



STATE OF OKLAHOMA  
OFFICE OF PERSONNEL MANAGEMENT

*"Serving Equal Opportunity Employers"*

**OPM 03-11**

**DATE:** March 13, 2003  
**TO:** All Appointing Authorities  
**FROM:** Hank Batty  
Deputy Administrator for Programs  
**RE:** **Proposed Amendments to the Merit Rules**

I have scheduled a public hearing for comments on proposed permanent and emergency amendments to the Merit System of Personnel Administration Rules. The rules hearing will be at 1:30 p.m. on Thursday, March 20, 2003, at the Concourse Theater, Sequoyah/Will Rogers Concourse, Oklahoma City. I hope that you or your representative 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 at the Office of Personnel Management no later than Friday, March 21, 2003, at 5:00 p.m. Written comments should be sent to Oscar B. Jackson, Jr., Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, ATTENTION: Kimberlee Williams. Written comments may also be faxed to (405) 524-6942 or e-mailed to [kimberlee.williams@opm.state.ok.us](mailto:kimberlee.williams@opm.state.ok.us).

Following is an explanation of the proposed amendments. Copies of the proposals are attached. If you have questions regarding the proposals, please contact Kimberlee Williams at (405) 522-1736.

**Proposed Emergency Amendments**

Page	Rule	Reason for Proposed Amendments
1	530:10-7-20	Allow market adjustments based on job duties rather than job family level, require "meets standards" for eligibility, allow different level of market adjustment or no market adjustment for employees on trial or probationary period.
1-2	530:10-7-24	Clarify skills appropriate for skill-based pay.

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

<b>Page</b>	<b>Rule</b>	<b>Reason for Proposed Amendments</b>
2	530:10-7-26	Allow equity adjustments based on job duties rather than job family level, require "meets standards" for eligibility.
2-3	530:10-9-15	Establish new rule allowing for expedited recruitment to implement statutory change.
3	530:10-11-34	Revoke rule.
3-4	530:10-11-71	Add requirement that employee serve trial period upon intra-agency lateral transfer, unless waived. (Implements statutory change.)
4-5	530:10-13-3	Define RIF plan as consisting of applicable Merit Rules.
5	530:10-13-5	Revoke rule (language moved to 530:10-13-34).
5	530:10-13-12	Remove obsolete language.
5-6	530:10-13-33	Simplify calculation of retention points in regards to leave without pay.
6-7	530:10-13-34	Add statutory language regarding displacement limits, make changes necessitated by class/comp reform, add language removed from 530:10-13-5.
8	530:10-13-35	Simplify requirements regarding RIF implementation schedule.
9	530:10-13-36	Make employee notification requirements more realistic.
9	530:10-13-50	Clarify that recall rights are subject to established displacement limits.
10	530:10-13-51	Make changes necessitated by class/comp reform.
10-12	530:10-15-49	Make rule consistent with statutory changes.
12-13	530:10-15-43	Allow employees to be paid for a holiday even though the employee is on furlough the work day before and the work day after the holiday.
13-14	530:10-17-74	Make rule consistent with statutory changes.
14-15	530:10-17-75	Make rule consistent with statutory changes.
15-16	530:10-17-156	Make rule consistent with statutory changes.
16	530:10-17-173	Require certification of eligibility to participate in the State Work Incentive Program to be sent to OPM at time of appointment.

### **Proposed Permanent Amendments**

<b>Page</b>	<b>Rule</b>	<b>Reason for Proposed Amendments</b>
1-7	530:10-1-2	Make definition of "lateral transfer" consistent with statutory change.
7	530:10-1-6	Make emergency rule permanent.
8	530:10-3-22	Establish deadline for reporting compliance with continuing education requirement for discrimination complaint investigators.

<b>Page</b>	<b>Rule</b>	<b>Reason for Proposed Amendments</b>
9	530:10-3-52	Eliminate requirement for Administrator to notify Appointing Authorities if affirmative action plans are late.
9-10	530:10-7-14	Make emergency rule permanent and make rule consistent with statutory changes.
10	530:10-7-16	Make emergency rule permanent.
10	530:10-7-22	Make rule consistent with statutory change.
11-12	530:10-13-2	Make emergency rule permanent.
12	530:10-13-70	Make emergency rule permanent and clarify.
12-14	530:10-17-31	Make emergency rule permanent and add procedural requirements regarding meetings between supervisors and subordinates.
14	530:10-23-1	Make emergency rule permanent.
14	530:10-23-3	Make emergency rule permanent and make rule consistent with statutory change.
15	Appendix B	Make salary schedule consistent with statutory change.



1 the proposed salary adjustment, and any other information that will assist in evaluating  
2 the request.

3 (b) Skill-based pay adjustments may be provided as a differential over and above an  
4 employee's base pay or as a one-time lump-sum payment. Lump sum skill-based pay  
5 adjustments shall be limited to **10%** of an employee's annual salary, and differentials  
6 shall be limited to **10%** of an employee's monthly salary for employees paid on a monthly  
7 basis, and **10%** of an employee's biweekly salary for employees paid on a biweekly basis.  
8 Employees whose base pay is at or exceeds the maximum of the pay band shall not be  
9 eligible for a differential, but may receive a lump-sum payment. Skill-based pay  
10 adjustments shall be paid only as long as the employee occupies a position to which the  
11 skill is applicable in accordance with the agency's salary administration plan. An  
12 employee may receive multiple skill-based pay differentials so long as the combined total  
13 of all skill-based pay differentials does not exceed **15%**.

#### 14 15 **530:10-7-26. Equity-based pay adjustments**

16 An Appointing Authority may provide equity-based pay adjustments when  
17 individual employees are significantly underpaid relative to other employees performing  
18 the same or similar duties, or employees with the same role or accountabilities, in the  
19 same job family and level within the same agency. Adjustments which cause an  
20 employee's salary to exceed the midpoint of the pay band require approval of the  
21 Administrator. ~~An Appointing Authority may make adjustments~~ Adjustments which do  
22 not cause an employee's salary to exceed the midpoint of the pay band and which are  
23 consistent with the requirements of this section may be made at his or her the Appointing  
24 Authority's discretion. ~~Adjustments which cause an employee's salary to exceed the~~  
25 midpoint of the pay band require approval of the Administrator. ~~To be eligible for an~~  
26 adjustment, employees must be rated at least "Meets Standards" on the most recent  
27 performance evaluation. No more than one equity-based adjustment may be made among  
28 similarly-situated employees in a job family level in a twelve-month period.

### 29 30 **SUBCHAPTER 9. RECRUITMENT AND SELECTION**

#### 31 32 **PART 1. GENERAL PROVISIONS**

#### 33 34 **530:10-9-14. [RESERVED]**

#### 35 36 **530:10-9-15. Expedited recruitment [NEW]**

37 (a) The Administrator may select positions or job family levels for expedited  
38 recruitment when in the opinion of the Administrator the education, experience or  
39 certification requirements for such positions or job family levels substantially limit the  
40 pool of available applicants. Applicants for positions selected for expedited recruitment  
41 who have been certified by the Office of Personnel Management as meeting the  
42 minimum qualifications for the job may be referred to agencies having such vacancies  
43 without examination and ranking, provided that the register for the job has been publicly  
44 announced for at least 14 calendar days. Applicants for positions selected for expedited  
45 recruitment are eligible for appointment upon referral. [74:840-1.6A]

1 (b) An Appointing Authority may request that positions or job family levels be  
 2 considered for expedited recruitment by submitting a written request to the  
 3 Administrator. The request shall describe the unique education, experience or  
 4 certification requirements that substantially limit the pool of available applicants, the  
 5 recruitment efforts made by the agency, the suggested duration of the expedited  
 6 recruitment designation, and shall be accompanied by a Position Description  
 7 Questionnaire (OPM-39) for the position(s). The Administrator may request clarification  
 8 or additional information from the agency. The Administrator shall provide the agency  
 9 with written notification of his approval or denial of the request. The decision of the  
 10 Administrator shall be final.

## 11 SUBCHAPTER 11. EMPLOYEE ACTIONS

### 12 PART 3. PROBATIONARY EMPLOYEES

#### 13 14 15 **530:10-11-34. Suspension of probationary employees [REVOKED]**

16 ~~(a) A probationary employee may be suspended from duty without pay for disciplinary~~  
 17 ~~or internal investigatory purposes for up to 60 calendar days without right of appeal or~~  
 18 ~~hearing.~~

19 ~~(b) The date of the final working day of the probationary period shall be adjusted for the~~  
 20 ~~same number of calendar days as the suspension.~~

21 ~~(c) If a probationary employee is suspended in conjunction with an internal investigation,~~  
 22 ~~the Merit Protection Commission shall be so notified. If the investigation subsequently~~  
 23 ~~clears the employee, the agency, with the prior authorization of the Commission, shall~~  
 24 ~~reinstate the employee to the former position. The employee shall be fully compensated~~  
 25 ~~for the time lost, and the time spent on suspension shall be fully considered as part of the~~  
 26 ~~probationary period.~~

### 27 28 29 PART 7. TRANSFERS AND VOLUNTARY DEMOTIONS

#### 30 31 **530:10-11-71. Intra-agency transfer**

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

37 (b) Upon intra-agency lateral transfer, an employee shall serve a six-month trial  
 38 period in the job level to which the employee is transferred, unless the trial period is  
 39 waived in writing by the Appointing Authority. [74:840-4.12]

40 ~~(b)(c) A state agency shall have sole and final authority to designate the place or places~~  
 41 ~~where its employees shall perform their duties. The Oklahoma Merit Protection~~  
 42 ~~Commission shall not have jurisdiction to entertain an appeal of an employee from action~~  
 43 ~~of the employing agency transferring the employee from one county or locality to~~  
 44 ~~another, changing the assigned duties of the employee, or relieving the employee from~~  
 45 ~~performance of duty at a particular place and reassigning to the employee duties to be~~  
 46 ~~performed at another place, unless:~~

- 1 (1) *the action results in a change in job classification or reduction of base salary; or*  
 2 (2) *an investigation by the Commission indicates that a violation of the provisions of*  
 3 *Section 840-2.5 or 840-2.9 of . . . [the Oklahoma Personnel Act] may have*  
 4 *occurred; or*  
 5 (3) *it is established that the action was clearly taken for disciplinary reasons and to*  
 6 *deny the employee the right of appeal. [74:840-4.19]*  
 7

## 8 SUBCHAPTER 13. REDUCTION-IN-FORCE

### 9 PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE

#### 10 11 **530:10-13-3. Reduction-in-force plans and time requirements**

12 (a) Whenever a reduction-in-force occurs, the Appointing Authority shall provide a plan  
 13 for such reduction-in-force to the Administrator of the Office of Personnel Management  
 14 and the Director of the Office of State Finance at least **60** days before the scheduled  
 15 beginning of reduction-in-force separations or as otherwise provided by law.  
 16 [74:840-2.27C(A)] The reduction-in-force plan of an agency in the executive branch of  
 17 state government, except for the fiscal components of the plan, is subject to the approval  
 18 of the Administrator of the Office of Personnel Management. [74:840-2.27C(A)] The  
 19 Administrator shall reject any plan that is not in substantial compliance with Section 840-  
 20 2.27C of Title 74 of the **Oklahoma Statutes** and the rules in this Subchapter. [74:840-  
 21 2.27C(A)]

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

23 ~~(1) adopt the rules in Parts 3, 5, and 7 of this Subchapter as the reduction-in-force~~  
 24 ~~plan for the agency and shall post notice of that intent with a copy of the rules~~  
 25 ~~(Sections 530:10-13-30 through 530:10-13-73), or~~

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

28 (c) Section 840-2.27C(A) of Title 74 of the **Oklahoma Statutes** requires the Director of  
 29 the Office of State Finance to review the fiscal components of reduction-in-force plans of  
 30 executive branch agencies and reject any plan that does not contain specified information.

31 (d) *If the reduction-in-force is conducted pursuant to a reorganization, the fiscal*  
 32 *components of the reduction-in-force plan shall contain reasons for the reorganization,*  
 33 *which may include, but not be limited to, increased efficiency, improved service delivery,*  
 34 *or enhanced quality of service. [74:840-2.27C(A)]*

35 (e) The Appointing Authority shall post a copy of the plan notice of his or her intent to  
 36 conduct a reduction-in-force in accordance with Parts 3, 5, and 7 of this Subchapter in  
 37 each office of executive branch agencies affected by the proposed reduction-in-force plan  
 38 **5** days prior to the submission of the proposed plan to the Administrator and the Director  
 39 of State Finance. [74:840-2.27C(B)]

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

44 (1) an approved reduction-in-force plan,

45 (2) a description of and reasons for any displacement limits established by the  
 46 Appointing Authority in accordance with Section 840-2.27C(C) of Title 74 of the

**Oklahoma Statutes,**

(3) a description of and reasons for any protections from displacement action established by the Appointing Authority in accordance with Section 840-2.27C(C) of Title 74 of the **Oklahoma Statutes,**

(4) a description of severance benefits that will be offered to affected employees pursuant to Section 840-2.27D of Title 74 of the **Oklahoma Statutes,** and

(5) the implementation schedule. [74:840-2.27C(B)]

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

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

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

**530:10-13-12. Severance benefits**

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

(1) before the scheduled date of reduction-in-force separations, are not eligible for severance benefits;

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

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

**PART 3. REDUCTION-IN-FORCE PLAN REQUIREMENTS****530:10-13-33. Calculation of retention points for years of service**

(a) Affected employees shall be given credit for all current and prior service which is

1 creditable for the Longevity Pay Plan, Section 840-2.18 of Title 74 of the **Oklahoma**  
2 **Statutes**. An employee shall not be required to have been continuously employed for 2  
3 years to be given credit for either current or prior service.

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

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

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

#### 17 18 **530:10-13-34. Displacement opportunities and limits**

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

39 (b) **Offers of displacement opportunities.** Starting with the employee having the  
40 highest retention points, displacement opportunities shall be offered to eligible classified  
41 employees and to displaced employees. Such offers shall be confined within any  
42 displacement limits established by the Appointing Authority. If the affected employee has  
43 not held within the last five (5) years a position in the job family level or predecessor  
44 class in which the affected employee is otherwise eligible for a displacement opportunity,  
45 the appointing authority may determine that the affected employee does not possess the  
46 recent relevant experience for the position and deny in writing the displacement

1 opportunity. [74:840-2.27C] No employee shall be offered more than one displacement  
2 opportunity. Options available will normally be offered in the order listed below, but an  
3 Appointing Authority may provide an alternative order in a reduction-in-force plan that  
4 has been approved by the Administrator. If an opportunity at one level, e.g. (1)(A), does  
5 not exist, an opportunity at the next lower level, e.g. (1)(B), shall be offered, if available.  
6 *If the affected employee has not held within the last five (5) years a position in the job*  
7 *family level or predecessor class in which the affected employee is otherwise eligible for*  
8 *a displacement opportunity, the appointing authority may determine that the affected*  
9 *employee does not possess the recent relevant experience for the position and deny in*  
10 *writing the displacement opportunity. [74:840-2.27C]*

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

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

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

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

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

20 (A) vacant and available for displacement in accordance with 530:10-13-31;

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

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

24 ~~(2)~~(3) Voluntary demotion to a retained position in the next available lower level of  
25 the same job family which is currently:

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

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.

30 ~~(3)~~(4) Voluntary demotion to a retained lower level position in another job family  
31 previously held in the reverse order in which they were held by the employee on a  
32 permanent basis ~~while either in the employment of the agency or, if transferred to the~~  
33 ~~agency by statute or executive order, the former agency,~~ which is currently:

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

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

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

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

45

1 **530:10-13-35. Reduction-in-force implementation schedule**

2 Appointing Authorities of executive branch agencies shall post the reduction-in-  
3 force implementation schedule in all offices of the agency within 2 business days after  
4 approval of the reduction-in-force plan by the Administrator. Appointing Authorities of  
5 executive branch agencies shall submit the reduction-in-force implementation schedule,  
6 including the lists described in (4) of this Section, to the Office of Personnel Management  
7 and the Oklahoma Merit Protection Commission within 2 business days after approval of  
8 the reduction-in-force plan by the Administrator. The reduction-in-force implementation  
9 schedule is not subject to the approval of the Administrator or the Commission. The  
10 reduction-in-force implementation schedule shall include:

- 11 (1) a statement of the conditions necessitating the reduction-in-force;
- 12 (2) the estimated time schedule for the reduction-in-force;
- 13 (3) a description of the displacement process, and limits;
- 14 (4) ~~the location in the office where the following lists are available for review,~~ listings  
15 of affected positions and employees, to include the following information (or if such  
16 lists are not posted, the location of the office where they are available for review):
- 17 (A) ~~all occupied and vacant positions in affected job families within any~~  
18 ~~displacement limits, indicating those to be abolished and those available for~~  
19 ~~displacement,~~ showing in each case: geographical and administrative location,  
20 job family, level, and pay band for the position; the name, job family, level, and  
21 pay band, appointment type, and rate of pay of the incumbent; and, for permanent  
22 employees, retention points and other lateral or lower level job families and levels  
23 in which the employee previously held permanent status while in the continuous  
24 classified service of the agency (and if transferred to the agency by statute or  
25 executive order, the former agency), listed in the reverse order in which they were  
26 held;
- 27 (B) ~~all other positions and employees in affected job families which are subject to~~  
28 displacement, showing the same information;
- 29 (C) other occupied and vacant positions and employees in affected job  
30 families, showing the same information (which may include all other positions in  
31 the agency in affected job families or be limited to ten percent of positions  
32 occupied by employees with the least number of retention points based on  
33 longevity dates), and;
- 34 ~~(D)~~ (D) all retained funded vacant positions anywhere in the agency;
- 35 ~~(D) all affected job families, and unclassified jobs grouped by series;~~
- 36 (5) the schedule and procedure to be followed if an eligible employee chooses to  
37 accept ~~any~~ a displacement offer for transfer or voluntary demotion in lieu of  
38 separation;
- 39 (6) the agency policy on issues related to partial payment of moving expenses for  
40 transferred employees in accordance with Section 500.51 of Title 74 of the  
41 **Oklahoma Statutes**;
- 42 (7) such other information as the Appointing Authority deems appropriate; and
- 43 (8) the method established by the Appointing Authority to break ties in retention  
44 points, if applicable.
- 45

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

Appointing Authorities of executive branch agencies shall provide individual written notice to ~~an affected employee~~ employees in abolished positions within 14 calendar days after ~~approval of the reduction-in-force plan by the Administrator~~ posting of the implementation schedule. Other employees affected through the exercise of a displacement opportunity shall be notified within 3 days after being identified as being displaced. The notice shall:

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

**PART 5. RECALL RIGHTS****530:10-13-50. Eligibility for recall**

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

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

(c) Affected employees who accept severance benefits:

- (1) are eligible for recall in accordance with the provisions of Section 840-2.27C of Title 74 of the **Oklahoma Statutes,**
- (2) who are employed 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 840-2.28 of Title 74 of the **Oklahoma Statutes** shall not be eligible for recall.

1  
2 **530:10-13-51. Order of recall**

3 Individuals who are eligible for recall shall be ranked in order of their retention  
4 points at the time the reduction-in-force implementation schedule is posted, from high to  
5 low. [74:840-2.27C(E)] Offers of recall as described in 530:10-13-50 for classified  
6 positions shall be made first to the eligible individual, who was formerly a permanent  
7 classified employee, having the highest retention points, regardless of whether the  
8 individual was separated ~~or voluntarily demoted~~ or removed from the job family level by  
9 voluntary demotion or lateral transfer to another job family level. If an Appointing  
10 Authority grants recall rights to unclassified employees in accordance with Section 840-  
11 2.27C(E) of Title 74 of the **Oklahoma Statutes** and 530:10-13-50, an eligible individual,  
12 who was removed as an unclassified employee, shall have recall rights only to  
13 unclassified positions. Likewise, an eligible individual, who was removed as a classified  
14 employee, shall have recall rights only to classified positions.  
15

16  
17 **SUBCHAPTER 15. TIME AND LEAVE**

18  
19 **PART 5. MISCELLANEOUS TYPES OF LEAVE**

20  
21 **530:10-15-49. Leave and first preference due to work related illness or injury**

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

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

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

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

41 (e) **Required notice to employees.** Appointing Authorities shall give employees who  
42 report a job related illness or injury copies of this Section, Section 840-2.21, and the  
43 agency's policies and procedures for complying with this Section and the law. The  
44 procedures shall include instructions about requesting leave without pay under Section  
45 840-2.21.

1 (f) **Placement of employee on leave without pay.** Appointing Authorities shall refer to  
2 this Section when they place an employee on leave without pay under Section 840-2.21.  
3 The Appointing Authority shall not require employees to exhaust paid sick and annual  
4 leave accumulations before placing them on leave without pay [74:840-2.21]. The  
5 Appointing Authority shall continue paying the employee's basic plan insurance coverage  
6 and dependent insurance benefit allowance while the employee is on leave without pay,  
7 and the leave shall not be a break in service [74:840-2.21].

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

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

17 (1) Appointing Authorities shall establish a procedure for giving employees on leave  
18 without pay under this Section first preference to fill classified and unclassified  
19 positions that do not represent a promotion to the employee, if the employee is  
20 medically able to do the essential duties and has the minimum qualifications for  
21 positions the Appointing Authority seeks to fill.

22 (2) The Appointing Authority's procedure shall include either notifying an employee  
23 of all vacant classified and unclassified positions the Appointing Authority seeks to  
24 fill or allowing the Appointing Authority and the employee to agree on notice for  
25 specific positions or jobs. The procedure may require employees to submit medical  
26 reports stating their ability to perform the essential duties of specific positions or  
27 groups of positions. The Appointing Authority shall give a copy of the procedure to  
28 each employee on leave without pay under this Section.

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

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

38 (5) Before an Appointing Authority assigns an employee to an alternate position (a  
39 position that is not the original position), the Appointing Authority shall give the  
40 employee written notice of the requirement to return to the original position under (i)  
41 of this Section. While in an alternate position, an employee shall submit medical  
42 reports at least every 3 months and whenever the medical condition changes enough  
43 to affect his or her ability to return to the original position.

44 (i) **Return to original position.** An employee on leave without pay or working in an  
45 alternate position shall have the right to return to his or her original position according to  
46 this Section and Section 840-2.21. When a medical report indicates the employee is able

1 to perform the essential duties of the original position, with or without reasonable  
 2 accommodation, the Appointing Authority shall return the employee to the original  
 3 position. The employee and the Appointing Authority may agree in writing to waive the  
 4 requirement to return the employee to the original position from an alternate position.

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

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

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

11 (B) the employee does not return to work within 7 days after the Appointing  
 12 Authority mails a notice to the employee's last known address or delivers a notice  
 13 to the employee.

14 (2) If an employee does not return to the original position or an alternate position  
 15 within 1 year after the start of leave without pay, the Appointing Authority may  
 16 terminate the employee under Section 840-2.21. An Appointing Authority that uses  
 17 Section 840-2.21 as authority to terminate an employee shall give the employee a  
 18 copy of (k) of this Section. Termination of a permanent classified employee under  
 19 this Section is subject to the pretermination hearing requirements of Section 840-6.4  
 20 of Title 74 of the **Oklahoma Statutes**.

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

25 **(k) Reinstatement upon separation.** A classified employee shall be eligible for  
 26 reinstatement to either classified or unclassified employment with any state agency for **12**  
 27 months after the date of separation under (j)(2) of this Section. An unclassified employee  
 28 shall be eligible for reinstatement to unclassified employment with any state agency for  
 29 **12** months after the date of separation under (j)(2) of this Section. This does not reduce  
 30 eligibility under other general reinstatement or reemployment laws or rules, such as  
 31 530:10-9-102. [74:840-2.21]

32  
 33 **SUBCHAPTER 15. TIME AND LEAVE**

34  
 35 **PART 5. MISCELLANEOUS TYPES OF LEAVE**

36  
 37 **530:10-15-43. Holidays**

38 (a) Holidays shall be granted in accordance with state law and the Governor's  
 39 proclamations as they are observed by the individual agencies in accordance with their  
 40 work load and policies.

41 (b) To be eligible to receive holiday pay, an employee shall be in pay status or on  
 42 furlough for the entire regularly-scheduled workday either the workday before or the  
 43 workday after the holiday. An employee shall not be eligible to be paid for holidays  
 44 which occur either before the employee's entry on duty date or after the last day the  
 45 employee works. The receiving Appointing Authority shall pay an employee who  
 46 transfers from another agency for any holidays occurring after the last day worked in the

1 sending agency. An employee who is recalled, reemployed, or reinstated shall not be paid  
2 for any holiday occurring after the last day worked while previously employed and before  
3 entry on duty.

4 (c) Appointing Authorities shall pay full-time employees for holidays based on an **8**-hour  
5 workday. Full-time employees who are eligible for holiday pay under (b) of this Section  
6 and who are scheduled to work either more or less than **8** hours on a holiday shall receive  
7 the equivalent of **8** hours of holiday pay or compensatory time off.

8 (d) Appointing Authorities shall prorate holiday pay for part-time employees based on  
9 one of the following methods:

10 (1) Holiday pay as a percentage of normally scheduled hours worked divided by full-  
11 time hours; or

12 (2) Holiday pay equal to regular pay for hours normally worked if a holiday occurs on  
13 a normally scheduled work day.

14 (e) If a full-time or part-time employee's scheduled hours worked plus holiday hours  
15 total less than the employee's normally scheduled hours during the workweek, the  
16 Appointing Authority shall account for the difference exercising one or more of the  
17 following options:

18 (1) Work additional hours during the same workweek;

19 (2) Charge to accumulated annual leave; or

20 (3) Record as leave without pay under 530:10-15-47.

21 (f) If an employee's scheduled hours worked plus holiday hours are more than **40** hours  
22 in a workweek, the Fair Labor Standards Act requires that only hours actually worked be  
23 counted as hours worked in accordance with the Fair Labor Standards Act and  
24 530:10-7-12.

25 (g) For employees who are scheduled to work on a holiday and for employees whose  
26 regular day off falls on a holiday, the Appointing Authority shall either:

27 (1) reschedule the employee's holiday to be taken within **180** days; or

28 (2) pay the employee for the holiday based on an **8**-hour workday times the  
29 employee's base rate of pay at the time of payment.

30 (h) An Appointing Authority may request an extension of the **180** days for taking  
31 holiday time off up to an additional **180** days providing the Appointing Authority submits  
32 proper documentation to the Office of Personnel Management justifying the extension.  
33 All extensions are subject to the approval of the Office of Personnel Management.

## 34 35 **SUBCHAPTER 17. EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM** 36 **AND CAREER ENHANCEMENT PROGRAMS**

### 37 38 **PART 7. CARL ALBERT PUBLIC INTERNSHIP PROGRAM**

#### 39 40 **530:10-17-74. Undergraduate internship program**

41 (a) **Eligibility.** The undergraduate internship program consists of temporary positions for  
42 students enrolled in institutions of higher education ~~within the state~~ and working toward  
43 an undergraduate degree [74:840-3.4(1)]. To be considered for eligibility determination,  
44 applicants shall have completed at least **24** semester hours of coursework with at least a  
45 **2.5** cumulative grade point average on a **4.0** scale. Applicants shall follow the procedures  
46 in 530:10-17-77 for eligibility determination.

1 (b) **Conditions of employment.** Participants in the Undergraduate Internship Program  
2 who receive internship appointments shall:

- 3 (1) be employed in accordance with paragraph 8 of Section 840-5.5 of Title 74 of the  
4 Oklahoma Statutes, for not more than 2 semesters or 999 hours,
- 5 (2) continue making progress toward an undergraduate degree,
- 6 (3) maintain the grade point average set out in (a) of this Section, and
- 7 (4) complete the training requirements described in (d)(3) of this Section.

8 (c) **Benefits.** Undergraduate interns shall not be eligible for paid leave, or health and  
9 retirement benefits.

10 (d) **Responsibilities of appointing authorities.**

11 (1) The Appointing Authority or designee shall ensure that the intern provides written  
12 verification to the Office of Personnel Management that the intern is:

13 (A) continuing to make progress toward an undergraduate degree during each  
14 semester employed, and

15 (B) maintaining the grade point average set out in (a) of this Section.

16 (2) If this information is not transmitted to the Office of Personnel Management  
17 within **30** days after the end of the previous semester, the Administrator shall notify  
18 the Office of State Finance and the Appointing Authority of the termination of the  
19 internship agreement in accordance with Section 530:10-17-82(a).

20 (3) Each Appointing Authority shall provide a minimum of 4 clock hours of job-  
21 related training for undergraduate interns during the internship, in addition to the  
22 training coordinated by the Administrator, and shall provide verification to the Office  
23 of Personnel Management of the completion of the training requirements.  
24

### 25 **530:10-17-75. Executive Fellows program**

26 (a) **Eligibility.** An Executive Fellows Program consists of six-month to two-year  
27 placements in professional or managerial level positions for students [74:840-3.4(2)]. No  
28 person is eligible to participate in the Executive Fellows program for more than **2** years.  
29 To be considered for eligibility determination, applicants shall have completed a  
30 baccalaureate degree and at least **6** semester hours of graduate level coursework with at  
31 least a **3.0** grade point average on a **4.0** scale [74:840-3.4(2)(a)] or a **7.0** on a **12.0** scale in  
32 all graduate level coursework. Applicants shall follow the procedures in 530:10-17-77 for  
33 eligibility determination.

34 (b) The Administrator may waive the completion of 6 semester hours of graduate level  
35 coursework required by subsection (a) of this section for 1 semester, if:

36 (1) An individual currently employed by a state agency as a Carl Albert Public  
37 Internship Program undergraduate intern provides written verification to the Office of  
38 Personnel Management that he or she has:

39 (A) completed an undergraduate degree, and

40 (B) is enrolled in 6 semester hours of approved graduate level work; and

41 (2) The Appointing Authority or designee of the agency where the undergraduate  
42 intern is currently employed certifies in writing on a form provided by the Office of  
43 Personnel Management that the agency intends to employ the undergraduate intern as  
44 a Carl Albert Public Internship Program Executive Fellow immediately upon the  
45 undergraduate intern's completion of an undergraduate degree.

46 (c) The appointment of an Executive Fellow in accordance with subsection (b) is not

1 effective until the Administrator approves:

2 (A) the waiver of the 6 semester hours of graduate level coursework; and

3 (B) an Executive Fellow agreement form prepared by the Appointing Authority in  
4 accordance with 530:10-17-77(f).

5 (d) At the end of the semester for which the waiver of the 6 semester hours of graduate  
6 level coursework was approved by the Administrator pursuant to subsection (b), the  
7 individual employed as a Carl Albert Public Internship Program Executive Fellow shall  
8 meet the eligibility requirements in subsection (a) of this section or be removed from the  
9 Carl Albert Public Internship Program. [74:840-3.5]

10 ~~(b)~~**(c) Conditions of employment.** Participants in the Executive Fellows Program who  
11 receive internship appointments shall:

12 (1) be appointed in accordance with paragraph 10 of Section 840-5.5 of Title 74 of the  
13 **Oklahoma Statutes** [74:840-3.5(4)],

14 (2) be granted leave benefits commensurate with regular state employees  
15 [74:840-3.5(4)],

16 (3) be enrolled in the state health insurance and retirement benefits programs, if  
17 expected to work one thousand (1,000) or more hours per year,

18 (4) continue to make scholastic progress toward their graduate degrees during each fall  
19 and spring semester until completion of all graduate degree requirements,

20 (5) maintain the grade point average set out in (a) of this Section, and

21 (6) complete the training requirements described in (c)(3) of this Section.

22 ~~(e)~~**(d) Responsibilities of appointing authorities.**

23 (1) The Appointing Authority or designee shall ensure that the intern provides written  
24 verification to the Office of Personnel Management that the intern is:

25 (A) continuing to make scholastic progress toward a graduate degree, until  
26 completion of all graduate degree requirements, and

27 (B) maintaining the grade point average set out in (a) of this Section.

28 (2) If this information is not transmitted to the Office of Personnel Management within  
29 **30** days after the end of the previous semester, the Administrator shall notify the  
30 Office of State Finance and the Appointing Authority of the termination of the  
31 internship agreement in accordance with Section 530:10-17-82(a).

32 (3) Each Appointing Authority shall provide a minimum of **8** clock hours of job  
33 related training for Executive Fellows during each **6**-month period, in addition to the  
34 training coordinated by the Administrator, and shall provide verification to the Office  
35 of Personnel Management of the completion of the training requirements.

36 (4) Each Appointing Authority shall rate the performance of participants in the  
37 Executive Fellows Program in accordance with Section 840-4.17 of Title 74 of the  
38 Oklahoma Statutes. [74:840-3.4]

## 40 **PART 15. STATE MENTOR PROGRAM**

### 41 **530:10-17-156. Agency rotations**

42 **(a) State Personnel Interchange Program.** Rotation assignments shall be  
43 accomplished through the State Personnel Interchange Program, Section 840-3.9, et seq.  
44 of Title 74 of the Oklahoma Statutes.  
45

1 (b) **Length of rotations.** Each Mentor Executive shall complete a two-year management  
 2 rotation assignment which consists of six months in any ~~or all of the following entities:~~  
 3 ~~the sending agency, with one or both houses of the Legislature, the Office of State~~  
 4 ~~Finance, the Governor's Office, the Office of Personnel Management, and any other state~~  
 5 ~~agency accepting the mentor executive or all of the following entities:~~

6 ~~—(1) the sending agency;~~

7 ~~—(2) one or both houses of the Legislature;~~

8 ~~—(3) the Office of State Finance;~~

9 ~~—(4) the Governor's Office;~~

10 ~~—(5) the Office of Personnel Management; and~~

11 ~~—(6) any other agency accepting the Mentor Executive.~~

12 (c) **Work assigned during rotations.** Each agency participating in the State Mentor  
 13 Program shall assign the Mentor Executive to a policy-level manager during the period  
 14 he or she is completing a management rotation in that agency.

15 (d) **Compensation during rotations.**

16 (1) The Administrator shall establish minimum compensation for Mentor Executives.  
 17 The sending agency and each agency in which the Mentor Executive is completing  
 18 his or her management rotation may share the compensation of the Mentor Executive  
 19 or either agency may pay the total amount.

20 (2) If a state employee's salary is below the minimum salary for the Mentor  
 21 Executive job family, the employee's salary shall be increased to that minimum. A  
 22 state employee's salary shall not be reduced because of his or participation in the  
 23 State Mentor Program.

24 (e) **FTE limitations.** Employees participating in the State Mentor Program shall be  
 25 exempt from any full-time-equivalent limitations established by law.

26 (f) **Intercession by the Office of Personnel Management.** *The Administrator of the*  
 27 *Office of Personnel Management may intercede in mentor executive rotational*  
 28 *assignments if the Administrator determines that the assignments are not functioning in*  
 29 *accordance with guidelines established for the state mentor program. The result of the*  
 30 *intercession may include, but is not limited to, reassignment or removal from the*  
 31 *program.*[74:840-3.8]

## 32 PART 17. STATE WORK INCENTIVE PROGRAM

### 33 530:10-17-173. Eligibility and length of appointment

34  
 35 To be eligible for hire under the State Work Incentive Program, a person must be  
 36 certified as a participant in the Temporary Assistance to Needy Families Program by a  
 37 State Work Incentive Referral Form issued by the State of Oklahoma Department of  
 38 Human Services, or be certified as an eligible individual by a State Work Incentive  
 39 Program Certificate issued by the Department of Rehabilitation Services. A copy of the  
 40 required certification will be provided to the Office of Personnel Management at the time  
 41 of appointment. Agencies may employ eligible persons in the State Work Incentive  
 42 Program for up to 2 years in full-time or part-time unclassified status.  
 43  
 44



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       **"Break in service"** means a period of time in excess of thirty (30) days during  
5 which an employee is not present at work and is not in paid leave status or on approved  
6 leave without pay.

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

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

18       **"Classification"** means:

19       (A) *the process of placing an employee into an appropriate job family and level*  
20 *within the job family, consistent with the allocation of the position to which the*  
21 *employee is assigned, or*

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

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

26       **"Classified employee"** means an employee in the classified service, or an employee  
27 currently on leave from the classified service in accordance with established Merit Rules  
28 governing leave.

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

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

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

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

37       **"Demotion"** means the reclassification of a classified employee to a different job  
38 with a lower pay band assignment or to a lower level within the same job family.  
39 Demotion may be voluntary or involuntary.

40       **"Direct reclassification"** means a change made in a classified employee's  
41 classification by an Appointing Authority as a result of the adoption of a new or revised  
42 job family descriptor.

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

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

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

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

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

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

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

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

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

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

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

30       **"Eligible"** means a person who has met all requirements for appointment to a given  
31 job.

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

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

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

40       **"FEPA"** means the Oklahoma Fair Employment Practices Act, Section 840-4.12 of  
41 the Oklahoma Personnel Act.

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

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

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

1       **"Hiring range"** means a range within a pay band within which an Appointing  
2 Authority may establish the initial rate of pay for a given job.

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

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

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

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

14       **"Internal action"** or **"Internal appointment"** means the reclassification of a  
15 current employee or the reinstatement, recall or reemployment from a Priority  
16 Reemployment Consideration Roster of a former employee.

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

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

20       **"Job family"** means:

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

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

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

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

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

33       **"Job family level"** or **"level"** means a role in a job family having distinguishable  
34 characteristics such as knowledge, skills, abilities, education, and experience [74:840-  
35 1.3].

36       **"Job-related organization"** means a membership association which collects annual  
37 dues, conducts annual meetings and provides job-related education for its members and  
38 which includes state employees, including any association for which payroll deductions  
39 for membership dues are authorized pursuant to paragraph 5 of subsection B of Section  
40 7.10 of Title 62 of the Oklahoma Statutes [74:840-1.3].

41       **"Lateral transfer"** means the ~~reclassification~~ reassignment of an employee to  
42 another state job with the same pay band assignment as the job family level in which the  
43 employee ~~had been~~ was classified prior to the lateral transfer [74:840-1.3].

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

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

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

10       **"Merit System"** means the Oklahoma Merit System of Personnel Administration  
11 [74:840-1.3].

12       **"Minimum qualifications"** means the requirements of education, training,  
13 experience and other basic qualifications for a job.

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

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

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

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

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

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

32       **"Noncompetitive appointment"** means the appointment of a person to a  
33 noncompetitive job level within a job family [74:840-1.3].

34       **"Noncompetitive job"** means an unskilled or semiskilled job designated by the  
35 Office of Personnel Management as noncompetitive. Noncompetitive jobs do not require  
36 written examinations for placement on registers of eligibles [74:840-1.3].

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

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

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

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

43       **"Payline"** means the relationship between the rate of pay of a particular job family  
44 level and the assigned job evaluation points for the same job family level.

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

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

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

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

11       **"Probationary period"** means a working test period during which a classified  
12 employee is required to demonstrate fitness for the job to which appointed by the  
13 satisfactory performance of the duties and responsibilities of the job.

14       **"Promotion"** means the reclassification of a classified employee to a different job  
15 with a higher pay band assignment or to a higher level within the same job family.

16       **"Promotional examination"** means any employment test designated by the Office of  
17 Personnel Management to determine further the qualifications of a permanent classified  
18 employee of a state agency for employment in a different job for which the employee  
19 possesses the minimum qualifications of education, experience, or licensure within that  
20 agency [74:840-1.3].

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

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

26       **"Reclassification"** means the process of changing a classified employee from one  
27 job family to another job family or from one job family level to another job family level in  
28 the same job family, resulting in a change in the employee's assigned job code  
29 [74:840-1.3].

30       **"Register"** means a list of eligibles for original probationary appointment to a job.

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

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

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

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

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

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

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

10       **"Successor job family level"** means a job family level that takes the place of  
11 another job family level.

12       **"Supervisor"** means a classified or unclassified employee [within the executive  
13 branch, excluding employees within The Oklahoma State System of Higher Education  
14 74:840-3.1] who has been assigned authority and responsibility for evaluating the  
15 performance of [other state employees] [74:840-3.1].

16       **"Trial period"** means a working test period after promotion or voluntary demotion  
17 during which a classified employee is required to demonstrate satisfactory performance  
18 in the job to which promoted or voluntarily demoted before acquiring permanent status in  
19 the job.

20       **"Unclassified service"** or **"exempt service"** means employees and positions  
21 excluded from coverage of the Oklahoma Merit System of Personnel Administration  
22 [74:840-1.3]. Such employees and positions are subject to various provisions of the  
23 Oklahoma Personnel Act and the Merit Rules.

24       **"Veteran"** means a person who has been honorably discharged from the Armed  
25 Forces of the United States and who has been a resident of Oklahoma for at least 1 year  
26 before the date of examination [74:840-1.3].  
27

## 28 **530:10-1-6. Violations; penalties**

29 (a) The Administrator shall issue orders directing agencies to comply with provisions of  
30 the Oklahoma Personnel Act, the Merit Rules, or written communications issued to  
31 agencies explaining the Oklahoma Personnel Act, the Merit Rules, and any other matter  
32 relating to the Merit System of Personnel Administration. [74:840-1.6A]

33 (b) *The Oklahoma Merit Protection Commission or the Administrator of the Office of*  
34 *Personnel Management may levy an administrative fine not to exceed Five Thousand*  
35 *Dollars (\$5,000.00) against any person, whether subject to the provisions of the merit*  
36 *system or in unclassified service, who after proper notice fails or refuses, within a*  
37 *reasonable period of time, to implement a written order of the Oklahoma Merit*  
38 *Protection Commission or the Administrator of the Office of Personnel Management.*  
39 *Such fine shall be assessed against the person who violates the order and shall not be*  
40 *paid by any monies of the employing entity in which the person is employed or serves.*  
41 [74:840-6.9(A)]

42 ~~(b)~~ (c) *Any person against whom an administrative fine is levied who continues the*  
43 *violation for an unreasonable period of time, as determined by the Oklahoma Merit*  
44 *Protection Commission or Administrator of the Office of Personnel Management, shall*  
45 *forfeit his or her position and shall be ineligible for appointment to or employment in*  
46 *state government for a period of five (5) years [74:840-6.9(B)].*

1 ~~(e)~~ (d) *Any fines collected pursuant to this section shall be deposited to the revolving fund*  
2 *of the respective entity which levies the fine [74:840-6.9(C)].*

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

6  
7 **PART 2. DISCRIMINATION COMPLAINTS**  
8 **INVESTIGATIONS**

9  
10 **530:10-3-22. Training requirements for discrimination complaints investigators**

11 (a) Unless otherwise provided by state or federal law, all persons who are designated to  
12 investigate complaints of employment discrimination in executive branch agencies shall  
13 complete:

14 (1) four days of initial discrimination complaints investigator training either  
15 conducted by the Office of Personnel Management or approved by the Administrator;  
16 and

17 (2) a minimum of one investigation under the guidance of a senior EEO investigator,  
18 designated by the Administrator. The senior EEO investigator shall advise and  
19 support the investigator in developing competency in investigating complaints of  
20 discrimination; and

21 (3) a minimum of six hours of classroom instruction or 0.6 Continuing Education  
22 Units (CEUs) in training related to the subjects listed in subsection (b) each calendar  
23 year and other annual training that may be announced by the Administrator. Persons  
24 who complete annual training shall submit proof of completion that is acceptable to  
25 the Administrator no later than December 31st of each year.

26 (b) Discrimination complaints investigator training shall provide participants with a  
27 current knowledge of:

28 (1) Oklahoma and federal equal employment opportunity laws and rules;

29 (2) theories of discrimination and burdens of proof;

30 (3) planning and conducting complete and impartial investigations;

31 (4) techniques for interviewing witnesses;

32 (5) collecting relevant evidence;

33 (6) documenting the record of investigation; and

34 (7) preparing the written report of investigation.

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

40 (d) The Administrator will certify that a person has completed the training requirements  
41 for investigating complaints of discrimination after the Administrator:

42 (1) determines the person has completed the initial training requirements established  
43 in (a)(1) of this Section, and

44 (2) receives recommendation from the senior EEO investigator under whose guidance  
45 one or more investigations have been conducted as required in (a)(2) of this Section  
46 that the person seeking certification has demonstrated competency in conducting

1 investigations; or the Administrator waives the recommendation requirement.  
 2 (e) The Administrator shall send notice of certification to the person certified and to the  
 3 certified person's Appointing Authority if the person is a state employee.  
 4

## 5 **PART 5. NONCOMPLIANCE, INVESTIGATIONS, HEARINGS, AND** 6 **REMEDIES** 7

### 8 **530:10-3-52. Failure to submit an affirmative action plan on time**

9 ~~(a) If the Appointing Authority fails to submit or resubmit an affirmative action plan as~~  
 10 ~~required in 530:10-3-33, the Administrator shall take the following actions unless the~~  
 11 ~~Administrator finds compelling reasons why they should not be taken.~~

12 ~~(1) Within 7 calendar days following September 1 or any deadline for resubmission,~~  
 13 ~~the Administrator shall submit a written notice to the Appointing Authority that the~~  
 14 ~~affirmative action plan is late; and~~

15 ~~(2) If an affirmative action plan is not received within 30 days after any deadline for~~  
 16 ~~its submission or resubmission, the Administrator shall submit written notice to any~~  
 17 ~~governing body of the agency, to the appropriate Cabinet Secretary, and to the~~  
 18 ~~Affirmative Action Review Council.~~

19 ~~(3) If an affirmative action plan is not received within 60 days after any deadline for~~  
 20 ~~its submission or resubmission, the Administrator shall submit written notice to the~~  
 21 ~~Governor, the President Pro Tempore of the Senate, and the Speaker of the House of~~  
 22 ~~Representatives.~~

23 ~~(b) Failure to submit or resubmit an affirmative action plan by any deadline may result in~~  
 24 ~~action by the Administrator, including but not limited to recording the Appointing~~  
 25 ~~Authority being recorded in the report described in 530:10-3-39 as being in~~  
 26 ~~noncompliance with the Oklahoma Personnel Act and standards for affirmative action~~  
 27 ~~plans.~~

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

### 29 **PART 1. SALARY AND RATES OF PAY**

#### 30 **530:10-7-14. Rate of pay upon reclassification, promotion, career progression,** 31 **demotion, and transfer**

32 (a) **Rate of pay when incumbent is reclassified directly.** When an employee is  
 33 reclassified directly under 530:10-5-90, the rate of pay shall be fixed in accordance with  
 34 530:10-7-13.  
 35

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

37 (1) An Appointing Authority shall adopt objective written criteria for the amount of  
 38 salary advancements on promotion or career progression. These criteria shall be a part  
 39 of the agency salary administration plan established under 530:10-7-1.1 and shall be  
 40 consistent with state and federal statutes prohibiting discrimination.  
 41

42 (2) The Appointing Authority shall set an employee's salary on promotion or career  
 43 progression at no less than 5% and no more than 20% of the employee's salary before  
 44 career progression, except as follows: ~~within the new pay band, except as provided in~~  
 45 ~~paragraph (3) of this subsection.~~

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

10           (B) ~~The Appointing Authority may set an employee's salary on promotion or~~  
 11 ~~career progression up to 20% above the employee's salary before promotion or~~  
 12 ~~career progression, or any rate within the hiring range established for the position~~  
 13 ~~in an approved salary administration plan. If the increase is insufficient to raise~~  
 14 ~~the employee's salary to the minimum of the new pay band, the employee's salary~~  
 15 ~~shall be raised to the minimum of the new pay band.~~

16           (C) The Appointing Authority may set the employee's salary at any rate within the  
 17 hiring range established for the position in an approved salary administration plan.

18           (D) The Appointing Authority shall not lower the salary of an employee on  
 19 promotion or career progression. If the employee's salary before promotion or  
 20 career progression exceeds the maximum of the new pay band, the employee's  
 21 salary shall remain the same.

22           (3) ~~The Appointing Authority shall not lower the salary of an employee on~~  
 23 ~~promotion or career progression. If the employee's salary before promotion or career~~  
 24 ~~progression exceeds the maximum for the new pay band, the employee's salary shall~~  
 25 ~~remain the same.~~

26           (c) **Rate of pay when demoted.** The rate of pay of an employee who is demoted shall  
 27 be set by the Appointing Authority at any rate of pay within the pay band for the job to  
 28 which demoted, which does not exceed that employee's last rate of pay. An Appointing  
 29 Authority may delay setting the rate of pay upon demotion for up to 1 year when the  
 30 demotion is due to an agency reorganization. For the purposes of this subsection,  
 31 "agency reorganization" means the reclassification of employees in lieu of reduction-in-  
 32 force.

33           (d) ~~**Rate of pay when transferred interagency.** An Appointing Authority shall set the~~  
 34 ~~salary of an employee who receives an interagency transfer to the same job or another~~  
 35 ~~with the same pay band assignment, at the same rate of pay received before transfer.~~

36           (e) ~~**Rate of pay upon intra-agency lateral transfer.** An Appointing Authority may~~  
 37 ~~provide up to a 5% increase in salary, not to exceed the maximum rate of pay for the pay~~  
 38 ~~band, for an employee on upon intra-agency lateral transfer to a position in the same job~~  
 39 ~~family and level or another job family and level with the same pay band assignment,~~  
 40 ~~based on the needs of the agency. [74:840-2.17]~~

41  
 42 **530:10-7-16. On-call pay**

43           A classified employee shall receive a minimum of two (2) hours work if the  
 44 employee is required to report to work while on-call. [74:840-2.29]

1 **530:10-7-22. Salary adjustments upon completion of initial probation or trial**  
2 **period**

3 An Appointing Authority may provide salary adjustments not to exceed 5% to  
4 probationary classified employees achieving permanent status following the initial  
5 probationary period. An Appointing Authority may also provide this salary adjustment to  
6 employees reinstated to the classified service after a break in service upon completion of  
7 a probationary period, and to permanent classified employees successfully completing  
8 trial periods after intra-agency lateral transfer or promotion to a different job family level  
9 or career progression to a different job family level. [74:840-2.17]

10  
11 **SUBCHAPTER 13. REDUCTION-IN-FORCE**

12  
13 **PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE**

14  
15 **530:10-13-2. Definitions**

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

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

20 **"Affected employees"** means classified and unclassified employees in affected  
21 positions.

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

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

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

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

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

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

38 **"Eligible classified employee"** means a permanent classified employee or a  
39 classified employee on probationary status after reinstatement from permanent classified  
40 status without a break in service in an affected position who is eligible for displacement  
41 opportunities or severance benefits.

42 **"Eligible regular unclassified employee"** means a regular unclassified service  
43 employee with ~~over six months~~ one (1) year or more continuous service in an affected  
44 position who is eligible for severance benefits.

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

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

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

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

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

## 20                    **PART 7. PRIORITY CONSIDERATION FOR REEMPLOYMENT**

### 21                    **530:10-13-70. Eligibility for priority reemployment consideration**

22 (a) ~~Probationary and permanent~~ Permanent employees, and regular unclassified full-time  
 23 employees with ~~over 6 months~~ one (1) year or more continuous service, and employees  
 24 on probationary status after reinstatement from permanent classified status without a  
 25 break in service, who have been separated as a result of an officially conducted  
 26 reduction-in-force or the abolition of all or part of a state agency, are eligible for priority  
 27 reemployment consideration [74:840-2.27C] for jobs in the classified service. In  
 28 addition, affected employees shall be eligible for Priority Reemployment Consideration  
 29 beginning with the date the implementation schedule is posted, for a period not to exceed  
 30 **12** months before the scheduled date of separation, if the agency:

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

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

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

41 (c) Employees who accept severance benefits:

42        (1) are eligible for Priority Reemployment Consideration in accordance with the  
 43 provisions of Section 840-2.27C of Title 74 of the **Oklahoma Statutes**,  
 44

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

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

7  
8 **SUBCHAPTER 17. EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM**  
9 **AND CAREER ENHANCEMENT PROGRAMS**

10  
11 **PART 3. EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM**

12  
13 **530:10-17-31. Employee performance management system**

14 (a) *The Office of Personnel Management shall make available one standard*  
15 *performance management system to be used by all agencies for completing employee*  
16 *service ratings. Agencies shall implement this new system on or before January 1, 2000.*  
17 *Until January 1, 2000, agencies may continue to use employee service rating systems*  
18 *which were approved or provided by the Administrator prior to November 1, 1999. The*  
19 *purpose of this employee performance management system is to evaluate the*  
20 *performance of each classified, unclassified and exempt employee in the executive branch*  
21 *of state government except those in the exempt unclassified service as specified in*  
22 *paragraphs 1 and 2 of subsection A of Section 840-5.5 and those employees employed by*  
23 *the institutions under the administrative authority of The Oklahoma State System of*  
24 *Higher Education [74:840-4.17].*

25 (b) *The employee performance management system shall provide for the following:*

26 (1) *An objective evaluation of the employee, by the immediate supervisor, of the*  
27 *performance of the employee within the assigned duties of the job;*

28 (2) *The identification of the strengths and deficiencies of the employee;*

29 (3) *Corrective actions, if necessary, to correct deficiencies;*

30 (4) *An interview with the employee by the immediate supervisor who shall provide the*  
31 *employee with a copy of the service ratings; and*

32 (5) *The opportunity for the employee to submit written comments regarding the*  
33 *service rating [74:840-4.17].*

34 (c) *Each employee shall be rated thirty (30) days prior to the end of the probationary*  
35 *period. Thereafter, each employee shall be rated no less than once each year [74:840-*  
36 *4.17].*

37 (d) The immediate supervisor shall hold a meeting in person with the employee at least  
38 three times during the evaluation period.

39 (1) One meeting shall take place at the beginning of the evaluation period in order to  
40 communicate the accountabilities and behaviors upon which the employee will be  
41 evaluated. A copy shall be provided to the employee.

42 (2) One meeting shall take place during the rating period for the purpose of  
43 discussing the progress of the employee in meeting the accountabilities upon which  
44 the employee will be evaluated.

1 (3) One meeting shall take place at the end of the review period to provide the final  
2 evaluation. A copy of the evaluation shall be provided to the employee, and the  
3 employee shall have the opportunity to provide written comments.

4 ~~(d)~~(e) *The agency shall use the available service ratings of current or former state*  
5 *employees in decisions regarding promotions, appointments, demotions, performance*  
6 *pay increases, and discharges. Reductions-in-force shall not be considered discharges*  
7 *[74:840-4.17].*

8 ~~(e)~~(f) *The agency shall retain a copy of the service rating for each employee of the*  
9 *agency. A copy of the service rating shall be furnished to the Administrator of the Office*  
10 *of Personnel Management for review to determine compliance with the provisions of this*  
11 *section and shall be retained in the file on the employee employee's personnel file*  
12 *[74:840-4.17].*

13 ~~(f)~~(g) The basic document to be used in conducting performance evaluations is the  
14 Performance Management Process form (OPM-111), a form prescribed by the  
15 Administrator. The form contains spaces for the supervisor to describe a list of  
16 accountabilities on which the employee will be evaluated. The form also lists behaviors  
17 on which state employees will be evaluated. The form provides spaces for the supervisor  
18 to enter an overall accountability rating, an overall performance rating, and a  
19 summary/development plan. The form requires signature by the employee, the  
20 supervisor, and the reviewer.

## 21 **SUBCHAPTER 23. EMPLOYEE RECOGNITION**

### 22 **PART 1. GENERAL PROVISIONS**

#### 23 **530:10-23-1. Purpose**

24 The purpose of the rules in this Subchapter is to establish an on-the-job employee  
25 performance recognition program that encourages outstanding job performance and  
26 productivity, promotes excellence in job performance, and provides recognition for work  
27 units with exceptional performance.

#### 28 **530:10-23-2. RESERVED**

#### 29 **530:10-23-3. Employee performance recognition programs**

30 (a) At the discretion of the Appointing Authority, agencies may establish employee  
31 performance recognition programs to recognize individual employees or work units with  
32 exceptional job performance records or for other significant contributions to the agency.  
33 Agencies may not request additional funding from the Legislature in order to fund  
34 employee performance recognition programs.

35 (b) Recognition awards may consist of distinctive wearing apparel, service pins,  
36 plaques, writing pens, or other awards. The value of recognition awards may not exceed  
37 \$150.00 per recognized employee each fiscal year.

38 (c) In addition to the recognition awards as provided in Subsection (b), agencies may  
39 provide cash awards to recognize outstanding performance in the workplace by the  
40 employees of the agency. Cash awards may not exceed \$250.00 per recognized  
41 employee each fiscal year.

1 (d) The awards authorized in this Section may be presented at a formal or informal  
2 ceremony, banquet, or reception, the cost of which may be funded from monies available  
3 in the agency's operating funds. [74:4121]

**APPENDIX B. SCHEDULE OF ANNUAL AND SICK LEAVE ACCRUAL RATES AND ACCUMULATION LIMITS [NEW]**

ANNUAL AND SICK LEAVE ACCRUAL RATES AND ACCUMULATION LIMITS SCHEDULES [74:840-2.20(2)] Note: "Days" refers to working days.				
	Annual Leave		Sick Leave	
Years of Cumulative Service	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.
10 to 20 years	20 days/year (13-1/3 hours/month)	60 days*	15 days/year (10 hours/month)	No limit.
Over 20 years	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)				