

**OPM 02-09**

**TO:** All Appointing Authorities

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

**DATE:** February 26, 2002

**SUBJ:** **Proposed Permanent Amendments to Merit Rules**

I have scheduled a public hearing for comments on proposed permanent amendments to the Merit System of Personnel Administration Rules. The rules hearing will be at **9:00 a.m. on Friday, March 8, 2002**, at the Concourse Theater, Sequoyah/Will Rogers Concourse, Oklahoma City. I hope that you or your representative(s) will attend.

If you would like to make comments on the proposed amendments but are unable to attend the public hearing, I will consider written comments received at the Office of Personnel Management no later than Friday, March 8, 2002, at 5:00 p.m. Written comments should be sent to Oscar B. Jackson, Jr., Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, ATTENTION: Kimberlee Williams. Written comments may also be faxed to (405) 524-6942 or emailed to [kimberlee.williams@opm.state.ok.us](mailto:kimberlee.williams@opm.state.ok.us).

Following is an explanation of the proposed amendments. Copies of the proposals are attached. If you have questions regarding the rule proposals, please contact Kimberlee Williams at (405) 522-1736.

<b>Page</b>	<b>Rule</b>	<b>Reason for proposed amendments</b>
2-3	530:10-1-2	Define "break in service," clarify definition of "direct reclassification," define "hiring range."
7	530:10-5-1	Clarify applicability of rules in Subchapter 5.
7-8	530:10-5-11	Move detail to special duty rule to Subchapter 11.
8	530:10-5-41	Remove reference to initial conversion on 1/1/99 because no longer necessary.
8-9	530:10-5-51	Clarify who is responsible for forwarding information to OPM and impose time limit.
9-10	530:10-5-90	Delete definition because term is defined in 530:10-1-2.
10	530:10-5-91	Delete language requiring promotional posting when

<b>Page</b>	<b>Rule</b>	<b>Reason for proposed amendments</b>
		occupied non-supervisory position is reallocated.
11	530:10-7-1	Supersede emergency rule currently in effect; clarify applicability of rules in Subchapter 7.
11	530:10-7-1.1	Supersede emergency rule currently in effect and clarify rule.
11-12	530:10-7-1.2	Supersede emergency rule currently in effect; remove reporting requirement regarding pay movement mechanisms used.
12	530:10-7-3	Clarification.
12	530:10-7-5	Add reference to federal law.
12-13	530:10-7-6	Remove requirement that sign-on pay incentive be paid during week of enter on duty date.
13	530:10-7-24	Clarification.
14-15	530:10-7-27	Supersede emergency rule currently in effect.
15	530:10-9-5	Remove obsolete language.
15-16	530:10-9-32	Remove obsolete language.
16	530:10-9-52	Remove obsolete language; allow removal from register for failure to respond to email.
16	530:10-9-74	Allow selective qualifications to be used for competency in non-English language.
17	530:10-9-76	Allow certificate to be extended for 60 days, rather than 30.
17	530:10-11-35	Clarification.
17-18	530:10-11-51	Remove promotional posting requirement for reallocation of occupied, non-supervisory positions.
18	530:10-11-110	Move detail to special duty rule from Subchapter 5 to Subchapter 11.
18-19	530:10-15-10	Move language from 530:10-15-12.
19-20	530:10-15-11	Clarification.
20-22	530:10-15-12	Move language to 530:10-15-10.
22-23	530:10-15-43	Remove ambiguity from rule.
23-24	530:10-15-45	Grant agencies discretion to adopt policy allowing for intermittent leave for birth/adoption/placement for foster care.
24-25	530:10-17-74	Clarification.
25-26	530:10-17-75	Clarification.
26-27	530:10-17-77	Consistency with other statutes/rules.
27-28	530:10-17-80	Clarification/consistency with statute.
28	530:10-17-82	Clarification.

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

3  
4                   **SUBCHAPTER 1. GENERAL PROVISIONS**  
5                   **PART 1. GENERAL PROVISIONS**

6                   **530:10-1-2. Definitions**

7                   In addition to terms defined in OAC 455:10-1-2, the following words and terms,  
8                   when used in the Merit Rules, shall have the following meaning, unless the context  
9                   clearly indicates otherwise.

10                  **"Absence without leave"** and **"unauthorized absence"** means any absence of an  
11                  employee from duty without specific approval.

12                  **"Absolute preference veteran"** means a veteran eligible for placement at the top of  
13                  registers for appointment to the classified service because of a service-connected  
14                  disability of **30%** or more.

15                  **"Act"** means the Oklahoma Personnel Act.

16                  **"Administrator"** means the appointing authority of the Oklahoma Office of  
17                  Personnel Management [74:840-1.3]. As the term is used in the Merit Rules, the term  
18                  includes employees of the Office of Personnel Management to whom the Administrator  
19                  has lawfully delegated authority to act on his or her behalf. The term, as used in the  
20                  Merit Rules, may also include Appointing Authorities to whom the Administrator has  
21                  delegated authority under a duly executed delegation agreement.

22                  **"Adverse impact"** or **"disparate impact"** means a substantially different rate of  
23                  selection in hiring, promotion, or other employment decision which works to the  
24                  disadvantage of members of a race, sex, or ethnic group. A common yardstick for  
25                  determining adverse impact is the **"4/5ths rule"** which indicates adverse impact if the  
26                  selection rate for any protected group is less than 4/5ths (80%) of the selection rate of the  
27                  group with the highest selection rate.

28                  **"Agency"** means any office, department, board, commission or institution of the  
29                  executive branch of state government [74:840-1.3].

30                  **"Allocation"** or **"Position allocation"** means the process by which the Office of  
31                  Personnel Management designates a position to an established job family. A position is  
32                  allocated on the basis of duties, authority, responsibilities, classification guides, and other  
33                  appropriate factors.

34                  **"Appointing authority"** means the chief administrative officer of an agency  
35                  [74:840-1.3]. As the term is used in the Merit Rules, the term includes employees of an  
36                  agency to whom the Appointing Authority has lawfully delegated authority to act on his  
37                  or her behalf.

38                  **"Assignment"** or **"Position assignment"** in the context of position allocation  
39                  means the process by which an Appointing Authority designates a position to an  
40                  established job family level.

41                  **"Balanced and representative work force"** means a work force whose  
42                  composition at all levels approximates the composition of the relevant civilian labor force  
43                  in terms of race, sex, and ethnicity.

44                  **"Base pay"**, **"base rate"**, or **"base salary"** means the hourly rate or salary  
45                  established for a job performed. It does not include shift differentials, benefits, overtime,  
46                  incentives, longevity, or any other pay elements.

1        **"Break in service"** means a period of time in excess of thirty (30) days during  
2 which an employee is not present at work and is not in paid leave status or on approved  
3 leave without pay.

4        **"Career progression"** means a type of intra-agency promotion in which an  
5 employee is advanced from one level of a job family to a higher non-supervisory level in  
6 the same job family.

7        **"Certification"**, in the context of initial classified appointments, means the  
8 submission of available names of eligibles from the appropriate register to an Appointing  
9 Authority. Such a list is called a **"certificate"**. Individuals whose names appear on the  
10 certificate are said to be **"certified"**. In the context of all other types of appointments,  
11 certification means the determination by the Office, or by an Appointing Authority to  
12 whom the Administrator has delegated authority, that a candidate possesses  
13 permanent classified status or is eligible for reinstatement to permanent classified  
14 status, and meets requirements for appointment to a specified job in the classified service.

15        **"Classification"** means:

16        (A) *the process of placing an employee into an appropriate job family and level*  
17 *within the job family, consistent with the allocation of the position to which the*  
18 *employee is assigned, or*

19        (B) *an employee's job family and the level at which work is assigned [74:840-1.3].*

20        **"Classification plan"** means the orderly arrangement of positions within an agency  
21 into separate and distinct job families so that each job family will contain those positions  
22 which involve similar or comparable skills, duties and responsibilities [74:840-1.3].

23        **"Classified employee"** means an employee in the classified service, or an employee  
24 currently on leave from the classified service in accordance with established Merit Rules  
25 governing leave.

26        **"Classified service"** means state employees and positions under the jurisdiction of  
27 the Oklahoma Merit System of Personnel Administration [74: 840-1.3].

28        **"Commission"** means the Oklahoma Merit Protection Commission [ 74:840-1.3].

29        **"Compensation plan"** means a schedule of salaries or hourly wages established for  
30 the jobs recognized in the agency classification plan so that all positions of a given job  
31 within an agency may be paid the same salary range established for the job.

32        **"Consider"** means a reasonable judgment based on job related criteria and on an  
33 individual's fitness for duties for initial or internal appointment.

34        **"Demotion"** means the reclassification of a classified employee to a different job  
35 with a lower pay band assignment or to a lower level within the same job family.  
36 Demotion may be voluntary or involuntary.

37        **"Direct reclassification"** means a change made in a classified employee's  
38 classification by an Appointing Authority as a result of the adoption of a new ~~and more~~  
39 ~~appropriate or revised~~ job family descriptor.

40        **"Discharge"** is defined in 455:10-11-3.

41        **"Displacement"** or **"displace"** means the process of an employee accepting an offer  
42 of employment to an occupied or funded vacant position [74:840-2.27B].

43        **"EEO Job Categories"**, as used in the context of affirmative action/equal  
44 employment opportunity, means the following occupational categories:

45        (A) **Officials and Administrators:** Occupations in which employees set broad  
46 policies, exercise overall responsibility for execution of these policies, or direct

1 individual departments or special phases of the agency's operations, or provide  
2 specialized consultation on a regional, district, or area basis.

3 (B) **Professionals:** Occupations which require specialized and theoretical  
4 knowledge which is usually acquired through college training or through work  
5 experience and other training which provides comparable knowledge.

6 (C) **Technicians:** Occupations which require a combination of basic scientific or  
7 technical knowledge and manual skill which can be obtained through specialized  
8 post-secondary school education or through equivalent on-the-job training.

9 (D) **Protective Service Workers:** Occupations in which workers are entrusted  
10 with public safety, security and protection from destructive forces.

11 (E) **Paraprofessionals:** Occupations in which workers perform some of the  
12 duties of a professional or technician in a supportive role, which usually require  
13 less formal training and/or experience normally required for professional or  
14 technical status.

15 (F) **Administrative Support (Including Clerical and Sales):** Occupations in  
16 which workers are responsible for internal and external communication, recording  
17 and retrieval of data and/or information and other paperwork required in an office.

18 (G) **Skilled Craft Workers:** Occupations in which workers perform jobs which  
19 require special manual skill and a thorough and comprehensive knowledge of the  
20 processes involved in the work which is acquired through on-the-job training and  
21 experience or through apprenticeship or other formal training programs.

22 (H) **Service-Maintenance:** Occupations in which workers perform duties which  
23 result in or contribute to the comfort, convenience, hygiene or safety of the  
24 general public or which contribute to the upkeep and care of buildings, facilities  
25 or grounds of public property.

26 "**Eligible**" means a person who has met all requirements for appointment to a given  
27 job.

28 "**Employee**" or "**state employee**" means an elected or appointed officer or  
29 employee of an agency unless otherwise indicated [74:840-1.3].

30 "**Entrance examination**" means any employment test used by the Office of  
31 Personnel Management to rank the names of applicants who possess the minimum  
32 requirements of education, experience, or licensure for a job or group of similar jobs on  
33 a register of eligibles established by the Office of Personnel Management [74:840-1.3].

34 "**Executive Director**" means the appointing authority of the Oklahoma Merit  
35 Protection Commission [74:840-1.3].

36 "**FEPA**" means the Oklahoma Fair Employment Practices Act, Section 840-4.12 of  
37 the Oklahoma Personnel Act.

38 "**FLSA**" means the federal Fair Labor Standards Act.

39 "**FLSA exempt**" means employees performing work which is considered to be  
40 exempt from the overtime payment provisions of the FLSA.

41 "**FLSA non-exempt**" means employees performing work which is considered to be  
42 under the overtime payment provisions of the FLSA.

43 "**Hiring range**" means a range within a pay band within which an Appointing  
44 Authority may establish the initial rate of pay for a given job.

45 "**Hiring rate**" means the initial rate of pay for a given job within the pay band  
46 assigned to the job family level.

1       **"Hiring rule"** refers to the names of the top **10** available eligibles certified to an  
2 Appointing Authority by the Administrator.

3       **"Initial appointment"** or **"original appointment"** means the act of an Appointing  
4 Authority hiring a person, usually from a certificate, for a probationary period.  
5 Contrast the meaning of these terms with "internal action" and "internal appointment"  
6 which are also defined in this Section.

7       **"Interagency transfer"** means an action in which an employee leaves employment  
8 with one agency and enters employment with another agency while continuously  
9 employed with the state [74:840-1.3].

10       **"Internal action"** or **"Internal appointment"** means the reclassification of a  
11 current employee or the reinstatement, recall or reemployment from a Priority  
12 Reemployment Consideration Roster of a former employee.

13       **"Intra-agency transfer"** means moving an employee from one position to another  
14 position with the same agency either with or without reclassification [74:840-1.3].

15       **"Job"** means a position or job family level in a job family [74:840-1.3].

16       **"Job family"** means:

17       (A) jobs which require similar core skills and involve similar work, and

18       (B) a logical progression of roles in a specific type of occupation in which the  
19 differences between roles are related to the depth and breadth of experience at  
20 various levels within the job family and which are sufficiently similar in duties  
21 and requirements of the work to warrant similar treatment as to title, typical  
22 functions, knowledge, skills and abilities required, and education and experience  
23 requirements [74:840-1.3].

24       **"Job family descriptor"** means a written document that:

25       (A) describes a job family, including, but not limited to, the basic purpose, typical  
26 functions performed, various levels within the job family, and the knowledge,  
27 skills, abilities, education, and experience required for each level, and

28       (B) identifies the pay band assigned for each level [74:840-1.3].

29       **"Job family level"** or **"level"** means a role in a job family having distinguishable  
30 characteristics such as knowledge, skills, abilities, education, and experience [74:840-  
31 1.3].

32       **"Job-related organization"** means a membership association which collects annual  
33 dues, conducts annual meetings and provides job-related education for its members and  
34 which includes state employees, including any association for which payroll deductions  
35 for membership dues are authorized pursuant to paragraph 5 of subsection B of Section  
36 7.10 of Title 62 of the Oklahoma Statutes [74:840-1.3].

37       **"Lateral transfer"** means the reclassification of an employee to another state job  
38 with the same pay band assignment as the job family level in which the employee had  
39 been classified prior to the lateral transfer [74:840-1.3].

40       **"Leave of absence without pay"** means leave or time off from duty granted by the  
41 Appointing Authority, for which period the employee receives no pay.

42       **"Manifest imbalance"** means representation of females, Blacks, Hispanics,  
43 Asian/Pacific Islanders and American Indians/Alaskan natives in specific job groups or  
44 EEO job categories within the agency's work force that is substantially below its  
45 representation in the appropriate civilian labor force.

1        **"Merit Rules" or "Merit Rules for Employment" or "Merit System of Personnel**  
2 **Administration Rules"** means rules adopted by the Administrator of the Office of  
3 Personnel Management or the Oklahoma Merit Protection Commission pursuant to the  
4 Oklahoma Personnel Act [74:840-1.3]. Merit Rules adopted by the Administrator are in  
5 OAC 530:10, and Merit Rules adopted by the Commission are in OAC 455:10.

6        **"Merit System"** means the Oklahoma Merit System of Personnel Administration  
7 [74:840-1.3].

8        **"Minimum qualifications"** means the requirements of education, training,  
9 experience and other basic qualifications for a job.

10       **"Minority"** means a person who appears to belong, identify with, or is regarded in  
11 the community as belonging to one of the following racial or ethnic groups:

12        (A) **"Black"**, meaning all persons having origins in any of the Black racial  
13 groups of Africa;

14        (B) **"Hispanic"**, meaning all persons of Mexican, Puerto Rican, Cuban, Central  
15 or South American, or other Spanish culture or origin, regardless of race;

16        (C) **"Asian or Pacific Islander"**, meaning all persons having origins in any of  
17 the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or  
18 the Pacific Islands. This area includes, for example, China, Japan, Korea, the  
19 Philippine Islands, and Samoa.

20        (D) **"American Indian or Alaskan Native"**, meaning all persons having origins  
21 in any of the original peoples of North America, and who maintain cultural  
22 identification through tribal affiliation or community recognition. For affirmative  
23 action purposes, persons who are reported as American Indian shall verify tribal  
24 affiliation by providing a certificate of Degree of Indian Blood from the U.S.  
25 Department of Interior, Bureau of Indian Affairs, or by providing the name and  
26 address of tribal officials who can verify tribal affiliation [74:840-2.1].

27        **"New position"** means a position not previously existing.

28        **"Noncompetitive appointment"** means the appointment of a person to a  
29 noncompetitive job level within a job family [74:840-1.3].

30        **"Noncompetitive job"** means an unskilled or semiskilled job designated by the  
31 Office of Personnel Management as noncompetitive. Noncompetitive jobs do not require  
32 written examinations for placement on registers of eligibles [74:840-1.3].

33        **"Office"** means the Office of Personnel Management [74:840-1.3].

34        **"Oklahoma Personnel Act"** means Sections 840-1.1 et seq. of Title 74 of the  
35 Oklahoma Statutes, creating the Merit System of Personnel Administration and any  
36 amendments or supplements.

37        **"Part-time employee"** means an employee who works less than full time.

38        **"Pay band"** means the pay range assigned to a job family level.

39        **"Payline"** means the relationship between the rate of pay of a particular job family  
40 level and the assigned job evaluation points for the same job family level.

41        **"Permanent employee"** means a classified employee who has acquired permanent  
42 status in the classified service according to the Act and the Merit Rules.

43        **"Position"** means a group of specific duties, tasks and responsibilities assigned by  
44 the Appointing Authority to be performed by one person; a position may be part time or  
45 full time, temporary or permanent, occupied or vacant.

1       **"Priority reemployment consideration"** means the requirement that Appointing  
2 Authorities consider eligible former state employees who were separated as a result of a  
3 reduction-in-force whose names appear on Priority Reemployment Consideration Rosters  
4 before any vacant position is filled by any eligible initially appointed from an  
5 employment register.

6       **"Probationary employee"** means a classified employee who has not acquired  
7 permanent status in the classified service in accordance with the Act and the Merit Rules.

8       **"Probationary period"** means a working test period during which a classified  
9 employee is required to demonstrate fitness for the job to which appointed by the  
10 satisfactory performance of the duties and responsibilities of the job.

11       **"Promotion"** means the reclassification of a classified employee to a different job  
12 with a higher pay band assignment or to a higher level within the same job family.

13       **"Promotional examination"** means any employment test designated by the Office of  
14 Personnel Management to determine further the qualifications of a permanent classified  
15 employee of a state agency for employment in a different job for which the employee  
16 possesses the minimum qualifications of education, experience, or licensure within that  
17 agency [74:840-1.3].

18       **"Reallocation"** or **"Position reallocation"** means the process of reassigning an  
19 established position, occupied or vacant, from one job family to another.

20       **"Recall right"** means the entitlement of an eligible person to be offered  
21 reappointment to the job family level from which removed by a reduction-in-force before  
22 any other person may be appointed, except by recall.

23       **"Reclassification"** means the process of changing a classified employee from one  
24 job family to another job family or from one job family level to another job family level in  
25 the same job family, resulting in a change in the employee's assigned job code  
26 [74:840-1.3].

27       **"Register"** means a list of eligibles for original probationary appointment to a job.

28       **"Register life"** means the length of time during which a person's name may be  
29 continuously or intermittently on a register as a result of an entrance examination.

30       **"Regular and consistent"** means, in connection with an employee's work  
31 assignments, the employee's usual and normal work assignments, excluding incidental,  
32 casual, occasional tasks, and activities the employee assumes without direction to do so.  
33 Temporary work assignments of less than **60** days in any **12** month period are not  
34 considered regular and consistent.

35       **"Regular unclassified service employee"** means an unclassified service employee  
36 who is not on a temporary or other time-limited appointment [74:840-1.3].

37       **"Reinstatement"** means the reappointment of a former permanent classified  
38 employee as provided in the Merit Rules or the replacing of an eligible's name on a  
39 register.

40       **"Resignation"** means an employee's voluntary termination of his or her  
41 employment with the state. In the case of a classified employee, it includes the forfeiture  
42 of status in the classified service.

43       **"Salary administration plan"** means the plan adopted by an Appointing Authority  
44 and submitted to the Administrator for approval which establishes hiring ranges for  
45 positions. Components of a salary administration plan may include but are not limited to  
46 conditions for hiring above the midpoint of a pay range, skill-based pay programs, and

1 other pay movement mechanisms authorized by Section 840-2.17 of the Oklahoma  
2 Personnel Act.

3 **"Senior EEO Investigator"** means a person who has been designated by the  
4 Administrator to provide advice and support to persons completing the training  
5 requirements for discrimination complaints investigators as described in 530:10-3-22.

6 **"Successor job family level"** means a job family level that takes the place of a class  
7 ~~or~~ another job family level.

8 **"Supervisor"** means a classified or unclassified employee [within the executive  
9 branch, excluding employees within The Oklahoma State System of Higher Education  
10 74:840-3.1] who has been assigned authority and responsibility for evaluating the  
11 performance of [other state employees] [74:840-3.1].

12 **"Trial period"** means a working test period after promotion or voluntary demotion  
13 during which a classified employee is required to demonstrate satisfactory performance  
14 in the job to which promoted or voluntarily demoted before acquiring permanent status in  
15 the job.

16 **"Unclassified service"** or **"exempt service"** means employees and positions  
17 excluded from coverage of the Oklahoma Merit System of Personnel Administration  
18 [74:840-1.3]. Such employees and positions are subject to various provisions of the  
19 Oklahoma Personnel Act and the Merit Rules.

20 **"Veteran"** means a person who has been honorably discharged from the Armed  
21 Forces of the United States and who has been a resident of Oklahoma for at least 1 year  
22 before the date of examination [74:840-1.3].

23  
24 **SUBCHAPTER 5. POSITION ALLOCATION AND EMPLOYEE**  
25 **CLASSIFICATION SYSTEM**

26  
27 **PART 1. GENERAL PROVISIONS**

28  
29 **530:10-5-1. Purpose and scope**

30 (a) The purposes of the rules in this Subchapter are to establish:

- 31 (1) an employee classification system for all classified employees; and  
32 (2) standards and procedures for conducting audits of classified positions.

33 (b) The rules in this Subchapter apply only to employees and positions in the classified  
34 service, unless otherwise specified.

35  
36 **530:10-5-11. Detail to special duty [REVOKED]**

37 ~~(a) When the services of a permanent classified employee are temporarily needed in a~~  
38 ~~job family or level other than the one to which the incumbent is regularly assigned the~~  
39 ~~employee may be detailed to special duty, at the discretion of the Appointing Authority,~~  
40 ~~to perform the duties of the job to which temporarily assigned.~~

41 ~~(b) An employee may be detailed to special duty for 6 months or less without meeting~~  
42 ~~the minimum qualifications for the job family level to which the employee is detailed. An~~  
43 ~~employee may be detailed to special duty for a total of 12 months if:~~

- 44 ~~—(1) the employee meets the minimum qualifications of the job to which the employee~~  
45 ~~is detailed; and~~

1 —(2) the position to which the employee is assigned while on detail is a filled position;  
2 that is, the position is temporarily vacant because the incumbent is absent.

3 (c) A detail to special duty in no way shall affect the status, title or job family held  
4 before the detail.

5 (d) An employee shall not be placed on detail to special duty more than ~~12~~ months in any  
6 ~~36~~ month period.

7 (e) Pay upon detail to special duty is covered in 530:10-7-17.

8 (f) Detail to special duty is not required when an employee is temporarily assigned duties  
9 of another job for a period of less than ~~60~~ days in any ~~12~~ month period. However, any  
10 temporarily assigned duties shall count toward the time limitations described in  
11 subsection (b).

#### 12 **PART 4. ASSIGNMENT OF JOB FAMILY LEVELS**

##### 13 **530:10-5-41. Authority for assignment of positions**

14 After the initial conversion of classes to job families and levels on November 1,  
15 1999, Appointing Authorities have the authority to assign a position to the appropriate  
16 job family level, consistent with the job family allocation made by the Office of  
17 Personnel Management. Appointing Authorities will be responsible for maintaining  
18 appropriate records to track and monitor the level assigned and any changes based on  
19 significant changes in duties and responsibilities.  
20

#### 21 **PART 5. AUDITS OF POSITIONS**

##### 22 **530:10-5-51. Classification disputes**

23 (a) *An employee has the right and responsibility to file a classification grievance, as*  
24 *provided by law and rule, when duties performed on a regular and consistent basis do*  
25 *not conform to the job family descriptor [74:840-4.3]. The Office of Personnel*  
26 *Management shall not accept classification grievances directly from employees. A formal*  
27 *classification grievance shall be filed with the employing agency according to the rules*  
28 *for filing classification grievances promulgated by the Merit Protection Commission*  
29 *(OAC 455:10-19-1 et seq.). An internal classification grievance must be concluded*  
30 *within the agency before an employee may file a Classification Dispute Review Request*  
31 *form with the Office of Personnel Management. If the resolution decision by the*  
32 *Appointing Authority is to advise the employee to complete an Office of Personnel*  
33 *Management Classification Dispute Review Request form (OPM-70), as provided in*  
34 *OAC 455:10-19-35, the form will be submitted through appropriate supervisory channels*  
35 *to the agency office responsible for human resources functions.*

36 (b) Upon receipt of a Classification Dispute Review Request form submitted through  
37 appropriate supervisory channels, the agency office responsible for human resources  
38 functions will review it along with any other appropriate records, including the internal  
39 grievance file, to determine the nature and scope of the grievance. If the grievance  
40 concerns only the job family level to which the position is assigned, a position audit will  
41 be conducted by a designated agency representative who has been assigned the  
42 responsibility to complete positions audits, to determine the proper job family level. If an  
43 Appointing Authority has been delegated position allocation authority in accordance with  
44 OAC 530:10-1-30, designated agency representatives will also be responsible for  
45  
46

1 conducting classification grievance audits to determine both the appropriate job family  
2 and job family level. In conducting these audits, consideration shall be given to all  
3 relevant information concerning the position according to OAC 530:10-5-34.

4 (c) If the review of the Classification Dispute Review Request and other related  
5 information indicates that the grievance includes the job family to which the position is  
6 allocated, and the agency has not been delegated position allocation authority, the form  
7 will be forwarded within **20** days to the Office of Personnel Management requesting that  
8 a position audit be completed. The Office of Personnel Management will then be  
9 responsible for completing the audit and determining an appropriate job family for the  
10 position. Upon receipt of the allocation decision made by the Office of Personnel  
11 Management, a designated agency representative will be responsible for determining the  
12 proper job family level for the position.

13 (d) If an incumbent employee does not agree with the job family level assigned to a  
14 position by the Appointing Authority after completion of a grievance audit, the employee  
15 may request a review by the Office of Personnel Management. The employee shall  
16 submit the request to the agency office responsible for the agency's human resources  
17 management functions within **20** calendar days of the date of the notice of the final  
18 decision by the agency. ~~Upon~~ Within 7 calendar days of receipt, the agency shall attach  
19 ~~all documents considered by the agency in determining the job family level will be~~  
20 ~~attached to the request for review which must be submitted and submit it to the Office of~~  
21 ~~Personnel Management. Within 14 calendar days of receipt, the Office of Personnel~~  
22 ~~Management will review the information submitted and make a final decision concerning~~  
23 ~~the proper level of assignment. Such decision shall be based solely on a review of the~~  
24 ~~written documentation submitted.~~

25 (e) An employee may request an OPM review of the job family to which a position has  
26 been allocated by an agency which has delegated position allocation authority. The  
27 request for review must be received in the agency office responsible for the agency's  
28 human resource management functions no later than **20** calendar days after the date of the  
29 final notice of the decision by the agency.

30 (f) *An employee is entitled to the compensation assigned to the job family level for which*  
31 *duties were performed on a regular and consistent basis [74:840-4.3].*

32 (g) If a classification grievance or a classification dispute review indicates an employee  
33 has not received the compensation assigned to the job family level for which duties were  
34 performed on a regular and consistent basis, the Appointing Authority shall compensate  
35 an employee for the difference between the employee's actual rate of pay and the rate of  
36 pay the employee would have received on promotion to the job family level that was  
37 consistent with the duties and responsibilities of the employee. Back pay shall be limited  
38 to the date the employee filed the classification grievance pursuant to Section 840-6.2 of  
39 the Oklahoma Personnel Act.

## 41 **PART 9. STATUS OF EMPLOYEES WHEN POSITIONS ARE REALLOCATED**

### 42 **530:10-5-90. Status of incumbent when job family is adopted or revised**

44 (a) ~~Direct reclassification is the placement of an employee into a successor job family~~  
45 ~~level to which the employee's position has been reallocated. Direct reclassification does~~  
46 ~~not require individual position audit or promotional posting. In all cases where licensure,~~

1 certification, or examination is required by law, the requirement shall be met by the  
2 employee within any time limits prescribed by law. Otherwise, the employee shall not be  
3 required to possess the minimum qualifications or be examined for the successor job  
4 family level.

5 (b) An Appointing Authority shall directly reclassify a probationary or permanent  
6 employee in a position which has been reallocated to the job family level to which the  
7 position was reallocated, if the:

8 (1) Office of Personnel Management determines that the duties and responsibilities  
9 corresponding with an employee's job family level are identified as part of a new or  
10 revised job family descriptor; and

11 (2) employee had status in the former job family level on a regular basis, that is, not  
12 on detail to special duty; however, direct reclassification shall not cancel or otherwise  
13 affect a probationary period with the agency or a trial period after promotion.

14 (c) Direct reclassification shall take place within **30** calendar days after the effective date  
15 of the adoption of the new or revised job family descriptor.

16 (d) If the employee is ineligible for direct reclassification and the Appointing Authority  
17 does not or cannot directly reclassify, promote, demote, or transfer the employee, or  
18 detail the employee to special duty, the applicable provisions in the Merit Rules for  
19 reductions-in-force shall apply.  
20

### 21 **530:10-5-91. Other position reallocations**

22 (a) If a position is reallocated under conditions other than those outlined in 530:10-5-90,  
23 and the classification of an incumbent employee does not match the new allocation of the  
24 position, the Appointing Authority shall take action within **60** calendar days after the  
25 effective date of the allocation to ensure that the employee is properly classified. The  
26 Appointing Authority may:

27 (1) transfer a permanent employee to another position in the agency allocated to the  
28 job family matching the classification of the employee in accordance with the Merit  
29 Rules governing transfers; or

30 (2) change the duties of the position to the extent necessary to reflect the  
31 classification of the employee and initiate another audit of the position; or

32 (3) reclassify a permanent employee to the job family to which the position occupied  
33 by the employee was reallocated ~~in accordance with the Merit Rules governing~~  
34 ~~promotional posting, demotions and lateral transfers.~~

35 (b) If the employee is ineligible or is not selected to continue in the reallocated position,  
36 and if the Appointing Authority does not or cannot promote,  
37 demote or transfer the employee, detail the employee to special duty or change the duties  
38 of the position to match the classification of the employee, the applicable provisions in  
39 Merit Rules for reductions-in-force shall apply.  
40

## 41 **SUBCHAPTER 7. SALARY AND PAYROLL**

### 42 **PART 1. SALARY AND RATES OF PAY**

43  
44

1 **530:10-7-1. Purpose and general provisions**

2 (a) The purpose of the rules in this Part is to *establish pay regulations, regulations for*  
3 *performance pay increases, rates for pay differentials, on-call pay, and other types of pay*  
4 *incentives and salary adjustments* [74:840-1.6A].

5 (b) Pay raises are prohibited unless specifically authorized by legislation or the Merit  
6 Rules. A cost-of-living raise or any other type of raise that would be given to state  
7 employees on an across-the-board basis is prohibited unless specifically authorized by the  
8 Legislature.

9 (c) The rules in this subchapter provide for market adjustments, increases upon ~~intra-~~  
10 ~~agency~~—lateral transfer, skill-based adjustments, equity-based adjustments, career  
11 progression increases, ~~and~~ salary adjustments upon completion of the initial probationary  
12 period or trial period, and performance-based adjustments. Appointing Authorities may  
13 use these pay mechanisms only if funds are available in the agency's budget for the  
14 current and subsequent fiscal ~~years~~ year without the need for additional funding to  
15 increase the personal services budget of the agency. Upon certification from the Director  
16 of State Finance that an Appointing Authority has exceeded the agency's budget for the  
17 current or subsequent fiscal year due to the use of the pay movement mechanisms listed  
18 in this subsection, the Administrator may withdraw authorization for the agency to use  
19 the following pay movement mechanisms during the next appropriations cycle: market  
20 adjustments, increases upon ~~intra-agency~~ lateral transfer, equity-based adjustments,  
21 performance-based adjustments, and career progression increases. [74:840-2.17]

22 (d) The rules in this subchapter do not apply to employees and positions in the  
23 unclassified service unless stated otherwise.

24 **530:10-7-1.1. Salary administration plan**

25 An Appointing Authority shall adopt a salary administration plan for the agency's  
26 classified positions and submit the plan for the approval of the Administrator. The salary  
27 administration plan shall establish a hiring ~~ranges~~ rate or range for all positions each job  
28 family level within the agency's classification plan. ~~Components of a salary~~  
29 ~~administration plan include but are not limited to~~ In the salary administration plan, the  
30 Appointing Authority may establish conditions under which the Appointing Authority  
31 may establish a hiring rate above the midpoint of the pay ~~range~~ band, skill-based pay  
32 programs, and other pay movement mechanisms authorized by 74:840-2.17 except  
33 performance-based adjustments. ~~The salary administration plan may be amended by the~~  
34 ~~Appointing Authority at any time and Proposed amendments to the salary administration~~  
35 ~~plan may be submitted to the Administrator for approval of the amended plan at any time.~~

36  
37 **530:10-7-1.2. Funding and reporting requirements**

38 (a) Use of pay movement mechanisms involving market adjustments, lateral transfers,  
39 skill-based pay adjustments, equity-based adjustments, career progression increases,  
40 probationary increases, ~~and~~ increases upon the completion of trial periods, and  
41 performance-based adjustments are limited to those possible using funds available in the  
42 agency's budget for the current and subsequent fiscal year without the need for additional  
43 funding. [74:840-2.17]

44 ~~(b) An Appointing Authority may, at his or her discretion, use any of the following pay~~  
45 ~~movement mechanisms for positions in the unclassified service: skill based pay~~  
46 ~~adjustments, equity based adjustments, and adjustments upon intra agency lateral~~

1 ~~transfer. Use of these pay movement mechanisms for positions in the unclassified service~~  
2 ~~is not subject to the Merit Rules regarding these pay movement mechanisms. However,~~  
3 ~~Section 840-2.17 of the Oklahoma Personnel Act requires an Appointing Authority who~~  
4 ~~uses any of these pay movement mechanisms for positions in the unclassified service to~~  
5 ~~report their use to the Office of Personnel Management. Reporting requirements are~~  
6 ~~listed in subsection (c) of this section. Nothing in this subsection is intended to limit the~~  
7 ~~use of any other salary adjustments authorized by law for positions in the unclassified~~  
8 ~~service.~~

9 ~~(e)(b) An All Appointing Authority using any of the pay movement mechanisms listed~~  
10 ~~in subsection (a) shall annually report the pay movement mechanisms used to the Office~~  
11 ~~of Personnel Management Authorities shall, no later than January 1 of each year, on a~~  
12 ~~form prescribed by the Administrator. The report shall include information for the~~  
13 ~~twelve-month period ending on December 31 of each year and shall include the type of~~  
14 ~~pay mechanisms used, frequency, amounts provided, and affected job families and~~  
15 ~~classifications for both classified and unclassified employees. The report shall also~~  
16 ~~include a projection of the pay movement mechanisms to be used and anticipated costs~~  
17 ~~for the remainder of the fiscal year report to the Office of Personnel Management a~~  
18 ~~projection of the pay movement mechanisms listed in subsection (a) to be used and~~  
19 ~~anticipated costs for the remainder of the fiscal year. [74:840-2.17]~~

### 21 **530:10-7-3. Entrance salary**

22 (a) Appointing Authorities may establish the hiring rate for a classified jobs job at any  
23 point between the minimum and midpoint ~~for~~ of the pay band for the job family level ~~to~~  
24 ~~which the employee is appointed~~ without prior approval of the Administrator.  
25 ~~Appointing Authorities shall submit a salary administration plan to the Office of~~  
26 ~~Personnel Management for setting hiring rates above the midpoint. The salary~~  
27 ~~administration plan shall establish hiring ranges for positions. Upon approval of the~~  
28 salary administration plan by the Administrator, the Appointing Authority may establish  
29 hiring rates above the midpoint in accordance with the plan. Hiring rates shall not be  
30 established below the minimum or above the maximum rate of pay established for a pay  
31 band.

32 (b) Appointing Authorities shall establish hiring rates for jobs included in a pay band  
33 based on the work performed, the duties and responsibilities assigned, and other relevant  
34 factors. This may include consideration of recruitment and retention issues, internal pay  
35 equity, market rates, previous hiring rates, and the training and qualifications of the  
36 employee being appointed.

### 38 **530:10-7-5. Salary upon return from military service**

39 Any employee who returns from military service shall be paid at a rate as provided in  
40 Sections 25.4, 25.5 and 25.7 of Title 51 of the Oklahoma Statutes and the Uniformed  
41 Services Employment and Reemployment Rights Act (38 U.S.C., 4301 et seq.).

### 43 **530:10-7-6. Sign-on pay incentive**

44 (a) Appointing Authorities may implement a pay incentive for the following individuals  
45 who are appointed to positions in job families for which there are critical recruitment and  
46 retention problems as identified by the Appointing Authority:

- 1 (1) individuals not currently employed in state government;  
2 (2) Carl Albert Executive Fellows and other professional trainees and students  
3 employed pursuant to paragraphs 10 and 11(a) and (b) of Section 840-5.5(A) of Title  
4 74 of the Oklahoma Statutes; and  
5 (3) individuals employed pursuant to the Cooperative Engineering Trainee Program.

6 (b) Appointing Authorities who choose to implement the pay incentive shall file a plan  
7 with the Administrator of the Office of Personnel Management and the Director of the  
8 Office of State Finance which contains information related to the implementation of the  
9 pay incentive within the agency. The plan shall provide documentation of the critical  
10 recruitment and retention problems and shall include a project description, specific  
11 prerequisites that each employee shall meet in order to receive the pay incentive, and  
12 information concerning the funding of the incentive from the agency's existing budget.  
13 The plan shall be signed by the Appointing Authority, and this signature requirement may  
14 not be delegated. No payment shall be made under this Section until the plan has been  
15 reviewed and accepted by the Administrator.

16 (c) The pay incentive shall not exceed \$5,000.00 and is payable to eligible individuals as  
17 a lump sum payment ~~during the week of the eligible individual's enter on duty date~~ or in  
18 two equal payments during the first six months of state employment. Former state  
19 employees may be eligible for the pay incentive following a break-in-service of at least  
20 180 days.

21 (d) To receive the pay incentive, an eligible individual shall be required to sign an  
22 agreement form acknowledging that the individual is obligated to repay the entire  
23 incentive, including tax withholdings on the incentive, if the individual leaves state  
24 employment or accepts employment with another state agency within 1 year after he or  
25 she receives the pay incentive. Appointing Authorities may use the agreement form  
26 developed by the Administrator or any other agreement form which is consistent with the  
27 provisions of this Section.

28 (e) An individual may receive only one sign-on pay incentive during his or her state  
29 employment.  
30

31 **530:10-7-24. Skill-based pay adjustments**

32 (a) An Appointing Authority may develop skill-based pay programs upon the approval  
33 of the Administrator. Such programs shall be related to the acquisition or possession of  
34 additional skills and abilities which can be applied to the work to be performed and  
35 which will increase the value of the employee to the agency. The skills or abilities must  
36 be verifiable through certification, licensure, diploma, or some other method and must be  
37 beyond the qualifications required in the job family descriptor for all employees in that  
38 job family level. Requests to establish skill-based pay programs shall include a complete  
39 description of the training or education required, how it will benefit the agency, the  
40 proposed salary adjustment, and any other information that will assist in evaluating the  
41 request. ~~Such adjustments may be provided as a differential over and above an~~  
42 ~~employee's base pay or as a one time lump sum payment. Lump sum skill based pay~~  
43 ~~adjustments shall be limited to 10% of an employee's annual salary and may be provided~~  
44 ~~to employees whose base pay is at or exceeds the maximum rate of pay for the pay band.~~  
45 ~~Skill based differentials shall be limited to 10% of an employee's monthly salary for~~  
46 ~~employees paid on a monthly basis, and 10% of an employee's biweekly salary for~~

1 ~~employees paid on a biweekly basis, and may be provided to employees whose base pay~~  
2 ~~is at or exceeds the maximum of the pay band. These payments shall be paid only as~~  
3 ~~long as the employee occupies a position to which the skill is applicable in accordance~~  
4 ~~with the agency's salary administration plan.~~

5 (b) Skill-based pay adjustments may be provided as a differential over and above an  
6 employee's base pay or as a one-time lump-sum payment. Lump sum skill-based pay  
7 adjustments shall be limited to 10% of an employee's annual salary, and differentials  
8 shall be limited to 10% of an employee's monthly salary for employees paid on a monthly  
9 basis, and 10% of an employee's biweekly salary for employees paid on a biweekly basis.  
10 Employees whose base pay is at or exceeds the maximum of the pay band shall not be  
11 eligible for a differential, but may receive a lump-sum payment. Skill-based pay  
12 adjustments shall be paid only as long as the employee occupies a position to which the  
13 skill is applicable in accordance with the agency's salary administration plan. An  
14 employee may receive multiple skill-based pay differentials so long as the combined total  
15 of all skill-based pay differentials does not exceed 10%.

16  
17 **530:10-7-27. Performance-based adjustments**

18 (a) Performance-based adjustments enable Appointing Authorities to award a salary  
19 increase or lump sum payment to employees who have achieved an overall rating of  
20 "meets standards" or better on their most recent performance evaluation. This  
21 performance evaluation shall be conducted with the standard performance management  
22 system provided by 530:10-17-31.

23 (b) Appointing Authorities may adopt a performance-based adjustment program for  
24 permanent classified full-time and part-time employees pursuant to this Section. The  
25 program may allow performance-based adjustments for part-time employees on a  
26 prorated basis.

27 (c) In order to adopt a performance-based adjustment program, an Appointing Authority  
28 must submit a written performance-based adjustment plan to the Administrator for  
29 approval. The plan must:

30 (1) Indicate the manner in which the Appointing Authority intends to award  
31 performance-based adjustments, including a determination that performance-based  
32 adjustments will be awarded for overall ratings of "meets standards" and "exceeds  
33 standards," or "exceeds standards" only. Performance-based adjustments shall not  
34 exceed 5% of an employee's annual salary for "meets standards" or 10% of an  
35 employee's annual salary for "exceeds standards." The plan shall include:

36 (A) The amount or percentage that the Appointing Authority will award to  
37 qualifying employees; or

38 (B) The total dollar figure the Appointing Authority intends to set aside for  
39 performance-based adjustments to be divided among qualifying employees;

40 (2) Identify and define the 12-month evaluation cycle to be used within the agency,  
41 such as a calendar year or fiscal year. The plan may not be amended within the  
42 evaluation cycle but may be discontinued according to paragraph (5) of this  
43 subsection;

44 (3) Indicate whether the Appointing Authority will award performance-based  
45 adjustments as an increase to the employee's salary, a lump sum payment, or a  
46 combination thereof;

1 (4) Include certification by the Appointing Authority that the agency can fund the  
2 performance-based adjustment program for the current and subsequent fiscal year  
3 without the need for additional funding, and that the plan provides for uniform  
4 treatment of all permanent classified employees of the agency who achieve a "meets  
5 standards" or "exceeds standards" except as provided in subsection (e). The  
6 Appointing Authority shall not delegate authority to sign the certification; and  
7 (5) Include a statement that the Appointing Authority may discontinue performance-  
8 based adjustments at any time should it be necessary to prevent a budget shortfall.  
9 The Appointing Authority shall notify employees of the discontinuation of the plan  
10 and the reason therefore.  
11 (d) The performance-based adjustment plan must be approved by the Administrator  
12 before the Appointing Authority may grant performance-based adjustments to any  
13 permanent classified employee.  
14 (e) An Appointing Authority shall not grant performance-based salary increases which  
15 cause an employee's base salary to exceed the maximum of the pay band to which the  
16 employee is assigned. [530:10-7-10] Such employees may be given performance-based  
17 salary increases up to the maximum of the pay band to which assigned and may also  
18 receive the remainder of the increase as a lump sum payment.  
19 (f) An Appointing Authority may grant only one performance-based adjustment to any  
20 employee for any 12-month evaluation cycle. An Appointing Authority shall not award a  
21 performance-based adjustment to any employee based upon a performance evaluation  
22 which is more than one year old.

## 23 24 **SUBCHAPTER 9. RECRUITMENT AND SELECTION**

### 25 26 **PART 1. GENERAL PROVISIONS**

#### 27 **530:10-9-5. Applications**

28 An application for employment shall be made on a form prescribed by the  
29 Administrator and shall be considered part of the examination. The application form  
30 solicits information from the applicant regarding ~~citizenship~~, residence, veterans  
31 preference, education, training, experience and other eligibility information. The form  
32 may also ask for demographic information, such as race, sex, and ethnicity, for statistical  
33 analysis and state and federal record keeping and reporting requirements. Demographic  
34 information may also be used for special employment programs specifically authorized  
35 by law. Information provided by applicants shall be subject to verification. All  
36 applications shall be signed by the applicant certifying the truth of all statements he or  
37 she made in the application. Applications must be filed with the Office of Personnel  
38 Management on or before the closing date specified in the announcements or postmarked  
39 before midnight on that date.

### 40 41 **PART 3. WRITTEN AND PERFORMANCE TESTS**

#### 42 43 **530:10-9-32. Proficiency certificates**

44 (a) The Administrator shall accept certificates of proficiency issued within the last 12  
45 months by accredited private or public schools, colleges, or the Oklahoma Employment  
46 Security Commission in lieu of typing and ~~shorthand~~ key entry tests [74:840-4.12]. The

1 proficiency certificate solicits information about the applicant, the typing and/or  
2 ~~shorthand~~ key entry test upon which the applicant has demonstrated proficiency, and the  
3 name and address of the certifying official and agency or school.

4 (b) The proficiency certificate shall be based on the results of a performance test which  
5 is comparable to the Office of Personnel Management performance test for the same job.  
6

## 7 **PART 5. REGISTERS**

### 8 9 **530:10-9-52. Removal of names from registers**

10 (a) In addition to the reasons set forth in 530:10-9-9, when a written request which states  
11 the reason for such action is received from an Appointing Authority or based upon an  
12 action of the Office of Personnel Management, the Office of Personnel Management may  
13 temporarily or permanently remove an eligible from a register for any of the following  
14 reasons:

15 (1) Removal requested by eligible applicant.

16 (2) Appointment through certification to fill a permanent position in the same job.

17 (3) Failure to respond within 7 calendar days exclusive of the date of mailing of a  
18 written inquiry by the Appointing Authority relative to availability for appointment.  
19 Such inquiry shall include the date and time by which the eligible must contact the  
20 Appointing Authority.

21 (4) Failure to respond within ~~4 calendar days to a telegraphed inquiry~~ 48 hours to an  
22 email message from the Appointing Authority relative to availability for appointment.  
23 Such inquiry shall include the date and time by which the eligible must contact the  
24 Appointing Authority and must be sent to the email address provided by the eligible.

25 (5) Failure to appear for a scheduled interview.

26 (6) Declination of appointment.

27 (7) Failure to report for duty within the time specified by the Appointing Authority.  
28 (See 530:10-9-94.)

29 (8) Abolition of register by the Office of Personnel Management.

30 (b) Any person so affected shall be notified of this action and the reason for it. At the  
31 appropriate time, the Administrator shall notify an individual of the right to appeal.  
32

## 33 **PART 7. CERTIFICATION**

### 34 35 **530:10-9-74. Selective qualifications**

36 Selective qualifications are ~~special education and experience~~ job-specific  
37 requirements authorized by the Administrator for positions within a particular job family  
38 which are consistent with the duties and responsibilities ~~of that job and~~ of the particular  
39 position being filled. These qualifications may include special experience, education, or  
40 measurable competency in a non-English language. When requesting a certificate for a  
41 job family, an Appointing Authority may, upon written request to and approval by the  
42 Administrator, use any OPM-approved selective qualifications for that job for filling a  
43 particular position within that job family. Selective qualifications approved by the  
44 Administrator for any job or position shall not reduce or add to the quantity of experience  
45 or education in the minimum qualifications established for that job family level.  
46

1 **530:10-9-76. Life of certificate**

2 If an appointment is not made within **30** calendar days of the date a certificate is  
3 issued, such certification shall be voided. The Administrator may consider an Appointing  
4 Authority's written request to extend the life of a certificate for an additional ~~30~~ **60**  
5 calendar days. All certificates issued shall be returned to the Office of Personnel  
6 Management within **30** calendar days after the void date.

7  
8 **SUBCHAPTER 11. EMPLOYEE ACTIONS**

9  
10 **PART 3. PROBATIONARY EMPLOYEES**

11  
12 **530:10-11-35. Annual and sick leave of probationary employees**

13 Annual and sick leave, as provided in 530:10-15-10, 530:10-15-11 and 530:10-15-12,  
14 shall be granted to probationary employees. A probationary employee who resigns and is  
15 reappointed by the same agency ~~from an open competitive register~~ through an open  
16 competitive process within **10** calendar days shall be credited the annual and sick leave  
17 accumulated during the previous probationary period.

18  
19 **PART 5. PROMOTIONS**

20  
21 **530:10-11-51. Promotional posting**

22 (a) *The appointing authority shall post announcements of a vacancy or vacancies in*  
23 *accordance with a promotional plan filed by the agency with the Office of Personnel*  
24 *Management. [A copy of this plan shall be posted throughout the agency.] In order to*  
25 *give qualified employees an opportunity to apply for and be considered for possible*  
26 *promotions, the vacancy notices shall be posted conspicuously in transparent, secured*  
27 *enclosures situated in prominent locations throughout the agency, at least five (5)*  
28 *working days prior to the closing date for the receipt of applications by the appointing*  
29 *authority. Promotional posting shall be required for initial entry into a job family at any*  
30 *level. Promotional posting shall also be required for entry into any supervisory position*  
31 *or level. Each agency's promotional posting plan shall describe where promotional*  
32 *notices will be posted and require that all vacancy or promotional notices be posted*  
33 *conspicuously in transparent, secured enclosures. Notices must be posted throughout the*  
34 *agency. However, an agency's plan may limit the posting of notices for a vacancy in a*  
35 *work unit, local office or administrative area to within that location, if the vacancy is to*  
36 *be filled by an employee from the same location . [74:840-4.15] The Appointing*  
37 *Authority shall post all promotional opportunities to vacant positions and to all*  
38 *supervisory levels. Promotional posting is not required for career progression or for*  
39 *reallocation of occupied, non-supervisory positions.*

40 (b) *The posting shall include:*

- 41 (1) *A copy of the job family descriptor;*  
42 (2) *Identification of the job family level of the vacancy or vacancies;*  
43 (3) *The pay band and range;*  
44 (4) *The anticipated number of vacancies;*  
45 (5) *The specific location of work;*

1 (6) *The time limits and procedure for filing an application with the appointing*  
2 *authority; and*

3 (7) *Any additional factors which the appointing authority will consider in filling the*  
4 *vacancy. For example, if the Appointing Authority intends to give preference to an*  
5 *incumbent in a position at the time of the reallocation of the position to a higher level*  
6 *job, the Appointing Authority shall include that information as an additional factor.*  
7 [74:840-4.15]

## 8 9 PART 11. OTHER TRANSACTIONS

### 10 **530:10-11-110. Detail to special duty**

11 (a) When the services of a permanent classified employee are temporarily needed in a  
12 job family or level other than the one to which the incumbent is regularly assigned the  
13 employee may be detailed to special duty, at the discretion of the Appointing Authority,  
14 to perform the duties of the job to which temporarily assigned.

15 (b) An employee may be detailed to special duty for 6 months or less without meeting  
16 the minimum qualifications for the job family level to which the employee is detailed. An  
17 employee may be detailed to special duty for a total of 12 months if:

18 (1) the employee meets the minimum qualifications of the job to which the employee  
19 is detailed; and

20 (2) the position to which the employee is assigned while on detail is a filled position;  
21 that is, the position is temporarily vacant because the incumbent is absent.

22 (c) A detail to special duty in no way shall affect the status, title or job family held  
23 before the detail.

24 (d) An employee shall not be placed on detail to special duty more than 12 months in any  
25 36 month period.

26 (e) Pay upon detail to special duty is covered in 530:10-7-17.

27 (f) Detail to special duty is not required when an employee is temporarily assigned duties  
28 of another job for a period of less than 60 days in any 12-month period. However, any  
29 temporarily assigned duties shall count toward the time limitations described in  
30 subsection (b).

## 31 32 SUBCHAPTER 15. TIME AND LEAVE

### 33 34 PART 3. ANNUAL AND SICK LEAVE POLICIES

#### 35 36 **530:10-15-10. General annual and sick leave policies**

37 (a) Permanent and probationary classified employees and regular unclassified employees  
38 are eligible for annual leave and sick leave with full pay according to law and the rules in  
39 this Chapter. *Temporary employees and other limited term employees are ineligible to*  
40 *accrue, use or be paid for sick leave and annual leave* [74:840-2.20(4)].

41 (b) The tables in Appendix B of this Chapter list leave accrual rates and accumulation  
42 limits. OAC 530:10-15-11 and 530:10-15-12 also govern annual and sick leave.

43 (c) Annual and sick leave accrual rates and accumulation limits are based on *cumulative*  
44 *periods of employment calculated in the manner that cumulative service is determined for*  
45 *longevity purposes* [74:840-2.20(1)]. For purposes of this Subchapter and the longevity  
46 pay program, cumulative service shall be calculated as prescribed in this subsection.

1 (1) State employment with any classified or unclassified agency in any branch of  
2 state government including service under the administrative authority of the Regents  
3 for Higher Education and the Department of Vocational and Technical Education  
4 shall be qualifying for purposes of calculating cumulative service. Cumulative service  
5 includes periods of part-time qualifying employment in excess of **2/5** time that were  
6 continuous for at least **5** months and any period of full-time employment described in  
7 (A) through (G) of this paragraph:

8 (A) Employment as a permanent classified employee;

9 (B) Employment as a probationary classified employee;

10 (C) Employment as a regular unclassified employee;

11 (D) Temporary or other time-limited unclassified employment;

12 (E) Paid leave;

13 (F) Leave without pay of **30** continuous calendar days or less; and

14 (G) Leave without pay in excess of **30** calendar days taken under Section 840-2.21  
15 of Title 74 of the **Oklahoma Statutes**. Any other leave without pay in excess of **30**  
16 calendar days shall not be counted as cumulative service.

17 (2) Periods of service that are described in (1) of this subsection, shall be combined  
18 for purposes of determining cumulative service and the total shall be expressed in  
19 whole years. Partial years, less than **12** months, are dropped.

20 (d) Annual leave and sick leave shall accrue only when an employee is actually working,  
21 on authorized leave with pay, or during the time the employee is using paid leave to  
22 supplement workers compensation benefits under Section 2e of Title 85. Leave shall not  
23 accrue after the last day the employee works.

24 (e) An employee using paid leave to supplement workers compensation benefits under  
25 Section 2e of Title 85 of the **Oklahoma Statutes** shall be in leave without pay status.

26 (f) An Appointing Authority may terminate an employee who is absent from work after  
27 the employee has exhausted all of his or her sick and annual leave accumulations unless  
28 the absence is covered by 530:10-15-45 or 530:10-15-49. Termination of a permanent  
29 classified employee under this subsection is subject to the pretermination hearing  
30 requirements of Section 840-6.4 of Title 74 of the **Oklahoma Statutes**. This subsection  
31 does not prevent an Appointing Authority from granting leave without pay according to  
32 530:10-15-47.

33  
34 **530:10-15-11. Annual leave**

35 (a) Annual leave is intended to be used for vacations, personal business, and other time  
36 off work not covered by other paid leave or holiday provisions. An employee may  
37 charge family and medical leave, taken in accordance with 530:10-15-45, against annual  
38 leave accumulations.

39 (b) Eligible employees shall accrue annual leave on a calendar month basis  
40 [74:840-2.20] in accordance with 530:10-15-10 and the provisions in this subsection.

41 (1) Annual leave shall be applied for by the employee and shall be used only when  
42 approved by the Appointing Authority.

43 (2) Part-time employees shall accrue annual leave in an amount proportionate to that  
44 which would be accrued under full-time employment [74:840-2.20].

45 (3) Annual leave earned during a pay period shall be prorated in accordance with the  
46 days an employee is on the payroll [74:840-2.20].

1 (4) An Appointing Authority may require an employee to take annual leave  
2 whenever in the administrative judgment of the Appointing Authority such action  
3 would be in the best interests of the agency; except that the employee shall not be  
4 required to reduce accrued annual leave below 5 days. An Appointing Authority shall  
5 not apply this rule in lieu of 530:10-11-120. Leaves of absence for internal  
6 investigatory purposes shall be administered according to 530:10-11-120.

7 (5) Unused accrued annual leave shall be accumulated for no more than the  
8 maximum leave accumulation limits specified in 530:10-15-10, except as provided in  
9 this paragraph. At the discretion of the Appointing Authority, employees may  
10 accumulate more than the maximum annual leave accumulation limits shown in the  
11 schedule, provided that such excess is used during the same year in which it accrues.  
12 Employees shall not be paid for excess leave above the accumulation limit; such  
13 excess accumulations shall be used for leave purposes in the agency where it was  
14 accrued or, if an employee was transferred to an agency by statute or executive order,  
15 in the agency to which the employee was transferred regardless of where the leave  
16 was accrued, only while the employee is continuously employed.

17 (6) Annual leave shall not be taken in advance.

18 (7) An employee who transfers to another agency may have accrued annual leave  
19 transferred at the option of the Appointing Authority to which transferred, or such  
20 Appointing Authority may require that all or a portion of the annual leave be paid by  
21 the agency from which the employee is transferred before the transfer. The amount of  
22 annual leave paid by the agency from which the employee is transferred and the  
23 amount of annual leave transferred with the employee shall not exceed the  
24 accumulation limits established in Section 840-2.20 of Title 74 of the **Oklahoma**  
25 **Statutes**.

26 (8) Any employee who is separated from the state service shall be paid or shall have  
27 payment made to the employee's estate for any annual leave accumulated up to and  
28 including the accumulation limit except as otherwise provided in the Merit Rules.  
29 Employees who resign from a classified position to accept an unclassified position  
30 within the same agency, and employees who resign an unclassified position to accept  
31 a classified position within the same agency, are ineligible for payment of accrued  
32 annual leave.

33 (9) Annual leave shall be charged against an employee's annual leave balance based  
34 on the amount of time an employee is absent from work during the employee's  
35 assigned work schedule. Holidays falling within a period of annual leave shall not be  
36 charged to annual leave.

37 (10) Any probationary or permanent employee who leaves the employ of an agency  
38 shall receive payment for the accrued number of hours of annual leave in accordance  
39 with the hourly rate. Payment may only be withheld pending settlement of a legal  
40 debt to the agency. If a person is reemployed within a period of ~~1 month~~ 30 calendar  
41 days from the date of separation, any portion of the accumulated annual leave which  
42 has not yet been paid may be reinstated.

43  
44 **530:10-15-12. Sick leave**

45 Eligible employees shall accrue sick leave on a calendar month basis [74:840-2.20(1)]  
46 according to 530:10-15-10 and this Section.

- 1 (1) Sick leave means a period when the employee cannot work because of sickness,  
2 injury, pregnancy, or medical, surgical, dental or optical examination, or treatment, or  
3 where the employee's presence at work would jeopardize the health of the employee  
4 or others. An employee may charge family and medical leave, taken in accordance  
5 with 530:10-15-45, against sick leave accumulations.
- 6 (2) An employee shall not use sick leave for annual leave.
- 7 (3) An employee shall not use sick leave before it is accrued.
- 8 (4) Immediately on return to work, an employee who has been absent on sick leave  
9 shall give the Appointing Authority a signed statement that the absence was due to  
10 reasons listed in (1) of this Section. If an absence exceeds 3 working days, the  
11 employee shall give the Appointing Authority a physician's statement unless the  
12 Appointing Authority waives it. For shorter absences, the Appointing Authority may  
13 require the employee to supply proof the absence was consistent with (1) of this  
14 Section. Sick leave shall not be granted until approved by the Appointing Authority.  
15 An Appointing Authority shall approve sick leave unless there are facts to show that  
16 an employee abused sick leave privileges or the employee failed to supply requested  
17 evidence of illness.
- 18 (5) Sick leave shall be charged against an employee's sick leave balance based on the  
19 amount of time an employee is absent from work during the employee's assigned  
20 work schedule. Holidays, or the scheduled days off for holidays, occurring within a  
21 period of sick leave shall not be charged to sick leave.
- 22 (6) Sick leave earned during a pay period shall be prorated according to the days an  
23 employee is on the payroll [74:840-2.20(1)].
- 24 (7) Part-time employees shall accrue sick leave in an amount proportionate to that  
25 which would have accrued under full-time employment [74:840-2.20(1)].
- 26 (8) When an employee transfers from one agency to another, the Appointing  
27 Authority of the receiving agency shall give the employee credit for all unused sick  
28 leave accumulations.
- 29 (9) Employees shall not be compensated for accumulated sick leave when they  
30 separate from state service.
- 31 (10) If an absence because of illness or injury extends beyond the sick leave an  
32 employee has accumulated, the Appointing Authority may charge additional absence  
33 to the employee's annual leave accumulations.
- 34 ~~(A) An Appointing Authority may terminate an employee who is absent from~~  
35 ~~work after the employee has exhausted all of his or her sick and annual leave~~  
36 ~~accumulations unless the absence is covered by 530:10-15-45 or 530:10-15-49.~~  
37 ~~Termination of a permanent classified employee under this Section is subject to~~  
38 ~~the pretermination hearing requirements of Section 840-6.4 of Title 74 of the~~  
39 ~~Oklahoma Statutes.~~
- 40 ~~(B) Subparagraph (A) of this paragraph does not prevent an Appointing~~  
41 ~~Authority from granting leave without pay according to 530:10-15-47.~~
- 42 (11) Unless it is against the law, an Appointing Authority shall approve sick leave when  
43 an employee is absent due to illness or injury and receiving Oklahoma State Workers  
44 Compensation benefits.
- 45 (12) If an employee leaves the state service on or after October 1, 1992, and is  
46 reemployed within a period of 2 years from the date of separation, the Appointing

1 Authority may reinstate all or a part of the unused sick leave accumulated during the  
2 previous period of continuous employment with the state [74:840-2.20(6)].

3 (13) There is no limit on sick leave accumulations.  
4

## 5 **PART 5. MISCELLANEOUS TYPES OF LEAVE** 6

### 7 **530:10-15-43. Holidays**

8 (a) Holidays shall be granted in accordance with state law and the Governor's  
9 proclamations as they are observed by the individual agencies in accordance with their  
10 work load and policies.

11 (b) To be eligible to receive holiday pay, an employee shall be in pay status either the  
12 workday before or the workday after the holiday. An employee shall not be eligible to be  
13 paid for holidays which occur either before the employee's entry on duty date or after the  
14 last day the employee works. The receiving Appointing Authority shall pay an employee  
15 who transfers from another agency for any holidays occurring after the last day worked in  
16 the sending agency. An employee who is recalled, reemployed, or reinstated shall not be  
17 paid for any holiday occurring after the last day worked while previously employed and  
18 before entry on duty.

19 (c) Appointing Authorities shall pay full-time employees for holidays based on an **8**-hour  
20 workday. Full-time employees who are eligible for holiday pay under (b) of this Section  
21 and who are scheduled to work either more or less than **8** hours on a holiday shall receive  
22 the equivalent of **8** hours of holiday pay or compensatory time off.

23 (d) Appointing Authorities shall prorate holiday pay for part-time employees based on  
24 one of the following methods:

25 (1) Holiday pay as a percentage of normally scheduled hours worked divided by full-  
26 time hours; or

27 (2) Holiday pay equal to regular pay for hours normally worked if a holiday occurs on  
28 a normally scheduled work day.

29 (e) If a full-time or part-time employee's scheduled hours worked plus holiday hours  
30 total less than the employee's normally scheduled hours during the workweek, the  
31 Appointing Authority shall account for the difference exercising one or more of the  
32 following options:

33 (1) Work additional hours during the same workweek;

34 (2) Charge to accumulated annual leave; or

35 (3) Record as leave without pay under 530:10-15-47.

36 (f) If an employee's scheduled hours worked plus holiday hours are more than **40** hours  
37 in a workweek, the Fair Labor Standards Act requires that only hours actually worked be  
38 counted as hours worked in accordance with the Fair Labor Standards Act and  
39 530:10-7-12.

40 (g) For employees who are scheduled to work on a holiday and for employees whose  
41 regular day off falls on a holiday, the Appointing Authority shall either:

42 (1) reschedule the employee's holiday to be taken within **180** days; or

43 (2) pay the employee for the holiday based on an **8**-hour workday times the  
44 employee's regular rate of pay at the time of payment.

45 (h) An Appointing Authority may request an extension of the **180** days for taking  
46 holiday time off up to an additional **180** days providing the Appointing Authority submits

1 proper documentation to the Office of Personnel Management justifying the extension.  
2 All extensions are subject to the approval of the Office of Personnel Management.

3  
4 **530:10-15-45. Family and medical leave**

5 (a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to  
6 family and medical leave. This section is not a comprehensive listing of the provisions of  
7 the federal Family and Medical Leave Act of 1993 (29 U.S.C, 2654 et seq.) and  
8 regulations promulgated thereunder, and is not intended to conflict with either the Act or  
9 the regulations. To be eligible, an employee shall have been employed by the state at  
10 least **12** months and have worked at least **1,250** hours during the preceding **12**-month  
11 period.

12 (b) An eligible employee is entitled to family and medical leave for up to a total of **12**  
13 weeks during any **12**-month period, for the following reasons:

- 14 (1) the birth of the employee's son or daughter, and to care for the newborn child;  
15 (2) the placement with the employee of a son or daughter for adoption or foster care;  
16 (3) to care for the employee's spouse, son, daughter, or parent with a serious health  
17 condition. As used in this subsection, "son" or "daughter" means a biological,  
18 adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in*  
19 *loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care  
20 because of a mental or physical disability; and  
21 (4) a serious health condition that makes the employee unable to perform the  
22 functions of the employee's job.

23 (c) An Appointing Authority may require that an employee's request for family and  
24 medical leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or  
25 due to the employee's own serious health condition that makes the employee unable to  
26 perform one or more of the essential functions of the employee's position, be supported  
27 by a certification issued by the health care provider of the employee or the employee's ill  
28 family member.

29 (d) The entitlement to family and medical leave resulting from (b)(1) and (b)(2) of this  
30 Section expires at the end of the **12**-month period beginning on the date of the birth or  
31 placement.

32 (e) When family and medical leave is taken to care for a sick family member as defined  
33 in (b)(3) of this Section or for an employee's own serious health condition, leave may be  
34 taken intermittently or on a reduced leave schedule when it is medically necessary. An  
35 Appointing Authority may adopt a policy allowing family and medical leave to be taken  
36 intermittently to care for a newborn child or newly placed adopted or foster child.

37 (f) Whenever it is possible, an employee shall schedule family and medical leave to  
38 accommodate the operations of the employee's agency. An employee shall give the  
39 Appointing Authority notice and a leave request at least **30** days before leave is to begin  
40 if the need for family and medical leave is expected. When the need for family and  
41 medical leave is unexpected, an employee shall give the Appointing Authority notice and  
42 a leave request as soon as possible. The notice and request shall:

- 43 (1) be in writing;  
44 (2) refer to this Section;  
45 (3) describe the reason for the family and medical leave;

1 (4) specify the type of leave the employee is requesting to account for the time off;  
2 and

3 (5) include any information or documentation required for the type of leave  
4 requested.

5 (g) The Appointing Authority has the responsibility to review requests for sick leave and  
6 leave without pay for designation as family and medical leave. The Appointing  
7 Authority's designation decision shall be based only on information provided by  
8 the employee or the employee's

9 spokesperson. In accordance with the federal Family and Medical Leave Act, the  
10 Appointing Authority shall not designate leave as family and medical leave retroactively,  
11 unless the Appointing Authority does not have sufficient information concerning the  
12 employee's reason for taking the leave until after the leave period has begun.

13 (h) Family and medical leave is not a separate type of leave, and it is not accrued or  
14 accumulated. An Appointing Authority shall give employees the following options to  
15 account for time lost because of leave under the federal Family and Medical Leave Act of  
16 1993.

17 (1) Charge to accumulated annual leave [74:840-2.22];

18 (2) Charge to accumulated sick leave [74:840-2.22];

19 (3) Charge to leave donated by other state employees under Section 840-2.23 of Title  
20 74 of the **Oklahoma Statutes**, which is also known as "shared leave"; and

21 (4) Record as leave without pay in accordance with 530:10-15-47.

22 (i) The agency shall continue paying the employee's insurance coverage while the  
23 employee is on family and medical leave.

24 (j) Upon return from family and medical leave, an employee shall have the right to be  
25 restored to the same or equivalent position and benefits, except for extension of his or her  
26 anniversary date for longevity pay, leave accrual, and calculation of retention points, he  
27 or she would have had if the employee had been continuously employed in pay status  
28 during the leave period.

29 (k) An employee shall not be required to take more leave than necessary to resolve the  
30 circumstance that precipitated the need for leave.

31

32 **530:10-17-74. Undergraduate internship program**

33 (a) **Eligibility.** The undergraduate internship program consists of temporary positions for  
34 students enrolled in institutions of higher education within the state and working toward  
35 an undergraduate degree [74:840-3.4(1)]. To be considered for eligibility determination,  
36 applicants shall have completed at least **24** semester hours of coursework with at least a  
37 **2.5** cumulative grade point average on a **4.0** scale. Applicants shall follow the procedures  
38 in 530:10-17-77 for eligibility determination.

39 (b) **Conditions of employment.** Participants in the Undergraduate Internship Program  
40 who receive internship appointments shall:

41 (1) be employed in accordance with paragraph 8 of Section 840-5.5 of Title 74 of the  
42 Oklahoma Statutes, for not more than 2 semesters or 999 hours,

43 (2) continue making progress toward an undergraduate degree during each semester  
44 employed,

45 (3) maintain the grade point average set out in (a) of this Section, and

46 (4) complete the training requirements described in (d)(3) of this Section.

1 (c) **Benefits.** Undergraduate interns shall not be eligible for paid leave, or health and  
2 retirement benefits.

3 (d) **Responsibilities of appointing authorities.**

4 (1) The Appointing Authority or designee shall ensure that the intern provides written  
5 verification to the Office of Personnel Management that the intern is:

6 (A) continuing to make progress toward an undergraduate degree during each  
7 semester employed, and

8 (B) maintaining the grade point average set out in (a) of this Section.

9 (2) If this information is not transmitted to the Office of Personnel Management  
10 within **30** days after the end of the previous semester, the Administrator shall notify  
11 the Office of State Finance and the Appointing Authority of the termination of the  
12 internship agreement in accordance with Section 530:10-17-82(a).

13 (3) Each Appointing Authority shall provide a minimum of **4** clock hours of job-  
14 related training for undergraduate interns during the internship, in addition to the  
15 required training coordinated by the Administrator each fall and spring semester, and  
16 shall provide verification to the Office of Personnel Management of the completion of  
17 the training requirements.

18  
19 **530:10-17-75. Executive Fellows program**

20 (a) **Eligibility.** *An Executive Fellows Program consists of six-month to two-year*  
21 *placements in professional or managerial level positions for students [74:840-3.4(2)].* No  
22 person is eligible to participate in the Executive Fellows program for more than **2** years.  
23 To be considered for eligibility determination, applicants shall have completed a  
24 baccalaureate degree and at least **6** semester hours of graduate level coursework with at  
25 least a **3.0** grade point average on a **4.0** scale [74:840-3.4(2)(a)] or a **7.0** on a **12.0** scale in  
26 all graduate level coursework. Applicants shall follow the procedures in 530:10-17-77 for  
27 eligibility determination.

28 (b) **Conditions of employment.** Participants in the Executive Fellows Program who  
29 receive internship appointments shall:

30 (1) be appointed in accordance with paragraph 10 of Section 840-5.5 of Title 74 of the  
31 **Oklahoma Statutes** [74:840-3.5(4)],

32 (2) be granted leave benefits commensurate with regular state employees  
33 [74:840-3.5(4)],

34 (3) be enrolled in the state health insurance and retirement benefits programs, if  
35 expected to work one thousand (1,000) or more hours per year,

36 (4) continue to make scholastic progress toward their graduate degrees during each  
37 fall and spring semester until completion of all graduate degree requirements,

38 (5) maintain the grade point average set out in (a) of this Section, and

39 (6) complete the training requirements described in (c)(3) of this Section.

40 (c) **Responsibilities of appointing authorities.**

41 (1) The Appointing Authority or designee shall ensure that the intern provides written  
42 verification to the Office of Personnel Management that the intern is:

43 (A) continuing to make scholastic progress toward a graduate degree, until  
44 completion of all graduate degree requirements, and

45 (B) maintaining the grade point average set out in (a) of this Section.

46 (2) If this information is not transmitted to the Office of Personnel Management

1 within 30 days after the end of the previous semester, the Administrator shall notify  
2 the Office of State Finance and the Appointing Authority of the termination of the  
3 internship agreement in accordance with Section 530:10-17-82(a).

4 (3) Each Appointing Authority shall provide a minimum of 8 clock hours of job-  
5 related training for Executive Fellows during each 6-month period, in addition to the  
6 required training coordinated by the Administrator each fall and spring semester, and  
7 shall provide verification to the Office of Personnel Management of the completion of  
8 the training requirements.

9  
10 **530:10-17-77. Application form and procedure**

11 (a) **Application form and applicant survey form.**

12 (1) The Carl Albert Public Internship Program application is available from the Office  
13 of Personnel Management. The application form provides information about the  
14 application process and eligibility requirements. It solicits information about  
15 applicants and their qualifications for participation in the program.

16 (2) Applicants may apply at any time.

17 (3) An applicant may complete a voluntary survey form which solicits information  
18 related to demographics, including race or ethnic group, and disabilities. The  
19 information shall be used for statistical purposes only.

20 (b) **Communication with the Office of Personnel Management.** Interested persons  
21 may direct communications to the attention of the Carl Albert Public Internship Program  
22 in accordance with 530:1-1-12.

23 (c) **Application procedure.** Applicants for the internship program shall provide the  
24 following information to the Office of Personnel Management for review and  
25 determination of eligibility:

26 (1) A completed and signed application form;

27 (2) Transcript(s) of coursework from accredited higher education institutions;

28 (3) A letter of nomination from a faculty member of the higher education institution  
29 where they are enrolled;

30 (4) A letter of recommendation from the current Appointing Authority, if the  
31 applicant is a state employee [74:840-3.4(4)];

32 (5) A resume;

33 (6) Three letters of recommendation from persons other than relatives or the  
34 nominating faculty member;

35 (7) Verification of current enrollment.

36 (d) **Notification.** The Administrator shall notify applicants if the documents they submit  
37 are sufficient for eligibility. A notice of eligibility does not mean the applicant will be  
38 employed as an intern.

39 (e) **Length of eligibility.** Applicant information on file at the Office of Personnel  
40 Management shall remain active if eligible applicants submit verification of current  
41 enrollment and an updated transcript each semester. If applicants fail to provide updated  
42 information within 90 days after the end of the previous semester, they will no longer be  
43 eligible for employment as an intern and their names will be removed from the list of  
44 eligible applicants made available to state agencies.

45 (f) **Appointment.**

46 (1) The Administrator shall provide a list of all eligible applicants for the Carl Albert

1 Public Internship Program to state agencies periodically and at an agency's request. An  
2 agency may request an eligible applicant list and copies of individual eligible intern  
3 files at any time.

4 (2) An agency may appoint any eligible applicant after the Administrator has  
5 approved a completed Carl Albert Public Internship Agreement Form described in (3)  
6 of this subsection. A new form shall be completed if there are any substantive changes  
7 to the original agreement.

8 (3) The Administrator shall provide the internship agreement form to state agencies.  
9 The form solicits information about the employing agency, the Executive Fellow or  
10 Undergraduate Intern, and the internship faculty member. The form provides  
11 information regarding employment, benefits, training, work schedules, duties,  
12 compensation, and projected length of internship. Before an eligible applicant enters  
13 on duty, the agreement form shall be completed and signed by:

14 (A) The eligible applicant;

15 (B) The Appointing Authority or designee of the employing agency, who shall  
16 certify that the internship appointment does not contravene any provision of the  
17 Oklahoma Personnel Act or the Merit Rules;

18 (C) The college or university faculty member who shall monitor the internship;  
19 and

20 (D) A representative of the Administrator.

21 (4) All intern appointments are made at the discretion of the Appointing Authority.  
22 Executive Fellows will count against an agency's full-time-equivalent employee limit  
23 if an agency retains them after the internship time period is completed.

24 (g) **State employees.** State employees may apply to participate in the Carl Albert Public  
25 Internship Program. Permanent classified and regular unclassified employees who receive  
26 internship appointments may request leave without pay from their permanent or regular  
27 employment in accordance with 530:10-15-47, **Leave of absence without pay.**  
28 Probationary employees and regular unclassified employees with less than **6 12** months  
29 continuous service shall resign before entry-on-duty as an intern.

30  
31 **530:10-17-80. General conditions of employment**

32 (a) **No expectation of continued employment.**

33 (1) Persons participating in the Carl Albert Public Internship Program shall be  
34 employed in the unclassified service of the state in accordance with Section 840-5.5  
35 of Title 74 of the **Oklahoma Statutes** and Sections 530:10-17-74 and 530:10-17-75.

36 (2) An intern has no right or expectation of continued employment in any classified  
37 or unclassified position with the state because of participation in the Carl Albert  
38 Public Internship Program.

39 (b) **Compensation plan for interns.**

40 (1) The employing agency shall establish compensation plans that include rates of  
41 pay for Carl Albert Public Internship Program positions which are consistent with  
42 positions having like duties and responsibilities within the agency.

43 (2) The Administrator may establish job descriptions for interns in accordance with  
44 Section 530:10-5-8.

1 (3) Carl Albert interns who are not exempt from the provisions of the Fair Labor  
2 Standards Act (29 U.S.C. 201 et seq.) are subject to its overtime provisions and  
3 530:10-7-12.

4 ~~(4) Carl Albert Interns may receive a raise in pay only by being assigned higher~~  
5 ~~level job duties or by legislatively approved raises. However, salary~~ Salary  
6 adjustments may be made in accordance with ~~530:10-7-1.2~~ Section 840-2.17 of Title  
7 74 of the Oklahoma Statutes.

8 (c) **Report of work performance to educational institution.** The Appointing Authority  
9 or designee of the employing agency shall provide the internship faculty member with  
10 information necessary to evaluate the intern's work experience for academic purposes at  
11 the faculty member's request.

12 (d) **Intercession by the Office of Personnel Management.** The Office of Personnel  
13 Management may intercede in an internship if the Office determines, at the request of the  
14 intern, the agency, or the institution of higher education at which the intern is enrolled,  
15 that an internship is not functioning [74:840-3.5(7)] in accordance with the rules in this  
16 Part, and the individual internship agreement. The intercession process may include, but  
17 is not limited to the following actions: modification of certain agreement terms,  
18 reassignment, and separation or early release from the internship.

19 (e) **State employees; continuation of benefits.** State employees leaving classified or  
20 exempt positions in state government in order to take an internship shall continue to  
21 receive all fringe benefits they would have received in their previous classified or exempt  
22 positions [74:840-3.5(2)].

23 (f) **Training requirements.** Each intern shall complete the training requirements  
24 prescribed by the employing agency and the Administrator.  
25

26 **530:10-17-82. Carl Albert Public Internship Program; termination of internship**

27 (a) **Termination of internship agreement and separation.** An agency may continue to  
28 employ a person as an intern only during the period of the internship agreement as  
29 provided by the rules in this Part. The agency, the intern, or the Administrator may  
30 terminate the internship agreement at any time without notice. The agency may separate  
31 the intern with or without cause.

32 (b) **Voluntary exit evaluation.** Carl Albert interns may complete a confidential  
33 voluntary exit survey at the end of the internship. Survey forms provided by the  
34 Administrator shall solicit information such as program strengths and weaknesses, and  
35 recommendations for improvement.

36 (c) **State employees; right of return and recall to previous position.**

37 (1) State employees *leaving classified or exempt positions in state government in*  
38 *order to take an internship shall have the right to return to the previous position at*  
39 *any time during the internship or upon completion of the internship* [74:840-3.5(2)].

40 (2) The Appointing Authority may require a state employee participant to return to  
41 the original state agency position before the internship termination date stated on the  
42 agreement form. The employee shall be notified by certified mail and given 7 calendar  
43 days to return to work. The notification shall include reasons for requiring the  
44 employee to return to work. If the employee fails to return as directed, the Appointing  
45 Authority may discipline the employee.