



MERIT PROTECTION COMMISSION

Preserving the integrity of the Oklahoma Merit System

Susan Bussey, Executive Director



Mary Fallin, Governor

DATE: February 25, 2011

TO: All Appointing Authorities

FROM: Susan Bussey, Executive Director *SB*

Personnel Investigative Training

The Merit Protection Commission has scheduled the above training for March 24th and 31st, 2011.

This training will meet the Continued Education requirements for Grievance Managers as in Merit Rule 455:10-19-22 (2), completing continuing training programs required by the Commission. The training previously satisfied Merit Rule 530:10-3-22, training requirements for discrimination complaints investigators and will be excellent for Step II decision-makers and Investigators.

A link to the registration form is available on the Commission's website at www.mpc.ok.gov.

Please see the attached flyer for more information or contact the Commission by calling (405) 525-9144.

PART 2. DISCRIMINATION COMPLAINTS INVESTIGATIONS

530:10-3-20. Purpose

Section 840 2.1 (F)(1) of Title 74 of the **Oklahoma Statutes** requires persons who investigate complaints of discrimination after December 1, 1995, to be trained according to the requirements of the Administrator unless otherwise provided by state or federal law. The rules in this Part establish training requirements for persons who investigate complaints of employment discrimination in executive branch agencies. The rules in this Part are not intended to require Appointing Authorities to train an agency employee as a discrimination complaint investigator; but rather, are intended to ensure that complaints of discrimination are investigated by persons who meet the training requirements of the Administrator, unless otherwise provided by state or federal law, regardless of whether the investigation is conducted by persons internal or external to the agency.

530:10-3-21. [RESERVED]

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

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

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

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

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

(3) a person who has completed the initial training requirements established in (a)(1) of this Section and who is conducting an investigation under the guidance of a senior EEO investigator required in (a)(2) of this Section shall

be considered as conditionally meeting the training requirements of the Administrator and shall be considered to be in compliance of this Part for that investigation.

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

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

(B) receives recommendation from the senior EEO investigator under whose guidance one or more investigations have been conducted as required in (a)(2) of this Section that the person seeking certification has demonstrated competency in conducting investigations; or the Administrator waives the recommendation requirement.

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

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

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

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

(A) Oklahoma and federal equal employment opportunity laws and rules; including the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and Section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., and court cases;

(B) theories of discrimination and burdens of proof;

(C) planning and conducting complete and impartial investigations;

(D) techniques for interviewing witnesses;

(E) collecting relevant evidence;

(F) documenting the record of investigation; and

(G) preparing the written report of investigation.

(H) investigating discrimination complaints;

(I) personnel practices and procedures;

(J) alternative dispute resolution; or

(K) diversity and multi-culturalism.

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

530-10-3-23. [RESERVED]

530:10-3-24. Discrimination complaints investigator training verification

Before any person investigates a complaint of employment discrimination in the executive branch of state government, the Appointing Authority shall verify that the investigator has either met the training requirements of the Administrator or is not subject to the requirements.

530:10-3-25. [RESERVED]

530:10-3-26. Discrimination complaint investigation training program or course approval

(a) The Administrator may approve training that is not conducted by the Office of Personnel Management as meeting the four days of initial discrimination complaints investigator training required in 530:10 3 22.

(b) To request approval of discrimination complaints investigation training, an Appointing Authority shall submit the following course information to the Administrator for review:

- (1) Course title and a brief description;
- (2) Classroom hours or Continuing Education Units (CEUs); and
- (3) Course outline.

(c) The Office of Personnel Management shall maintain lists of approved discrimination complaint investigation training courses, and may withdraw its approval of courses by notifying employing agencies.

(d) Persons who complete approved training courses shall submit proof of completion on a form that is prescribed or approved by the Administrator.

(e) The Administrator shall send notice of the acceptability of training to a person submitting proof of completion. If the person is a state employee, the Administrator shall also send the notice to the Appointing Authority.