



**STATE OF OKLAHOMA  
OFFICE OF PERSONNEL MANAGEMENT**

*"Serving Equal Opportunity Employers"*

**OPM 05-36**

**TO:** All Appointing Authorities

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

A handwritten signature in cursive script, appearing to read "Oscar B. Jackson, Jr.", positioned to the right of the "FROM:" field.

**DATE:** August 24, 2005

**SUBJECT: Voluntary Payroll Deduction Program Information**

This past session, the 50th Legislature passed Enrolled Senate Bill 586. This amendment to the State Employees Flexible Benefits Act, statutorily cited as 74 O.S., § 1344, requires that agencies invite vendors that have approved voluntary payroll deduction status to employee benefits information meetings that must be held, "No less than fifteen (15) working days prior to the annual deadline for making changes to state employees' benefit packages." 74 O.S., § 1344(G). Naturally, a number of questions have arisen with regard to the requirements of this new statutory provision. In an effort to address some of these questions, several state entities, the Office of Personnel Management, Office of the Attorney General, Employees Benefits Council, Employees Benefits Coordinator Association, Oklahoma Public Employee Retirement System, and the Oklahoma State and Education Employees Group Insurance Board, coordinated to provide the following Frequently Asked Questions document.

There are currently three state statutes that address private entity access to state employees: 74 O.S., § 842, 74 O.S., § 845, and 74 O.S., § 1344. Section 842 provides annual access to vendors upon request to the agency. Access authorized under this section may only be provided during non-work hours. Section 845 allows employee organizations to conduct meetings on state property during non-work hours. This statutory provision also requires agencies to include employee organization information in new employee packets. Additionally, it requires an annual distribution of the materials. However, SB 586 included a requirement that vendor materials be placed in "the annual benefit enrollment materials provided to state employees and their dependents." 74 O.S., § 1344.1. As such, the Employees Benefits Council has proposed emergency rules to facilitate that process. Vendor materials will be in the 2006 benefit enrollment packages that will be distributed later this year.

The following Q&A addresses questions regarding the various access statutes currently applicable to state agencies and employees.

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

## FREQUENTLY ASKED QUESTIONS VOLUNTARY PAYROLL VENDOR ACCESS

1. Is an agency required to allow vendors access throughout the year or just once annually?

**Twice. Once upon request for reasonable access (74:842). Once with respect to the employee benefits information meeting (74:1344). 74:845 also provides access to employee organizations but does not give guidance as to the number of times throughout a year access must be provided.**

2. Can an agency offer meetings throughout the year in lieu of a meeting(s) during Option Period?

**Pursuant to 74:842 an agency could offer other meetings, but that would not dispense with the access required during the employee benefits information meeting (74:1344).**

3. Vendors are calling advising “they now have access and agencies must allow them meeting time and space immediately.” Is this an accurate statement? How do I respond?

**This is not an accurate statement. Accessibility is still up to the appointing authority. Pursuant to 74:842, an appointing authority is required to allow access once per year upon request (MR 530:15-3-16) of a vendor. Pursuant to 74:1344 an appointing authority is required to invite vendors to the employee benefits information meeting.**

4. Can multiple agencies join in offering one meeting at one location, to which employees are allowed [a minimum ] 30 minutes attendance?

**The statute does not disallow a joint employee benefits information meetings. However, should employees be required to travel from other work locations, an agency would be responsible for costs associated with that travel.**

5. Is there any required format for a vendor access meeting? For example, must vendors be allowed to present or can the agency simply invited vendors to provide a tabletop display and materials, etc.

**The only guidance the statute gives is to allow the vendor space and the opportunity to answer questions (74:1344).**

6. Is there a required length of time for the VPD meetings?

**The statute requires that each employee be allowed a *minimum* of 30 minutes to attend employee benefits information meetings (74:1344).**

7. SB586 indicates we must provide adequate space to vendors to meet with employees. Can any expenses involved in providing meeting space be passed along to the vendors? (e.g. location rental, table and chair rental, etc.)

**The statute does not authorize any expense incurred to be passed on to vendors.**

8. How do we meet both the OPM statutory requirements on VPDs and the new legislative requirements set forth in SB586?

**The requirements are based on two separate statutes. One requires allowing access to product vendors at last once per year upon request (74:842; MR 530:15-3-16) and the other requires an invitation to product vendors to attend the annual employee benefits information meetings held prior to the benefits option period. Taken together, the statutes appear to require vendor access to employees twice per year.**

9. EBC will host the VPD vendors at the Health & Safety Expo during Option Period. Can I send my employees to this event and meet the access requirement?

**The statute requires that product vendors be invited to employee benefits information meetings held by the agency (74:1344). If an agency were holding its benefits information meetings at the Expo, this would seem to suffice. However, if an agency is holding separate meetings on site, this would not appear to effectuate the purpose of the statute, except to perhaps take care of the once per year access required by 74:842.**

10. My agency has numerous locations. Must I allow access to each location?

**The statute does not appear to require access to each location, only to each shift (74:1344). Although an agency could hold its benefits meetings in a central location and allow employees from other locations the opportunity to attend the meetings, the agencies would bear responsibility for travel and related expenses because the statute authorizes employee attendance during the “workday” (74:1344).**

11. What meets the requirement of “adequate notice” to employees regarding the VPD meetings?

**The statute is silent on this issue. OPM provides a list of product vendors with VPD approval on the OPM website that contains contact information for each vendor.**

12. Are there specific consequences outlined for not participating in the legislative requirement?

**While the statute is silent on this point, agencies should comply with any legal requirements imposed by the Oklahoma Legislature. Participation by agencies is mandatory, while that of employees is optional (74:1344).**

13. SB586 states “Give employees, both active and retired, adequate notice of the meeting. Agencies generally do not keep a database on retired employees. How are agencies to meet the requirement of notifying retirees?”

**Neither OPERS nor OSEEGIB is able to provide retired members’ addresses to agencies. Therefore, agencies must rely upon any contact information available for retirees to communicate the date and location of the one-day benefits information meeting.**

14. My option period meetings generally last 30 minutes. Do we have to provide an additional 30 minutes for the vendors, or can they just be available throughout the same day during the employees' breaks, lunch and before or after work?

**The statute requires that "active employee[s]" be allowed to spend at least 30 minutes "during the work day" to attend benefits information meetings. The statute requires that employees be allowed to ask questions of and receive benefit information from vendors that have voluntary payroll deduction status. If this process can be accommodated within this time period, then it would suffice. However, the statute clearly states that "at least 30 minutes" of the workday are authorized for this purpose. As such, if it took longer than 30 minutes for your agency to provide its benefits information in addition to the vendor portion, that time would need to be allotted.**

15. Although agencies must invite and encourage vendors to attend, can they place a deadline on the time the vendor may accept the invitation to have enough time to make arrangements?

**Yes.**

16. If the vendor does not respond to or accept the invitation to attend the benefits information meeting when scheduled, must agencies provide access to employees at another time?

**No. However, a vendor could request access pursuant to 74:842.**

17. Are vendors designated one contact person or are they allowed to have multiple individuals contacting an agency and/or agency satellite locations separately?

**The Voluntary Payroll Deduction Rules require product vendors to "identify 1 contact through which state agencies can arrange access." (VPD Rule 530:15-3-16(c). This contact is the only individual that is to contact agencies. If vendors are not complying with this requirement please utilize the complaint procedure provided in the VPD Rules at 530:15-5-2, or contact Marsha Reeder, (405) 521-2269.**

18. Are vendors authorized to send surveys to each agency and agency location requesting feedback on products, services and the effectiveness of their meetings?

**Should a vendor send such information, which is not specifically disallowed, an agency is under no obligation to neither respond nor distribute the material to employees.**

19. If vendors are in appropriate, exhibiting rude or overbearing behavior on the telephone or in person, do agencies have the authority to deny their request for access?

**Product vendors are required to comply with all law relative to vendor access and are prohibited from disrupting the business of the agency. (VPD Rule 530:15-3-16(d)). Vendors that exhibit behavior in contravention of state law, or who disrupt agency business may be denied access for 1 year by an Appointing Authority. (VPD Rule 530:15-3-16(d)). The complaint procedure in the VPD Rules at 530:15-5-2 may also be utilized.**