

~~TITLE 530. OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 1. OFFICE OF PERSONNEL MANAGEMENT ADMINISTRATIVE RULES
SUBCHAPTER 1. GENERAL PROVISIONS~~

530:1-1-1. Purpose

The purpose of this Chapter is to establish policies, procedures and standards that apply to the Office of Personnel Management (OPM) and to other Chapters in this Title. The rules in this Chapter describe:

- (1) The organization of OPM;
- (2) How to get information and file documents; and
- (3) The general practices of OPM.

530:1-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

— ***"Administrator"*** means ***the chief administrative officer of the Office of Personnel Management*** [74:840.3 (5)].

— ***"Day"*** means a calendar day.

— ***"OPM"*** means the Oklahoma Office of Personnel Management.

— ***"Party"*** means a person or organization named and participating or properly seeking and entitled by law to participate in an individual proceeding.

530:1-1-3. [RESERVED]

530:1-1-4. Legal references

— In this Title, italic type means it exactly repeats language from a law or another legal document. The specific reference is in brackets following the italics. Language in the rules that restates laws or other legal material in other words is also followed by a reference in brackets, but it is not printed in italics.

530:1-1-5. [RESERVED]

530:1-1-6. Severability

— If a court of competent jurisdiction finds any rule or part of a rule in this Title to be unenforceable, it shall not impair or invalidate the remaining rules in this Title; the remaining rules shall be valid and enforceable to the fullest extent allowed by law.

530:1-1-7. [RESERVED]

530:1-1-8. Organization

— The Administrator is the chief administrative officer of OPM. The Governor appoints the Administrator under Section 840.5 of Title 74 of the **Oklahoma Statutes**. The Administrator determines the internal organization of OPM [74:840.6] and employs staff to assist in carrying out the duties of the Administrator and OPM.

530:1-1-9. [RESERVED]

530:1-1-10. Computation of time

— In computing any period of time prescribed or allowed by the rules in this Title, OPM does not count the day of the act, or event, from which the period of time begins to run. But, OPM does include the last day of the period unless it is a Saturday, Sunday, legal holiday as defined by the **Oklahoma Statutes**, or any other day OPM does not remain open until 4:00 p.m. In this case, the period shall run through the end of the next day OPM is open until 4:00 p.m. The Administrator may extend any time period established by the rules in this Title.

530:1-1-11. [RESERVED]

530:1-1-12. Location for information and for filing

~~(a) The address and telephone number for communications with OPM is: Office of Personnel Management, Jim Thorpe Building, Room G80, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105-4904, Telephone (405) 521-2177.~~

~~(b) The normal business hours of OPM are 8:00 a.m. to 5:00 p.m., Monday through Friday.~~

~~(c) Anyone may file a document with OPM by mail or hand-delivery during normal business hours. The "filing date" is the date OPM receives a document by mail or hand-delivery, not the date it is mailed or postmarked.~~

~~(d) OPM does not accept facsimiles or "FAXs" instead of original official documents except for the following documents:~~

- ~~—— (1) Agency Payroll Initialization (OPM-38);~~
- ~~—— (2) Agency Transfer (OPM-30);~~
- ~~—— (3) Carl Albert Public Internship Program application materials, and completed and signed agreement forms;~~
- ~~—— (4) Certified Public Manager nomination;~~
- ~~—— (5) Classification Grievance Audit Request (OPM-70);~~
- ~~—— (6) Dependent birthday change (EBC-20);~~
- ~~—— (7) Delegated authority application;~~
- ~~—— (8) Documents and related correspondence on legislation, rules, and Employment Relations Services (except for Employee Assistance Program participant documents and alleged discrimination complaint documents);~~
- ~~—— (9) HRDS Course Nomination;~~
- ~~—— (10) Interagency employee transfer correspondence;~~
- ~~—— (11) Mandatory Supervisory Training Report;~~
- ~~—— (12) Model Project application;~~
- ~~—— (13) Notice to Announce (OPM-29);~~
- ~~—— (14) PEP Nomination (OPM-102);~~
- ~~—— (15) Personnel Transaction Freeze Exception Request (OPM-92);~~
- ~~—— (16) Position Description Questionnaires (OPM-39, OPM-39A, OPM-39B, and OPM-65);~~
- ~~—— (17) Quality Oklahoma Project Report;~~
- ~~—— (18) Reallocation Forms (OPM-138, OPM-139, OPM-140, OPM-141, and OPM-142);~~
- ~~—— (19) Request for personnel action (OPM-14);~~
- ~~—— (20) State Mentor Program nomination forms, application materials, and Appointing Authority endorsement forms;~~
- ~~—— (21) State Personnel Interchange Program completed and signed agreement and contract forms;~~
- ~~—— (22) Test Use and Security Agreement; and~~
- ~~—— (23) Voluntary Payroll Deduction Application (VPD-1) and related correspondence.~~

~~(e) OPM does not accept electronic mail or "e-mails" instead of original official documents except for the following documents:~~

- ~~—— (1) Carl Albert Public Internship Program transcripts, enrollment verifications, and resumes;~~

- ~~_____ (2) Certified Public Manager nomination;~~
- ~~_____ (3) HRDS Course Nomination;~~
- ~~_____ (4) Mandatory Supervisory Training Report; and~~
- ~~_____ (5) Quality Oklahoma Project Report.~~

~~(f) Unless a document clearly states otherwise, the signature of a person on a document filed with OPM shall mean the person has read it and has personal knowledge of the information it contains, that every statement is true, that no statements are misleading; and that filing the document is not a delay tactic. If any document is not signed or is signed with intent to defeat the purposes of the rules in this Title, the Administrator may ignore it and continue as though it had not been filed.~~

~~**530:1-1-13. [RESERVED]**~~

~~**530:1-1-14. Records**~~

~~(a) **Records retention and disposition.** OPM keeps documents for at least the minimum time required by state and federal laws that pertain to archives and records. This varies depending on the type of document. OPM has its records disposition schedules available for inspection.~~

~~(b) **Removal of documents.**~~

~~_____ (1) Before the effective date of a document, the Administrator may approve a written request from a person, an agency, or party that has filed the document to revise, replace, or withdraw it.~~

~~_____ (2) After the effective date of a document, the Administrator may allow it to be removed on the order of a court or when an employing agency (that created the document) and the employee (affected by the document) both file a written request for its removal. This removal would usually be part of the resolution of an appeal to the Oklahoma Merit Protection Commission or an internal agency grievance.~~

~~(c) **Confidential and open records.**~~

~~_____ (1) Most records in OPM are available for public inspection and release, but some are not. The records that are not available for general public access may include records described as confidential in this Section or in other Chapters in this Title, and other records that laws require or permit OPM to keep confidential. The Administrator normally keeps the following records confidential but may choose, in some cases, to make them public if law permits it.~~

~~_____ (A) State employees' home addresses, home telephone numbers and social security numbers [74:841.6A].~~

~~_____ (B) *Records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation* [51:24A.7(A)(1)];~~

~~_____ (C) Employee evaluations, payroll deductions, employment applications not resulting in a person being hired by the state, and other records that would result in a clearly unwarranted invasion of personal privacy if they were disclosed [51:24A.7(A)(2)];~~

~~_____ (D) Before taking action, personal notes and personally created materials (other than OPM's budget request) prepared by OPM staff as an aid to memory [51:24A.9];~~

~~_____ (E) Before taking action, research material leading to the adoption of a~~

~~policy or the implementation of a project [51:24A.9];~~

~~(F) Records coming into the possession of OPM from the federal government or records generated or gathered as a result of federal legislation may be kept confidential to the extent required by federal law [51:24A.13]; and~~

~~(G) Documents, such as medical records and records protected by the attorney-client privilege, that are exempt from the Oklahoma Open Records Act or are specifically required or permitted by law to be kept confidential;~~

~~(2) All records that are not confidential are open for public inspection and copying. Examples of open records include:~~

~~(A) Employment applications that result in persons becoming state officials or employees [51:24A.7(B)(1); 51:24A.3(4)];~~

~~(B) Gross receipts of public funds [51:24A.7(B)(2)];~~

~~(C) Dates of an individual's employment with the state and his or her job title [51:24A.7(B)(3)]; and~~

~~(D) Any final disciplinary action resulting in loss of pay, suspension, demotion of position or discharge [51:24A.7(B)(4)].~~

(d) Inspection and release of records.

~~(1) Individuals may inspect and copy records during OPM's regular business hours according to OPM's procedures, which protect the integrity and organization of the records and prevent excessive disruption of OPM's essential functions [51:24A.5(5)]. An individual seeking to inspect, copy, or otherwise reproduce records shall complete a form prescribed by the Administrator, which requests the name, address, and telephone number of the individual. The form also requests information concerning the intended use and purpose of all intended uses of the requested materials for the purpose of determining whether a search fee will be charged. Individuals requesting access to OPM records shall provide sufficient advance notice to prevent the unnecessary disruption of essential OPM functions; appointments are preferred.~~

~~(2) The Administrator may give officers and employees of the state or federal government acting in their official capacities access to confidential records.~~

~~(3) Each person shall have access to his or her own records in OPM unless it is against the law [51:24A.7(C)].~~

~~(e) The Administrator shall only charge fees that are consistent with Section 24A.5 of Title 51 of the **Oklahoma Statutes**. A reasonable search fee may be charged to recover the direct costs of document searches, if the request is solely for commercial purposes or would cause disruption of OPM's essential functions:~~

~~(1) Fee for paper photocopies \$0.25 per copy.~~

~~(2) The search fee shall be determined by multiplying the number of hours required to complete the search by the hourly rate of pay of the OPM employee conducting the search.~~

530:1-1-15. [RESERVED]

530:1-1-16. Forms and instructions

~~Other Chapters in this Title contain references to forms and instructions OPM~~

requires. People may contact OPM to request blank forms and general information about completing and submitting them.

530:1-1-17. [RESERVED]

530:1-1-18. Rulemaking

(a) The Administrator follows Article I of the Administrative Procedures Act, Sections 250.3 through 308.2 of Title 75 of the **Oklahoma Statutes**, to make rules. The Administrator may appoint another person to conduct any public hearing about rulemaking.

(b) Any person may request the Administrator to adopt, amend, or repeal any rule in this Title. [75:305]

(c) A request for rulemaking must be in writing and it must include the following information.

- _____ (1) The name, address and telephone number of the person making the request;
- _____ (2) The name, address and telephone number of the organization the person represents, if applicable;
- _____ (3) The date of the request;
- _____ (4) The requested action, that is, revision of a rule, repeal of a rule, or addition of a rule;
- _____ (5) Any numbers and headings used to identify the rule if the request is to revise or repeal an existing rule;
- _____ (6) The proposed language if the request is to amend an existing rule or add a new rule;
- _____ (7) The reason for the request; and
- _____ (8) The intended effect of the action.

(d) If the Administrator does not begin rulemaking procedures within 30 days after the date OPM receives a request, the request shall be considered denied. [75:305]

530:1-1-19. [RESERVED]

530:1-1-20. Requests for declaratory rulings

(a) Any person may request the Administrator to interpret OPM's policy on the applicability of any rule or order of OPM. This is called a request for a declaratory ruling. The purpose of a declaratory ruling is to explain, or clarify, a rule or an order of the Administrator in relation to a particular situation. A request for a declaratory ruling must be in writing, and it must include the following information.

- _____ (1) The name, address and telephone number of the person making the request;
- _____ (2) The name, address and telephone number of the organization the person represents, if applicable;
- _____ (3) The date of the request;
- _____ (4) A description of the problem or issue that is the reason for the request; and
- _____ (5) The numbers and headings used to identify the rule or order on which the ruling is sought.

(b) The Administrator may deny the request if it is repetitive, concerns a matter that in the Administrator's judgment is inappropriate for a declaratory ruling, or concerns a matter beyond the Administrator's authority.

(c) The Administrator may provide others with written notice of the request for a declaratory ruling and give them an opportunity to respond in writing within 15 days.

SUBCHAPTER 3. FORMAL AND INFORMAL PROCEDURES

530:1-3-1. Purpose

~~The rules in this Subchapter describe general formal and informal procedures the Administrator uses to take action and make decisions. Other Chapters in this Title describe informal procedures that apply specifically to individual programs under the Administrator's authority. Chapter 10 of Title 455 contains formal and informal procedures authorized by the Oklahoma Personnel Act, Section 840.1 et seq. of the **Oklahoma Statutes**, that are under the jurisdiction of the Oklahoma Merit Protection Commission.~~

530:1-3-2. Right of the Administrator to initiate action

~~The Administrator may take whatever action is consistent with the rules in this Title to carry out the duties of the Administrator and accomplish the objectives of any program or activity within his or her authority. The Administrator may use formal procedures or informal procedures, such as telephone calls, letters, meetings, mediation, investigations or other appropriate methods to resolve concerns.~~

530:1-3-3. [RESERVED]

530:1-3-4. [RESERVED]

530:1-3-5. Complaints

~~(a) Anyone may complain to the Administrator about any matter under his or her authority. A complaint shall be in writing, and it shall include the following information.~~

- ~~_____ (1) The name, address and telephone number of the person making the complaint;~~
- ~~_____ (2) The name, address and telephone number of the organization the person represents, if applicable;~~
- ~~_____ (3) The name, address, telephone number and title of any representative of the person filing the complaint;~~
- ~~_____ (4) A brief, clear description of each charge, problem or issue that is the basis for the complaint including names, dates, places and actions;~~
- ~~_____ (5) The numbers and headings of the laws and rules that may apply;~~
- ~~_____ (6) The remedy, if any, the person making the complaint seeks;~~
- ~~_____ (7) The signature of the person making the complaint; and~~
- ~~_____ (8) The date.~~

~~(b) If the complaint is repetitive, concerns a matter that has already been resolved, or a matter outside the Administrator's authority, the Administrator may reject the complaint.~~

~~(c) The Administrator may provide others with written notice of the complaint and give them an opportunity to respond in writing within 15 days. The response must contain all of the following information.~~

- ~~_____ (1) The name, address and telephone number of the person responding;~~
- ~~_____ (2) The name, address and telephone number of the organization the person represents, if applicable;~~
- ~~_____ (3) The name, address, telephone number and title of any representative of the person responding;~~
- ~~_____ (4) A specific admission, denial or explanation of each charge;~~
- ~~_____ (5) A brief, clear description of the facts including names, dates, places and actions;~~

- ~~_____ (6) A brief, clear explanation of the reasons for the action (or inaction) that is the basis for the complaint if the person admits to any charge;~~
- ~~_____ (7) The numbers and headings of the laws and rules that may apply;~~
- ~~_____ (8) The signature of the person responding; and~~
- ~~_____ (9) The date.~~

~~(d) The Administrator may refer complaints to informal procedures, such as telephone calls, letters, meetings, mediation, investigations or other appropriate procedures.~~

~~(e) Unless the Administrator finds a formal hearing (individual proceeding) is necessary none will be conducted.~~

~~(f) The Administrator shall make a decision about a complaint within 60 days after its receipt, unless the Administrator needs more time. In that case, OPM shall notify the person filing the complaint and persons filing any responses to the complaint.~~

~~**530:1-3-6. [RESERVED]**~~

~~**530:1-3-7. Representation**~~

~~_____ In an individual proceeding, any party has the right to have an attorney who is a member of the Oklahoma Bar Association. The attorney shall act for and bind the party he or she represents. To name an attorney, a party shall file a notice with the Administrator according to 530:1-1-12. If a party names an attorney, OPM shall communicate with the attorney and not with the party. It shall be the responsibility of the party's attorney to communicate with the party.~~

~~**530:1-3-8. [RESERVED]**~~

~~**530:1-3-9. Hearings (individual proceedings)**~~

~~(a) The Administrator follows the provisions of Article II of the Administrative Procedures Act, Sections 309 to 323 of Title 75 of the **Oklahoma Statutes**, and the rules in this Chapter in conducting hearings (individual proceedings). The Administrator or a person named by the Administrator as the hearing officer shall conduct hearings. This Section does not apply to public hearing to receive comments on proposed rules.~~

~~(b) The Administrator shall send a notice of hearing to the parties. It shall be at least 20 days after the Administrator mails the notice unless the parties agree to an earlier date.~~

~~(c) The hearing officer may set a time limit on oral presentations during a hearing.~~

~~(d) The Administrator's decision after a hearing conducted under this Section is final.~~