Oscar B. Jackson, Jr., Administrator
Secretary of Human Resources and Administration

Brad Henry
Governor

STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT

"Working for Oklahoma"

OPM 09-07

DATE: February 12, 2009

TO: All Appointing Authorities

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

SUBJECT: Public Hearing on Proposed 2009 Permanent Amendments to Merit Rules

A public hearing for comments has been scheduled with regard to proposed 2009 permanent amendments to the Merit Rules (please see attached).

I hope that you or your representative(s) will be able to attend this hearing, details of which are as follows:

2:00 p.m. – Merit Rules
(Subchapter 3: Affirmative Action and Equal Employment Opportunity)
Wednesday, March 4, 2009
OPM 5th Floor Conference Room, Rm. 560
Jim Thorpe Building
2101 North Lincoln Boulevard
Oklahoma City, OK 73105

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

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 ~~acceptable to~~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.

530:10-3-33.3. Dissemination of affirmative action plans

All affirmative action plans shall include a description of the methods to be used for internal and external dissemination of the affirmative action ~~policy and~~ plan. ~~The Appointing Authority shall separately address how the affirmative action policy and the affirmative action plan shall be disseminated both internally and externally.~~

530:10-3-33.6. Availability analysis

Affirmative action plans for agencies authorized **15** or more full-time-equivalent employees shall include an analysis of the number of minorities and females available to the workforce of the agency. An Appointing Authority shall:

(1) Prepare an availability analysis for each job group;

(2) Use the "~~-~~civilian labor force information identified by the Administrator to obtain the raw availability percentage of minorities and females in the workforce, unless more appropriate data is available;

(3) Consider ~~all of~~ the following availability factors ~~and use at least one of the most appropriate~~ when considering how individuals are usually selected for employment within each job group:

~~(A) Percentage of minority population of the labor area surrounding the facility and the percentage of women seeking employment in the labor area surrounding the facility;~~

~~(B) Rate of minority or female unemployment in the surrounding labor area;~~

~~(C) Percentage of minorities or females in total work force in the immediate labor area;~~

~~(D) Availability of minorities or females with the requisite skills in the immediate labor area;~~

~~(E)~~(A) ~~Availability~~ Percentage of minorities or females having requisite skills in the reasonable recruitment area ~~which the agency can reasonably recruit~~. The reasonable recruitment area is defined as the geographical area from which the agency usually seeks or reasonably could seek workers to fill the positions in question;

~~(F)~~(B) Percentage of minorities or females promotable~~ and~~, transferable, and trainable within the agency's organization~~ in the labor area~~. Trainable refers to those employees within the agency who, with appropriate training that the Appointing Authority is reasonably able to provide, could become promotable or transferable during the plan year. Unless a greater weight is approved by the Administrator, the weight for this factor shall not exceed **15%**;

~~(G) The existence of training institutions capable of training persons in the necessary skills;~~

~~(H) Estimate of training efforts the agency is reasonably able to undertake to make the job group available to minorities and females~~; and

~~(I)~~(C) Other relevant factors if approved by the Administrator;

(4) Determine the appropriate geographic area for each factor used. This shall include the recruitment area from which most employees are drawn;

(5) Weight each factor used. The weight shall represent the percentage of all employees in the job group who come from the source referenced in a particular factor, and the total of all factors used shall always equal **100%**; and

(6) Complete a form prescribed or approved by the Administrator to record availability analysis. The form shall provide spaces for availability information, including but not limited to: EEO job category and job group data, raw availability statistics, availability factors, weight factors, labor and recruitment areas, sources of data, and final availability percentage.