

Pardon and Parole Board Employee Handbook 2019



Pardon And Parole Board
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OVERVIEW

PURPOSE OF THE EMPLOYEE HANDBOOK

This handbook has been prepared to provide information on the Pardon and Parole Board's history, structure, procedures, practices, benefits, and expectations. It is offered as a useful reference for Pardon and Parole Board (PPB) employees, not as a statement of policy. In addition to the Employee Handbook, the employee should review the Policies of the agency as well as the Constitutional provisions, statutes, and administrative rules applicable to the PPB.

This handbook does not in any way constitute, and should not be construed as a contract of employment or a promise of employment. The Executive Director reserves the right to change the terms of this handbook at any time and without notice. The most current handbook supersedes any previous versions. If there are questions about any provisions covered in this handbook, contact your supervisor for additional information.

PARDON AND PAROLE BOARD HISTORY, MEMBERSHIP, AND PURPOSE

On July 11, 1944, the citizens voted to amend Article VI, Section 10 of the Oklahoma Constitution to create the Oklahoma Pardon and Parole Board. The Pardon and Parole Board is comprised of five members. The Governor appoints Three (3) members. The Chief Justice of the Supreme Court appoints one member and Presiding Judge of the Court of Criminal Appeals appoints one member. The appointed members shall hold their offices coterminous with that of the Governor and shall be removable for cause only in the manner provided by law for elective officers not liable to impeachment. Any attorney member of the Pardon and Parole Board is prohibited from representing persons charged with felony offenses in Oklahoma.

The duty of the Board is to make an impartial investigation and study of applicants for non-violent paroles and make recommendations to the Governor of all deemed worthy of pardons, commutations, paroles for violent offenses, and clemencies. The Pardon and Parole Board has no authority to make recommendations regarding parole for inmates sentenced to death or sentenced to life imprisonment without parole.

After a favorable recommendation by a majority vote of the Board, the Governor has the power to grant commutations, pardons, and paroles for violent offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations, as the Governor may deem proper, subject to such regulations as may be prescribed by law. Provided, the Governor shall not have the power to grant paroles if an inmate has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall

have the authority to prescribe a minimum mandatory period of confinement, which must be served by a person prior to being eligible for parole consideration. The Governor shall have power to grant, after conviction, reprieves or leaves of absence not to exceed sixty (60) days, without the action of the Board.

The Pardon and Parole Board shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole, or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction, and the date of commutation, pardon, parole, and reprieve.

MISSION OF THE PARDON AND PAROLE BOARD

The mission of the Pardon and Parole Board (PPB) is to serve the citizens of Oklahoma by making careful and informed decisions that focus on public safety, offender accountability and re-entry, and victims' rights. This is accomplished through careful and informed decisions concerning the parole for non-violent offenders and making careful and informed recommendations to the Governor regarding the parole of violent offenders. In addition, the Board makes recommendations to the Governor regarding pardons and commutations.

ORGANIZATION AND STRUCTURE

The PPB is authorized to employ professional investigators and such clerical and administrative personnel as may be required to carry out the duties and responsibilities under the provisions of Oklahoma statutes. The Pardon and Parole Board is comprised of the following:

EXECUTIVE DIRECTOR

The Executive Director of the PPB is responsible for managing the day to day operations of the agency; allocating resources to achieve mandated and strategic objectives of the agency; ensuring long term sustainability and effectiveness of the agency; ensuring activities and operations are performed in compliance with local, state, and federal laws and administrative rules; and, working collaboratively with the Board to ensure the overall agency goals and objectives are met or exceeded.

DEPUTY DIRECTOR

The Deputy Director assists in providing leadership and administrative management for the agency. The Deputy Director reports directly to the Executive Director of the PPB and serves as the primary administrative authority of the office in the absence of the Executive Director.

STAFF ATTORNEY

The primary responsibility of the Staff Attorney for the PPB is to provide research, legal opinions, advice, counsel, and assistance to the Board, Executive Director, Deputy Director, and staff.

FIELD DIRECTOR

The Field Director shall manage the day to day operations of the field services for the agency, including direct oversight of two field supervisory staff and field investigators. This position serves as the liaison between field services and administrative staff to ensure compliance with local, state, and federal regulations as well as agency policy and procedures.

DISTRICT SUPERVISORS

The state is divided into two (2) districts, which include the Western District, and Eastern District. The District Supervisors supervise the Parole Investigators in their district by assigning, monitoring, and evaluating investigator caseload responsibilities on a monthly basis to ensure that all facilities in the district are covered and that reports are submitted by the assigned deadlines.

PAROLE INVESTIGATORS

Parole investigators are generally embedded within correctional facilities throughout the state. Parole Investigators provide the investigations and reports used by the Board and the Governor in making their decisions on pardons, paroles, and commutations. These reports include a summary of the crime, a history of previous convictions, a history of drug and alcohol use, a list of programs taken while incarcerated to improve inmate knowledge and behaviors, a history of any misconducts while incarcerated, a narrative from the District Attorney's Office regarding the crime, and other relevant information.

ADMINISTRATIVE STAFF

The PPB employs a support staff of full-time who administer the daily operations of the agency. The administrative staff duties include processing pardon and commutation applications, processing parole and clemency dockets, compiling information for the board, preparing the monthly dockets, coordinating with victims and/or victim representatives and delegates for the offenders, coordinating with the District Attorneys and other state agencies, reporting the board results, and sending the Board recommendations to the Governor.

GENERAL INFORMATION FOR EMPLOYEES

POLICIES AND PROCEDURES

After approval by the PPB of a policy, procedure, or the issuance of a new handbook or a procedure by the Executive Director, copies will be posted to the website. The Executive Director will ensure that the Board receives updated copies.

The Executive Director will notify employees and obtain an Acknowledgement Form verifying the receipt and review of the new and/or revised policies, procedures, or the handbook which impact the personnel of the PPB. Upon receipt, each employee will review the new and/or revised policies, handbook, or procedures, then sign and return the Acknowledgement Form to the administrative office as per the deadline and instructions on the form.

Each employee must comply with all policies, procedures, and the handbook. Conflicting actions are unauthorized unless approved by the Executive Director or Deputy Director in writing. Unauthorized variance from policy or procedure must be immediately reported to the supervisor who will report to the Executive Director.

CLASSIFICATION OF EMPLOYEES

PPB employees may be classified or unclassified, depending on the position. A classified employee has acquired permanent status in accordance with the Oklahoma Personnel Act and other Oklahoma statutes. Under classified service, the employee benefits from certain protections.

An unclassified employee serves at the discretion of the Executive Director and may be terminated at any time. Unclassified employees are not subject to the Merit Rules and have no right to continued employment.

PROBATIONARY PERIOD

The first twelve (12) months of employment are probationary for all classified employees. This period will permit an employee time to adjust to a new environment and allow management an opportunity to observe and judge the employee's ability to perform the full range of job requirements.

Probationary employees and their supervisor will have the opportunity to discuss job performance periodically. During probation, a probationary employee is ineligible for transfer or promotion or donated leave and may be dismissed at anytime. At the conclusion of the

probationary period, the Executive Director will decide whether the probationary employee will receive permanent employment or be released.

Thirty (30) days prior to the end of the twelve (12) month probationary year of a classified employee, the supervisor will complete a brief narrative on the PMP to recommend termination or continued employment.

CONDUCT OF THE EMPLOYEE

PPB employees will devote full time, attention, and effort to their duties and responsibilities and behave professionally and appropriately while on-duty or while representing the agency.

As a state employee and a representative of the PPB, employees are required to maintain professional and courteous behavior, whether on the telephone, speaking in person, or in writing.

PERSONAL APPEARANCE AND Demeanor

The PPB is a professional agency that interfaces with other state agencies as well as the public. Employees should project a professional image and are expected to wear clothing that is appropriate for the job. Clothing and appearance should be neat, clean, and in good business taste. Such dress is generally considered casual business attire. Shorts, sweats, T-shirts, tank tops, and flip-flops are not acceptable at anytime, unless expressly permitted for a specific office activity or function.

Supervisors may request that employees cover visible tattoos, remove excessive or offensive jewelry, change unprofessional clothing, or make such other reasonable changes to maintain a professional appearance.

The Executive Director may designate Fridays as “casual days”. Employees may not participate in a “casual day” if they have a meeting or appointment with an individual(s) from outside of the PPB. On designated “casual days” employees are permitted to wear nice clean-cut jeans without holes or tears. In addition, clothing that is not allowed as described above is not allowed on casual Fridays.

Special consideration may be made when employees are doing manual labor, recovering from injuries, or when safety requirements dictate alternate attire. Any disagreement between employees and supervisors on the subject of the dress code shall be resolved by the Executive Director. Violations of the dress code may result in discipline, up to and including termination. The PPB reserves the right to ask any employee to leave the office if inappropriately dressed; such absence will be counted against the Employee’s leave.

ASSIGNED DUTY STATIONS

Under Title 74 O.S. § 840-4.19, the PPB has sole and final authority to designate the place or places where its employees shall perform their duties. Each employee will be assigned a primary duty station. Employees shall be present at their primary duty stations or some other location as directed by their supervisor during the employee's work schedule. The assigned duty station may be a generally described geographic area or multiple locations to be visited during a particular day. Assigned duty stations may be modified by the Executive Director as needed.

WORK WEEK AND WORK SCHEDULES

The official work week for the PPB is nine (9) hours a day, five (5) days a week, beginning on Monday and ending on Friday including a one-hour lunch break. Normal office hours are 8:00 a.m. to 5:00 p.m. Within the administrative office, individual schedules must be arranged to assure office coverage over the lunch hour and the workday.

Lunch periods for non-exempt employees are mandatory. Employees are not permitted to take their lunch periods at the end of the day without prior supervisory approval. Employees are also allowed two (2) fifteen (15) minute breaks per day, if workload permits, and are counted as work time. The breaks may be taken at any time during the workday as agreed upon by the supervisor and the employee.

WORK SCHEDULES

The PPB fully complies with the provisions of the Federal Fair Labor Standards Act (FLSA), as it applies to state and local governments. The PPB supervisors and employees are responsible for accomplishing essential work within the regularly assigned 40-hour work week. All employees are expected to be at work during scheduled hours unless approval is granted for approved leave or a work week adjustment.

While the first consideration of scheduling work hours is the needs of the PPB, there may be opportunities for employees to participate in an Alternate Work Schedule (AWS) program, the use of remote work, and/or flextime where the Executive Director has authorized such a request in advance and in writing.

ALTERNATE WORK SCHEDULES

The PPB is committed to making a reasonable effort to accommodate employee requests for alternate work schedules. The use of the AWS is at the discretion of the Executive Director. The approval of an AWS request is dependent upon the job duties to be performed and may not be suitable for some positions. An AWS must not jeopardize or impact normal business hours and operations. An adverse impact is: 1) a reduction of the productivity of the

employee; 2) a diminished level of services furnished to the public; or 3) an increase in the cost of PPB operations (other than a reasonable administrative cost relating to the process of establishing an AWS). Areas must have coverage at all times during the established workday.

Employee participation in an AWS is voluntary. An employee may work an AWS consisting of a different beginning time or ending time for the work day or a compressed work week schedule. For a different beginning time, an employee may request to begin work no earlier than 7:00 a.m. For a different ending time to the workday, an employee may take a 30-minute lunch and leave at 4:30 p.m.

An AWS using a compressed work week consists of four (4), ten and one-half hour (10.5) days with a 30 minute lunch period or four (4) nine and one-half (9.5) hour days, with 30 minute lunch periods, and one (1) four-hour day. Employees participating in an AWS are not permitted to work during their lunch periods. Lunch periods must be a minimum of thirty (30) minutes in duration.

Requests for an AWS must adhere to the following criteria:

1. It must meet the legitimate needs and interests of the employee;
2. It must not diminish or interfere with the PPB's primary obligation to perform its duties to the people of the State of Oklahoma;
3. It must not have an adverse impact on the PPB;
4. It must not unfairly burden other employees in the PPB; and
5. It must be economically feasible.

Employees interested in participating in the AWS shall complete the Alternative Work Schedule Request form, submit it to his/her supervisor for signature, and then submit it to the supervisor who will submit it to the Executive Director for approval.

In reviewing the request, the Executive Director will take into account the staffing needs of the agency, including such factors as employee time management and goals, normal working hours, term of the arrangement, and any other details concerning the employee's plans to do to assure that his or her responsibilities will be met. A written request for an AWS may be granted by the Executive Director if the request can justify the need for the AWS which includes the criteria above. Requests will be considered on a case by case basis. The Executive Director reserves the right at any time to return an employee participating in an AWS to the official agency schedule for any reason. In addition, if it is determined to be in the best interest of the employee or the agency, the AWS program may be temporarily or permanently modified or discontinued.

The employee shall maintain regular and predictable working hours on an AWS. There must be consistency in an AWS from week to week. Work schedules should not vary from day to day or week to week. An AWS should be observed with the same integrity as any other regular work schedule.

The PPB shall make a good faith effort to schedule planned meetings on dates that do not consistently require employees to perform non-emergency work during off hours. The PPB shall evaluate the performance and progress of employees on an AWS using the same criteria as are applied to all other employees.

The PPB has the authority and responsibility to monitor an employee's work schedule and to take any appropriate action when an employee has abused the work schedule or used the work schedule fraudulently. Except as otherwise provided by policy, law, and the Merit Rules, the PPB will apply the AWS uniformly to all employees.

The approved AWS schedule of each employee will be reviewed on an annual basis. At the time of review, consideration may be given to appropriate adjustments needed to continue the arrangement on a mutually satisfactory basis.

An employee working an AWS recognizes that the agency's standard of professionalism and work ethic must be maintained. Competent and efficient performance of the appropriate level of work are to be maintained. The employee shall be flexible in their schedule to accommodate emergencies, concentrated periods of work, travel, externally scheduled commitments, and other inflexible demands.

In order to provide accurate documentation, all employees who are participating in an AWS shall record actual hours of work on the monthly time sheet. If an AWS workday falls on a state paid holiday, the employee will be paid for no more than eight (8) hours of holiday pay per day. E During any week with a holiday, the employee must work five eight (8) hour days including the holiday. Employee benefits and/or pay will not be affected by an AWS as long as normal full-time status is maintained. Failure to record hours worked or leave used will result in no holiday hours awarded to the employee.

Employees can withdraw from the program by providing the immediate supervisor with written notice using the appropriate form. The supervisor and the Executive Director will determine the end date of the AWS. The AWS program is not available to employees involved in corrective disciplinary actions. If a corrective disciplinary action is taken while an employee is participating in an AWS, the AWS may be terminated by the Executive Director.

Supervisors with employees on an AWS must ensure that when an employee in their district is on an AWS that: 1) the duties of the employee are not diminished; 2) the PPB's primary

obligation to perform its duties to the people of the State of Oklahoma is not hindered; 3) there is not an adverse impact on the PPB; and 4) there is not an unfair burden other on employees. Supervisors must ensure that time and leave are recorded accurately.

FLEX TIME/WORK WEEK ADJUSTMENT

Flextime, or a work week adjustment, is the re-arrangement of 40 hours within the work week. Flex time is an occasional circumstance where an employee needs time off and chooses to work earlier or later than their normal working hours in order to “make up” the lost time or where an employee works extra hours and needs to take time off in order to avoid overtime.

Within the operating needs of the PPB, the supervisors, the Deputy Director, and/or the Executive Director may authorize the occasional use of flex time. Flex time or a work week adjustment is the PPB’s preferred method of compensating non-exempt employees for extra hours worked.

Flex time or work week adjustments is provided on an hour-for-hour basis for extra hours worked and may only be given in the same designated “work week” in which the extra hours were worked. A work-week adjustment must be documented via email in anticipation of excess working hours and then approved by a supervisor. Supervisors are responsible for ensuring that when work week adjustments are used and that overtime is avoided.

REMOTE WORK

Depending on the job duties and where it is feasible, employees may have the option to work from home or from a remote location with the approval of the Executive Director. The employee will be required to stay in contact with and/or be available for contact with staff via telephone and/or e-mail during normal working hours while working from a remote location.

COMPENSATORY TIME

Only those employees whose positions are non-exempt under the FLSA, 29 U.S.C., § 201 et seq., are entitled to accrue compensatory time off. Non-exempt employees who work more than 40 hours during a given work week accrue compensatory time at the rate of one and one half hour for each hour of overtime worked.

The following is a list of positions at PPB that details each position’s Fair Labor Standards Act (FLSA) status:

POSITION	STATUS
Executive Director	Exempt
Deputy Director	Exempt
Staff Attorney	Exempt
Field Director	Exempt

Parole Investigator Supervisor	Exempt
Executive Assistant	Non-Exempt
Parole Investigator	Non-Exempt
Administrative Assistant	Non-Exempt

Non-exempt personnel shall not work in excess of forty (40) hours in a single workweek, unless previously authorized by the Executive Director in those cases where additional hours are necessary because of weather conditions, seasonal activity, staff shortages, workload, or emergencies involving the health and safety of the public. Such authorization must be obtained in advance and in writing. In the absence of the supervisor, Executive Director or the Deputy Director may also approve such exceptions. Entry of overtime on a timesheet, even with approval, does not constitute approved compensatory time.

Exempt employees are not entitled to compensatory pay. While exempt positions may not accrue compensatory time, the Executive Director may permit exempt employees to adjust their work schedule or accrue flextime when the performance of job duties requires hours that exceed the forty (40) hour workweek.

In order to qualify as in excess of a forty (40) hour workweek, non-exempt and exempt employees must have actually worked in excess of forty (40) hours during a workweek. Holidays, sick leave, annual leave, or other authorized leave does not count towards the 40-hour requirement. Non-exempt and exempt employees will be subject to progressive discipline if their workweek exceeds forty (40) hours without prior written authorization.

TIME AND LEAVE RECORDS

Employees will record and submit all time worked and leave taken on the OMES Time and Leave System. Employees and their supervisors are responsible for ensuring that entries for each workday accurately reflect the actual hours worked and leave taken (to the nearest quarter hour).

Supervisors will review the employees' time and leave and ensure that the time worked and leave time are accurately coded in the OMES system. Supervisors may require that the employee provide additional information concerning hours worked directly to the supervisor, including but not limited to, start and stop times, locations, activity summaries, projects worked, or other reports. The monthly timesheets are to be submitted by the employee and reviewed by the supervisor no later than noon the 2nd work day following the end of the month or sooner if possible.

If the electronic time-keeping system should reflect that no hours (zero hours) were worked on a particular weekday, the employee should enter "0" for hours worked. The timecard system will assume 8 hours worked if the entry is left blank.

The PPB will process and maintain records of time and leave reports as the official source of documentation for the employee's leave balance and pay.

Errors affecting leave balances and payrolls must be promptly reported by the supervisor to the Field Director to be resolved. Failure to submit time and leave reports with corrected errors will result in delays in the issuance of paychecks and incorrect leave balances.

TARDINESS AND ABSENTEEISM

Employees are expected to report for work on time. Tardiness and absenteeism are costly, disruptive, and unfairly burdensome to other employees. Tardiness and absenteeism are each grounds for progressive disciplinary action, up to and including termination.

If an employee is going to be late or absent for any reason for which they have not previously received approval, they must telephone their supervisor prior to the expected arrival time. If their immediate supervisor is not available, contact the person designated by the supervisor. The employee must explain the reason(s) for the absence and when they are expected to return to work. It is the responsibility of the employee to ensure that proper notification is given to their supervisor. Texting or asking another employee, friend, or relative to give this notification is **not** considered proper, except under emergency conditions.

If an employee is late to work, he/she will need to notify the supervisor upon arrival in order to determine if leave is required. Failure to give proper notification will result in unpaid leave.

Leave is not automatically approved to cover tardiness or absenteeism. If leave is not approved, the supervisor and the employee will discuss the status upon return and the time will be designated as leave without pay.

JOB POSTINGS AND RECRUITMENT

When possible, classified and unclassified new or vacant positions will be filled through internal transfers and/or promotions from within the PPB. Transfers and promotions are based on current performance and qualifications, with special consideration given to the ability to carry out the duties of the new position. Internal transfer opportunities will be sent to all employees within the agency and may be posted through job announcements at the OK.gov website at: http://www.ok.gov/opm/State_Jobs/index.html. The standard posting

time is two (2) to four (4) weeks; however, a minimum of five (5) days can be utilized if the filling of the position is critical.

Unclassified positions may be filled internally and/or externally at the discretion of the Executive Director. The Executive Director may choose not to post an unclassified position. External job vacancies may be posted through job announcements at the OK.gov website, http://www.ok.gov/opm/State_Jobs/index.html.

EMPLOYMENT OF RELATIVES

The PPB does not prohibit employment of a relative of an employee, provided neither relative gives the other preferential treatment nor participates in making recommendations or decisions affecting the appointment, retention, promotion, demotion, or salary of the other, as provided by statute.

The PPB prohibits the employment of any person in a position which would result in the immediate supervision by a relative. Immediate supervision by a relative includes a wife, a husband, children, parents, stepparents, parents-in-law, grandchildren, grandparents, brothers, sisters, stepchildren, brothers-in-law, sisters-in-law, daughters-in-law, aunts, uncles, nieces, nephews, first cousins, or any of the above with whom the employee shares a foster relationship.

CONFLICT OF INTEREST

No employee shall have any interest, financial or otherwise, or engage in any business or transaction of any nature that is in substantial conflict with the proper discharge of his/her duties or with the public interest. Before engaging in any activity that might be in conflict with state employment, employees should discuss the circumstances with the supervisor. All employees shall identify any potential conflicts of interest immediately and in writing to the Executive Director.

OUTSIDE EMPLOYMENT

Any PPB employee engaged in employment outside of the PPB must disclose the employment to the Executive Director in writing. Outside employment is allowed, as long as the outside employment does not create a conflict of interest or a distraction with the employee's duties at the PPB. Absenteeism caused by outside employment is considered a conflict of interest. Employees may not work during normal office hours on non-PPB related business. Regardless of the duty station, a PPB office phone number may not be promoted as a non-PPB point of contact.

PROHIBITED RELATIONSHIPS

PROHIBITED ACTIVITIES WITH OFFENDERS OR EX-OFFENDERS

Due to the work of the agency with offenders, it is critical that the employees understand the prohibitions and limitations of interactions with offenders or ex-offenders. An offender is any person under the care, custody, or supervision of the Department of Corrections (DOC), including offenders in private prison facilities. Ex-offenders are those persons who have been discharged from custody or supervision within the last 180 days. Examples of prohibited activities with offenders or ex-offenders may include, but are not limited to, the following:

1. Trading, selling, or buying any personal possession or anything of value.
2. Accepting, exchanging, or offering a gift, money, or anything of value directly or indirectly. This prohibition includes any member of the offender's or ex-offender's family.
3. Giving, receiving, or loaning any money or anything of value for any purpose.
4. Using, obtaining, or requiring personal services such as housekeeping, washing personal vehicles, gardening, landscaping, caring for pets, etc.
5. Paying for personal services such as haircuts, shaves, shoeshines, or laundry service.
6. Hiring or employing an offender or ex-offender without written approval of the Executive Director.
7. Bidding on or purchasing any personal property previously owned by the offender or ex-offender.
8. Delivering or sending messages, verbal or written, that are not within the scope of an employee's assigned duties.
9. Engaging in any activity that constitutes or offers the opportunity for an abuse of the employee's position.
10. Flirting or responding to flirtatious behavior.
11. Making requests or granting of special favors.

PROHIBITED RELATIONSHIPS WITH OFFENDERS OR EX-OFFENDERS

A prohibited relationship with an offender or ex-offender includes engaging in any non-professional association, contact, or personal relationship with offenders, ex-offenders or members of their families which may compromise the employee's ability to effectively discharge the duties of their position. Examples of prohibited relationships with offenders or ex-offenders may include, but are not limited to, the following:

1. Engaging in any type of sexual contact with offenders and ex-offenders is prohibited. As defined in statute, sexual intercourse by a state employee with a person under the legal custody or supervision of a state agency, federal agency, county, or municipality is defined as rape. (See Title 21 O.S. § 1111)

2. Co-habitation or marriage is prohibited unless the co-habitation or marriage existed prior to employment with the agency.

Violation of the policy on Interactions or Relationships with Offenders or Ex-Offenders may result in progressive discipline, up to and including termination.

PROHIBITED RELATIONSHIPS WITH EMPLOYEES

Engaging in any activity with another employee that compromises a professional working relationship is prohibited. Intimate personal relationships between a supervisor and a subordinate at any level within the chain of command is prohibited. No employee will participate in a hiring or promotional decision involving any applicant to the PPB when there exists an intimate personal relationship.

Violation of the policy on interactions with employees may result in progressive discipline, up to and including termination.

IDENTIFICATION CARD

Photo IDs may be needed by some employees in the performance of their work or for identification when seeking admission to certain correctional facilities. Photo ID cards are to be worn when inside a Department of Corrections or private prison facility. It is not required that they be worn inside the administrative office.

Employees must keep their ID cards secure and report a missing ID card immediately to the supervisor who will notify the Deputy Director. Employees are to return the ID card to the administrative office when leaving the employment of the PPB.

SUPERVISORY TRAINING

All classified and unclassified supervisory staff of the PPB are required to attend twelve (12) hours per calendar year of supervisory training. New supervisors must complete twenty-four (24) hours within the first twelve (12) months of employment, including Performance Management Process training and progressive discipline.

USE OF EQUIPMENT

Some employees may be issued equipment to do their jobs while away from the office. Employees are responsible for such equipment, and must return it in good working condition before ending employment with the PPB, if not requested to do so at an earlier date.

State law prohibits the use of PPB equipment, supplies, or other resources for personal use or benefit. PPB equipment, supplies, and other resources, include but are not limited to computers, copiers, scanners, and other equipment, or supplies. Employees utilizing state equipment, supplies, or resources for personal use will be subject to disciplinary action.

AGENCY CELL PHONE

The Executive Director may assign cell phones to employees. Personal text messages or outgoing or incoming personal calls are not permitted on an agency cell phone. An agency cell phone should only be used for business purposes or only in emergencies when no other telephone is available.

The Deputy Director will review the itemized cell phone bill and submit it to the Executive Director for review and authorization for payment. Calls shall not exceed the maximum minutes per month without prior authorization from the Executive Director. Abuse of an agency cell phone can lead to disciplinary action, loss of cell phone privileges and possible termination of employment.

PERSONAL CELL PHONES AT WORK

Employees may use personal cell phones during work hours in the case of an emergency or other personal matters; however, employees should not excessively use cell phones during work hours, whether for texting, phone calls, or other uses. Personal cell phone use is encouraged during staff breaks and/or lunch periods. The chronic use of a personal cell phone while at work can become a distraction to all employees, contributing to a loss in productivity. Employees shall not use personal cell phones in such a way that causes a disruption to business operations. Abuse of a personal cell phone can lead to disciplinary action.

AGENCY COMPUTERS

The PPB provides employees with computers for job related activities; however, these computers belong to the State of Oklahoma, including all related software, hardware, network devices, and ports.

All users are given access to computers for job related duties and this usage must remain in compliance with state and agency policies, as well as all state and federal laws governing usage and communication of information. Failure to comply will result in the denial of access privileges and may lead to disciplinary action up to and including termination.

Equipment should not be removed from the office or building without supervisory approval. During the transportation of such equipment, it shall be secured in the locked trunk of a vehicle and adequately secured inside once at home, or at another destination. If traveling by air, laptops should be carried on and never checked as baggage. Any thefts of such equipment must be reported to the Executive Director immediately.

The statewide network and its systems may be monitored to ensure lawful use and for network management, security reviews, audits, and testing purposes. Monitoring includes recording, copying, and examination of data. All information placed on or sent using a state issued equipment may be monitored. Evidence of unauthorized use gathered during monitoring may be used for criminal, civil, or disciplinary action. Use of this system, authorized or unauthorized, constitutes consent to monitoring of this system.

In the effort to protect the integrity of the statewide network and its systems, any proof of unauthorized or illegal use of any agency computer and/or its accounts will warrant the immediate access to these files, accounts, and/or systems by the hosting agency's security and information systems staff and appropriate action will be taken.

SOFTWARE

The PPB computers are installed with a standard configuration that has been tested to operate in the state's hardware and software environment. Anyone wanting additional software installed on a PPB workstation must get prior approval from the Executive Director who will provide further information or authorization. This includes software (i.e. "freeware") that can be downloaded from the Internet, including chat rooms, instant messaging, Facebook, Twitter. All software must undergo virus scanning prior to installation.

Microsoft Lync, the instant messaging system installed on PPB computers must be used for official business purposes only.

All purchased software must have valid and current licenses. Improperly installed software products can create problems for the entire network. Many problems related to slow-running machines and excessive downtimes are eliminated by strict enforcement of software installation policies. Software on PPB computers is the property of the state and should not be copied for personal use.

E-MAIL USE

PPB email should not be used for personal purposes even if the employee is "off the clock." All data stored on PPB computers or related servers, including but not limited to, browser histories, emails, voicemails, and text messages are the property of the PPB. Accordingly, employees should have no expectation of privacy concerning such data. PPB personnel, including supervisors, may access PPB data without seeking permission from the employee. Further, such data may be produced in response to a valid open records request unless specifically exempted from disclosure by law. Abuse of state email for personal use may lead to disciplinary action including termination.

INTERNET USE

The PPB provides Internet access to staff as a tool for efficient and expeditious accomplishment of work-related tasks. All Internet traffic is subject to monitoring and abuse of Internet access for personal use is prohibited. It is unacceptable to use the Internet in any manner that could be considered objectionable or in a manner resulting in a charge or fee to the PPB. Accessing the Internet for gambling, such as on-line casinos, or to sell or purchase personal property, such as on-line auction services like eBay, is prohibited and considered unauthorized. In the event that any charge or fee is incurred, the PPB employee who incurred such charge is expected to reimburse the State. Abuse of the Internet may lead to disciplinary action up to and including termination.

GAMES

Employees shall not install or activate games on PPB issued laptops, workstations, or cell phones.

SECURITY AND USE OF RESOURCES

PPB employees are to protect and safeguard the passwords used to authenticate their identities. Employees must not provide their passwords to anyone. Passwords are not to be maintained or displayed in a manner that would make them accessible to others.

In an emergency situation, such as an unexpected departure or unplanned extended absence, the person or persons requiring access to another's data or system/application capabilities must receive documented management approval to have an administrator reset the password(s) for the impacted user account(s).

ACCESS AND STORAGE OF OBSCENE INFORMATION

The acquisition, storage, or distribution of obscene material is strictly prohibited. The equipment and resources provided by the PPB are for official use and are not to be used in any manner associated with pornography or obscene material. Under these guidelines, employees will not use PPB resources: 1) for illegal purposes; 2) to transmit obscene or harassing material; 3) for the distribution, advertising, or solicitation of obscene material; 4) for posting or retrieval of obscene or pornographic information on news groups, forums, e-mail listing groups, web servers, or any other similar groups or lists; and, 5) to transmit or store any material in violation of state and/or federal law.

The PPB takes a position of zero tolerance on accessing, distributing, posting, or transmitting pornographic and obscene materials. Accordingly, PPB employees will immediately report any use of PPB resources relating to pornographic or obscene material to their supervisors and then to the Executive Director.

RADIOS AND MUSIC

Background music may be played in work areas so long as it does not bother or interfere with the work of other employees. If any employee in the work area indicates that music is too loud or indicates that the music is bothersome, the music must be turned down or off as appropriate.

MAIL SERVICE

The administrative office at the PPB is not equipped to handle personal mail or packages. Employees are asked to have personal mail and/or packages delivered to their homes. The postage meter is for state business use only and it is a violation of state and federal law to use the postage meter for personal business.

PURCHASES FOR THE AGENCY

State law imposes many restrictions on purchasing. Refer all purchase requests to the Executive Director or Deputy Director. Do not make a commitment for a product or service. All agency purchases must be routed initially through the Deputy Director.

TRAVEL

TRAVEL EXPENSES

Employees are sometimes required to travel for various purposes, including, but not limited to, travel to other assigned facilities away from the primary duty station or stations. Normal travel to and from work is not compensated regardless of whether the employee has a fixed duty station or is assigned to different duty stations.

Legitimate travel expenses, authorizations, and limitations are defined by Oklahoma Statute in the State Travel Reimbursement Act. Reimbursement is limited to the current state mileage, per diem, and lodging rates and applicable guidelines. To minimize costs, it is essential to coordinate travel to reduce the number of vehicles traveling to a site or meeting and ride-share whenever possible.

OUT-OF-STATE TRAVEL EXPENSES

Out-of-state travel involving an overnight stay must have prior written approval by the Executive Director.

Shared transportation services and/or taxicabs to and from the airport may be used when attending an out-of-state conference or training when the need is justified. The use of rental cars must be pre-approved by the Executive Director. A personal vehicle may be used for attending out-of-state travel, but reimbursement cannot exceed the mileage reimbursement rate for airfare.

If air travel is approved, the agency may purchase tickets in advance, not to exceed coach class fare. Higher rates may be authorized by the Executive Director when coach class is not available and when the need is critically justified.

AUTOMOBILE TRAVEL

PERSONAL VEHICLES

PPB employees may be called upon to drive their personal vehicles while performing state business. The Executive Director is authorized to approve employees' use of personal vehicles while performing state business when state vehicles are not readily available. Employees should place a copy of the State Verification of Liability Insurance Letter, along with the Risk Management Division business card attached, in their vehicles during such instances.

The state may be liable for damages to third parties when a personal vehicle is driven in a proper manner on official business; however, all PPB employees are still required by law to maintain liability insurance. Also, because the state is not liable for physical damage to personal vehicles, it is critical for employees to protect themselves against risk by obtaining adequate insurance coverage.

STATE MOTOR POOL VEHICLES

To drive ANY state motor vehicle, an employee must have a valid driver's license. Use of state vehicles is restricted to official business only. Personal use of state vehicles is expressly forbidden under state law and no state vehicle may be driven to an employee's home.

To use a State Motor Pool vehicle, employees must contact the PPB's administrative office for a form and make a reservation as far in advance as possible by calling 405-521-2204. The motor pool lot, located at 2307 N. Central in Oklahoma City, is open Monday through Friday from 7:30 a.m to 5:00 p.m.

LIABILITY

State employees and persons authorized by contract are covered by the Governmental Tort Claims Act on authorized travel for official business. Health and liability insurance is covered by the State of Oklahoma. Although the State is ordinarily liable for damages to third persons while employees are driving personal vehicles on official business, damages to employee vehicles or unauthorized passengers are not covered.

OTHER INFORMATION

PRIVACY

Office desks, file cabinets, computers, and other furniture and equipment provided by the state are not private. There must be clear access at all times to any materials, which may be needed to conduct agency business.

CONFIDENTIALITY OF RECORDS

Employees of the PPB routinely work with and have access to information that is confidential including individual's personal information, such as Social Security numbers, home addresses, phone numbers, criminal history information, juvenile records, law enforcement reports and records, mental health/drug use background, financial records, medical records, victim's information among other information. Employees are prohibited from accessing or viewing these records, either in secured files on the network, on another person's personal computer, or another person's files, for any reason other than the performance of lawfully assigned duties. Doing so, constitutes a security violation.

Employees of the PPB are advised that an intentional or unintentional release of sensitive information, as defined by the State of Oklahoma and the PPB, constitutes a security violation. All security violations of this type must be reported to the Executive Director. Unauthorized access or improper disclosure of confidential information may result in progressive disciplinary action, up to and including potential discharge from employment.

Any documents which may contain sensitive or confidential information, including but not limited to the records identified above, shall be secured from any possible public view. Removing such information from the employees' desktops and placing these materials in desk drawers or filing cabinets at the end of each working day should prevent inappropriate disclosure.

PPB employees should consult with their supervisor, the Deputy Director, or Executive Director for specific instructions about the Records Disposition Schedule prior to discarding any personnel, financial, medical, legal, or electronic records. Employees may contact the Deputy Director for specific details on records destruction.

PERSONNEL RECORDS

On occasion, the PPB receives requests for information about persons who are working, or have worked, for the PPB. Under the Open Records Act, the public must be given reasonable access to certain data, such as an employee's place of employment, classification, and salary. All Open Records Requests should be immediately referred to the Executive Director.

However, the Oklahoma Open Records Act also allows agencies to keep certain personnel records confidential. Accordingly, the PPB shall keep the following personnel records confidential:

- Internal personnel investigations, including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline and resignation;
- Records specifically required or authorized by law to be kept confidential; and,
- Records that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy (i.e., home addresses, employee evaluations, payroll deductions, or employment applications of persons not hired).

REVIEW OF PERSONNEL RECORDS

The administrative office of the PPB maintains official personnel records regarding PPB employees which may include the employee's application, resume, evaluation forms, and other documents. Employees may make appointments to review their files during regular office hours. Documents may not be removed from the personnel file by the employee, but copies may be made upon request. Employees may ask to place commendation letters, educational certificates, transcripts, or other documents in their personnel files, by submitting the letters to the Deputy Director. It is the employee's duty to maintain accurate information in his/her personnel file regarding name, home address, and telephone number. If such information needs to be updated, the employee should contact the Deputy Director via email or in writing.

Individuals with access to employee personnel records may include the employee's immediate supervisor, the Staff Attorney, the Deputy Director, the Executive Director, and other authorized staff with a legitimate need to review records.

EMPLOYEE PERFORMANCE EVALUATIONS

An employee performance evaluation is a method for a supervisor to communicate with his or her employees about their job performances and progress. Coaching should occur between a supervisor and an employee throughout the year; however, a formal performance evaluation

will occur at the beginning of employment to establish the evaluation accountabilities, at mid-year, and at the end of twelve (12) months.

The PPB uses the Performance Management Process (PMP), a form which allows the employee and the supervisor to develop accountabilities by which the employee will be evaluated. In addition, the employee is evaluated on Behaviors which are standard for which all employees are evaluated. Examples of Behaviors include: Customer Service; Teamwork; Problem Solving Initiative; Leadership; and, Observing Work Hours and Using Leave.

Unless there are extenuating circumstances, a PMP will be established within 30 days of initial employment.

The PMP becomes part of the employee's permanent personnel record and it is used for career development, terminations, promotions, demotions, transfers, disciplinary action, and salary increases.

PROGRESSIVE DISCIPLINE

Progressive discipline is a system designed to ensure the consistency, impartiality, and predictability of discipline, and the flexibility to vary penalties as justified by aggravating or mitigating conditions. Typically, penalties range from verbal warning to discharge, with intermediate levels of a written warning, suspension, or demotion. Absent mitigating circumstances, repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline.

Each supervisor shall be responsible for applying discipline when necessary that is progressive in nature, appropriate for the offense, and equitable. Each supervisor shall consider aggravating or mitigating circumstances when determining the proper disciplinary action. Each supervisor shall use prompt and positive action to avoid more serious disciplinary actions.

The PPB shall apply the progressive discipline policy to classified employees. The PPB may, but shall not be obligated to, apply the progressive discipline policy to other employees (including unclassified, probationary classified, at-will, contract, or temporary employees). The application of progressive discipline does not obligate the PPB to continue the employment of any employee unless otherwise specified.

PROGRESSIVE DISCIPLINE PROCEDURES

Each supervisor shall be responsible for applying discipline when necessary that is progressive in nature, appropriate for the offense, and equitable. Each supervisor shall consider aggravating or mitigating circumstances when determining the proper disciplinary

action. Each supervisor shall use prompt and positive action to avoid more serious disciplinary actions. These procedures are informational in nature and neither expand nor diminish the rights or responsibilities of any party under the Merit Rules.

FIRST PHASE - INFORMAL DISCIPLINE

The first phase of progressive discipline shall be informal discipline and may include the steps of verbal warning, informal discussion, corrective interview, or oral reprimand. This phase shall serve to streamline the progressive discipline system and to bring potential problems to an employee's attention before they escalate. Documentation of informal discipline shall be noted and maintained by the supervisor.

Informal discipline is given to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior. In administering informal discipline, an employee shall be told, as a minimum:

1. The rule, policy, procedure, statute or accountability which has been violated.
2. The behavior, work product, or performance that caused the discipline.
3. The steps which must be taken to resolve the problem.
4. The consequences of repeated infractions or continuing deficient performance or behavior.

SECOND PHASE - FORMAL DISCIPLINE

The second phase of progressive discipline shall be formal discipline and may include written reprimand, suspension without pay, involuntary demotion, or discharge. An employee may receive formal discipline to correct violations of statute, rule, policy, practice, or procedure regarding work performance or behavior. Absent aggravating conditions, formal discipline is normally administered after informal discipline has failed to produce acceptable results. Formal discipline documentation shall include documentation of any other informal or formal discipline which was used in the decision to administer formal discipline.

WRITTEN REPRIMAND

Supervisors may administer a written reprimand to correct violations of statute, rule, policy, practice, or procedure regarding work performance or behavior. A written reprimand shall include, as a minimum:

1. the date of the written reprimand;
2. the statute, rule, policy, practice, or procedure regarding work performance or behavior which was violated;
3. a statement of the act or incident which is cause or reason for the written reprimand;
4. steps which need to be taken to resolve the problem;

5. documentation regarding any other informal or formal discipline which was used in the decision to administer the written reprimand; and
6. consequences of repeated infractions or continuing deficient performance or behavior.

The employee shall be provided an opportunity to respond in writing to the written reprimand. Any response shall be attached to the written reprimand. The written reprimand and any response shall be filed in the employee's personnel record.

CAUSES FOR DISCHARGE, SUSPENSION WITHOUT PAY, OR INVOLUNTARY DEMOTION

Any employee in the classified service may be discharged, suspended without pay not to exceed sixty (60) calendar days, or demoted by the PPB for misconduct; insubordination; inefficiency; habitual drunkenness; inability to perform the duties of the position in which employed; willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Management and Enterprise Services (OMES), Human Capital Management (HCM) division or by the Merit Protection Commission; conduct unbecoming a public employee; conviction of a crime involving moral turpitude; or any other just cause.

Causes for termination, suspension without pay, or involuntary demotion include, but are not limited to the following:

1. Unacceptable job performance including, but not limited to:
 - a. failure to meet the established standards in one or more critical tasks of the employee's job;
 - b. violation of policies, rules, regulations, or specific directives;
 - c. failure or inability to perform duties due to inefficiency, error, or neglect; or,
 - d. failure to devote full time, attention, and effort to the duties and responsibilities of the position during assigned hours of duty.
2. Unexplained absenteeism or tardiness;
3. Willful or wanton indifference to or neglect of duties including, but not limited to:
 - a. absence from an assigned duty station without proper authorization;
 - b. failure to perform an assigned task; or,
 - c. neglect of assigned duties.
4. Failure to complete examinations, forms, or reports required as condition of employment;
5. Actions or omissions that place the health, life, or property of self or others in jeopardy;
6. Disobedience or insubordination including, but not limited to:
 - a. the disregard of supervisory directives or refusal to comply with supervisory directives;
 - b. conduct evidencing disrespect, disdain, or contempt for PPB administrative or supervisory personnel, or proper authorities;
 - c. refusal to cooperate with investigations in matters of official interest;

- d. refusal to carry out any proper order from a supervisor having responsibility over the employee's work; or,
 - e. or failure or delay in executing orders from a supervisor.
7. Dishonesty including, but not limited to:
 - a. fraud committed in securing an appointment, promotion, or other advantage in employment;
 - b. making false reports and/or claims;
 - c. falsifying official forms or other documents;
 - d. criminal acts;
 - e. knowingly withholding information of official interest;
 - f. fraud committed in securing any service or benefit from any program administered by PPB;
 8. Discourteous treatment of clients, other employees, or the general public;
 9. Conduct unbecoming a public employee including, but not limited to, improper behavior that discredits the PPB either during or outside work hours;
 10. Burglaries and thefts;
 11. Violations of state law including, but not limited to, conviction of a crime involving moral turpitude;
 12. Violations of rules or policies adopted by the PPB;
 13. Use or possession of unauthorized alcohol, controlled substances, or tobacco on state property or being under the influence of alcohol or controlled substances during work hours;
 14. Discrimination, harassment, and workplace violence;
 15. Unauthorized disclosure of confidential information including, but not limited to, securing or attempting to secure access to confidential information without proper authorization;
 16. Misuse of state property including, but not limited to, theft, destruction, abuse, careless or reckless use of property, misplacement of property, waste of property, or use of state property for personal purposes;
 17. Misuse of PPB equipment such as computers, copiers, and fax machines in the conduct of personal business outside the employee's assigned duties;
 18. Financial conflicts or conflicts of interest as described; or,
 19. Any other just cause.

SUSPENSION WITHOUT PAY

A permanent classified employee may be suspended without pay for any of the reasons set forth in the Progressive Discipline Policy, The Employee Handbook, or the Merit Protection Rules. The employee shall be provided notice by personal service, certified, or registered mail of the proposed suspension without pay. Pending completion of the notice and response opportunity, an employee may be suspended with pay. The notice shall include, as a minimum:

1. The statute, rule, policy, practice, or procedure regarding work performance or behavior which was violated;
2. The specific acts or omissions which are cause or reason for the proposed suspension without pay;
3. An explanation of the evidence which justifies the proposed suspension without pay; and,
4. An opportunity, either in writing or orally, to present reasons why the proposed suspension without pay is improper.

FINAL ACTION FOR SUSPENSION WITHOUT PAY

Within ten (10) working days after the employee has had opportunity to respond to the proposed suspension without pay, he or she shall be provided written notice of the final action by personal service or certified or registered mail. If the decision made is to proceed with the suspension without pay, the written notice to the employee shall include, as a minimum:

1. The statute, rule, policy, practice, or procedure regarding work performance or behavior which was violated and cause for the suspension without pay;
2. The grounds for the action;
3. A citation or the law or rule under which the action is being taken;
4. The effective date and inclusive dates of the suspension without pay;
5. A citation of any other informal or formal discipline which was used in the decision to administer the suspension without pay;
6. A statement of the employee's right to file an appeal with the Merit Protection Commission, the twenty (20) calendar day time limit for the Merit Protection Commission's receipt of the appeal and the address of the Merit Protection Commission; and
7. A copy of the Merit Protection Commission's petition for appeal form.

INVOLUNTARY DEMOTION

A permanent classified employee may be involuntarily demoted for any of the reasons set forth in the Merit Protection Rules. The employee shall be provided notice by personal service or certified or registered mail of the proposed involuntary demotion. Pending completion of the notice and response opportunity, an employee may be suspended with pay. The notice shall include, as a minimum:

1. The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the proposed involuntary demotion;
2. The specific acts or omissions which are cause or reason for the proposed involuntary demotion;
3. An explanation of the evidence which justifies the proposed involuntary demotion; and

4. An opportunity, either in writing or orally, to present reasons why the proposed involuntary demotion is improper.

FINAL ACTION FOR INVOLUNTARY DEMOTION

Within ten (10) working days after the employee has had opportunity to respond to the proposed involuntary demotion, he or she shall be provided written notice of the final action by personal service or certified or registered mail. If the decision made is to proceed with the involuntary demotion, the written notice to the employee shall include, as a minimum:

1. The statute, rule, policy, practice, or procedure regarding work performance or behavior which was violated and cause for the suspension without pay;
2. The grounds for the action;
3. A citation or the law or rule under which the action is being taken;
4. The effective date and inclusive dates of the suspension without pay;
5. A citation of any other informal or formal discipline which was used in the decision to administer the suspension without pay;
6. A statement of the employee's right to file an appeal with the Merit Protection Commission, the twenty (20) calendar day time limit for the Merit Protection Commission's receipt of the appeal and the address of the Merit Protection Commission; and
7. A copy of the Merit Protection Commission's petition for appeal form.

DISCHARGE

Pre-termination Hearing

Before any permanent classified employee may be terminated, the employee shall be afforded a pre-termination hearing to be held before the appointing authority or his or her designee. A pre-termination hearing shall not be required if the employee is being terminated as part of a reduction-in-force as provided for in Title 74 O.S., Section 840-2.26A et seq.

Purpose

The purpose of a pre-termination hearing is to provide the appointing authority or his or her designee with information from which a determination may be made as to whether or not reasonable grounds exist to believe that the charges against the employee are true and whether or not the grounds support the proposed termination.

Notice

Notice of the pre-termination hearing shall be provided to the employee by personal service or certified or registered mail at least seven calendar days before the scheduled pre-termination hearing. Pending completion of this notice and the pre-termination hearing, an employee may be suspended with pay in accordance with rules adopted by the Administrator of HCM. The notice shall include, as a minimum:

1. The statute, rule, policy, practice or procedure of work performance or behavior which was violated and cause for the proposed action;
2. All grounds for the proposed action;
3. A summary of evidence or physical evidence to support each of the stated grounds for the proposed action;
4. A statement of the employee's right to be represented, by an attorney or other person of his or her choice, at the pre-termination hearing; and
5. The date, time, and location of the pre-termination hearing.

DISCIPLINARY CERTIFICATE

The appointing authority shall file in the employee's official personnel file at least seventy-two hours before each pre-termination hearing, a certificate to be included in the record stating what disciplinary actions have been taken to comply with progressive discipline prior to the pre-termination hearing and proposed termination and further certifying that all mandatory progressive discipline actions as required by statute or rule have been taken before the pre-termination hearing; provided, said certificate shall not be required where grounds for proposed termination are for the commission of a criminal offense and/or acts involving moral turpitude [74:840-6.4].

PRETERMINATION HEARING

The pretermination hearing need not be a full evidentiary hearing and formal rules of evidence shall not apply. The pretermination hearing shall be recorded in its entirety. The employee shall be provided a copy of the recording, at no cost, if the employee appeals to the Merit Protection Commission and requests a copy. A copy shall be provided as soon as possible but no later than fourteen (14) calendar days after the request is made.

LEGAL REVIEW

Following the pretermination hearing, if recommendation for termination is made, recordings of the pretermination hearing and all evidence in support thereof shall be reviewed for legal sufficiency by the PPB before termination is final [74:840-6.4].

FINAL ACTION FOLLOWING THE PRE-TERMINATION HEARING

Within ten (10) working days after the pretermination hearing the employee shall be provided written notice of the final action by personal service or certified or registered mail. If the decision is made to proceed with the termination, the notice shall include, as a minimum: The statute, rule, policy, practice, or procedure regarding work performance or behavior which was violated and cause for the termination;

1. All grounds for the termination;
2. A citation of the law or rule under which the termination is being taken;
3. The effective date of the termination;

4. A citation of any other informal or formal discipline which was used in the decision to administer the termination;
5. A statement of the employee's right to file an appeal with the Merit Protection Commission, the twenty (20) calendar day time limit for the Merit Protection Commission's receipt of the appeal and the address of the Merit Protection Commission; and
6. A copy of the Merit Protection Commission's petition for appeal form.

RESPONSIBILITIES OF PARTIES

The responsibilities of the PPB are to use the progressive discipline phases as outlined and to adopt other progressive discipline steps which address specific needs as necessary. The PPB is committed to the consistency, evenhandedness, and predictability of discipline; and shall ensure the flexibility to vary penalties if justified.

SUPERVISOR RESPONSIBILITY

The responsibilities of the supervisor are to inform employees of the agency's progressive discipline policy, apply discipline when necessary that is corrective, progressive in nature, appropriate for the offense, and equitable; consider relevant circumstances when determining the proper disciplinary action; and use prompt and positive action to avoid more serious disciplinary actions.

Each employee has a duty and responsibility to comply with the PPB's progressive discipline policy.

RECORDS

The PPB shall maintain documentation of formal discipline in the employee's agency personnel record consistent with the General Records Schedule of the Oklahoma Department of Libraries, Office of Archives and Records. An employee shall be given a copy of any formal disciplinary document when it is placed in his or her agency personnel record. An employee shall have a right to review disciplinary documents in his or her personnel record. The Merit Protection Commission, because of statutory responsibility, shall have a right of access to disciplinary documents.

TIMING OF DISCIPLINE

Discipline under this policy shall be initiated within 20 calendar days of the event for which an employee is being disciplined for, or when the supervisors should have known about the event, unless an investigation of the event is required.

Discipline shall be administered within 20 calendar days after all required documentation has been submitted. This does not include hearings that may occur during the disciplinary process.

Violations of the timing requirements of this policy shall not result in the discipline not being issued; however, may lead to discipline, up to and included, discharge for the supervisors who failed to adhere to the timing requirement of this policy.

FRAUD, WASTE, ABUSE, MISMANAGEMENT, OR MISCONDUCT

Accountability, integrity, and efficiency is the goal for all PPB employees. PPB employees can submit complaints to the Executive Director, Deputy Director, or Staff Attorney if they suspect fraud, waste, abuse, mismanagement, or misconduct by this agency or any of its employees. Employees are encouraged to speak to the Executive Director, the Deputy Director, or the Staff Attorney if such a concern exists. PPB employees have the right to discuss such issues without the knowledge or consent of their supervisors. Any employee engaged in fraud, waste, abuse, mismanagement or misconduct will be subject to discipline up to and including termination. Any supervisor that attempts to discourage or prohibit an employee from discussing such matters with the Executive Director, the Deputy Director, or the Staff Attorney will also be subject to progressive discipline up to and including termination.

EMPLOYEE PROTECTIONS AND BENEFITS

EQUAL EMPLOYMENT AND PROHIBITED DISCRIMINATION, HARASSMENT AND RETALIATION

As per policy, no employee shall be discriminated against because of political or religious opinions or affiliations, race, creed, gender, sexual orientation, color, age, national origin, or physical handicap so long as the physical handicap does not render the employee unable to perform the essential function of the position for which the person is employed.

No employee shall be harassed in the work place. Harassment may involve actions or statements related to a person's protected class, including offensive remarks or physical aggression, among other behaviors. Harassment is not limited to sexual behaviors. No employee shall be harassed because of his/her protected class. Harassment can include comments, graphic materials, or writings that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, appearance, or political affiliation. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in adverse employment decisions, such as a victim being fired or demoted. The PPB requires all employees to treat one another with dignity and respect at all times.

No employee shall be fired, demoted, harassed or otherwise "retaliated" against because they filed a charge of discrimination, complained to the PPB about discrimination on the job, or participated in an employment discrimination proceeding (investigation or lawsuit). Retaliation is defined as acting in revenge or getting even. Therefore, any individuals who give information about a complaint, including all supervisors mandated to report directly to the Civil Rights Officer or the Grievance Managers, and individuals who participate in an investigation are also protected from any reprisals or retaliation.

The following are definitions and categories of classes protected from discrimination, harassment and retaliation:

1. AGE

Age discrimination involves treating someone (applicant or employee) less favorably because of his/her age. The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. The PPB does not tolerate discrimination and/or harassment due to age.

2. DISABILITY

Disability discrimination occurs when an employee or applicant with a disability is treated unfavorably because he or she has a disability or is perceived to have a disability. Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act, as amended (ADAAA).

A person can show that he or she has a disability in one of three ways:

- a. A person may be disabled if he/she has a physical or mental condition that substantially limits a major life activity, such as walking, talking, seeing, hearing, or learning.
- b. A person may be disabled if he/she has a history of a disability.
- c. A person may be disabled if he/she is believed to have a physical or mental impairment that is not short-term and minor.

The PPB does not discriminate due to an applicant or employee's disability. Reasonable accommodation shall be provided to an employee or applicant with a disability, unless doing so would cause undue hardship to the PPB. A reasonable accommodation is any change in the work environment to help a person with a disability apply for a job or perform the duties of a job. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the PPB's size, financial resources, and its administrative needs.

3. GENETIC INFORMATION

The PPB will not discriminate against employees because of genetic information. The PPB will not use genetic information in making employment decisions. Nor will it request, require, or purchase genetic information for the purpose of making employment decisions.

4. NATIONAL ORIGIN

The PPB does not discriminate against employees unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be a certain ethnic background. This also prohibits treating people unfavorably because they are married to or associated with a person of a certain national origin or because of their connection with an ethnic organization or group.

5. PREGNANCY

The PPB does not discriminate against women employees or applicants because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The

Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment including hiring, firing, pay, job assignments, promotions, reductions in force, training, and any other term or condition of employment.

6. RACE/COLOR

The PPB does not discriminate against employees due to race or color. Race discrimination involves treating an applicant or employee unfavorably because he/she is a certain race or because of personal characteristics associated with race. Color discrimination involves treating someone unfavorably because of skin color complexion.

7. RELIGION

The PPB does not discriminate against employees due to their religious beliefs. The agency will reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the PPB. However, the PPB will not accommodate an employee's religious beliefs or practices if doing so creates an undue hardship. This includes but is not limited to, cost, compromises to workplace safety, decreases in workplace efficiency, infringing on the rights of other employees, or requiring other employees to do more than their share of potentially hazardous or burdensome work. Absolutely no PPB employee will be forced to participate in or not to participate in a religious activity as a condition of employment.

8. GENDER

The PPB does not discriminate against employees due their sex or gender. No employee or applicant shall be harassed due to sex or gender. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, or other verbal or physical harassment that is sexual in nature. Harassment does not have to be of a sexual nature; it can include offensive remarks about a person's sex or gender. Harassment can also include favoring employment decisions based on a person's sex or gender.

9. SEXUAL ORIENTATION

The PPB does not discriminate against employees based on their sexual orientation. Sexual orientation is defined as sexuality whether such orientation is actual or perceived, and includes association with another individual or non-individual of a particular sexual orientation.

10. SEXUAL HARASSMENT

The PPB is committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against the law and will not be tolerated. When the PPB determines that an allegation of sexual harassment is credible, appropriate corrective action will be taken.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or
- B. The unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.

Conditioning promotions, awards, training or other job benefits upon acceptance of actions of a sexual nature is strictly prohibited by the PPB. Actions of a sexual nature can be inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment, including but not limited to:

- A. Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or electronically;
- B. Verbal abuse of a sexual nature;
- C. Touching or grabbing of a sexual nature;
- D. Repeatedly standing too close to or brushing up against a person;
- E. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should not pressure their employees to socialize);
- F. Giving gifts or leaving objects that are sexually suggestive;
- G. Making sexually suggestive gestures;
- H. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace; and/or,
- I. Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

A victim of sexual harassment can be a man or a woman. The victim can be the same sex as the harasser. The harasser can be a supervisor, co-worker, other PPB employee, or someone who is not an employee, such as a client or customer.

Retaliation for reporting, complaining of, or providing information about sexual harassment is prohibited. Any individual who reports, complains, or provides

information about sexual harassment will be considered as having participated in a protected activity and will not be retaliated against.

The PPB takes all necessary steps to prevent sexual harassment from occurring which include, but are not limited to:

1. Providing training and disseminating written policy to all employees;
2. Affirmatively raising the subject and expressing strong disapproval;
3. Developing appropriate sanctions and taking corrective action; and,
4. Holding all executive staff, supervisors and employees of the PPB accountable for reporting all concerns or complaints of sexual harassment.

COMPLAINTS AND GRIEVANCES

Employees are encouraged to follow the PPB policy regarding grievances to resolve disputes. It is PPB's policy to promptly review and consider the grievances of its employees. A permanent classified or unclassified employee may file a grievance, for an alleged grievable issue, according the *State of Oklahoma Uniform Employee Grievance Procedure as outlined in Merit Rules 455:10-19-1 et seq.* and PPB's Equal Employment and Prohibited Discrimination, Harassment, and Retaliation Policy.

No employee shall be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under grievance or voluntary mediation procedure policies. For further information on the PPB's grievance procedure, contact the Deputy Director who serves as the Grievance Manager for the agency. The Executive Director may designate other Grievance Managers as appropriate.

INFORMAL AND FORMAL DISCRIMINATION PROCEDURES

Anyone who believes that he or she is a member of any protected class and has been subjected to discrimination, harassment, or retaliation which is prohibited by any of the Civil Rights Authorities has the right to file a complaint directly with:

- Pardon and Parole Board;
- Oklahoma Merit Protection Commission;
- Oklahoma Office of the Attorney General; and/or
- Equal Employment Opportunity Commission (EEOC).

The filing of a complaint with one of the above entities does not prohibit the filing or appeal to another one of these entities. Simultaneous filings are permitted.

The following is the Pardon and Parole Board Grievance Resolution Procedure process. If an employee chooses to file additional complaints with the above other entities, he/she must follow that agency's procedures.

Grievance means a request for relief in an employment matter made by an employee or group of employees which affects them and which is subject to the control of the Pardon and Parole Board. Discrimination, including sexual harassment, is subject to the grievance process and these procedures.

Discrimination complaints can also be appealed directly to the Merit Protection Commission, EEOC, or the Oklahoma Office of the Attorney General without utilizing the grievance process; however, these are separate actions with each process being the responsibility of the employee.

The Grievance Resolution process will consist of two steps: (1) informal discussion between the employee and the immediate supervisor and/or the Executive Director; or (2) a formal grievance.

INFORMAL DISCUSSION

The purpose of informal discussion is to provide the employee and the employer an opportunity to address and resolve concerns and complaints at the lowest level possible. The effort to resolve disputes at this level may include, but is not limited, to the use of mediation.

An employee, who has a grievable issue and wants to proceed with the informal process, will promptly bring the dispute to the attention of the Grievance Manager. Both the employee and the Grievance Manager will work towards informally resolving the issues. This may or may not involve the employee's direct supervisor. Attempts to informally resolve the grievance will be made during the initial 20-day time frame (see Formal Grievance Process #1). If a supervisor becomes aware of a grievable issue with an employee, the supervisor should also immediately report the issue to the Grievance Manager to resolve the dispute informally in order to allow the Grievance Manager to advise the employee to proceed to Step Two.

FORMAL GRIEVANCE

A formal grievance must be filed within twenty (20) calendar days of the date of the act or incident or within twenty (20) calendar days of the date the employee becomes aware of, or with reasonable effort, should have become aware of the issue, or, in instances where there has been a continuing course of conduct, (twenty) 20 days from the date on which the conduct was discovered. This twenty (20) calendar day requirement may be extended for filing a formal grievance if an employee shows that he or she could not have otherwise timely filed or if the employee provides evidence that he or she was making a good faith effort to resolve the dispute by the informal process or mediation.

Complaints shall be filed using the Pardon and Parole Board's Grievance Resolution Form. This form shall be available to all employees from the Grievance Manager. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

The Grievance Manager will have forty-five (45) calendar days after the filing of the grievance in which to resolve the dispute. This is extendable up to an additional fifteen (15) days for good cause. The extension shall be made in writing to the employee before the expiration of the forty-five (45) calendar day resolution time and include the reason(s) for the extension.

A face-to-face meeting or telephone conversation is required between the employee and the Grievance Manager. Resolution decisions shall address the issues raised in the formal grievance. The resolution shall be provided in writing to the employee filing the formal grievance. Resolution decisions shall be delivered personally or by certified mail.

Complaints of discrimination filed with the Grievance Manager must establish a prima facie case for discrimination, harassment, or retaliation. The complaint must describe an adverse employment condition or action, which the employee believes occurred or was directed at him or her; due to the employee's political or religious opinions or affiliations, race, creed, gender, sexual harassment, sexual orientation, color, age (over 40), national origin, disability, or genetic information.

Grievances, which allege Retaliation for any previous discrimination complaint, will also be processed as a complaint of discrimination.

MEDIATION

During either step of the grievance process, any party may use the services of a certified mediator to attempt resolution of their conflict. All requests for mediation services as an alternative to the grievance process will be referred to the Grievance Manager or Executive Director if they are processing the grievance.

To request voluntary mediation services, a request must be made through the Merit Protection Commission. The form can be found on the website at: (<http://www.ok.gov/okmpc/documents/voluntarymediationservices.pdf>). The form must be completed and submitted to the Merit Protection Commission.

The Executive Director will contact the participating parties for agreement to mediate and will facilitate the processing of the mediation session or refer the mediation to the MPC.

Upon completion of the mediation process, the Executive Director or the MPC will contact the Grievance Manager and advise them of the disposition.

The Executive Director will maintain all documents used in the mediation process if mediated through the Pardon and Parole Board. Any and all agreements signed during this process will be provided to the Grievance Manager.

During each step of either the informal or formal grievance process, all applicable time limits will be tolled when the request for the voluntary mediation services form is signed by both parties. However, the suspension of the applicable time limits will end upon conclusion of the voluntary mediation session or at such time that any participant withdraws from the voluntary mediation process. If the grievant wishes to pursue the grievance following the completion of the mediation process, at either step, the grievance will resume as though it were the day following the date the agreement to mediate was signed and continue within the time remaining.

APPEALS FROM GRIEVANCE RESOLUTION PROCESS

After filing a formal grievance, an employee may file an appeal with the Merit Protection Commission within twenty (20) calendar days after:

1. The resolution time expired without a decision being received;
2. A resolution decision has been received but the employee can provide evidence the resolution decision was not correct, did not address the issues of the grievance, or that violations occurred during the processing of the formal grievance.

An employee may file an appeal before the agency grievance procedure is concluded if the employee can provide evidence that violations of the agency's grievance procedure are occurring or if the employee can provide evidence that the alleged violations are continuing.

The issues of the appeal shall be limited to those raised in the formal grievance or discovered during the internal agency grievance process over which the Merit Protection Commission has jurisdiction.

The filing of formal grievances with the Pardon and Parole Board and appeals with Merit Protection Commission are separate actions. Each is the responsibility of the grieving employee. The filing of one does not substitute for the filing of the other.

WHISTLEBLOWER LAWS

Certain communications between PPB employees and others regarding suspected wrongful operations and functions of the agency are protected by law. The PPB follows the Whistleblower Act found in Title 74 O.S. § 840-2.5, to protect employees from retaliation for reporting improper government activities and to address written complaints alleging acts of reprisal or intimidation due to the disclosure of improper activities.

WORKPLACE SAFETY

The PPB strives to provide a safe work environment for all employees. Employees shall conduct themselves in a manner designed to prevent accidents or injury to themselves, coworkers, or members of the public.

Emergencies or the threat of emergencies, such as severe storms, fires, bomb threats, floods, earthquakes, explosions, gas leaks, tornadoes, or civil defense warnings require immediate action by all employees.

PPB employees that are visiting or embedded within a state prison, or other correctional facility and/or private prison facility should follow the Emergency Standard Operating Procedures for that facility.

All staff should follow the PPB's Emergency Standard Operating Procedures of the administrative offices while working or visiting. The administrative office has established emergency response plans. The administrative office also periodically conducts fire evacuation drills.

In the event of an emergency, the Executive Director, Deputy Director, or other designated person shall immediately notify all staff. Employees are to report to an area designated outside or inside the building.

If, at any time, an employee sees an unsafe working situation or is injured at work, the employee should immediately report it to a supervisor.

DRUG AND ALCOHOL FREE WORKPLACE

The PPB maintains a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance or the possession or use of alcoholic beverages is prohibited in the workplace. Employees who are under the influence or possess alcohol or illegal drugs in the workplace or otherwise violate this policy may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of continued employment and will be subject to discipline up to and including termination. Violation of the Drug and Alcohol Free Workplace policy may result in criminal penalties.

TOBACCO-FREE WORKPLACE

The PPB work premises shall be free from the use of any tobacco products within the boundaries of the office space and other areas that are under the PPB's control (including any hallways, entrances or outdoor areas) and state vehicles. Any person on state property for any purpose is prohibited from using tobacco on state property (See Title 63 O.S. § 1523 and Executive Order 2012-01). Violation of this policy will result in disciplinary action.

VIOLENCE IN THE WORKPLACE

The PPB is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, or other disruptive behavior. Such behavior in the workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees should report such behavior immediately to a supervisor or the Executive Director, regardless of whether the individual committing such behavior is an agency employee. Supervisors who receive such reports should seek advice from the Executive Director immediately regarding investigating the incident and initiating appropriate action.

WEAPONS

No employee, or person acting in behalf of the PPB, shall carry any firearm, concealed handgun, dangerous devices or substances, or other weapon while performing duties for the PPB unless the employee is required to carry or transport weapons or other prohibited material in the course of his/her assigned duties. Notwithstanding any license obtained under the Oklahoma Self-Defense Act, it is unlawful to carry any concealed or unconcealed handgun into any "structure, building, or office space which is owned by the state for the purpose of conducting business with the public" pursuant to Title 21 O.S. § 1277. Violations of this policy shall subject the employee to immediate expulsion from the premises and progressive discipline.

OTHER SAFETY REQUIREMENTS

Employees should observe such rules of safety, as well as state and federal laws, regarding:

- local and state traffic laws, including texting while driving;
- proper use of any equipment or machinery; and,
- responsible behavior in the event of an emergency.

PAY AND LEAVE

REGULAR PAYROLL

All full-time and part-time permanent and probationary employees are paid monthly by electronic warrants issued by the State of Oklahoma, unless the employee is on supplemental pay. Each pay period extends from the first day of the month to the last day of the month. Payroll funds are normally available on the last working day of each month.

An employee who works for less than a full month or an employee that is on unpaid leave during part of a full month earns a proportional amount of his or her monthly salary. Payment is determined by the number of days and hours an employee works or is on unpaid leave and the number of workdays in the month.

A person on leave without pay status for the workday before and after a holiday will not be paid for the holiday. Part-time employees receive holiday pay only if the holiday falls on a regularly scheduled workday. Employees will not receive pay for holidays, which fall after their termination date or before their entry on duty date.

SUPPLEMENTAL PAYROLL

Any employee that is absent from work and who has exhausted all accumulated sick, annual, and flex leave, as well as leave of last resort will be placed on leave without pay for the appropriate time-period. Employees that are on supplemental payroll are only paid for actual hours worked and are paid on the 12th of the following month.

An employee with less than forty (40) hours total of sick and/or annual shall notify the supervisor who will contact the Deputy Director. At any point, when the 40 hour cumulative balance threshold occurs or if a new employee does not have a balance of 40 hours leave to transfer, the employee will be placed on supplemental payroll.

Leave is posted on the first day of the month following the month in which leave is accrued. The beginning of the month balance is used to determine whether an employee has a combined total of 40 hours leave. The employee will remain on supplemental payroll until his/her total accumulation of sick and annual leave equals more than 40 hours.

During the month following accumulation of more than 40 hours of a combination of sick and annual leave, the employee will be placed back on the regular payroll.

Part-time employees and temporary employees are automatically paid on supplemental payroll.

PAY DISCREPANCIES

If an employee or the administrative staff discovers a payroll overpayment through an internal audit or some other mechanism, the PPB shall recover the overpayment from the employee. Prior to initiating recovery of overpayments from an employee, the PPB shall provide the employee with notice and opportunity to respond. Any sum on a payroll claim found to have been paid in excess of the actual amount due and owed may be recovered from the employee through the following options:

- 1) A lump-sum cash payment;
- 2) A reduction in current salary equal to of the amount of the overpayment either in a lump sum or in installments over a term not to exceed the length of of term in which the erroneous payments were made;
- 3) A reduction in accrued annual leave by an amount of time at the current salary level equal in value to the total amount of the overpayment; or,
- 4) Any combination of the above.

If the employee protests the determination of the overpayment or the amount of the overpayment, the PPB shall, within five business (5) days of the protest, present the facts in writing, the notice, and the protest of the employee to the Oklahoma Merit Protection Commission and shall send copies to the Office of Management and Enterprise Services. The salary or wages of any employee exercising the right to the protest shall not be suspended or reduced until a determination has been issued by the Oklahoma Merit Protection Commission and the Executive Director.

PAYROLL DEDUCTIONS

A variety of voluntary payroll deduction options are available to PPB employees. This list includes, but is not limited to, supplemental health, accident, and life insurance policies, deferred compensation, retirement plans, and purchase of U.S. Savings Bonds through the Payroll Savings Plan. Employees may contact the Deputy Director for a more complete listing of payroll deduction options, or to arrange for deductions.

Other deductions such as credit union deposits, charitable contributions, and membership dues to various organizations can also be arranged by contacting the Deputy Director and/or the specific organization that is to receive the payment. To terminate such arrangements, the employee must contact the specific organization that is to receive the payment.

GARNISHMENTS

The PPB honors legal garnishments of an employee's wages.

LONGEVITY PAY

Longevity pay is a benefit for all classified and unclassified permanent full-time or part-time state employees that work more than 1,000 hours per year. Employees must have been continuously employed in the classified or unclassified service for the State for a minimum of two (2) years before longevity pay can be received.

A break in service of 30 calendar days or less shall not be considered an interruption of continuous service. A break in service of more than 30 calendar days shall mark an end to continuous service.

Temporary employees and other limited-term employees are not eligible for longevity pay.

Employees in full-time status or in part-time employment, working more than 150 hours per month shall receive longevity pay in the amount indicated by the following schedule, with taxes and retirement deducted, during the month of the anniversary date of the employee's most recent enter-on-duty date with the state.

ANNUAL LONGEVITY PAY SCHEDULE	
Years of Credited Service	Annual Longevity Payment
At least 2 Years But Less Than 4 Years	\$250.00
At least 4 Years But Less Than 6 Years	\$426.00
At least 6 Years But Less Than 8 Years	\$626.00
At least 8 Years But Less Than 10 Years	\$850.00
At least 10 Years But Less Than 12 Years	\$1,062.00
At least 12 Years But Less Than 14 Years	\$1,250.00
At least 14 Years But Less Than 16 Years	\$1,500.00
At least 16 Years But Less Than 18 Years	\$1,688.00
At least 18 Years But Less Than 20 Years	\$1,900.00
At least 20	\$2,000.00
Over 20 Years	\$200.00 for each 2-year increment over 20

Cumulative, full-time or part-time employment working more than 150 hours per month with the state counts toward service credit. Part-time employment, working 150 hours per month or less, also counts toward service credit if (a) the period of employment was continuous for at least five (5) months and (b) the person worked more than 2/5ths time during the period. Periods of non-paid leave status in excess of thirty (30) days will not mark a break in service but will extend the anniversary date by the total period of time in non-paid status. Leave without pay due to an illness or injury arising out of, or sustained in the course of, his or her employment with the state will be counted as credited service.

Employees retiring from state employment will receive the proportionate share of any longevity payment that may have accrued as of the date of retirement. Reductions in-force and deaths of employees are also handled this way. Employees may contact the Deputy Director for more information.

HOLIDAYS

The PPB observes a number of holidays each year in accordance with State law and designated by the Governor's proclamations. A list of official state holidays is posted in the office and can be found on the Secretary of State's website. All full-time permanent and probationary employees are eligible for paid holiday leave. Permanent part-time employees are paid on a pro-rated basis. Temporary employees and other limited-term employees are not eligible for holiday pay. Holidays are to be counted as a workday; however, employees on an Alternate Work Schedule where a holiday falls on a regular work day can only claim eight (8) hours and must take leave for remaining hours.

An employee eligible for paid holiday leave must be in active pay status for either the last regular workday before a holiday or the first such workday after a holiday in order to be paid for that holiday. Employees will not receive pay for holidays that fall after their termination date.

ANNUAL LEAVE

All probationary, full-time permanent classified, and full-time unclassified employees are eligible to accrue annual leave. Part-time permanent classified and part-time unclassified employees earn annual leave in an amount proportional to that of full-time employees. Temporary employees are not eligible for annual leave benefits.

ANNUAL LEAVE ACCUMULATION SCHEDULE		
Cumulative Service	Accrual Rate	Limit Per Year
0-5 Years	15 Days A Year	240 Days
5-10 Years	18 Days A Year	480 Days
10-20 Years	20 Days A Year	480 Days
Over 20 Years	25 Days A Year	480 Days

Annual leave can be used for vacations, personal business, and other time off work not covered by sick leave or holiday leave. The amount of leave an employee can earn and accumulate are as specified in the chart.

Prior to five (5) years of full-time state service, employees may accrue up to a maximum of 240 hours of annual leave at the end of the calendar year. Thereafter, employees may accrue up to a maximum of 480 hours of annual leave at the end of the calendar year. Employees who have accrued more than the maximum number of hours allowable at the end of the calendar year, you will lose those hours and convert back to the maximum of 240 or 480 hours, whichever accrual rate applies.

Unused annual leave within the accumulation limits shown above will be paid upon separation based on the hourly rate for a 40-hour workweek and multiplied by the number of hours of leave. Payment will not be made for leave in excess of the accumulation limits. On a case-by-case basis, the Executive Director may allow excess leave to be used prior to a retirement date.

REQUESTS FOR ANNUAL LEAVE

Requests for annual leave should be made to the designated supervisor as early as possible. Except in emergencies, requests for annual leave must be submitted in advance and in writing on the approved PPB form. The form must be completed, signed, and dated by the employee.

Prior to the approval of an annual leave request, employees and supervisors are responsible for ensuring that requested leave does not exceed available balances or established limits. Annual leave may be denied where the operations of the agency will be significantly and adversely affected, the employee does not consistently request leave in a timely manner, or the employee does not have sufficient leave balances. All approved annual leave must be reported on the employee's monthly time sheet.

After considering and approving the request, supervisors must sign and date the leave form. The supervisors must keep the signed annual leave requests until they submit the forms to the administrative office on Friday the week following the end of the month to be included in the employee's personnel file.

SICK LEAVE

All probationary, full-time permanent classified, and full-time unclassified employees are eligible to accrue sick leave. Part-time permanent classified and part-time unclassified employees earn sick leave in an amount proportional to that of full-time employees. Temporary employees are not eligible for sick leave benefits.

Sick leave may be used when an employee is incapacitated by sickness or injury, for medical, dental, or optical examination or treatment, pregnancy or when the employee's presence at work would jeopardize the health of the employee or others. Full-time employees accrue fifteen (15) days per year. While days refers to working days, the rates are calculated as hours per month. Therefore, the sick leave amount may change each month with the varying number of days in the month. There is no accumulation limit for sick leave. Upon retirement, accumulated sick leave may be applied toward years of service as determined by state statute.

REQUESTS FOR SICK LEAVE

Sick leave is a period of time when the employee cannot work because of illness, injury, pregnancy, medical examinations or treatments (including dental and optical), surgical procedures, or where the employee's presence at work would jeopardize the health of the employee or others.

A scheduled sick leave request for a medical appointment should be made to the designated supervisor as soon as the appointment is made. If possible, the employee should coordinate work schedules with the supervisor when scheduling medical appointments to ensure coverage. The appropriate PPB form must be completed, signed, and dated by the employee.

Prior to the approval of the scheduled sick leave request, employees and supervisors are responsible for ensuring that requested leave does not exceed available balances or established limits. Sick leave for scheduled appointments may be denied where the operations of the agency will be significantly and adversely affected, the employee does not consistently request scheduled sick leave in a timely manner, or the employee does not have sufficient leave balances. All approved sick leave must be reported on the employee's monthly time sheet. After considering and approving the request, supervisors must sign and date the leave request form. Supervisors must maintain the form until they submit a copy to the Deputy Director at the end of the month for inclusion in the employee's permanent file.

If an employee is ill and cannot report for work, the employee should telephone to the designated supervisor prior to a regularly scheduled arrival time. The employee should explain the absence and when a return to work is expected. It is the employee's responsibility to ensure proper notification is given to the supervisor. If the employee's supervisor is on leave, a message should be left with the supervisor's supervisor. Text messages do not constitute proper notification and should not be used. In addition, asking another employee, friend, or relative to give this notification is not considered proper, except under emergency conditions.

The employee should notify the supervisor each day while on sick leave. If the employee is absent from work because of an unexpected illness, the employee notify the supervisor soon as possible and complete the appropriate form upon returning to work.

A sick leave request is not automatically approved. In most cases, the decision to approve or disapprove sick leave will be made after the employee returns to work. If it is necessary in order to meet payroll deadlines before the employee returns to work, a conditional approval can be made and then reversed if the supervisor ultimately determines sick leave was not justified.

If the leave period exceeds three (3) consecutive partial or full days, a physician's statement may be required unless waived by the supervisor. For shorter sick leave periods, a supervisor can also request a doctor's verification if deemed necessary.

A sick leave request with or without a doctor's statement will be denied if a supervisor can show that the sick leave privileges were being abused or there has been a failure to supply the requested evidence of illness. If it is determined that an employee has abused sick leave privileges, such violation will be considered a failure of the employee to perform his or her work, and may result in the use of progressive discipline up to and including termination.

As soon as the employee has returned from sick leave, the appropriate PPB form must be completed, signed, and dated by the employee. As with a medical appointment, prior to the approval of the sick leave request, employees and supervisors are responsible for ensuring that requested leave does not exceed available balances or established limits. The supervisor will also review, sign, and approve, if appropriate.

After considering and approving the request, supervisors must sign and date the leave form. The supervisors must keep the signed sick leave requests until they submit the forms to the administrative office on Friday the week following the end of the month to be included in the employee's personnel file.

ENFORCED LEAVE

All probationary, permanent classified, and unclassified employees must use enforced leave when a member of the employee's immediate family or household requires the employee's care because of illness or injury, in the case of death in the immediate family or household, or in the case of a personal disaster.

Immediate family is defined as spouse, children, parents, brothers, sisters, including step, grand, half, foster, or in-law relationships. Household is defined as those persons who reside in the same home, who have reciprocal duties and provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house or when the living style is primarily that of a dormitory or commune. Personal disaster is defined as an unforeseeable, catastrophic event such as the destruction of the employee's residence.

Enforced leave is charged against sick leave, and it may not exceed 80 hours in a calendar year. Once the eighty (80) hours of enforced leave has been used, enforced leave must be deducted from annual leave.

REQUESTS FOR ENFORCED LEAVE

As soon as the need for enforced leave is determined, such as a child's doctor appointment or upon return to work when a child or immediate family member is ill, the employee will complete the appropriate PPB form to request enforced leave. The form must be completed, signed, and dated by the employee.

Prior to the approval of an enforced leave request, employees and supervisors are responsible for ensuring that requested leave does not exceed available balances or established limits. Scheduled enforced leave may be denied where the operations of the agency will be significantly and adversely affected, the employee does not consistently request leave in a timely manner, or the employee does not have sufficient leave balances. All approved enforced leave must be reported on the employee's monthly time sheet.

Requests for enforced leave will be evaluated in the same manner as sick leave requests. Supervisors must keep the signed enforced leave requests on file until they submit the forms to the administrative office to be included in the employee's personnel file. Upon an employee's termination from the agency, the supervisor shall forward these documents to the administrative office for the employee's personnel file within 30 days of the last day of employment.

ADMINISTRATIVE LEAVE

The Executive Director may place an employee on paid administrative leave as a cooling off period to defuse a potential violent occurrence in the workplace. An employee's time on administrative leave shall not exceed 32 hours in any 12-month period. The Executive Director shall keep a record of the staff hours of leave granted under this type of Administrative Leave separate from employee personnel files and report only the number of hours of paid administrative leave granted under this section to the Office of Management and Enterprise Services as requested.

The Executive Director may assign work to the employee to be performed during administrative leave or may require the employee to remain available to meet with PPB personnel. Administrative leave shall not be accrued or accumulated, and it shall not be charged to annual leave or sick leave.

REDUCTION IN SERVICES

UNSAFE WORKING CONDITIONS

When an agency's services are temporarily reduced or closed due to unsafe working conditions or hazardous weather, administrative leave may be given under the following conditions.

If the administrative office is closed due to unsafe working conditions, the Executive Director shall notify the affected employees and OMES. Employees may be assigned to work at another location. If a primary duty station is closed due to unsafe working conditions, the employee will notify supervisor who will then notify the Executive Director. Employees at a duty station other than the administrative office may also be assigned to work in another location.

Employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. The Executive Director may call employees to return to their normal duties to respond to the demands of the situation as necessary.

HAZARDOUS WEATHER

When hazardous weather occurs, the Oklahoma Commissioner of Public Safety will authorize a reduction of services for non-essential personnel which includes a start and end time for Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie Counties.

For all other counties, the Department of Public Safety (DPS) will send the Executive Director an email notification regarding a reduction in services or an agency closures. The Executive Director will text the impacted supervisors. Supervisors will then communicate to their

supervised employees via email or phone. Once everyone has been contacted supervisors will notify the Executive Director.

If a reduction in services is authorized as identified above, administrative leave can be used for the time identified. Enforced leave may not be used for this type of absence. Supervisors are not authorized to declare a reduction in services; however, supervisors may approve annual leave, if an employee would like to leave a duty station prior to receipt of the official notification for a reduction in services, arrive later than the arrival time after a reduction of services, or choose not to report to work due to weather-related conditions. For example, if an early dismissal is authorized for 1:00 p.m. and an employee leaves at noon, the employee will be charged one hour of annual or flex leave, and the remainder of the work hours will be charged as administrative leave. Similarly, if a reduction in services is authorized for 10:00 a.m. and the employee arrives at 11:00 a.m., the employee shall be charged for one hour of leave.

Temporary employees are not eligible for administrative leave and will not be paid for the lost time.

If an employee has already been approved and is using annual, sick, flex, or enforced leave during the reduced services, the employee is not eligible to use the administrative leave as per state statute.

FAMILY MEDICAL LEAVE ACT

The Family Medical Leave Act (FMLA) of 1993 is a federal protection for the employee which provides an entitlement of up to twelve (12) weeks of job-protected, unpaid leave during a 12-month period to eligible employees. The 12-month period at the PPB is measured from the first date that FMLA leave is taken.

The employee may request FMLA leave which ensures that the employee's group health benefits are maintained during the FMLA leave. FMLA leave is first deducted from existing leave balances (annual, sick, or shared). Thereafter, an employee may utilize leave without pay.

Whenever it is possible, an employee shall schedule FMLA leave to accommodate the operations of the employee's agency. An employee shall give his/her supervisor notice and a request for FMLA leave at least 30 days before leave is to begin if the need for FMLA is expected. The supervisor should then notify the Executive Director or the Deputy Director. When the need for FMLA leave is unexpected, an employee shall give his/her supervisor notice and a written request for FMLA leave as soon as possible and then the supervisor will notify the Executive Director or the Deputy Director. In addition, the Executive Director has

the right to designate leave taken for a FMLA-qualifying event as FMLA leave, regardless of whether the employee has requested FMLA leave.

Employees are prohibited from working secondary employment while on FMLA leave.

As per federal statute and Oklahoma Merit Protection Rules:

- A. The federal Family and Medical Leave Act of 1993 entitles eligible employees to family and medical leave. This is not a comprehensive listing of the provisions of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. To be eligible, an employee shall have been employed by the state at least 12 months and have worked at least 1,250 hours during the preceding 12-month period.
- B. An eligible employee is entitled to family and medical leave for up to a total of 12 weeks during any 12-month period, for the following reasons:
 - (1) The birth of the employee's son or daughter, and to care for the newborn child;
 - (2) The placement with the employee of a son or daughter for adoption or foster care;
 - (3) To care for the employee's spouse, son, daughter, or parent with a serious health condition. As used in this subsection, "son" or "daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability;
 - (4) A serious health condition that makes the employee unable to perform the functions of the employee's job; and,
 - (5) Any qualifying exigency (as defined by U.S. Department of Labor Regulations) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
- C. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period described in this paragraph, an eligible employee shall be entitled to a combined total of 26 weeks of leave under paragraphs B and C. Nothing in this paragraph shall be construed to limit the availability of leave under paragraph B during any other 12-month period.

- D. The Executive Director may require that an employee's request for family and medical leave be supported by a certification issued by the health care provider of the employee or the employee's ill family member. The Executive Director may require a certification issued by the health care provider of a covered service member being cared for by an employee.
- E. The entitlement to family and medical leave resulting from B-1 and B-2 of this Section expires at the end of the 12-month period beginning on the date of the birth or placement.
- F. When family and medical leave is taken to care for a sick family member as defined in Section B-3, a covered service member as referenced in Section C, or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when it is medically necessary. When family and medical leave is taken for a qualifying exigency as referenced in Section B-5 of this Section, leave may be taken intermittently or on a reduced leave schedule. The Executive Director may adopt a policy allowing family and medical leave to be taken intermittently to care for a newborn child or newly placed adopted or foster child.
- G. Whenever it is possible, an employee shall schedule family and medical leave to accommodate the operations of the employee's agency. An employee shall give the Executive Director notice and a leave request at least thirty (30) days before leave is to begin if the need for family and medical leave is expected. In any case in which the necessity for leave under Section B-5 is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. When the need for family and medical leave is unexpected, an employee shall give the Executive Director notice and a leave request as soon as possible. The notice and request shall:
- (1) be in writing and on the proper form;
 - (2) refer to this Section;
 - (3) describe the reason for the family and medical leave;
 - (4) specify the type of leave the employee is requesting to account for the time off;
- and
- (5) include any information or documentation required for the type of leave requested.
- H. The Executive Director has the responsibility to review requests for sick leave and leave without pay for designation as family and medical leave. The Executive Director has the right to designate leave taken for an FMLA-qualifying event as FMLA leave, regardless of whether the employee has requested FMLA leave. The

Executive Director's designation decision shall be solely based on information provided by the employee or the employee's spokesperson. In accordance with the federal Family and Medical Leave Act, the Executive Director shall not designate leave as family and medical leave retroactively, unless the Executive Director does not have sufficient information concerning the employee's reason for taking the leave until after the leave period has begun.

- I. Family and medical leave is not a separate type of leave, and it is not accrued or accumulated. An Appointing Authority shall give employees the following options to account for time lost because of leave under the federal Family and Medical Leave Act of 1993.
 - (1) Charge to accumulated annual leave (Title 74 O.S. § 840 2.22);
 - (2) Charge to accumulated sick leave (Title 74 O.S. § 840 2.22);
 - (3) Charge to leave donated by other state employees, which is also known as "shared leave" (Title 74 O.S. § 840 2.23);
 - (4) Charge to accumulated compensatory time (Title 74 O.S. § 840 2.22); or
 - (5) Record as leave without pay in accordance with Merit Rule 260:25-15-47.
- J. The agency shall continue paying the employee's insurance coverage while the employee is on family and medical leave.
- K. Upon return from family and medical leave, an employee shall have the right to be restored to the same or equivalent position and benefits, except for extension of his or her anniversary date for longevity pay, leave accrual, and calculation of retention points, he or she would have had if the employee had been continuously employed in pay status during the leave period.
- L. An employee shall not be required to take more leave than necessary to resolve the circumstance that precipitated the need for leave.

LEAVE SHARING

The State of Oklahoma has created the state leave sharing program. The purpose of the state leave sharing program is to permit state employees to donate annual or sick leave to a fellow state employee (including employees of other state agencies) who meets certain criteria listed in Title 74 of the Oklahoma Statutes in section 840-2.23 as determined by the Executive Director.

A state employee means a permanent classified employee or a regular unclassified employee with one (1) year or more continuous service with the state. The term "state employee" does

not include classified employees in probationary status or unclassified employees on temporary or other limited term appointments, except that those employees are eligible to receive shared leave.

Upon determination by the Executive Director or the Deputy Director that the employee meets the criteria for shared leave, an employee may donate annual and/or sick leave to another employee or an employee of another agency provided the donation does not cause the annual leave balances of annual or sick leave of the donating employee to fall below eighty (80) hours.

The Executive Director shall determine the amount of donated leave an employee may receive. Additional shared leave can be considered on a case by case basis. The maximum authorization of shared leave is 261 days during total state employment.

If the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal and the employee has either reached or shall in the near future reach the maximum amount of leave available, the Executive Director of the employee may approve additional donated leave upon written request of the employee. The Executive Director of the employee shall require the employee to submit, prior to approval or disapproval of shared leave, a medical certificate from a licensed physician or health care practitioner verifying the need for the leave and expected duration of the illness, injury, impairment, or physical or mental condition for which the leave is donated.

Donated annual or sick leave is transferable between employees on an hour-to-hour basis irrespective of the hourly wage of the donating or receiving employee. Any donated leave may only be used by the recipient for the purposes specified in the request. All forms of paid leave available for use by the recipient must be used prior to using donated leave.

Any donated leave which was not used by the recipient for the specific FMLA qualifying event shall be returned to the donor. The balance of the remaining donated leave will be prorated among all donors and reinstated to their leave balances.

In the event a qualifying employee is unable to secure shared leave from employees within his or her employing agency or from employees within a different state agency, an employee may request leave from the Leave of Last Resort which is administered by the Human Capital Management Division of the Office of Management and Enterprise Services.

All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual or sick leave for purposes of the leave sharing program.

MILITARY LEAVE

Per Statute military leave may be granted to classified and unclassified employees who are a member of any component of the Armed Forces of the United States or the Reserve Components to include the Army and Air National Guard and the Army, Navy, Air Force, Marine Corps and Coast Guard Reserves when ordered by proper authority to active or inactive duty. This includes weekend drills and training exercises or service. Such employees are entitled to leave of absence without loss of status or seniority.

Military leave may be granted up to a maximum of thirty (30) calendar days per federal fiscal year without loss of pay or leave. A leave request must be completed and submitted, along with a copy of the military orders to the Executive Director. If an employee is required to be on military leave in excess of thirty (30) calendar days, the time shall be charged to annual leave or leave without pay.

CONTINUING EDUCATIONAL LEAVE

For those wishing to attend college, continuing education, graduate school, vocational training, or trade school which is directly related to the employee's current job, the Executive Director may grant educational leave with pay for a period not to exceed one (1) year. The Executive Director may grant such extensions of leave as may appear best to serve the interests of the agency; however, extensions shall not be for more than one (1) additional year. While on educational leave, annual and sick leave shall accrue. The Executive Director may also grant leave of absence without pay for educational purposes.

Any Continuing Educational Leave request, not directly related to the employee's current job, is considered a request for Annual Leave or Leave Without Pay. This includes classes to maintain a teaching certificate, or to complete a degree unrelated to PPB work.

Employees may contact a supervisor or the Deputy Director for details on how to submit such requests. Approval of Continuing Educational Leave is based on performance evaluations, supervisor recommendations, and needs of the PPB.

VOLUNTARY LEAVE OF ABSENCE WITHOUT PAY

A permanent or probationary employee may make a written request to go on voluntary leave without pay if his/her accumulated leave is not sufficient to cover the absence. The request shall be in writing to the Executive Director and shall include the reasons for the leave and the estimated length of the leave requested by the employee, and it shall specify the date the employee is to return to work.

In no case can leave without pay be granted for longer than 12 months on one request. If additional time is required beyond the initial 12 months, a new request must be made. The maximum an employee can remain on leave without pay without returning to work is 24 months. Whenever an employee is absent from work without authorization, the employee shall not receive pay for such absence.

Voluntary leave without pay is subject to the following conditions:

- (1) Leave without pay shall not be approved for more than twelve (12) months. However, an employee on leave without pay may submit a written request for an extension before the end of the approved leave period. The Executive Director may grant extensions if the total length of the original leave without pay plus any extensions does not exceed two (2) years. Any extension granted shall be to a specified expiration date.
- (2) An employee may return to work before the specified date of return if the Executive Director approves a written request from the employee to return earlier.
- (3) Failure of a classified employee to report for work on the specified date of return shall be cause for disciplinary action.
- (4) Leave without pay for probationary employees shall be carried out in accordance with Merit Protection rules by adjusting the probationary period. If the total amount of leave without pay exceeds five (5) working days, the date of the final working day of the probationary period shall be adjusted by the number of working days the probationary employee was on leave without pay in excess of five (5) working days. Notification of such leave to the Office of Management and Enterprise Services and the employee shall include the scheduled date of the final working day of the adjusted probationary period.
- (5) The Executive Director may cancel leave without pay at any time and require the employee to return to work before the specified date of return. The employee shall be notified of the reasons for cancellation by certified mail or personal service and given seven (7) calendar days from the date that the notice was delivered or attempted to be delivered in order to return to work. Failure of a classified employee to report for work as directed shall be cause for disciplinary action.

- (6) If an employee is absent from work without proper authorization, the employee shall not receive pay for such absence. The Executive Director has the authority and responsibility to take appropriate action if fraudulent leave usage or leave abuse is detected.
- (7) Leave without pay in accordance with this section shall not for any purpose be considered a break in service.

LEAVE WITHOUT PAY DUE TO JOB RELATED ILLNESS OR INJURY

If a PPB employee is absent from work because of an illness or injury arising out of and sustained in the course of employment with the state, the employee has a right to return to work if certain conditions are met. When a medical report indicates the employee is able to perform the essential duties of the original position, the PPB shall return an employee to work as soon as possible, either to the original position or to an alternate position if an employee, with reasonable accommodation, is unable to return to the original position. The employee and the Executive Director may agree in writing to waive the requirement to return the employee to the original position.

To be eligible, an employee shall file a claim for workers compensation benefits. PPB's policy, procedure and practice affecting employees who file claims for workers compensation benefits shall agree with Title 74 O.S. § 840-2.21.

All rights and benefits under Section Title 74 O.S. § 840-2.21 shall end one (1) year after the start of leave without pay under this Section and shall end immediately if the claim for workers compensation is denied or otherwise concluded within the one (1) year period.

The Executive Director shall give employees who report a job related illness or injury a copy of Merit Protection Rule 260:25-15-49 and Title 74 O.S. § 840-2.21, and the agency's information on requesting leave without pay.

The Executive Director shall refer to the provisions of Merit Rule 260:25-15-49 when an employee is placed on leave without pay under Title 74 O.S. § 840-2.21. The Executive Director shall not require employees to exhaust paid sick and annual leave accumulations before placing them on leave without pay. The Executive Director shall continue paying the employee's basic plan insurance coverage and dependent insurance benefit allowance while the employee is on leave without pay, and the leave shall not constitute a break in service.

At least every three (3) months, an employee on leave without pay due to a job related illness or injury shall give the Executive Director a medical statement as to his/her ability to perform the essential duties of the original position.

If an employee on leave without pay cannot perform the essential duties of the original position, the PPB shall give the employee first preference for other classified and unclassified positions. The Executive Director shall establish a procedure for giving employees on leave without pay first preference to fill classified and unclassified positions that do not represent a promotion to the employee, if the employee is medically able to do the essential duties and has the minimum qualifications for positions the Executive Director seeks to fill.

The Executive Director's procedure shall include either notifying an employee of all vacant classified and unclassified positions the Executive Director seeks to fill or allowing the Executive Director and the employee to agree on notice for specific positions or jobs. The procedure may require employees to submit medical reports stating their ability to perform the essential duties of specific positions. The Executive Director shall give a copy of the procedure to each employee on leave without pay due to a job related illness or injury.

The Executive Director is not required to notify employees on leave without pay when temporarily filling a vacant position. Before the Executive Director gives a classified or unclassified employee first preference for a classified position, the employee shall be certified by the Office of Management and Enterprise Services as meeting the minimum qualifications. Neither classified nor unclassified employees shall be required to compete through the open competitive process for a classified position. The Executive Director shall submit the necessary paperwork to the Office of Management and Enterprise Services for review.

Before the Executive Director assigns an employee to an alternate position (a position that is not the original position), the Executive Director shall give the employee written notice of the requirement to return to the original position. While in an alternate position, an employee shall submit medical reports at least every three (3) months and whenever the medical condition changes enough to affect his or her ability to return to the original position.

The Executive Director may discipline a permanent classified employee, a probationary classified employee, or an unclassified employee if:

- (A) a medical report states the employee is able to do the essential duties of the original position or an alternate position (for which the employee is qualified); and
- (B) the employee does not return to work within seven (7) days after the Executive Director mails a notice to the employee's last known address or delivers a notice to the employee.

If an employee does not return to the original position or an alternate position within one (1) year after the start of leave without pay due to a job related illness or injury, the Executive Director may terminate the employee. If this is used as the authority to terminate an employee, the Executive Director shall give the employee a copy of Merit Rule 260:25-15-49.

Termination of a permanent classified employee under this Section is subject to the pre-termination hearing requirements of 74 O.S. § 840-6.4.

INVOLUNTARY LEAVE WITHOUT PAY (FURLOUGH)

The Executive Director may place employees on involuntary leave without pay when such action is necessitated by a temporary decline or cessation of work activities, or to reduce expenditures. No employee shall be placed on involuntary leave without pay for more than a total of 184 hours in any twelve (12) month period.

If the Executive Director certifies that a furlough is due to a budgetary shortfall which results in a decline or loss of funding to the agency, the Executive Director may limit the furlough to employees who request to participate in a furlough and certify that they have done so without coercion, undue influence, threat or intimidation of any kind or type.

An employee who is to be placed on such leave will be given at minimum written notice at least two (2) working days in advance, advising of the particulars regarding the action, including the dates and times leave is to begin and end. The written notice will advise whether or not the employee has appeal rights. Before initiating a furlough, the Executive Director shall announce in writing the reasons that require it. The Executive Director shall post this announcement throughout the agency and send it to the Governor and the Office of Management and Enterprise Services. Furlough, as provided for by rules adopted by the Administrator of the Office of Management and Enterprise Services, shall not be appealable under the provisions of the Oklahoma Personnel Act found in Title 74 O.S. § 840-2.27C. The Executive Director may make such leave subject to early cancellation or periodic call-back, to protect public health, safety or property, or to assure continued operation of critical agency functions. Failure on the part of an employee to return from such leave to his or her previous work status, as directed in writing shall, be cause for discharge. While on involuntary leave without pay, an employee shall continue to accrue annual and sick leave as though the involuntary leave without pay had not occurred.

Employees who are laid off due to reduction-in-force may be considered to be on leave without pay for optional insurance purposes only. The employee must request such consideration in writing before the effective date of layoff.

COURT AND JURY DUTY

A state employee, directed by the proper authority or in obedience to a subpoena, shall be entitled to time-off from work without loss of compensation or leave to serve in a capacity of:

- (1) A jury member;

- (2) A witness on behalf of the federal government, the state of Oklahoma, or a political subdivision of the state;
- (3) A witness or party before a state agency, board, commission, or legislative body; or,
- (4) A witness, party, attorney, representative, or spokesperson in the employee's official capacity as a state employee.

Such time shall be counted as hours worked in accordance with the Fair Labor Standards Act and Merit Protection Rule 260:25-15-46.

A state employee must take annual leave or leave without pay, at the employee's discretion, to serve:

- (1) As a party in private litigation;
- (2) As a witness to testify as an individual or a paid expert in private litigation;
- (3) As an attorney outside of the employee's official capacity as a state employee; or
- (4) In any other capacity of court and jury services not previously covered.

The PPB may require the employee to submit a copy of the subpoena, summons, or other court order or process as a prerequisite for determining whether leave is approved.

Along with a copy of the subpoena or other official written directive, employees must complete and submit the appropriate leave request form. Supervisors must keep the signed leave requests on file and at the end of the calendar year submit the forms to the administrative office to be included in the employee's personnel file. Upon an employee's termination with the agency, the supervisor shall forward these documents to the administrative office for the employee's personnel file within 30 days of the last day of employment.

VOTING

Employers shall grant employees two (2) hours of time during the period when the polls are open in which to vote in all elections except school board and bond elections. In order to qualify, the employee must be a registered voter. If the employee lives at such a distance from the voting place that more than two hours are required, then he or she shall be allowed additional time. No employee is entitled to such time unless he or she notifies his/her supervisor in writing or orally on the day preceding the election of his or her intention to be absent. Employees are encouraged to work with their supervisors to ensure coverage at the agency. If there is a conflict in coverage, the supervisor will notify the employee of the authorized hours he or she is to use for voting.

The above does not apply to an employee whose workday begins three (3) hours or more after the time the polls open or ends three (3) hours or more prior to the time the polls close.

EMPLOYEE BENEFITS

EMPLOYEE ASSISTANCE PROGRAM

The Oklahoma Employee Assistance Program (EAP) is a voluntary program. It provides assistance to state agencies in their management of employees whose personal problems may have a negative impact on job performance. Additionally, the EAP assists employees and their family members who are seeking corrective help with medical or mental health problems, including alcohol or drug abuse, and emotional, marital, familial, financial, or other personal problems.

Participation in the EAP is voluntary, except where participation is required by other state or federal law. There is no charge to employees or family members for EAP services. Depending on the type of services sought, an employee seeking the assistance of the EAP may request sick or annual leave to consult with an EAP professional. An employee may be referred to the EAP by his/her supervisor, the Executive Director, or other authorized personnel, or may contact the EAP without a referral. No employee shall prevent another employee from contacting the EAP.

HEALTH INSURANCE

For state employees, a variety of health and dental insurance programs are available. Employees may contact the Deputy Director for more detailed information. Within thirty (30) days from the date that state service is entered, an insurance plan must be selected. Coverage will begin on the first day of the month following the date of enrollment. Dependent coverage is also available. Requests for changes in insurance coverage should be made to the Deputy Director within 30 days of the change in family status.

If an employee is to be separated by reduction-in-force or is approved to take leave without pay due to personal or family illness or injury, the employee may continue current insurance coverage for a period not to exceed one (1) year. The employee must pay the full premium including both the employee's and the state's shares, unless the employee is on family leave under FMLA provisions. In addition, employees who are suspended or are on approved leave without pay, other than for illness or injury, may continue insurance coverage for a period not to exceed three (3) months by paying the full premium including both the employee's and the state's shares. If an employee is suspended, scheduled for separation due to reduction-in-force, or placed on leave without pay status and the employee wishes to continue insurance coverage, the employee should contact the Deputy Director for the specific details before the effective date of the action.

Certain qualified beneficiaries, such as widows, divorced or legally separated spouses, dependent children, spouses of Medicare eligible employees, terminated employees (except for those terminated for gross misconduct), and employees whose work hours are reduced may continue health coverage under the COBRA plan for up to three (3) years (18 months for terminated or reduced hours employees). It is the employee's responsibility to notify the Deputy Director if he/she becomes eligible for continuation of coverage under any of these circumstances. The 18-month limit under COBRA does not apply to a vested employee unless the vested employee chooses to withdraw his/her retirement contributions.

LIFE INSURANCE

Employees in the state service receive \$20,000 in life insurance with accidental death and dismemberment insurance. Additional life insurance may be purchased for yourself and lesser increments for your dependents under the plan. When employees are suspended, scheduled for separation by reduction-in-force, or on approved leave without pay, life insurance may be continued in the same manner as above. Consult with the Deputy Director for specific details.

ACCIDENTAL DEATH AND DISMEMBERMENT

Accidental death and dismemberment coverage is included in the basic life insurance, which is part of the employee's core benefit package, and the first \$20,000 of Supplemental Life insurance purchased.

DISABILITY BENEFITS

Disability insurance is part of the mandatory core benefits package and is available to all employees that have completed at least one (1) month of continuous service.

Short and long term disability insurance is provided to employees when absent from work more than thirty (30) days due to a qualifying event. Any short term disability benefits will be offset or reduced by other benefits or payments received, e.g., holiday pay, sick and annual leave, shared leave, etc. Disability coverage pays an amount equal to a percentage of the employee's base salary up to a maximum dollar amount. Disability benefits are subject to all applicable state and federal taxes.

WORKERS COMPENSATION

An employee who is injured on the job is entitled to benefits provided by the Worker's Compensation Act. Employees must report accidents to their supervisors and fill out a First Notice of Injury form immediately. Under qualifying conditions, benefits include weekly

compensation and medical expense payments. Employees may obtain additional information from the Deputy Director.

UNEMPLOYMENT COMPENSATION

PPB employees have the same unemployment insurance protection as covered workers in private industry. To collect unemployment benefits, an individual must meet certain eligibility requirements. Further information is available at any of the Oklahoma Employment Security Commission local offices and website.

RETIREMENT

All permanent employees working at least half-time who are not currently covered by any other state funded retirement program are required to participate in the Oklahoma Public Employees Retirement Program.

Although the state has assumed the major responsibility for funding the retirement system, a portion of an employee's pay will be deducted as his/her contribution to the program.

The Deputy Director can advise employees of the current contribution rates. Employees who terminate employment with the PPB before reaching minimum retirement age may withdraw any past contributed funds, or after eight (8) years of service, may elect to vest their benefits in accordance with the plan.

Employees who have questions about the retirement plan should direct them to the Deputy Director.

DEFERRED COMPENSATION PLAN

The Deferred Compensation Plan is available to qualifying employees. Under the provisions of this voluntary supplemental plan, employees may defer payment of a portion of their income to a later date. The taxes normally due now on the money are deferred until retirement when most participants would be in a lower bracket. Employees may elect to invest the deferred income into a savings account, guaranteed interest, or various mutual funds which are invested into stocks, bonds, foreign investments, money markets, or contracts. The minimum monthly employee contribution is \$25. The State of Oklahoma will contribute \$25 monthly, along with each active participant's monthly contribution. Employees may contact the Deputy Director for further information and/or an enrollment application.

CREDIT UNION MEMBERSHIP

The PPB employees and their immediate family members are eligible to join the Oklahoma Employees Credit Union (OECU). As a member of the OECU, employees may take advantage of the products and services offered. These services range from basic savings accounts, checking accounts, an array of loan products (auto, recreational vehicles, mortgage, etc.) and credit cards. The OECU also offers direct deposit, payroll deduction and free home banking. Further information can be obtained from the OECU.

FLEXIBLE BENEFITS

Employees can save tax dollars on health and dependent care expenses, as well as, insurance premiums by selecting the “premium conversion” option during the benefit enrollment period. By choosing this option, employees can have their medical, dental, and life insurance premiums deducted before taxes are withheld. This lowers taxable income and employee taxes. It does not affect retirement benefits. The Benefits Division of the Office of Management and Enterprise Services provides additional tax savings through both the Health Savings Account and Dependent Care Spending Accounts. Employees may contact the Deputy Director for additional information.

TERMINATION OF EMPLOYMENT

RESIGNATION

To resign in good standing, an employee must give the Executive Director at least fourteen (14) calendar days written notice of termination. In certain circumstances, the Executive Director may approve a shorter period of notice to remain in good standing with a written justification.

RETIREMENT

All eligible employees are required to participate in the Oklahoma Public Employees Retirement System (OPERS). Employees are requested to give the immediate supervisor and the Executive Director sixty (60) days notice prior to retirement.