

OPM 98-75

December 21, 1998

TO: All Appointing Authorities

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

RE: **Supplement to the Merit Rules for Employment (August 1, 1997)**

Governor Frank Keating recently approved several emergency amendments to the *Merit Rules for Employment*. These rule changes became effective December 8, 1998. They should make it easier for agencies to implement changes in the Oklahoma Personnel Act pertaining to probationary and trial periods and the State Work Incentive Program.

PROBATIONARY AND TRIAL PERIODS

Section 7 of HB 2860 amended Title 74, Section 840-4.13D by providing that every person, upon initial appointment under the classified service, shall be appointed for a probationary period of one year. The Appointing Authority may waive in writing the remainder of the probationary period at any time after a probationary employee has served six months. **This statutory section pertains to all persons whose initial classified appointment began July 1, 1998, and thereafter.** Emergency rule amendments in 530:10-11-30, *Probationary employees; general provisions*, should clarify the waiver procedures. Notice the procedure in subsection (e) for establishing an agency standard for waiving the probationary period after six months.

Section 6 of HB 2860 amends Title 74, Section 840-4.12D by providing that all classified employees promoted within an agency shall serve a six month trial period, unless the trial period is waived, in writing, by the appointing authority. Also, the appointing authority may return the employee to the class from which the employee was promoted at any time during a trial period, upon written notice to the employee. The notice must state the reason(s) for the action. **This statutory section pertains to all classified employees whose promotion became effective July 1, 1998 and thereafter.** Emergency rule amendments to 530:10-11-55, *Trial period and probationary period for promoted employees*, should clarify the waiver procedures. Notice the procedures for establishing an agency standard for waiving the trial period.

If you have any questions about trail periods or probationary periods, please contact Hank Batty, Assistant Administrator, Employee Selection Services, at (405) 521-6333.

THE STATE WORK INCENTIVE PROGRAM

The new emergency rules I adopted to aid in the implementation of the State Work Incentive Program are in Part 17 of Subchapter 17. This program permits agencies to appoint participants in the Temporary Assistance to Needy Families Program (TANF) for a maximum of two years. The appointments are unclassified and not subject to an agency's full-time-equivalent employee limitation. Employees receive full state benefits and agencies may convert them to classified status at the end of two years if certain conditions are met.

The State Work Incentive Program can serve both as a useful staffing tool for Merit System agencies and as a significant partner in Oklahoma's overall Welfare-to-Work initiative. I encourage each of you to explore its potential within your agency. If you have any questions regarding the program, please contact Hank Batty, Assistant Administrator, Employee Selection Services, at (405) 521-6333.

DECEMBER 1998 SUPPLEMENT TO THE MERIT RULES FOR EMPLOYMENT

We are sending you a copy of the new December 1998 *Supplement to the Merit Rules for Employment*, which includes the new emergency changes and other permanent and emergency rule changes since our publication of the August 1, 1997 rulebook. **Please copy and distribute it to your employees. Discard previous supplements.**

RULES AVAILABLE IN ELECTRONIC FORMAT

Please visit the Oklahoma Office of Personnel Management (OPM) website at <http://www.state.ok.us/~opm>. Go to the Policy Services page to view an unofficial copy of our administrative rules. In addition to all of the rules of the Administrator of the Office of Personnel Management, we have included Merit Rules adopted by the Oklahoma Merit Protection Commission, the Incentive Awards for State Employees Committee, and the State Agency Review Committee. The rules are available for viewing in four formats: HTML, Adobe PDF, Rich Text Format, and Microsoft Word for Windows 6.0. Rules in Rich Text Format may be downloaded quickly in compressed (zipped) file format.

We also have rules adopted by the OPM Administrator available in Rich Text Format (RTF) on a floppy disk. We have found that most modern text editors such as Microsoft Word and WordPerfect can open RTF files. Please contact Kimberlee Williams, Senior Policy Attorney, at (405) 521-2160 if you want a copy of the rules in RFT format on a floppy disk or if you have any questions.

Enclosure: December 1998 *Supplement to the Merit Rules for Employment*