



STATE OF OKLAHOMA  
OFFICE OF PERSONNEL MANAGEMENT

*"Working for Oklahoma"*

**OPM 07-02**

**DATE:** January 10, 2007

**TO:** All Appointing Authorities

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

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

**SUBJECT: Emergency Amendments to the Merit Rules**

This memorandum contains the text of emergency amendments to Merit Rules **530:10-15-71** and **530:10-15-72**, which became effective December 29, 2006. All currently effective Merit Rules adopted by the Administrator are available on the Office of Personnel Management website at:

[http://www.ok.gov/opm/HR\\_and\\_Employee\\_Services/Merit\\_Rules/](http://www.ok.gov/opm/HR_and_Employee_Services/Merit_Rules/)

The emergency amendments to the Merit Rules included in this memorandum will be available on the Office of Personnel Management website beginning January 10, 2007. Following is a summary of the current emergency amendments to the Merit Rules.

**530:10-15-71:** This rule was amended to require the Appointing Authority to place affected employees on paid administrative leave when a state office is temporarily closed or services are temporarily reduced due to hazardous weather conditions. Those employees whose attendance is essential to the maintenance of basic minimum services will receive administrative leave on a straight-time basis for all hours worked when state services are temporarily reduced.

**530:10-15-72:** This rule has been **Revoked**.

The text of the emergency rules amendments is attached.

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human resource services to our partner agencies to achieve their missions."*

**TITLE 530. OFFICE OF PERSONNEL MANAGEMENT  
CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES**

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 15. Time and Leave

Part 7. Leave When Offices Are Closed or Services Are Reduced

530:10-15-71 [AMENDED]

530:10-15-72 [REVOKED]

**AUTHORITY:**

The Administrator of the Office of Personnel Management; 74 O.S., §§ 840-1.6A and 840-2.20A.

**DATES:**

**Adoption:**

December 26, 2006

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTION:**

None

**INCORPORATIONS BY REFERENCE:**

None

**FINDING OF EMERGENCY:**

Governor Henry has asked the Administrator to revisit these rules as they apply to requiring employees to use their personal leave when state services are reduced and providing some added value for those employees who are considered responsible for basic minimum services and who are required to work when state services are reduced due to hazardous weather conditions.

**ANALYSIS:**

The emergency rule will expand the scope of 530:10-15-71 to include inclement weather closings among those closures. Employees who have been scheduled to work but are not required for providing basic minimum services may receive paid administrative leave. Employees who have been scheduled and are required for providing basic minimum services shall receive administrative leave on a "straight-time" basis.

**CONTACT PERSON:**

Shirley A. Russell, Director of Legislative Affairs, Office of Personnel Management, (405) 521-6293.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR:**

## TITLE 530. OFFICE OF PERSONNEL MANAGEMENT

### CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

#### SUBCHAPTER 15. TIME AND LEAVE

##### PART 7. LEAVE WHEN OFFICES ARE CLOSED OR SERVICES ARE REDUCED

**530:10-15-71. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave)**

(a) If agency offices are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, or when state services are temporarily reduced due to hazardous weather conditions, the Appointing Authority shall place employees who are scheduled to work in the affected work closed areas on paid administrative leave or, if applicable, shall assign them to work in another location. During their normal duty hours, employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. Appointing Authorities may call employees to return to their normal duties or respond to the demands of the situation as necessary. [74:840-2.20A(A)]

(b) As used in this Section, paid administrative leave means leave granted to affected employees if offices of agencies are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public or when state services are temporarily reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

(c) Paid administrative leave shall be accorded to affected employees only when a state office is temporarily closed or services are temporarily reduced due to hazardous weather in accordance with 530:10-15-70 and this Section. Upon its reopening, normal Merit Rules governing leave and agency procedures shall apply. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Employees who are not eligible to accrue leave, such as temporary employees, shall not be granted administrative leave under this section when state services are temporarily reduced due to hazardous weather conditions.

(d) When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing Authorities of agencies shall be responsible for determining essential agency functions [basic minimum services] and ensuring that employees who staff such functions are so informed. [74:840-2.20A(B)] Employees who are considered responsible for basic minimum services and

who are required to work when state services are temporarily reduced due to hazardous weather conditions shall be entitled to accrue administrative leave on a straight-time basis for all hours worked during such reduction. Such leave must be taken within 180 days of its accrual or the employee shall be paid for the leave. An extension of the time period for taking the leave may be approved for up to an additional 180 days, providing the Appointing Authority submits a written request with sufficient justification to the Office of Personnel Management.

(e) Employees who are responsible for basic minimum services who do not report to work have the following options to account for leave:

- (1) Charge the absence to accumulated compensatory time;
- (2) Charge the absence to accumulated annual leave;
- (3) Make up lost time in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit.

**530:10-15-72. Leave when services are temporarily reduced due to hazardous weather conditions (automatically allowed authorized absences) [REVOKED]**

~~(a) **Policy.** When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing Authorities of agencies shall be responsible for determining essential agency functions [basic minimum services] and ensuring that employees who staff such functions are so informed. [74:840 2.20A(B)] Appointing Authorities shall grant authorized absences to classified and unclassified employees who are not responsible for staffing essential functions (basic minimum services) if the employees do not work while agency services are temporarily reduced due to hazardous weather conditions. Appointing Authorities shall give these employees the following options to account for time lost because of automatically authorized absences.~~

- ~~(1) Charge absence to enforced leave, if the employee does not exceed enforced leave limits.~~
- ~~(2) Charge absence to accumulated compensatory time balances.~~
- ~~(3) Charge absence to accumulated annual leave.~~
- ~~(4) Make up lost time, in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit it.~~

~~(b) An employee may use more than one leave option to account for an automatically authorized absence, but if the absence cannot be accounted for by exercising these options, the Appointing Authority shall record the absence as leave of absence without pay.~~

~~(c) Employees who are not eligible to accrue annual or sick leave (including enforced leave), such as temporary employees, shall not be paid for lost time unless it is made up.~~

~~(d) Automatically authorized absences for employees who are not responsible for providing basic minimum services in accordance with this Section will cease on the cancellation or expiration of an announcement of reduced services. Thereafter, normal Merit Rules governing leave and related agency procedures will apply to these employees.~~