel Management conducts annual compensation surveys
5 of relevant markets to determine rates of pay for various jobs within the designated market
6 areas. The Administrator shall make any recommendations concerning salary adjustments
7 for state employees on an across-the-board basis in the Annual Compensation Report for
8 consideration by the Legislature.

9 (b) At the discretion of the Administrator, market adjustments may be made for
10 individual job families or job family levels upon the request of an Appointing Authority.
11 An Appointing Authority making such a request shall provide the Administrator with
12 information supporting the request, such as relevant market data, information on
13 recruitment or retention problems, or other appropriate data. The Appointing Authority
14 shall also certify that an adjustment can be made within the agency’s budget for the
15 current and subsequent fiscal year without the need for additional funding. All employees
16 of an agency in jobs affected by a market adjustment shall be given uniform treatment.

17
18 **530:10-7-21. [RESERVED]**

19
20 **530:10-7-22. Salary adjustments upon completion of initial probation or trial period**

21 An Appointing Authority may provide salary adjustments not to exceed 5% to
22 probationary classified employees achieving permanent status following the initial
23 probationary period. An Appointing Authority may also provide this salary adjustment to
24 employees reinstated to the classified service after a break in service upon completion of a
25 probationary period, and to permanent classified employees successfully completing trial
26 periods after promotion to a different job family. [74:840-2.17]

27
28 **530:10-7-23. [RESERVED]**

29
30 **530:10-7-24. Skill-based pay adjustments**

31 An Appointing Authority may develop skill-based pay programs upon the approval of
32 the Administrator. Such programs shall be related to the acquisition of additional skills
33 and abilities which can be applied to the work to be performed and which will increase the
34 value of the employee to the agency. The skills or abilities must be verifiable through
35 certification, licensure, diploma, or some other method and must be beyond the
36 qualifications required in the job family descriptor for all employees in that job family
37 level. Requests to establish skill-based pay programs shall include a complete description
38 of the training or education required, how it will benefit the agency, the proposed salary
39 adjustment, and any other information that will assist in evaluating the request. Such
40 adjustments may be provided as a differential over and above an employee’s base pay or as
41 a one-time lump-sum payment. Lump sum skill-based pay adjustments shall be limited to
42 5% of an employee’s annual salary and may be provided to employees whose base pay is
43 at or exceeds the maximum rate of pay for the pay band. Skill-based differentials shall be
44 limited to 5% of an employee’s monthly salary for employees paid on a monthly basis, and
45 5% of an employee’s biweekly salary for employees paid on a biweekly basis, and may be

1 provided to employees whose base pay is at or exceeds the maximum of the pay band.
2 These payments shall be paid only as long as the employee occupies a position to which
3 the skill is applicable in accordance with the agency’s salary administration plan.

4
5 **530:10-7-25. [RESERVED]**

6
7 **530:10-7-26. Equity-based pay adjustments**

8 An Appointing Authority may provide equity-based pay adjustments when individual
9 employees are significantly underpaid relative to other employees in the same job family
10 and level within the same agency. An Appointing Authority may make adjustments which
11 do not cause an employee's salary to exceed the midpoint of the pay band at his or her
12 discretion. Adjustments which cause an employee's salary to exceed the midpoint of the
13 pay band require approval of the Administrator.

14
15 **530:10-7-27. [RESERVED]**

16
17
18 **SUBCHAPTER 9. RECRUITMENT AND SELECTION**

19
20 **PART 1. GENERAL PROVISIONS**

21
22 **530:10-9-3. Selection procedures**

23 (a) Selection procedures may consist of written tests; ratings of training and experience;
24 performance tests; physical, educational, and work experience requirements; interviews;
25 oral examinations; application forms and any other type of examination.

26 (b) When a ~~class~~ job requires a written test, the Administrator shall administer tests to
27 applicants or employees with disabilities that impair sensory, manual, or speaking skills in
28 formats that do not require the use of the impaired skill, if the applicant or employee
29 notifies the Administrator before the test is administered.

30 (c) Before appointment, applicants may be required to pass a physical examination
31 specified by the Appointing Authority when requirements of the job demand specific
32 physical condition or capabilities. Such physical examinations shall be uniform in nature
33 and applied to all persons in that ~~class~~ job within the agency. The responsibility for
34 administering the physical examinations lies with the Appointing Authority.

35
36 **530:10-9-4. Announcements**

37 The Administrator shall make public announcements of all entrance examinations at
38 least **14** calendar days in advance of the issuance of certificates. An announcement may
39 state the duties and salaries of positions in the ~~classes~~ jobs for which examinations are to
40 be held; the qualifications required for admission to examinations; the time, place and
41 manner of application; the proposed relative weights to be given the parts of the
42 examination; and such other information as the Administrator may consider pertinent and
43 useful.

1 **530:10-9-6. Establishment of minimum qualifications**

2 The minimum qualifications established for each class job family level shall constitute
3 the entrance requirements for admission to examinations for classified positions. If an
4 academic requirement will be met within 1 semester or term, an applicant may be admitted
5 to an examination and certified for employment with the condition that the applicant shall
6 meet all requirements for the class job at the time he or she reports for duty with an
7 agency.

8
9 **530:10-9-9. Disqualifications**

10 (a) Except as provided in 530:10-9-131, an Appointing Authority or the Administrator
11 may permanently or temporarily refuse to certify, disqualify or remove a person's name
12 from a register if:

- 13 (1) the person lacks any of the requirements for the class job.
- 14 (2) the person fails any part of an Appointing Authority's background investigation.
- 15 (3) the person made a false statement of material fact in an application for
16 employment or otherwise misrepresented himself or herself during the application
17 process.
- 18 (4) the person has used or attempted to use political pressure or bribery to secure an
19 advantage in the examination or appointment process.
- 20 (5) even with reasonable accommodation, the person is unable to perform the duties
21 of the class job or position(s) or is unable to do so without risk to himself or herself,
22 the agency, or others, beyond that risk normally associated with such duties.
- 23 (6) the person uses or possesses any controlled dangerous substance not specifically
24 and legally prescribed, or habitually uses alcoholic beverages to excess.
- 25 (7) the person has obtained information regarding examinations to which an applicant
26 is not entitled, or the person has taken part in the development, administration, or
27 correction of the examinations.
- 28 (8) the person has been convicted of any infamous crime or other crime involving
29 moral turpitude.
- 30 (9) the person has failed to submit an application correctly or within the prescribed
31 time limits.
- 32 (10) the person has failed to maintain a record of current address at the Office of
33 Personnel Management as evidenced by the return of a letter by the U.S. Post Office,
34 if properly addressed to the last address of record.
- 35 (11) the person has, within 2 years prior to the date of certification, been discharged
36 for delinquency, misconduct, absenteeism, inability to perform the same type job for
37 which applying or other disciplinary reason or has resigned in lieu of such dismissal
38 from any public or private employer. The Appointing Authority may extend the 2-year
39 restriction for good cause.
- 40 (12) the agency has exercised a selective qualification as established in 530:10-9-74.
- 41 (13) an individual is ineligible for employment due to citizenship or residence
42 requirements as prescribed in 530:10-9-75.

43 (b) Action initiated by an Appointing Authority under (a)(1), (a)(7), and (a)(10) of this
44 Section shall be subject to the approval of the Administrator. Any person who is
45 disqualified shall be notified in writing of this action and the reason for it. At the

1 appropriate time, the Administrator shall notify an individual of the right to appeal. The
2 party initiating the action, whether the Administrator or an Appointing Authority, shall be
3 independently responsible for justifying the action, for both the nature and accuracy of the
4 supporting information, and for the retention of that information pending appeal of the
5 action.

6
7 **530:10-9-10. Required certification of qualifications before promotions, demotions,
8 transfers, and reinstatements**

9 (a) The Administrator shall certify that a candidate meets the necessary job qualifications
10 of a ~~classification~~ job family level in the classified service for the purpose of allowing the
11 candidate to be appointed ~~to such classification~~. Subsections (b), (c), and (d) of this
12 Section describe exceptions to these requirements. The Appointing Authority shall use a
13 form made available by, or accepted by, the Administrator to request certification of
14 qualifications. The form solicits information about the candidate's qualifications.

15 (b) An employee who is demoted shall meet the minimum qualifications of the lower ~~class~~
16 job to which he or she is demoted unless the demotion is to a ~~class~~ job:

- 17 (1) within the same ~~class-series~~ job family, or
- 18 (2) in which the employee previously has had permanent status, or
- 19 (3) in the same ~~series~~ job family as and below a ~~class~~ one in which he or she
20 previously has had permanent status.

21 (c) ~~An Appointing Authority may exempt certain Career progression promotions shall be~~
22 ~~exempt from subsection (a) when promotion is out of an underfill class into a full-~~
23 ~~performance (or intermediate level) class according to 530:10-5-13. The exception shall~~
24 ~~apply only after an employee has been in an underfill class a lower level of the job family~~
25 ~~for an amount of time equal to the difference in the lengths of the experience requirements~~
26 ~~of the two classes levels. The Appointing Authority shall explain the exception in the~~
27 ~~promotional plan posted throughout the agency. This exception shall not apply in any~~
28 ~~case to entry into a job family or where the next higher level is a supervisory position.~~

29 (d) The Administrator may delegate certification of qualifications to an Appointing
30 Authority according to a written agreement made under Section 840-1.15 of the Act and
31 the rules in Part 3 of Subchapter 1 regarding delegation of human resources functions.

32
33 **PART 3. WRITTEN AND PERFORMANCE TESTS**

34
35 **530:10-9-32. Proficiency certificates**

36 (a) The Administrator shall accept certificates of proficiency issued within the last 12
37 months by accredited private or public schools, colleges, or the Oklahoma Employment
38 Security Commission in lieu of typing and shorthand tests [74:840-4.12(E)]. The
39 proficiency certificate solicits information about the applicant, the typing and/or shorthand
40 test upon which the applicant has demonstrated proficiency, and the name and address of
41 the certifying official and agency or school.

42 (b) The proficiency certificate shall be based on the results of a performance test which is
43 comparable to the Office of Personnel Management performance test for the same ~~class~~
44 job.

530:10-9-33. Licensure

If required to be ranked, applicants who have been previously tested and are currently licensed by the State of Oklahoma, shall be rated (ranked) according to training and experience when applying for elasses jobs that require such testing and licensure [74:840-4.12(B)].

530:10-9-34. Degree requirements

No written test shall be required when the minimum qualifications for the elass job require a bachelor's degree or its equivalent, plus **3** years of qualifying work experience. Applicants shall be rated according to training and experience for that elass job [74:840-4.12(C)].

530:10-9-35. Testing for promotions, demotions, transfers and reinstatements

Examinations for promotion, demotion, transfer, and reinstatement ~~within an agency~~ shall not be required unless specified in the agency's promotional plan ~~[74:840-4.12(D)]~~. ~~Examinations for demotion, transfer, or reinstatement shall not be required in those cases where the incumbent will occupy a previously held position or where the incumbent has previously held a higher position in the same series.~~ However, any incumbent who is promoted from a noncompetitive position, as described in 530:10-9-95, to a competitive elass of positions job shall successfully pass any examination required by the Administrator for that elass job [74:840-4.11].

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 elass 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 **4** calendar days to a telegraphed inquiry 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.
- (5) Failure to appear for a scheduled interview.
- (6) Declination of appointment.
- (7) Failure to report for duty within the time specified by the Appointing Authority. (See ~~530:10-9-9~~ 530:10-9-94.)
- (8) Abolition of register by the Office of Personnel Management.

1 (b) Any person so affected shall be notified of this action and the reason for it. At the
 2 appropriate time, the Administrator shall notify an individual of the right to appeal.

4 PART 7. CERTIFICATION

6 530:10-9-70. Request for certification

7 When a new employee is needed to fill a vacancy in a classified position, the
 8 Appointing Authority may submit a request for certification to the Office of Personnel
 9 Management. The Appointing Authority may submit such a request only after the position
 10 has been allocated. The request shall include information necessary in order to issue a
 11 certificate, such as ~~class title~~ job family level and code, type of job, location of work, and
 12 certification method requested by the Appointing Authority. With the approval of the
 13 Administrator, the Appointing Authority may request certification as provided in
 14 530:10-9-71.

16 530:10-9-71. Certification methods

17 (a) **Availability.** The Administrator shall issue certificates which include the names of
 18 eligibles whose statements of availability and qualifications match the conditions of
 19 employment specified by the Appointing Authority on the request for certification. ~~On~~
 20 ~~certificates for noncompetitive classes, the Administrator may certify only applicants who~~
 21 ~~have been awarded veterans preference.~~

22 (b) **Work location.**

23 (1) If the work location is in the central state offices of an agency, the Administrator
 24 shall certify available eligibles on the basis of register rank only.

25 (2) The Administrator may certify all eligibles on a register, regardless of availability,
 26 if the conditions of employment are the same for all positions in that ~~class~~ job family
 27 within the agency.

28 (3) When filling vacancies outside the agency's central state office, an Appointing
 29 Authority may request that the Administrator issue a local certificate. A "local
 30 certificate" is a subset of eligible applicants on a register who are residents of the
 31 locality, i.e., *the county where the local office is located or said county and adjacent*
 32 *counties or a group of contiguous counties comprising a service area of an agency*
 33 ~~[74:840-4.13(B)],~~ and whose conditions of availability for a ~~class~~ job correspond to
 34 those of the vacant position. On a local certificate, eligible applicants from the locality
 35 are ranked by examination score, including any awards of veterans preference, and are
 36 certified ahead of other available applicants who live outside the locality.

37 (c) **Number of names.** After receiving a request, the Administrator shall issue a
 38 certificate to the Appointing Authority. The certificate shall include the names of the top
 39 **10** available eligibles on the register for a ~~class~~ job, plus anyone who is tied with the
 40 lowest ranked eligible within the hiring rule [74:840-4.13(A)], ~~unless the certificate is~~
 41 ~~issued as part of the pilot project authorized by Section 840-4.13(A) of the Act.~~ At the
 42 request of the Appointing Authority, the Administrator may also issue additional names to
 43 be considered in accordance with 530:10-9-92(2).

45 530:10-9-74. Selective qualifications

1 Selective qualifications are special education and experience requirements authorized
 2 by the Administrator for positions within a particular class job family which are consistent
 3 with the duties and responsibilities of that class job and of the particular position being
 4 filled. When requesting a certificate for a class job family ~~where special education and~~
 5 ~~experience requirements for some positions are authorized~~, an Appointing Authority may,
 6 upon written request to and approval by the Administrator, use ~~the~~ any OPM-approved
 7 selective qualifications ~~established~~ for that class job for filling a particular position within
 8 that class job family. Selective qualifications approved by the Administrator for any class
 9 job or position shall not reduce or add to the quantity of experience or education in the
 10 minimum qualifications established for that ~~class as a whole~~ job family level.

11
 12 **PART 9. CLASSIFIED APPOINTMENTS**

13
 14 **530:10-9-91. Filling vacancies**

15 All vacancies in classified positions shall be filled as provided by the Oklahoma
 16 Personnel Act and the Merit Rules. All appointments shall be made at ~~the minimum salary~~
 17 a hiring rate established for the class job as provided in the agency's ~~compensation salary~~
 18 administration plan, unless otherwise provided in the Merit Rules. No appointment shall be
 19 made to any classified position nor shall the position be otherwise encumbered until the
 20 position has been allocated in accordance with the Act and the Merit Rules.

21
 22 **530:10-9-92. Appointments from certificates**

23 After receipt of a certificate, the Appointing Authority may consider and select
 24 anyone whose name is within the hiring rule, i.e. the top 10 available eligibles, or anyone
 25 whose name is tied with the lowest ranked eligible within the hiring rule [74:840-4.13(B)].
 26 ~~The Appointing Authority may make an appointment from a certificate issued by the~~
 27 ~~Administrator as part of the pilot project authorized by Section 840-4.13(A) of the Act as~~
 28 ~~instructed by the Administrator at the time the certificate is issued~~. In selecting persons
 29 from among those certified, the Appointing Authority shall have the right, and is
 30 encouraged to examine applications, reports of investigations and interview eligibles.

31 (1) The Appointing Authority shall not deny employment to, and pass over, an
 32 available Absolute Preference Veteran except as provided in the Act and this Section
 33 and in 530:10-9-131.

34 (2) The Appointing Authority may give preference in all cases to persons who have
 35 resided in Oklahoma for at least 1 year prior to the date of examination
 36 [74:840-4.13(B)].

37 (3) The Appointing Authority need not consider any eligible who ~~already has is~~
 38 currently in probationary status in the classified service, or permanent status with that
 39 agency in a job with the same or a higher class pay band assignment.

40 (4) The Appointing Authority may take action to remove eligibles from consideration
 41 only as permitted and provided in the statutes or Merit Rules.

42 (5) If the Administrator has certified the names of eligibles in addition to those within
 43 the hiring rule, and if 1 or more eligibles initially within the hiring rule are removed
 44 from consideration in accordance with the Merit Rules, then the next lower eligible(s)

1 may be added to fill in the hiring rule and anyone tied with the lowest such eligible may
2 be considered and selected.

3 (6) The Appointing Authority is responsible for making the final selection.
4

5 **530:10-9-95. Appointments to noncompetitive classes**

6 (a) An Appointing Authority of an agency having ~~positions in~~ unskilled, semi-skilled, or
7 similar ~~classes~~ jobs designated by the Administrator as noncompetitive, may appoint
8 qualified veterans or non-veterans to such ~~classes~~ jobs in accordance with 530:10-9-71
9 and 530:10-9-92.

10 (b) On certificates issued for noncompetitive ~~classes~~ jobs, an Appointing Authority may
11 appoint persons not certified by the Office of Personnel Management if the scores of such
12 persons would place them within the hiring rule among those certified. An Appointing
13 Authority shall not deny employment to, and pass over, an Absolute Preference Veteran
14 except as provided in the Act, 530:10-9-92, and 530:10-9-131.

15 (c) Applicants for such positions may apply directly to agencies having such positions.
16 Records of applicants shall be maintained by the Appointing Authority in accordance with
17 U.S. Equal Employment Opportunity Commission's guidelines. The Appointing Authority
18 shall notify the Office of Personnel Management of a noncompetitive appointment and
19 enclose a completed application within **30** calendar days after the appointment.
20

21 **530:10-9-100. Persons With Severe Disabilities Employment Program**

22 (a) Appointing Authorities may employ persons with severe disabilities who are legal
23 residents of Oklahoma through the Persons With Severe Disabilities Employment Program
24 ("Program") [74:840-4.12~~(H)~~(2)]. Program participants shall meet all minimum
25 qualifications of education and experience, but shall be exempt from entrance
26 examinations and hiring procedures administered by the Office of Personnel Management
27 [74:840-4.12~~(H)~~(2)]. Program participants shall be certified as having disabilities in
28 accordance with the standards and procedures in subsection (b) of this Section
29 [74:840-4.12~~(H)~~(1)]. Persons with severe disabilities are not required to participate in this
30 Program, and they may elect to be considered for employment through regular selection
31 procedures [74:840-4.12~~(H)~~].

32 (b) The Department of Rehabilitation Services shall certify an applicant as having
33 disabilities according to the definition for "**individual with severe disability**" in OAC
34 612:10-1-2, which the Administrator has established as the standard for disability
35 certification, and shall provide written verification to the applicant. An applicant shall
36 present ~~a copy of this~~ written verification to the Office of Personnel Management at the
37 time he or she applies for employment.

38 (c) The Administrator shall give each Program applicant submitting verification according
39 to (b), a letter of notification of all ~~class titles~~ job family levels for which the applicant has
40 applied and possesses the minimum qualifications of education and experience.

41 (d) Effective April 1, 1996, letters of notification as described in (c) shall be valid for an
42 initial **6**-month period. Applicants may renew the letters every **6** months by notifying the
43 Office of Personnel Management in writing.

44 (e) An applicant for the Program may apply directly to employing agencies. In order to be
45 eligible for appointment to fill a vacant position, an applicant shall be a legal resident of

1 Oklahoma. The applicant shall submit to the Appointing Authority of the employing
2 agency a current letter from the Administrator as described in subsections (c) and (d)
3 indicating the applicant possesses the qualifications of education and experience for the
4 vacancy.

5 (f) Persons with severe disabilities hired pursuant to this Program shall be subject to the
6 Merit Rules [74:840-4.12(H)(4)].

7
8 **PART 11. DIRECT HIRE AUTHORITY**

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

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

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

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

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

29 **"Hard-to-fill positions"** means a vacant position or positions in a ~~class~~ job family
30 for which a state agency has been unable to identify an adequate applicant pool within the
31 past **2** months of open competitive recruitment.

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

41
42 **530:10-9-115. Duration of direct hire authority**

43 (a) **Professional practice licensure positions.** An Appointing Authority who has been
44 authorized direct hire authority for professional practice licensure positions may retain the
45 authority indefinitely, provided:

1 (1) the ~~class or classes~~ job family or job families to which the positions have been
2 allocated remain authorized for the agency’s use by the Office of Personnel
3 Management; ~~and~~

4 (2) the professional practice licensure requirement for the positions is not removed;
5 and

6 (3) the authority is not terminated by the Administrator as provided in ~~530:10-9-120~~
7 530:10-9-121.

8 (b) **Hard-to-fill positions.** An Appointing Authority who has been authorized direct hire
9 authority for hard-to-fill positions may retain the authority for **12** months from the date of
10 approval by the Administrator unless the authority is terminated by the Administrator as
11 provided in ~~530:10-9-120~~ 530:10-9-121. The Appointing Authority may reapply to
12 continue direct hire authority for additional **12** month periods in the same manner as in the
13 initial request.

14
15 **530:10-9-117. Concurrent certification by the Office of Personnel Management**

16 The Office of Personnel Management may continue to establish registers and issue
17 certificates for any ~~class~~ job affected by the rules in this Part. An Appointing Authority
18 who has been granted direct hire authority also may request certificates of eligibles from
19 the Office of Personnel Management. Eligibles certified from an Office of Personnel
20 Management certificate shall be considered by the Appointing Authority as required by the
21 Act and Merit Rules governing certification.

22
23 **SUBCHAPTER 11. EMPLOYEE ACTIONS**

24
25 **PART 1. GENERAL PROVISIONS**

26
27 **530:10-11-7. No previous Merit System status**

28 When a position occupied by an unclassified employee is made subject to the Merit
29 System by Executive Order or legislation, the Administrator shall allocate the position as it
30 exists on the effective date of becoming subject to the Merit System. Unless there is
31 conflicting legislative direction, the unclassified employee who occupies the position on
32 that date shall be given status in the ~~class~~ job family level to which the position is allocated
33 by the Administrator. The effective date of the allocation shall be the same as the effective
34 date of the Executive Order or legislation. *The employee shall not be required to take any
35 examination or qualify for the ~~class~~ job family level, and the salary of the employee shall
36 not be reduced as a result of such initial allocation. The status of the employee shall be
37 determined as follows:*

38 (1) *An employee who has been continuously employed by the agency for a minimum
39 of ~~six (6)~~ twelve (12) months immediately preceding the date on which the employee
40 is made subject to the provisions of the Merit System shall be given permanent status
41 in the classified service.*

42 (2) *An employee who has been continuously employed by the agency for less than ~~six~~
43 ~~(6)~~ twelve (12) months on the date the employee is made subject to the provisions of
44 the Merit System shall be given probationary status in the classified service. Such
45 employee may obtain permanent status in the classified service ~~six (6)~~ twelve (12)*

1 months after the employee's entry-on-duty date with the agency pursuant to the
2 provisions of the Merit System. [74:840-4.2(A)]
3

4 **PART 3. PROBATIONARY EMPLOYEES**

5
6 **530:10-11-30. Probationary employees; general provisions**

7 (a) All original appointments to classified positions shall be made from certificates, except
8 as provided elsewhere in the Merit Rules or by statute, for a probationary period of 1 year,
9 unless the length of the probationary period is reduced according to the provisions of this
10 Section [74:840-4.13]. At the end of the probationary period, the employee shall
11 automatically become permanent [74:840-4.13]. At any time after the probationary
12 employee has served 6 months, the Appointing Authority may waive the remainder of the
13 probationary period by notifying the employee and the Office of Personnel Management in
14 writing as to the waiver and the reasons for it [74:840-4.13]. The Appointing Authority
15 may not extend the probationary period, but may adjust the probationary period due to
16 leave without pay as provided in 530:10-11-36. ~~The end of the final working day of the~~
17 ~~probationary period shall be made known to the employee in accordance with 530:10-15-3~~
18 at the time of entry on duty and at the time of any adjustment or waiver of the
19 probationary period. Some positions may have statutory probationary periods that differ
20 from the conditions of this Section.

21 (b) Except as provided in 530:10-9-102, the provisions of this Part apply to probationary
22 periods made in accordance with those Merit Rules.

23 (c) An employee on an original probationary appointment with the agency or any
24 adjustment of the original probationary appointment, or on a probationary period with the
25 agency after reinstatement, or an adjustment of such a probationary period may be
26 released or dismissed in accordance with 530:10-11-32.

27 (d) The Appointing Authority may establish a written policy describing any agency
28 standard for waiving the probationary period after 6 months and the reasons for the
29 standard.
30

31 **530:10-11-38. Promotion or demotion of probationary employees**

32 A probationary employee shall not be eligible for promotion or demotion to another
33 class job.
34

35 **530:10-11-39. Transfer of probationary employees**

36 A probationary employee shall not be transferred to a position in another class job
37 family level or agency except as provided in 530:10-11-74, ~~Interagency transfer of~~
38 ~~personnel resulting from transfer of facility or personnel~~. No probationary employee
39 appointed from a local certificate, issued in accordance with 530:10-9-71(b), shall be
40 transferred from that locality until the probationary period has been completed.
41

42 **PART 5. PROMOTIONS**

43
44 **530:10-11-51. Promotional posting**

1 (a) *The appointing authority shall post announcements of a vacancy or vacancies ~~in a~~
 2 ~~particular class of positions~~ in accordance with a promotional plan filed by the agency
 3 with the Office of Personnel Management. [A copy of this plan shall be posted throughout
 4 the agency.] In order to give qualified employees an opportunity to apply for and be
 5 considered for possible promotions, the vacancy notices shall be posted conspicuously in
 6 transparent, secured enclosures situated in prominent locations throughout the agency,
 7 at least five (5) working days prior to the closing date for the receipt of applications by
 8 the appointing authority. Promotional posting shall be required for initial entry into a
 9 job family at any level. Promotional posting shall also be required for entry into any
 10 vacant supervisory position. Each agency's promotional posting plan shall describe
 11 where promotional notices will be posted and require that all vacancy or promotional
 12 notices be posted conspicuously in transparent, secured enclosures. Notices must be
 13 posted throughout the agency. However, an agency's plan may limit the posting of notices
 14 for a vacancy in a work unit, local office or administrative area to within that location, if
 15 the vacancy is to be filled by an employee from the same location . [74:840-4.15(A)]*

16 (b) *The posting shall include:*

17 (1) A copy of the ~~class specification~~ job family descriptor [74:840-4.15(A)(1)];

18 (2) Identification of the job family level of the vacancy or vacancies;

19 ~~(2)~~(3) The salary grade pay band and range [74:840-4.15(A)(2)];

20 ~~(3)~~(4) The anticipated number of vacancies [74:840-4.15(A)(3)];

21 ~~(4)~~(5) The specific location of work [74:840-4.15(A)(4)];

22 ~~(5)~~(6) The time limits and procedure for filing an application with the appointing
 23 authority [74:840-4.15(A)(5)];

24 ~~(6)~~(7) Any additional factors which the appointing authority will consider in filling
 25 the vacancy [74:840-4.15(A)(6)]. For example, if the Appointing Authority intends to
 26 give preference to an incumbent in a position at the time of the reallocation of the
 27 position to a higher class level job, the Appointing Authority shall include that
 28 information as an additional factor. [74:840-4.15]

29 (c) The Appointing Authority shall post all promotional opportunities to vacant positions
 30 and to all supervisory levels. Promotional posting is not required for career progression.

31
 32 **530:10-11-53. Promotional posting for continuous multiple vacancies**

33 *The appointing authority may elect to post general promotional opportunities . . . in*
 34 *cases where there are usually continuous multiple vacant positions within a given ~~class of~~*
 35 *~~positions~~ job family; provided the appointing authority maintains a promotional*
 36 *applicant list for each ~~class of positions~~ job family which is posted on the basis of*
 37 *general promotional opportunities. In such cases, the posting must include the length of*
 38 *time and conditions under which the promotional application of the candidate will*
 39 *remain available for active consideration by the appointing authority [74:840-4.15(B)]*
 40 *as well as the information required by 530:10-11-51.*

41
 42 **530:10-11-55. Trial period and probationary period for promoted employees**

43 (a) **Trial period after intra-agency promotions.**

44 (1) When a classified employee is promoted intra-agency, the employee shall serve a
 45 **6** month trial period in the class job to which the employee has been promoted unless

1 the Appointing Authority waives the trial period according to the provisions of this
2 Section. The Appointing Authority may waive the trial period at any time by giving the
3 employee written notice of the cancellation. Waiver of the trial period makes the
4 promotion final.

5 (2) If an employee does not prove to be satisfactory in the new class job during the
6 trial period, the employee shall be reinstated to the former position or another in the
7 same class job family level, at the salary the employee would have received if the
8 promotion had not taken place. However, the reasons for denying the employee
9 permanent status in the promotional position shall be submitted in writing to the
10 individual before the end of the trial period and a copy filed with the Office of
11 Personnel Management. *[T]he employee shall not have the right to appeal [74:840-*
12 *4.12].*

13 (3) The promotion shall automatically become permanent at the end of the final
14 working day of the trial period.

15 (4) The Appointing Authority may establish a written policy describing any agency
16 standard for waiving the trial period and the reasons for the standard.

17 **(b) Trial period after interagency promotion.**

18 (1) An employee who is promoted interagency may, at the discretion of the receiving
19 Appointing Authority, be required to serve a 6 month trial period in the new class job
20 only if the receiving agency has the job family from which the employee was promoted
21 in its classification plan.

22 ~~—(A) the class from which the employee was promoted or~~

23 ~~—(B) another class at the same salary grade as the employee’s former class for~~
24 ~~which the employee is qualified in its classification plan.~~

25 (2) The trial period may be canceled at any time, making the promotion final. Before
26 the effective date of the promotion, the employee shall be informed in writing by the
27 Appointing Authority whether the employee will be required to serve a trial period
28 before such promotion becomes final. The Office of Personnel Management shall be
29 sent written notice when a trial period is required for a promoted employee. The
30 promotion shall be permanent if the Appointing Authority fails to notify the employee
31 in writing before the effective date of the promotion that a trial period is required
32 under this paragraph. If an employee does not prove to be satisfactory in the new class
33 job during the trial period, the employee shall be reinstated to a position in the former
34 class job family or another class at in the same salary grade pay band for which the
35 employee is qualified with the receiving agency, at the salary the employee would have
36 received if the promotion had not taken place. However, the reasons for denying the
37 employee permanent status in the promotional position shall be submitted in writing to
38 the individual before the end of the trial period and a copy filed with the Office of
39 Personnel Management. The promotion shall automatically become permanent at the
40 end of the final working day of the trial period.

41 **(c) Statutory probationary period after intra-agency promotion.** An employee who
42 is promoted to a class job for which a probationary period is either permitted or required
43 by Oklahoma Statutes shall be notified by the Appointing Authority of the probationary
44 period before the effective date of the promotion. An employee shall not be required to
45 serve a trial period after the promotion if a statutory probationary period is required.

PART 7. TRANSFERS AND VOLUNTARY DEMOTIONS

530:10-11-71. Intra-agency transfer

(a) The intra-agency transfer of a permanent employee from one position to another position in the same ~~class or another class at the same grade~~ job family or another job in the same pay band, for which the employee has currently qualified, may be made at any time by the Appointing Authority. Such transfer may be made simultaneously with a promotion or demotion in accordance with the provisions of the Merit Rules.

(b) *A state agency shall have sole and final authority to designate the place or places where its employees shall perform their duties. The Oklahoma Merit Protection Commission shall not have jurisdiction to entertain an appeal of an employee from action of the employing agency transferring the employee from one county or locality to another, changing the assigned duties of the employee, or relieving the employee from performance of duty at a particular place and reassigning to the employee duties to be performed at another place, unless: [74:840-4.19]*

(1) *the action results in a change in job classification or reduction of base salary; or [74:840-4.19(1)]*

(2) *an investigation by the Commission indicates that a violation of the provisions of Section 840-2.5 or 840-2.9 of . . . [the Oklahoma Personnel Act] may have occurred; or [74:840-4.19(2)]*

(3) *it is established that the action was clearly taken for disciplinary reasons and to deny the employee the right of appeal-[74:840-4.19(3)]. [74:840-4.19]*

530:10-11-72. Interagency transfer

(a) An interagency transfer is *an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state* [74:840-1.3(9)]. A permanent classified employee retains his or her permanent status in the classified service on interagency transfer.

(b) The interagency transfer of a permanent employee from one position to another in the same ~~class or another class at the same grade~~ job or another job family in the same pay band, for which the employee has currently qualified, may be made at any time with the concurrence of the Appointing Authorities concerned, provided that such transfer has been requested in writing by the employee. Such a transfer may be made simultaneously with a promotion or demotion in accordance with the provisions of the Merit Rules.

530:10-11-74. Interagency transfer of personnel resulting from transfer of facility or function

When a facility or function is transferred from one state agency to another, classified employees may be transferred without change or modification in status. Such transfer of personnel is subject to the following conditions and provisions-;

(1) Positions created in the receiving agency as a result of the transfer of a facility or function which are filled by employees being transferred in accordance with this Section need not be posted as vacant.

1 (2) If the ~~classes held by~~ job family level of transferring employees ~~are~~ is not in the
 2 receiving agency's classification plan, ~~such classes~~ the appropriate job families must be
 3 added to the plan on a temporary basis, not to exceed 6 months after the effective date
 4 of the transfer. Any such employee may be detailed to special duty, if necessary, to
 5 ensure that work assigned on a regular and consistent basis conforms to the
 6 employee's ~~class~~ classification.

7 (3) The receiving agency shall give a transferring employee credit for all unused sick
 8 and annual leave the employee has accrued.

9 (4) The receiving agency shall not reduce the base salary of any employee at the time
 10 of the interagency transfer. If an employee must be reclassified to a higher ~~class~~ job
 11 after transfer, a salary advancement is not required unless the rate of pay before
 12 promotion is below the new range. Subsequent salary changes must be in accordance
 13 with the Merit Rules.

14 (5) Except as specifically provided in this Section, all other Merit Rules governing the
 15 actions of employees and agencies remain in full force and effect, during and after the
 16 interagency transfer.

17
 18 **530:10-11-76. Voluntary demotion**

19 (a) An Appointing Authority may demote an employee, provided the employee
 20 voluntarily makes such a request in writing and meets the current minimum qualifications
 21 for the ~~class~~ job family level to which demotion is requested as certified by the
 22 Administrator. Provided, however, that possession of the current minimum qualifications
 23 shall not be required where the demotion is to a ~~class~~ job:

- 24 (1) within the same ~~series~~ job family, or
- 25 (2) in which the employee has previously had permanent status, or
- 26 (3) in the same ~~series~~ job family as, and below, a ~~class~~ job in which the employee has
 27 previously had permanent status.

28 (b) The Appointing Authority may require an employee to serve a trial period in the ~~class~~
 29 job to which the employee requests to be demoted. This trial period may not exceed 6
 30 months and may be for shorter periods as determined by the Appointing Authority. The
 31 Appointing Authority shall notify the employee in writing before the effective date of the
 32 demotion that a trial period be served before such demotion shall become final. The
 33 Appointing Authority shall send the Office of Personnel Management written notice when
 34 a trial period is required for a demoted employee. The Appointing Authority may cancel
 35 such trial period at any time. If the employee does not prove to be satisfactory in the new
 36 ~~class~~ job during the trial period, the employee shall be reinstated to the former position or
 37 another in the same ~~class~~ job family. The Appointing Authority shall give the employee
 38 written notice of the reasons for the failure to allow the employee to acquire permanent
 39 status in the ~~class~~ job to which demoted and shall file a copy with the Office of Personnel
 40 Management.

41
 42 **SUBCHAPTER 13. REDUCTION-IN-FORCE**

43
 44 **PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE**

1 **530:10-13-2. Definitions**

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

5 **“Affected classes job family levels”** means ~~classes~~ those containing affected
6 positions.

7 **“Affected employees”** means classified and unclassified employees in affected
8 positions.

9 **“Affected positions”** means positions being abolished or positions which are subject
10 to displacement action.

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

14 **“Displacement limit”** *means any area within an agency in which displacement may*
15 *not occur. These areas may include, but are not limited to, job ~~classes~~ families, units,*
16 *and geographic areas within an agency.*

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

19 **“Displacement privilege”** *means the privilege an affected employee has to utilize a*
20 *displacement opportunity.*

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

25 **“Eligible classified employee”** means a permanent classified employee or a classified
26 employee on probationary status after reinstatement from permanent classified status
27 without a break in service in an affected position who is eligible for displacement
28 opportunities or severance benefits.

29 **“Eligible regular unclassified employee”** means a regular unclassified service
30 employee with over six months continuous service in an affected position who is eligible
31 for severance benefits.

32 **“Limited-term unclassified employee”** *means an unclassified affected employee*
33 *whose employment status is temporary or time-limited and whose employment status does*
34 *not make the employee eligible for participation in a state retirement system.*

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

38 **“Reduction-in-force”** *means abolition of positions in an agency or part of an*
39 *agency and the corresponding nondisciplinary removal of affected employees from such*
40 *positions through separation from employment or through displacement to other*
41 *positions.*

42 **“Severance benefits”** *means employee benefits provided by the State Government*
43 *Reduction-in-Force and Severance Benefits Act to affected employees separated through*
44 *a reduction-in-force.*

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

6
 7 **530:10-13-6. Equal employment opportunity (EEO)**

8 In planning and conducting a reduction-in-force, the Appointing Authority shall
 9 consider the effect of decisions, such as establishment of displacement limits and selection
 10 of ~~classes~~ job family levels containing positions to be abolished, on the composition of the
 11 work force of the agency. If displacement limits are established in accordance with
 12 530:10-13-5 and Section 840-2.27C of the Oklahoma Personnel Act, adverse impact will
 13 be assessed as recognized in state and federal laws, rules and guidelines. The Appointing
 14 Authority shall take appropriate action consistent with state and federal laws, rules and
 15 guidelines governing adverse impact.

16
 17 **530:10-13-8. Required freeze on personnel actions**

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

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

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

31
 32 **530:10-13-11. Options in lieu of reduction-in-force**

33 Agencies may provide voluntary out benefits to eligible classified employees and
 34 eligible regular unclassified employees in accordance with the provisions of Section 840-
 35 ~~2.27H~~ 840-2.28 of Title 74 of the **Oklahoma Statutes**.

36
 37 **PART 3. REDUCTION-IN-FORCE PLAN REQUIREMENTS**

38
 39 **530:10-13-31. Abolishing positions and retaining positions**

40 ~~(a)~~ The Appointing Authority shall *determine the specific position or positions to be*
 41 *abolished within specified units, divisions, facilities, agency-wide or any parts thereof*
 42 *[74:840-2.27C(B)], including positions occupied by unclassified employees which are part*
 43 *of an affected class.* The Appointing Authority shall determine which vacant positions will
 44 be retained. *If an agency has both classified and unclassified positions in affected job*

1 *family levels, the appointing authority shall not reduce a higher percentage of occupied*
2 *classified positions than occupied unclassified positions [74:840-2.27C].*

3 ~~(b) If an agency has both classified and unclassified positions in affected classes, the~~
4 ~~Appointing Authority shall not abolish a higher percentage of occupied classified positions~~
5 ~~than occupied unclassified positions [74:840-2.27C].~~

6 ~~(c) For purposes of subsection (b) of this Section, "class" means mean positions in the~~
7 ~~unclassified service and the classified service sufficiently similar in duties and~~
8 ~~responsibilities to be assigned to the same Merit System class as determined by the~~
9 ~~Administrator.~~

10
11 **530:10-13-32. Order of employee removal**

12 (a) Agency-wide, or within displacement limits, if established, retention of affected
13 employees shall be based on class job family level and type of appointment [74:840-
14 2.27C(B)]. Subject to eligible classified employees accepting displacement offers,
15 unclassified employees in a class job family level on limited term appointments shall be
16 separated first, followed by employees on project indefinite appointments, followed by
17 employees on probationary appointments with the agency, prior to the separation or
18 voluntary demotion of any permanent classified employee from the same class job family
19 level [74:840-2.27C(B)].

20 (b) Retention of permanent classified employees in affected ~~classes~~ job family levels and
21 within displacement limits, if any are established, shall be based on years of service
22 [74:840-2.27C(B)].

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

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

35
36 **530:10-13-34. Displacement opportunities**

37 (a) **Limitations on displacement opportunities.** Displacement opportunities shall be
38 offered to eligible classified employees and may be offered to eligible regular unclassified
39 employees. Displacement opportunities shall not be offered if the result would be to cause
40 the displacement of a permanent classified employee with higher retention points. A
41 classified employee may not be displaced by an unclassified employee. Likewise, an
42 unclassified employee may not be displaced by a classified employee. Employees who have
43 no displacement opportunities or who choose not to exercise a displacement opportunity,
44 employees who do not respond to an offer in accordance with 530:10-13-37, and
45 employees who refuse an offer shall be separated in accordance with 530:10-13-38.

1 (b) **Offers of displacement opportunities.** Starting with the employee having the
 2 highest retention points, displacement opportunities shall be offered to eligible classified
 3 employees and to displaced employees. Such offers shall be confined within any
 4 displacement limits established by the Appointing Authority. Options available will
 5 normally be offered in the order listed below, but an Appointing Authority may provide an
 6 alternative order in a reduction-in-force plan that has been approved by the Administrator.
 7 If an opportunity at one level, e.g. (1)(A), does not exist, an opportunity at the next lower
 8 level, e.g. (1)(B), shall be offered, if available.

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

11 (A) vacant and available for displacement in accordance with 530:10-13-31(a),

12 (B) held by a non-permanent employee (in order of appointment type), or

13 (C) held by the employee with the lowest retention points, subject to the
 14 restriction regarding regular unclassified employees in (a) of this Section.

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

17 (A) vacant and available for displacement in accordance with 530:10-13-31(a),

18 (B) held by a non-permanent employee (in order of appointment type), or

19 (C) held by the employee with the lowest retention points, subject to the
 20 restriction regarding regular unclassified employees in (a) of this Section.

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

26 (A) vacant and available for displacement in accordance with 530:10-13-31(a),

27 (B) held by a non-permanent employee (in order of appointment type), or

28 (C) held by the employee with the lowest retention points, subject to the
 29 restriction regarding regular unclassified employees in (a) of this Section.

31 **530:10-13-35. Reduction-in-force implementation schedule**

32 Appointing Authorities of executive branch agencies shall post the reduction-in-force
 33 implementation schedule in all offices of the agency within **2** business days after approval
 34 of the reduction-in-force plan by the Administrator. Appointing Authorities of executive
 35 branch agencies shall submit the reduction-in-force implementation schedule, including the
 36 lists described in (4) of this Section, to the Office of Personnel Management and the
 37 Oklahoma Merit Protection Commission within **2** business days after approval of the
 38 reduction-in-force plan by the Administrator. The reduction-in-force implementation
 39 schedule is not subject to the approval of the Administrator or the Commission. The
 40 reduction-in-force implementation schedule shall include:

41 (1) a statement of the conditions necessitating the reduction-in-force;

42 (2) the estimated time schedule for the reduction-in-force;

43 (3) a description of the displacement process, and limits;

44 (4) the location in the office where the following lists are available for review, if such
 45 lists are not posted:

- 1 (A) all occupied and vacant positions in affected ~~classes~~ job families within any
- 2 displacement limits, indicating those to be abolished and those available for
- 3 displacement, showing in each case: geographical and administrative location, ~~class~~
- 4 ~~and grade,~~ job family, level, and pay band for the position; the incumbent name,
- 5 class job family, level, pay band, appointment type, and rate of pay of the
- 6 incumbent; and, for permanent employees, retention points and lower ~~classes~~ job
- 7 families and levels in which the employee previously held permanent status while in
- 8 the continuous classified service of the agency (and if transferred to the agency by
- 9 statute or executive order, the former agency), listed in the reverse order in which
- 10 they were held;
- 11 (B) all other employees in affected ~~classes~~ job families, showing the same
- 12 information;
- 13 (C) all retained vacant positions anywhere in the agency;
- 14 (D) all affected ~~classes grouped by series~~ job families, and unclassified jobs
- 15 grouped by series;
- 16 (5) the schedule and procedure to be followed if an eligible employee chooses to
- 17 accept any offer for transfer or voluntary demotion in lieu of separation;
- 18 (6) the agency policy on issues related to partial payment of moving expenses for
- 19 transferred employees in accordance with Section 500.51 of Title 74 of the **Oklahoma**
- 20 **Statutes;**
- 21 (7) such other information as the Appointing Authority deems appropriate; and
- 22 (8) the method established by the Appointing Authority to break ties in retention
- 23 points.

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

Appointing Authorities of executive branch agencies shall provide individual written notice to an affected employee ~~at least~~ within 14 calendar days after approval of the reduction-in-force plan by the Administrator. The notice shall:

- 29 (1) provide a description of the employee's retention status, including retention points
- 30 calculation;₂
- 31 (2) offer an opportunity to notify a specified agency official in writing of any possible
- 32 errors in the retention points calculation, and to request in writing a meeting with
- 33 supervisors or agency officials;₂
- 34 (3) include the effective date of separation and, if applicable, instructions for electing
- 35 transfer or voluntary demotion in lieu of separation in response to a specific offer; and
- 36 (4) provide notice of appeal rights for classified employees in accordance with
- 37 530:10-13-10.

PART 5. RECALL RIGHTS

530:10-13-50. Eligibility for recall

(a) Eligible classified employees who are removed from a ~~class~~ job family level as a result of a reduction-in-force in an agency shall be eligible for recall by that agency to the ~~class~~ job family level from which removed for 18 months after the effective date of separation or demotion [74:840-2.27C(E)]. Regular unclassified employees who are removed from a

1 class position as a result of a reduction-in-force in an agency shall normally be eligible for
 2 recall by that agency to the class position from which removed for **18** months after the
 3 effective date of separation or demotion; however, an Appointing Authority may
 4 alternatively exclude unclassified employees from recall provisions in a reduction-in-force
 5 plan approved by the Administrator.

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

13 (c) Affected employees who accept severance benefits:

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

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

19 (d) Employees who accept voluntary out benefits in accordance with Section ~~840-2.27H~~
 20 840-2.28 of Title 74 of the **Oklahoma Statutes** shall not be eligible for recall.

21 22 **530:10-13-52. Forfeiture and expiration of recall rights**

23 The right of an individual to ~~recall~~ be recalled to the class job family level from which
 24 removed is subject to the following provisions and conditions:

25 (1) **Limitations on recall rights.** Recall ~~pertains~~ rights pertain only to the class job
 26 family level from which an employee is removed in the agency that conducted the
 27 reduction-in-force [74:840-2.27C(~~E~~)]. An individual has no right to ~~recall~~ be recalled
 28 to a specific position or to ~~recall~~ be recalled by any other agency.

29 (2) **Forfeiture of recall rights.** The right of an individual to be recalled is forfeited if
 30 the person:

31 (A) submits a written notice to the agency that waives the right to be recalled.

32 (B) declines an offer of recall [74:840-2.27C(~~E~~)].

33 (C) fails to respond to a written inquiry from the Appointing Authority relative to
 34 an offer of recall within **7** calendar days after the date of its mailing or **4** calendar
 35 days after the date of its delivery by personal service. The inquiry must include the
 36 date and time by which the person must contact the Appointing Authority.

37 (D) fails to report for duty within the time specified by the Appointing Authority;
 38 provided the person is given at least **14** calendar days.

39 (E) accepts an offer of recall.

40 (3) **Expiration of recall rights.** The right of an individual to be recalled expires if the
 41 agency:

42 (A) makes no appointments to the class job family level within the **18** months after
 43 the effective date of the removal of the person from the class job family level
 44 [74:840-2.27C(~~E~~)];

(B) in making offers of recall to a class job family level, does not reach the name of the individual on the recall list within **18** months after the effective date of the removal of the person from the class job family level [74:840-2.27C(~~E~~)].

530:10-13-53. Recall after multiple reductions-in-force

If any agency conducts a reduction-in-force which requires the removal of permanent employees from a class job family level for which there is already an unexpired recall list from a previous reduction-in-force, the names of the persons removed from the class job family level will be merged with names already on the list based on retention points.

PART 7. PRIORITY CONSIDERATION FOR REEMPLOYMENT

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

(a) Probationary and permanent employees and regular unclassified full-time employees with over **6** months continuous 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(~~F~~)] for jobs in the classified service. In addition, affected employees shall be eligible for Priority Reemployment Consideration beginning with the date the implementation schedule 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 and implementation schedule 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(~~G~~)]

(b) To be placed on the Priority Reemployment Consideration Roster for a class job family level, a person shall apply to the Office of Personnel Management and meet all requirements for the class job, including passing any required examination [74:840-2.27C(~~F~~)]. The class 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 on the examination [74:840-2.27C(~~F~~)].

(c) Employees who accept severance benefits:

- (1) are eligible for Priority Reemployment Consideration in accordance with the provisions of Section 840-2.27C(~~E~~) of Title 74 of the **Oklahoma Statutes**,
- (2) who are employed by any agency 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 ~~840-2.27H~~ 840-2.28 of Title 74 of the Oklahoma Statutes shall not be eligible for Priority Reemployment Consideration.

530:10-13-71. Agency priority reemployment consideration requirements

(a) Before any vacant position in the classified service is filled by the initial appointment of any person from an employment register, an Appointing Authority shall request a list of the names of persons appearing on the Priority Reemployment Consideration Roster for the appropriate class job family level [74:840-2.27C(~~F~~)]. The Appointing Authority shall

1 give such persons priority consideration for reemployment and may appoint any person
2 whose name appears on such list regardless of rank [74:840-2.27C(F)]. Additionally, an
3 Appointing Authority shall consider its Affirmative Action Plan in accordance with
4 Section 840-2.1 of the Oklahoma Personnel Act and 530:10-3-31.

5 (b) An Appointing Authority may make an initial appointment from a certificate of
6 eligibles as provided in 530:10-9-92, only after certifying in writing to the Administrator
7 that any and all persons whose names appear on the Priority Reemployment Consideration
8 Roster for the class job family level were first given priority consideration for
9 reemployment. This requirement does not mandate the appointment of a person from a
10 Priority Reemployment Consideration Roster and does not apply to internal appointments
11 and actions, such as, promotions and reinstatements.

12
13 **530:10-13-72. Conditions of employment and entrance salary**

14 Persons who are appointed from a Priority Reemployment Consideration Roster shall
15 be employed in accordance with 530:10-9-102, if they are eligible for reinstatement as
16 provided in that Section. The entrance salary of such persons shall be fixed in accordance
17 with 530:10-7-4. Persons appointed from a Priority Reemployment Consideration Roster,
18 who were in the unclassified or exempt service at the time of separation and ineligible for
19 reinstatement as provided in 530:10-9-102, shall be employed in accordance with
20 530:10-11, Part 3. The entrance salary of such persons shall be at the minimum salary
21 hiring rate established by the agency for the class job to which appointed, ~~except as~~
22 ~~provided in 530:10-7-3.~~

23
24 **530:10-13-73. Expiration and forfeiture of eligibility**

25 (a) The eligibility of an individual to remain on any Priority Reemployment Consideration
26 Roster and to be given priority consideration for reemployment shall expire **18** months
27 after separation as a result of a reduction-in-force or abolition of an agency [74:840-
28 2.27C(F)]. A person's eligibility shall also be forfeited upon:

- 29 (1) declination of an offer of reemployment to ~~position in~~ a class job having the same
30 or higher grade rate of pay than ~~that class the job~~ from which removed [74:840-
31 2.27C(F)], that is located in a county in which the person has indicated a willingness to
32 work;
- 33 (2) acceptance of an offer of reemployment to a class job having the same or higher
34 grade rate of pay than the class job from which removed;
- 35 (3) failure to report for duty within the time specified by the Appointing Authority;
36 provided the person is given at least **14** calendar days;
- 37 (4) recall to the class job family level from which removed; or
- 38 (5) failure to meet any of the requirements for the class job.

39 (b) It is the responsibility of the person to maintain a current address with the Office of
40 Personnel Management.

41
42 **SUBCHAPTER 15. TIME AND LEAVE**

43
44 **PART 3. ANNUAL AND SICK LEAVE POLICIES**

1 **530:10-15-10. General annual and sick leave policies**

2 (a) Permanent and probationary classified employees and regular unclassified employees
3 are eligible for annual leave and sick leave with full pay according to law and the rules in
4 this Chapter. *Temporary employees and other limited term employees are ineligible to*
5 *accrue, use or be paid for sick leave and annual leave [74:840-2.20(4)].*

6 (b) The following tables list leave accrual rates and accumulation limits. OAC
7 530:10-15-11 and 530:10-15-12 also govern annual and sick leave.

ANNUAL AND SICK LEAVE ACCRUAL RATES AND ACCUMULATION LIMITS SCHEDULES
[74:840-2.20(2)]

Note: "Days" refers to working days.

SCHEDULE A: The following accrual rates and accumulation limits apply to eligible employees who initially enter into the state service before July 1, 1996, and who have less than 10 years cumulative service.

Years of Cumulative Service	Annual Leave		Sick Leave	
	Accrual Rate	Accumulation Limit	Accrual Rate	Accumulation Limit
Less than 5 years	15 days/year (10 hours/month)	30 days*	15 days/year (10 hours/month)	No limit.
5 but less than 10 years	18 days/year (12 hours/month)	60 days*	15 days/year (10 hours/month)	No limit.

SCHEDULE B: The following accrual rates and accumulation limits apply to eligible employees who either:

(1) initially enter into the state service before July 1, 1996, and who have 10 years or more cumulative service; or

(2) initially enter into the state service on, or after, July 1, 1996:

Years of Cumulative Service	Annual Leave		Sick Leave	
	Accrual Rate	Accumulation Limit	Accrual Rate	Accumulation Limit
Less than 5 years	10 days/year (6 2/3 hours/month)	30 days*	15 days/year (10 hours/month)	No limit.
5 but less than 10 years	15 days/year (10 hours/month)	60 days*	15 days/year (10 hours/month)	No limit.
10 but less than 20 years	20 days/year (13 1/3 hours/month)	60 days*	15 days/year (10 hours/month)	No limit.
20 years and over	25 days/year (16 2/3 hours/month)	60 days*	15 days/year (10 hours/month)	No limit.

* Except as provided in 530:10-15-11(b)(5).

8

9 (c) Annual and sick leave accrual rates and accumulation limits are based on *cumulative*
10 *periods of employment calculated in the manner that cumulative service is determined for*
11 *longevity purposes [74:840-2.20(1)].* For purposes of this Subchapter and the longevity
12 pay program, cumulative service shall be calculated as prescribed in this subsection.

1 (1) State employment with any classified or unclassified agency in any branch of state
 2 government including service under the administrative authority of the Regents for
 3 Higher Education and the Department of Vocational and Technical Education shall be
 4 qualifying for purposes of calculating cumulative service. Cumulative service includes
 5 periods of part-time qualifying employment in excess of **2/5** time that were continuous
 6 for at least **5** months and any period of full-time employment described in (A) through
 7 (G) of this paragraph:

- 8 (A) Employment as a permanent classified employee;
- 9 (B) Employment as a probationary classified employee;
- 10 (C) Employment as a regular unclassified employee;
- 11 (D) Temporary or other time-limited unclassified employment;
- 12 (E) Paid leave;
- 13 (F) Leave without pay of **30** continuous calendar days or less; and
- 14 (G) Leave without pay in excess of **30** calendar days taken under Section
 15 840-2.21 of Title 74 of the **Oklahoma Statutes**. Any other leave without pay in
 16 excess of **30** calendar days shall not be counted as cumulative service.

17 (2) Periods of service that are described in (1) of this subsection, shall be combined
 18 for purposes of determining cumulative service and the total shall be expressed in
 19 whole years. Partial years, less than **12** months, are dropped.

20 (d) Annual leave and sick leave shall accrue only when an employee is actually working,
 21 on authorized leave with pay, or during the time the employee is using paid ~~annual or sick~~
 22 leave ~~accumulations~~ to supplement workers compensation benefits under Section 2e of
 23 Title 85. Leave shall not accrue after the last day the employee works.

24 (e) An employee using paid ~~annual or sick~~ leave ~~accumulations~~ to supplement workers
 25 compensation benefits under Section 2e of Title 85 of the **Oklahoma Statutes** shall be in
 26 leave without pay status.

27
 28 **530:10-15-11. Annual leave**

29 (a) Annual leave is intended to be used for vacations, personal business, and other time
 30 off work not covered by other paid leave or holiday provisions. An employee may charge
 31 family and medical leave, taken in accordance with 530:10-15-45, against annual leave
 32 accumulations.

33 (b) Eligible employees shall accrue annual leave on a calendar month basis [74:840-2.20]
 34 in accordance with 530:10-15-10 and the provisions in this subsection.

35 (1) Annual leave shall be applied for by the employee and shall be used only when
 36 approved by the Appointing Authority.

37 (2) Part-time employees shall accrue annual leave in an amount proportionate to that
 38 which would be accrued under full-time employment [74:840-2.20].

39 (3) Annual leave earned during a pay period shall be prorated in accordance with the
 40 days an employee is on the payroll [74:840-2.20].

41 (4) An Appointing Authority may require an employee to take annual leave whenever
 42 in the administrative judgment of the Appointing Authority such action would be in the
 43 best interests of the agency; except that the employee shall not be required to reduce
 44 accrued annual leave below **5** days. An Appointing Authority shall not apply this rule

1 in lieu of 530:10-11-120. Leaves of absence for internal investigatory purposes shall be
2 administered according to 530:10-11-120.

3 (5) Unused accrued annual leave shall be accumulated for no more than the maximum
4 leave accumulation limits specified in 530:10-15-10, except as provided in this
5 paragraph. At the discretion of the Appointing Authority, employees may accumulate
6 more than the maximum annual leave accumulation limits shown in the schedule,
7 provided that such excess is used during the same year in which it accrues. Employees
8 shall not be paid for excess leave above the accumulation limit; such excess
9 accumulations shall be used for leave purposes in the agency where it was accrued or,
10 if an employee was transferred to an agency by statute or executive order, in the
11 agency to which the employee was transferred regardless of where the leave was
12 accrued, only while the employee is continuously employed.

13 (6) Annual leave shall not be taken in advance.

14 (7) An employee who transfers to another agency may have accrued annual leave
15 transferred at the option of the Appointing Authority to which transferred, or such
16 Appointing Authority may require that all or a portion of the annual leave be paid by
17 the agency from which the employee is transferred before the transfer. The amount of
18 annual leave paid by the agency from which the employee is transferred and the
19 amount of annual leave transferred with the employee shall not exceed the
20 accumulation limits established in Section 840-2.20 of Title 74 of the **Oklahoma**
21 **Statutes**.

22 (8) Any employee who is separated from the state service shall be paid or shall have
23 payment made to the employee's estate for any annual leave accumulated up to and
24 including the accumulation limit except as otherwise provided in the Merit Rules.

25 (9) Annual leave shall be charged against an employee's annual leave balance based
26 on the amount of time an employee is absent from work during the employee's
27 assigned work schedule. Holidays falling within a period of annual leave shall not be
28 charged to annual leave.

29 (10) Any probationary or permanent employee who leaves the employ of an agency
30 shall receive payment for the accrued number of hours of annual leave in accordance
31 with the hourly rate. Payment may only be withheld pending settlement of a legal debt
32 to the agency. If a person is reemployed within a period of 1 month from the date of
33 separation, any portion of the accumulated annual leave which has not yet been paid
34 may be reinstated.

35
36 **PART 5. MISCELLANEOUS TYPES OF LEAVE**

37
38 **530:10-15-45. Family and medical leave**

39 (a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to
40 family and medical leave. This section is not a comprehensive listing of the provisions of
41 the federal Family and Medical Leave Act of 1993 (29 U.S.C, 2654 et seq.) and
42 regulations promulgated thereunder, and is not intended to conflict with either the Act or
43 the regulations. To be eligible, an employee shall have been employed by the state at least
44 **12** months and have worked at least **1,250** hours during the preceding **12**-month period.

1 (b) An eligible employee is entitled to family and medical leave for up to a total of **12**
2 weeks during any **12**-month period, for the following reasons:

- 3 (1) the birth of the employee's son or daughter, and to care for the newborn child;
4 (2) the placement with the employee of a son or daughter for adoption or foster care;
5 (3) to care for the employee's spouse, son, daughter, or parent with a serious health
6 condition. As used in this subsection, "son" or "daughter" means a biological, adopted,
7 or foster child, a stepchild, a legal ward, or a child of a person standing *in loco*
8 *parentis*, who is either under age 18, or age 18 or older and incapable of self-care
9 because of a mental or physical disability; and
10 (4) a serious health condition that makes the employee unable to perform the
11 functions of the employee's job.

12 (c) An Appointing Authority may require that an employee's request for family and
13 medical leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or
14 due to the employee's own serious health condition that makes the employee unable to
15 perform one or more of the essential functions of the employee's position, be supported by
16 a certification issued by the health care provider of the employee or the employee's ill
17 family member.

18 (d) The entitlement to family and medical leave resulting from (b)(1) and (b)(2) of this
19 Section expires at the end of the **12**-month period beginning on the date of the birth or
20 placement.

21 (e) When family and medical leave is taken to care for a sick family member as defined in
22 (b)(3) of this Section or for an employee's own serious health condition, leave may be
23 taken intermittently or on a reduced leave schedule when it is medically necessary.

24 (f) Whenever it is possible, an employee shall schedule family and medical leave to
25 accommodate the operations of the employee's agency. An employee shall give the
26 Appointing Authority notice and a leave request at least **30** days before leave is to begin if
27 the need for family and medical leave is expected. When the need for family and medical
28 leave is unexpected, an employee shall give the Appointing Authority notice and a leave
29 request as soon as possible. The notice and request shall:

- 30 (1) be in writing;
31 (2) refer to this Section;
32 (3) describe the reason for the family and medical leave;
33 (4) specify the type of leave the employee is requesting to account for the time off;
34 and
35 (5) include any information or documentation required for the type of leave requested.

36 (g) The Appointing Authority has the responsibility to review requests for sick leave and
37 leave without pay for designation as family and medical leave. The Appointing Authority's
38 designation decision shall be based only on information provided by the employee
39 or the employee's spokesperson. In accordance with the federal Family and Medical
40 Leave Act, the Appointing Authority shall not designate leave as family and medical leave
41 retroactively, unless the Appointing Authority does not have sufficient information
42 concerning the employee's reason for taking the leave until after the leave period has
43 begun.

44 (h) Family and medical leave is not a separate type of leave, and it is not accrued or
45 accumulated. An Appointing Authority shall give employees the following options to

1 account for time lost because of leave under the federal Family and Medical Leave Act of
2 1993.

- 3 (1) Charge to accumulated annual leave [74:840-2.22];
- 4 (2) Charge to accumulated sick leave [74:840-2.22];
- 5 (3) Charge to leave donated by other state employees under Section 840-2.23 of Title
- 6 74 of the **Oklahoma Statutes**, which is also known as “shared leave”; and
- 7 (4) Record as leave without pay in accordance with 530:10-15-47.

8 (i) The agency shall continue paying the employee’s insurance coverage, including
9 dependent insurance benefit allowance, while the employee is on family and medical leave.

10 (j) Upon return from family and medical leave, an employee shall have the right to be
11 restored to the same or equivalent position and benefits, except for extension of his or her
12 anniversary date for longevity pay, leave accrual, and calculation of retention points, he or
13 she would have had if the employee had been continuously employed in pay status during
14 the leave period.

15 (k) An employee shall not be required to take more leave than necessary to resolve the
16 circumstance that precipitated the need for leave.

17
18 **530:10-15-47. Leave of absence without pay**

19 (a) **Conditions and provisions.** An Appointing Authority may approve a request from a
20 permanent or probationary employee for leave without pay. The request shall be in writing
21 and shall include the reasons for the leave and the estimated length of the leave requested
22 by the employee. The approval of the leave shall also be in writing, and it shall specify the
23 date the employee is to return to work. Leave without pay is subject to the following
24 conditions:

25 (1) Leave without pay shall not be approved for more than **12** months. However, an
26 employee on leave without pay may submit a written request for an extension before
27 the end of the approved leave period. The Appointing Authority may grant extensions
28 if the total length of the original leave without pay plus any extensions does not exceed
29 **2** years. Any extension granted shall be to a specified expiration date.

30 (2) An employee may return to work before the specified date of return if the
31 Appointing Authority approves a written request from the employee to return earlier.

32 (3) Failure of a classified employee to report for work on the specified date of return
33 shall be cause for disciplinary action.

34 (4) Leave without pay for probationary employees shall be in accordance with
35 530:10-11-36.

36 (5) The Appointing Authority may cancel leave without pay at any time and require
37 the employee to return to work before the specified date of return. The employee shall
38 be notified of the reasons for cancellation by certified mail or personal service and
39 given **7** calendar days to return to work. Failure of a classified employee to report for
40 work as directed shall be cause for disciplinary action.

41 (6) Section 530:10-13-9 provides for a special type of leave without pay so that an
42 employee can continue insurance coverage after a reduction-in-force. A leave without
43 pay period in accordance with 530:10-13-9 is not subject to other Merit Rules about
44 leave of absence without pay.

(7) If an employee is absent from work without proper authorization, the employee shall not receive pay for such absence. An Appointing Authority has the authority and responsibility to take appropriate action if fraudulent leave usage or leave abuse is detected.

(8) Leave without pay in accordance with this Section shall not for any purpose be considered a break in service.

(b) **Rights upon return from leave of absence without pay.** A properly executed leave of absence without pay shall accord the employee the right to be returned by the Appointing Authority to a position in the same ~~class~~ job family and level as the original position and in the same geographical area unless waived by the employee. The layoff provisions of the Oklahoma Personnel Act and the Merit Rules shall apply if there are no positions in that ~~class~~ job family level and geographical area or if the ~~class~~ job family has been abolished.

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 [~~74:840-2.27(H)(1)~~ 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. Paragraph (2) of this subsection describes how the Appointing Authority may

1 limit the effect of a furlough on specified employees. Any certifications issued by an
2 Appointing Authority shall be included in the furlough plan.

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

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

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

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

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

- 21 (A) exclude specified employees from the furlough,
- 22 (B) place specified employees on a lesser number of hours without pay than other
23 employees,
- 24 (C) make the furlough of specified employees subject to early cancellation or
25 periodic call-back.

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

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

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

41 (h) **Appeal rights.** *Furlough, as provided for [...] by rules adopted by the*
42 *Administrator of the Office of Personnel Management, shall not be appealable under the*
43 *provisions of the Oklahoma Personnel Act [74:840-2.27(H)(2) 74:840-2.27C].*
44

1 **530:10-15-49. Leave and first preference due to work related illness or injury**

2 (a) **Purpose.** The purpose of this Section is to interpret Section 840-2.21 of Title 74 of
3 the **Oklahoma Statutes** (Section 840-2.21). Section 840-2.21 establishes the rights and
4 benefits of state employees who are absent from work because of an illness or injury
5 arising out of and sustained in the course of employment with the State. These employees
6 have a right to return to work if certain conditions are met. **In applying Section 840-2.21**
7 **and this Section, employing agencies shall return an employee to work as soon as**
8 **possible, either to the original position or to an alternate position if an employee,**
9 **with reasonable accommodation, is unable to return to the original position.**

10 (b) **Employee eligibility.** This Section applies to all eligible probationary and permanent
11 classified and regular unclassified employees. It does not apply to unclassified employees
12 on temporary and other limited term appointments. An employee shall file a claim for
13 workers compensation benefits to be eligible [74:840-2.21(A)].

14 (c) **Termination of rights.** All rights and benefits under Section 840-2.21 and this
15 Section shall end 1 year after the start of leave without pay under this Section and shall
16 end immediately if the claim for workers compensation is denied or canceled within the 1
17 year period [74:840-2.21(H)].

18 (d) **Employing agency practice, policy, and procedure.** An agency's policy, procedure
19 and practice affecting employees who file claims for workers compensation benefits shall
20 agree with Section 840-2.21.

21 (e) **Required notice to employees.** Appointing Authorities shall give employees who
22 report a job related illness or injury copies of this Section, Section 840-2.21, and the
23 agency's policies and procedures for complying with this Section and the law. The
24 procedures shall include instructions about requesting leave without pay under Section
25 840-2.21.

26 (f) **Placement of employee on leave without pay.** Appointing Authorities shall refer to
27 this Section when they place an employee on leave without pay under Section 840-2.21.
28 The Appointing Authority shall not require employees to exhaust paid sick and annual
29 leave accumulations before placing them on leave without pay [74:840-2.21(B)]. The
30 Appointing Authority shall continue paying the employee's basic plan insurance coverage
31 and dependent insurance benefit allowance while the employee is on leave without pay
32 [~~74:840-2.21(C)~~], and the leave shall not be a break in service [74:840-2.21(A)].

33 (g) **Medical reports.** At least every 3 months, an employee on leave without pay under
34 this Section shall give the Appointing Authority a medical statement as to his or her ability
35 to perform the essential duties of the original position [74:840-2.21(E)]. The medical
36 statement shall be made by a physician as defined in Section 14 (D) of Title 85 of the
37 **Oklahoma Statutes.**

38 (h) **Inability to perform essential duties of original position.** If an employee on leave
39 without pay under this Section cannot perform the essential duties of the original position,
40 the employing agency shall give the employee first preference for other classified and
41 unclassified positions according to Section 840-2.21(F).

42 (1) Appointing Authorities shall establish a procedure for giving employees on leave
43 without pay under this Section first preference to fill classified and unclassified
44 positions that do not represent a promotion to the employee, if the employee is

1 medically able to do the essential duties and has the minimum qualifications for
2 positions the Appointing Authority seeks to fill.

3 (2) The Appointing Authority's procedure shall include either notifying an employee
4 of all vacant classified and unclassified positions the Appointing Authority seeks to fill
5 or allowing the Appointing Authority and the employee to agree on notice for specific
6 positions or ~~classes~~ jobs. The procedure may require employees to submit medical
7 reports stating their ability to perform the essential duties of specific positions or
8 groups of positions. The Appointing Authority shall give a copy of the procedure to
9 each employee on leave without pay under this Section.

10 (3) Appointing Authorities do not have to notify employees on leave without pay
11 under this Section when the Appointing Authority fills a vacant position temporarily
12 (by temporary unclassified appointment or detail to special duty).

13 (4) Before an Appointing Authority may give a classified or unclassified employee
14 first preference for a classified position, the employee shall be certified by the Office of
15 Personnel Management as meeting the minimum qualifications. Neither classified nor
16 unclassified employees shall be required to compete through the open competitive
17 process for a classified position. The Appointing Authority shall submit the necessary
18 paperwork to the Office of Personnel Management for review.

19 (5) Before an Appointing Authority assigns an employee to an alternate position (a
20 position that is not the original position), the Appointing Authority shall give the
21 employee written notice of the requirement to return to the original position under (i)
22 of this Section. While in an alternate position, an employee shall submit medical
23 reports at least every **3** months and whenever the medical condition changes enough to
24 affect his or her ability to return to the original position.

25 (i) **Return to original position.** An employee on leave without pay or working in an
26 alternate position shall have the right to return to his or her original position according to
27 this Section and Section 840-2.21. When a medical report indicates the employee is able
28 to perform the essential duties of the original position, with or without reasonable
29 accommodation, the Appointing Authority shall return the employee to the original
30 position. The employee and the Appointing Authority may agree in writing to waive the
31 requirement to return the employee to the original position from an alternate position.

32 (j) **Failure to return to work.**

33 (1) The Appointing Authority may discipline a permanent classified employee or a
34 probationary classified employee or an unclassified employee if:

35 (A) a medical report states the employee is able to do the essential duties of the
36 original position or an alternate position (for which the employee is qualified); and

37 (B) the employee does not return to work within **7** days after the Appointing
38 Authority mails a notice to the employee's last known address or delivers a notice
39 to the employee.

40 (2) If an employee does not return to the original position or an alternate position
41 within **1** year after the start of leave without pay, the Appointing Authority may
42 terminate the employee under Section 840-2.21 (~~D~~). An Appointing Authority that
43 uses Section 840-2.21 (~~D~~) as authority to terminate an employee shall give the
44 employee a copy of (k) of this Section. Termination of a permanent classified

1 employee under this Section is subject to the pretermination hearing requirements of
2 Section 840-6.4 of Title 74 of the **Oklahoma Statutes**.

3 (3) If Section 5 (A)(2) of Title 85 of the **Oklahoma Statutes** prevents the Appointing
4 Authority from terminating the employee, the Appointing Authority shall place the
5 employee on leave without pay according to that law. The rights and benefits of this
6 Section and Section 840-2.21 (~~Ⓓ~~) shall no longer apply.

7 (k) **Reinstatement upon separation.** A classified employee shall be eligible for
8 reinstatement to either classified or unclassified employment with any state agency for **12**
9 months after the date of separation under (j)(2) of this Section. An unclassified employee
10 shall be eligible for reinstatement to unclassified employment with any state agency for **12**
11 months after the date of separation under (j)(2) of this Section. This does not reduce
12 eligibility under other general reinstatement or reemployment laws or rules, such as
13 530:10-9-102. [74:840-2.21(~~Ⓓ~~)]

14
15 **SUBCHAPTER 17. EMPLOYEE PERFORMANCE EVALUATION**
16 **MANAGEMENT SYSTEM AND CAREER ENHANCEMENT PROGRAMS**

17
18 **PART 3. EMPLOYEE PERFORMANCE EVALUATION MANAGEMENT**
19 **SYSTEM**

20
21 **530:10-17-31. Performance evaluations Employee performance management system**
22 **[CCRA and other]**

23 (a) ~~Each agency shall adopt and maintain a system of employee service ratings. The~~
24 ~~Office of Personnel Management shall make available one or more standard systems for~~
25 ~~this purpose, but an appointing authority may develop a separate system, subject to the~~
26 ~~approval of the Administrator of the Office of Personnel Management performance~~
27 ~~management system to be used by all agencies for completing employee service ratings.~~
28 ~~Agencies shall implement this new system on or before January 1, 2000. Until January~~
29 ~~1, 2000, agencies may continue to use employee service rating systems which were~~
30 ~~approved or provided by the Administrator prior to November 1, 1999. The purpose of~~
31 ~~the system of employee service rating this employee performance management system is~~
32 ~~to evaluate the performance of each classified, unclassified and exempt employee in the~~
33 ~~executive branch of state government except those in the unclassified service as specified~~
34 ~~in paragraphs 1 and 2 of subsection A of Section 840-5.5 and those employees employed~~
35 ~~by the institutions under the administrative authority of The Oklahoma State System of~~
36 ~~Higher Education. The Administrator of the Office of Personnel Management, on or~~
37 ~~before January 1 of each year, shall submit a report to the Speaker of the House of~~
38 ~~Representatives, the President Pro Tempore of the Senate, and the Governor identifying~~
39 ~~those state agencies that have complied with the provisions of this section [74:840-~~
40 ~~4.17(A)].~~

41 (b) ~~Employee service evaluation systems~~ The employee performance management
42 system shall provide for the following:

- 43 (1) ~~An objective evaluation~~ of the employee, by the immediate supervisor, of the
44 performance of the employee within the assigned duties of the job;
45 (2) ~~The identification of the strengths and deficiencies of the employee;~~

- 1 (3) *Corrective actions, if necessary, to correct deficiencies;*
- 2 (4) *An interview with the employee by the immediate supervisor who shall provide the*
- 3 *employee with a copy of the service ratings; and*
- 4 (5) *The opportunity for the employee to submit written comments regarding the*
- 5 *service rating [74:840-4.17].*
- 6 (c) *Each employee shall be rated thirty (30) days prior to the end of the probationary*
- 7 *period. Thereafter, each employee shall be rated no less than once each year [74:840-*
- 8 *4.17].*
- 9 (d) *The agency shall use the available service ratings of current or former state*
- 10 *employees in decisions regarding promotions, appointments, demotions, performance*
- 11 *pay increases, and discharges. Reductions-in-force shall not be considered discharges*
- 12 *[74:840-4.17].*
- 13 (e) *The agency shall retain a copy of the service rating for each employee of the agency.*
- 14 *A copy of the service rating shall be furnished to the Administrator of the Office of*
- 15 *Personnel Management for review to determine compliance with the provisions of this*
- 16 *section and shall be retained in the file on the employee [74:840-4.17].*
- 17 (f) The basic document to be used in conducting performance evaluations is the
- 18 Performance Management Process form (OPM-111), a form prescribed by the
- 19 Administrator. The form contains spaces for the supervisor to describe a list of
- 20 accountabilities on which the employee will be evaluated. The form also lists behaviors on
- 21 which state employees will be evaluated. The form provides spaces for the supervisor to
- 22 enter an overall accountability rating, an overall performance rating, and a
- 23 summary/development plan. The form requires signature by the employee, the supervisor,
- 24 and the reviewer.

PART 7. CARL ALBERT PUBLIC INTERNSHIP PROGRAM

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

(a) Application form and applicant survey form.

- 30 (1) The Carl Albert Public Internship Program application is available from the Office
- 31 of Personnel Management. The application form provides information about the
- 32 application process and eligibility requirements. It solicits information about applicants
- 33 and their qualifications for participation in the program.
- 34 (2) Applicants may apply at any time.
- 35 (3) An applicant may complete a voluntary survey form which solicits information
- 36 related to demographics, including race or ethnic group, and disabilities. The
- 37 information shall be used for statistical purposes only.

38 **(b) Communication with the Office of Personnel Management.** Interested persons

39 may direct communications to the attention of the Carl Albert Public Internship Program

40 in accordance with 530:1-1-12.

41 **(c) Application procedure.** Applicants for the internship program shall provide the

42 following information to the Office of Personnel Management for review and

43 determination of eligibility:

- 44 (1) A completed and signed application form;
- 45 (2) Transcript(s) of coursework from accredited higher education institutions;

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

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

5 (5) A resume;

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

8 (7) Verification of current enrollment.

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

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

18 (f) **Appointment.**

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

23 (2) An agency may appoint any eligible applicant after the Administrator has approved
24 a completed Carl Albert Public Internship Agreement Form described in (3) of this
25 subsection. A new form shall be completed if there are any substantive changes to the
26 original agreement.

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

33 (A) The eligible applicant;

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

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

39 (D) A representative of the Administrator.

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

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

1 (g) **State employees.** State employees may apply to participate in the Carl Albert Public
 2 Internship Program. Permanent classified and regular unclassified employees who receive
 3 internship appointments may request leave without pay from their permanent or regular
 4 employment in accordance with 530:10-15-47, **Leave of absence without pay.**
 5 Probationary employees and regular unclassified employees with less than 6 months
 6 continuous service shall resign before entry-on-duty as an intern.

7
 8 **530:10-17-80. General conditions of employment**

9 (a) **No expectation of continued employment.**

10 (1) Persons participating in the Carl Albert Public Internship Program shall be
 11 employed in the unclassified service of the state in accordance with Section 840-5.5 of
 12 Title 74 of the **Oklahoma Statutes** and Sections 530:10-17-74 and 530:10-17-75.

13 (2) An intern has no right or expectation of continued employment in any classified or
 14 unclassified position with the state because of participation in the Carl Albert Public
 15 Internship Program.

16 (b) **Compensation plan for interns.**

17 (1) The employing agency shall establish compensation plans that include rates of pay
 18 for Carl Albert Public Internship Program positions which are consistent with positions
 19 having like duties and responsibilities within the agency.

20 (2) The Administrator may establish job descriptions for interns in accordance with
 21 Section 530:10-5-8.

22 (3) Carl Albert interns who are not exempt from the provisions of the Fair Labor
 23 Standards Act (29 U.S.C. 201 et seq.) are subject to its overtime provisions and
 24 530:10-7-12.

25 (4) Carl Albert Interns may receive a raise in pay only by being assigned higher level
 26 job duties or by legislatively-approved raises. However, pay adjustments may be made
 27 in accordance with 74:840-2.17.

28 (c) **Report of work performance to educational institution.** The Appointing Authority
 29 or designee of the employing agency shall provide the internship faculty member with
 30 information necessary to evaluate the intern's work experience for academic purposes at
 31 the faculty member's request.

32 (d) **Intercession by the Office of Personnel Management.** The Office of Personnel
 33 Management may intercede in an internship if the Office determines, at the request of the
 34 intern, the agency, or the institution of higher education at which the intern is enrolled,
 35 that an internship is not functioning [74:840-3.5(7)] in accordance with the rules in this
 36 Part, and the individual internship agreement. The intercession process may include, but is
 37 not limited to the following actions: modification of certain agreement terms,
 38 reassignment, and separation or early release from the internship.

39 (e) **State employees; continuation of benefits.** State employees leaving classified or
 40 exempt positions in state government in order to take an internship shall continue to
 41 receive all fringe benefits they would have received in their previous classified or exempt
 42 positions [74:840-3.5(2)].

43 (f) **Training requirements.** Each intern shall complete the training requirements
 44 prescribed by the employing agency and the Administrator.

530:10-17-84. Executive Fellows program; conversion

(a) **Eligibility.** An Executive Fellow *shall be eligible for appointment to a position in the classified or unclassified service of the state and shall be deemed as meeting all other statutory requirements* if the participant has:

- (1) Been certified by the Appointing Authority as having successfully completed a 2-year internship within a 3-year period;
- (2) *Met all requirements of education and experience; and*
- (3) *Successfully completed any required examination [74:840-3.5(4)].*

(b) **Direct conversion.** If there is no break in service after successful completion of a 2-year internship, the conversion to a position in the classified service shall be exempt from the:

- (1) application and certification procedures described in 530:10-9,
- (2) probationary period described in Part 3 of 530:10-11, and
- (3) posting requirements in Part 5 of 530:10-11, if the conversion is to a class job which is consistent with the duties and responsibilities of the Executive Fellow internship.

(c) **Salary upon direct conversion.** ~~If there is no break in service and the conversion is to a class which is consistent with the duties and responsibilities performed during the internship, the salary shall be fixed at the rate of pay in effect for the employee at the time of the conversion. If the conversion is to a different class, the salary shall be determined in accordance with 530:10-7-3.~~

(d) **Conversion following a break in service.** If the Executive Fellow is separated after successful completion of a 2-year internship and before being converted to the classified service, the agency shall meet the internal posting requirements of Part 5 of 530:10-11 before the person is reinstated and converted to the classified service, and may require a probationary period in accordance with 530:10-9-102.

(e) **Roster.** The Administrator shall maintain a roster of Executive Fellows who have submitted a written request for eligibility for appointment to a position in the classified or unclassified service of the state upon successful completion of a 2-year Executive Fellows internship. Appointing authorities or their designees may request this roster from the Office of Personnel Management. Additionally, Executive Fellows may make application for employment directly with state agencies. The following requirements must be met before an agency may hire an Executive Fellow from the roster:

- (1) The Administrator must certify that the person meets the current minimum qualifications for the class job;
- (2) The Administrator may require the person to pass a qualifying examination before approving a reinstatement;
- (3) The date the person enters on duty in probationary status must be within 2 years after the completion of the Executive Fellows internship;
- (4) The person's salary must be set in accordance with 530:10-7-3;
- (5) The probationary period must be in accordance with 530:10-11-30; and
- (6) The agency must meet internal posting requirements.

PART 9. MANDATORY SUPERVISORY TRAINING

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530:10-17-91. Definitions

The following words and terms, when used in this Part shall have the following meaning, unless the context clearly indicates otherwise:

"Supervisory training" means courses or training ~~conducted or approved by the Administrator. Supervisory training programs shall include such subjects as: supervisory skills, affirmative action and equal employment opportunity, selection, performance management, performance appraisal, employee assistance, corrective discipline, and other legal and ethical issues relevant to supervisors~~ related to the effective performance of an agency manager or supervisor [74:840-3.1].

"Twelve hours of training" means the equivalent of **2** training days that include at least 6 hours of instruction a day. Twelve hours of training are also equivalent to 1.2 continuing education units (CEUs).

"Twenty-four hours of training" means the equivalent of **4** training days that include at least **6** ~~classroom~~ hours of instruction a day. Twenty-four hours of training are also equivalent to **2.4** continuing education units (CEUs).

530:10-17-93. Supervisory training requirements

(a) ~~Beginning January 1, 1998~~ November 1, 1999, all supervisors shall complete ~~24~~ **12** hours of supervisory training according to this Part each calendar year [74:840-3.1].

(b) Persons appointed to supervisory positions after ~~January 1, 1998~~ November 1, 1999, shall complete **24** hours of supervisory training according to this Part within ~~6 months~~ **12 months** before or after assuming a supervisory position [74:840-3.1]. Supervisors shall complete training courses in the State of Oklahoma Performance Management Process and progressive discipline within the first 12 months of being appointed to a supervisory position.

(c) The appointing authority of each agency shall make sure each supervisory employee is notified and scheduled to attend required supervisory training and shall make time available for each supervisory employee to complete the training [74:840-3.1].

(d) ~~All supervisors who have not already done so shall attend training in performance management or performance appraisal within 12 months after becoming a supervisor. Training courses conducted by employing agencies, public and private schools, and colleges and universities may count toward supervisory training requirements if the coursework meets the definition for supervisory training in 530:10-17-91.~~

530:10-17-97. ~~Training program or course approval~~ Reporting of training compliance

(a) ~~Training courses conducted by employing agencies, public and private schools, and colleges and universities may count toward supervisory training requirements if the coursework includes subjects such as those listed in the definition for supervisory training in 530:10-17-91.~~

(b) ~~To request approval of supervisory training, an agency shall submit the following course information to the Office of Personnel Management for review:~~

- ~~—(1) Course title and a brief description;~~
- ~~—(2) Classroom hours or continuing education units (CEUs); and~~

1 ~~—(3) Course outline.~~
 2 ~~(e) State institutions of higher education and other state organizations may submit course~~
 3 ~~information described in (b) of this Section for review.~~
 4 ~~(d) The Office of Personnel Management shall maintain lists of approved supervisory~~
 5 ~~training courses, and may withdraw its approval of courses by notifying employing~~
 6 ~~agencies. Each spring, the Administrator will notify agencies of the method for reporting~~
 7 ~~their level of compliance with these requirements for the previous calendar year. The~~
 8 ~~Administrator shall provide a summary of the reports to the Governor, the Speaker of the~~
 9 ~~House of Representatives, and the President Pro Tempore of the Senate.~~

10
11 **PART 13. PERSONNEL PROFESSIONALS TRAINING AND CERTIFICATION**

12
13 **530:10-17-131. Definitions**

14 The following words and terms, when used in this Part shall have the following
15 meaning, unless the context clearly indicates otherwise:

16 "**Annual training requirements**" means a curricula approved by the Administrator
17 for certified personnel professionals to maintain certification.

18 "**Certification**" means the successful completion of the course curricula or service as
19 an instructor for the course curricula, and the successful completion of the examination
20 established by the Administrator for testing competency in professional personnel
21 practices.

22 "**Certified Personnel Professionals**" means employees who have achieved and
23 maintained certification.

24 "**Personnel professional**" means an employee in the classified or unclassified
25 service, who on a regular and consistent basis as an integral part of his or her normal work
26 assignment and ~~class specification~~ job family descriptor, performs professional duties
27 developing or implementing personnel administration policies, practices and procedures.
28 "Personnel professional" includes persons performing such duties in the ~~classifications~~ job
29 families of Personnel Manager I or II, Personnel Specialist I or II, Senior Personnel
30 Specialist, Personnel Program Administrator Human Resources Programs Manager,
31 Human Resources Management Specialist, Personnel Programs Analyst, Personnel
32 Programs Coordinator, Personnel Coordinator, Personnel Officer, Senior Personnel
33 Officer Human Resources Programs Director, or in other ~~classifications~~ job families
34 designated by the Administrator as professional personnel positions; and those persons in
35 classified or unclassified positions occupying comparable positions or performing
36 comparable duties as determined by the Administrator. The Administrator may waive the
37 training requirements for personnel professionals whose primary assigned duties are in the
38 areas of benefits, payroll, training, affirmative action/equal employment opportunity,
39 retirement, safety, workers compensation, or employee assistance programs, according to
40 530:10-17-136.

41
42 **530:10-17-136. Application for waiver of training requirements**

43 (a) The Administrator may waive the personnel professional training requirements for
44 employees:

1 (1) Whose primary assigned duties are in the areas of benefits, payroll, training,
2 affirmative action/equal employment opportunity, retirement, safety, workers
3 compensation, or employee assistance programs; and,

4 (2) Whose primary assigned duties do not include classification, compensation,
5 recruitment, or selection.

6 (b) Employees who are eligible for a waiver according to Subsection (a) of this Section,
7 may apply by submitting a written request signed by the Appointing Authority, along with
8 a position description, ~~class specification~~ job family descriptor, or a description of the
9 employee's primary assigned duties, to the Office of Personnel Management.

10 (c) The Administrator shall be responsible for granting or denying waivers under this
11 Section. The decision of the Administrator to grant or deny such a waiver shall be final.

12 **PART 15. STATE MENTOR PROGRAM**

13 **530:10-17-155. Program description**

14
15
16 (a) **Eligibility.** A state employee in any branch of state government may be nominated by
17 another state employee for participation in the State Mentor Program.

18 (b) **Nomination procedure.**

19 (1) The State Mentor Program nomination form is available from the Office of
20 Personnel Management. The nomination form solicits information about the nominee
21 and the state employee making the nomination, and shall be signed by the state
22 employee making the nomination.

23 (2) Any state employee may nominate another state employee for participation in the
24 Program during the nomination period announced by the Administrator by forwarding
25 a completed nomination form to the State Mentor Program at the Office of Personnel
26 Management.

27 (c) **Application form.**

28 (1) The Office of Personnel Management shall provide a State Mentor Program
29 application form to each state employee nominated for participation in the Program.
30 The application form provides general and specific information about the State Mentor
31 Program, including the application process, application requirements, and Program
32 eligibility requirements. It solicits information about applicants and their qualifications
33 for participation in the Program.

34 (2) Any state employee nominated for participation in the Program may complete and
35 return an application during the application period announced by the Administrator by
36 forwarding a completed application to the State Mentor Program at the Office of
37 Personnel Management.

38 (d) **Communication with the Office of Personnel Management.** Interested persons
39 may direct communications to the attention of the State Mentor Program at the Office of
40 Personnel Management in accordance with 530:1-1-12.

41 (e) **Application procedure.** To apply for participation in the State Mentor Program, an
42 applicant shall complete the application form described in subsection (c) of this section
43 and submit it to the State Mentor Program at the Office of Personnel Management by the
44 prescribed deadline.

45 (f) **Selection process.** The process for selecting Mentor Executives will normally consist

1 of the application, minimum qualifications, ratings of training and experience, interviews, a
2 writing exercise, and other assessment methods, as prescribed by the Mentor Selection
3 Advisory Committee, in which applicants must participate in order to advance to the final
4 selection pool.

5 (g) **Minimum qualifications.** To be eligible for selection as a Mentor Executive, an
6 applicant shall possess the minimum qualifications established for the Mentor Executive
7 class job family.

8 (h) **Appointing Authority endorsement letter.** The Committee shall contact the agency
9 Appointing Authority of each applicant who demonstrates the minimum qualifications for
10 Mentor Executive to request endorsement of the employee's participation in the State
11 Mentor Program. An applicant who does not receive the endorsement of the agency
12 Appointing Authority will not be considered further.

13 (i) **Background investigation.** Each applicant shall complete a post-offer, pre-hire,
14 work-related criminal background investigation.

15
16 **530:10-17-156. Agency rotations**

17 (a) **State Personnel Interchange Program.** Rotation assignments shall be accomplished
18 through the State Personnel Interchange Program, Section 840-3.9, et seq. of Title 74 of
19 the Oklahoma Statutes.

20 (b) **Length of rotations.** Each Mentor Executive shall complete a two-year management
21 rotation assignment which consists of six months in any or all of the following entities:

- 22 (1) the sending agency;
- 23 (2) one or both houses of the Legislature;
- 24 (3) the Office of State Finance;
- 25 (4) the Governor's Office;
- 26 (5) the Office of Personnel Management; and
- 27 (6) any other agency accepting the Mentor Executive.

28 (c) **Work assigned during rotations.** Each agency participating in the State Mentor
29 Program shall assign the Mentor Executive to a policy-level manager during the period he
30 or she is completing a management rotation in that agency.

31 (d) **Compensation during rotations.**

32 (1) The Administrator shall establish minimum compensation for Mentor Executives.
33 The sending agency and each agency in which the Mentor Executive is completing his
34 or her management rotation may share the compensation of the Mentor Executive or
35 either agency may pay the total amount.

36 (2) If a state employee's salary is below the minimum salary for the Mentor Executive
37 class job family, the employee's salary shall be increased to that minimum. A state
38 employee's salary shall not be reduced because of his or participation in the State
39 Mentor Program.

40 (e) **FTE limitations.** Employees participating in the State Mentor Program shall be
41 exempt from any full-time-equivalent limitations established by law.

42 (f) **Completion of rotation assignment.** At the end of a two-year management rotation
43 assignment or sooner, if a Mentor Executive is unable to complete the entire two-year
44 management rotation assignment, a Mentor Executive shall be entitled to return to the
45 previous class job family or its successor class job family, if one exists in the sending

1 agency. Otherwise, the reduction-in-force provisions of Section 840-2.27C of Title 74 of
2 the Oklahoma Statutes shall apply.

3
4 **PART 17. STATE WORK INCENTIVE PROGRAM**

5
6 **530:10-17-177. Conversion**

7 (a) Persons employed by merit system agencies under the State Work Incentive Program
8 shall be eligible for conversion to permanent classified status at the discretion of the
9 Appointing Authority if the employee has:

10 (1) completed **2** years of continuous participation in the State Work Incentive
11 Program, not including periods of leave without pay in accordance with
12 530:10-17-175;

13 (2) performed satisfactorily as evidenced by performance evaluations conducted
14 according to Section 840-4.17 of Title 74 of the Oklahoma Statutes;

15 (3) met the minimum requirements for the position; and

16 (4) passed any entrance examination required for the applicable job ~~specification~~
17 family level by the Office of Personnel Management.

18 (b) Conversion shall be to a ~~class~~ job consistent with the duties assigned to the employee
19 under the State Work Incentive Program.

20 (c) The conversion of employees hired under the State Work Incentive Program who meet
21 the requirements of subsection (a) to permanent classified status shall be exempt from:

22 (1) the application, certification, and appointment requirements of Subchapter 9 of
23 these rules;

24 (2) the probationary period requirements of Part 3 of Subchapter 11 of these rules;
25 and

26 (3) the promotional posting requirements of Part 5 of Subchapter 11 of these rules.
27