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Joe M. Allbaugh, Director Oklahoma Department of Corrections	Signature on File

Hiring and Promotional Procedures

Classified positions may be filled through the promotion, demotion, or lateral transfer of agency employees, transfer of classified employees from other state agencies, reinstatement of former classified employees, direct hire authority or from certified lists maintained by the Office of Human Capital Management (HCM), in accordance with applicable Merit Rules, laws and these procedures. (2-CO-1C-01, 4-4048, 4-4058, 4-ACRS-7E-07, 4-APPFS-3E-02, 4-APPFS-3E-08, 4-APPFS-3E-09)

Appointments to the unclassified service will be in accordance with these procedures.

Except when otherwise noted, the appointments of temporary employees are not subject to these procedures.

No person in the selection process will be favored or discriminated against because of political or religious opinions or affiliations, race, creed, gender, color, age or national origin or by reason of any physical handicap so long as the physical handicap does not render the employee unable to do the work for which employed [74 O.S. § 840-2.9.A. & 954, Merit Rule 260:25-3-2(a)]. (2-CO-1C-09, 4-ACRS-7E-05, 4-APPFS-3E-03)

I. Announcements

A. Requests to Fill Positions

A facility/district/unit may announce a position to be filled if the position has been assigned to the agency's FTE matrix for that facility/district/unit, is vacant or the facility/district/unit has reason to anticipate such vacancy, and the position has been allocated and assigned to a job family and level in accordance with [OP-110260](#) entitled "Job Classification Procedures."

In order to announce positions, facilities/districts/units will complete and submit the following through the designated Human Resources liaison to the central Human Resources Unit:

1. A completed "Personnel Transaction Freeze Exception Request" ([Attachment J](#), attached); and
2. A "Job Announcement Request" ([Attachment B](#), attached).

B. Posting Notices

Job announcements will be developed and distributed by the central Human Resources Unit. All vacancies for classified positions for entry level into a job family at any level will be announced (Merit Rule 260:25-11-51(a) and 74 O.S. § 840-4.15 A). A copy of the job family descriptor for each announced classified position will be available for review at the facility/district/unit and central Human Resources Unit. (2-CO-1C-07, 2-CO-1C-08, 4-ACRS-7E-08)

At any location where job announcements are posted, "Applicant Information" ([Attachment A](#), attached) will also be posted notifying applicants of additional rights or requirements pertaining to the application process (e.g., reasonable accommodation, drug testing, and background investigation). (4-4054, 4-ACRS-7E-03, 4-APPFS-3E-04)

1. Content [74 O.S. § 840-4.15A and Merit Rule 260:25-11-51(b)]

A job announcement will include the following:

- a. The job family level of the vacancy or vacancies;
- b. The pay band and salary range; the salary range will start with the hiring rate for the job and end with the maximum of the pay band;
- c. The anticipated number of vacancies;
- d. The specific work location for the vacancy or vacancies;
- e. The closing date; all applications must be received no later than 5:00 p.m. on the date of closing;
- f. Instructions for filing an application to include: the hiring unit, the person designated to receive applications, and any required documents; and
- g. Any additional factors to be considered in filling the vacancy such as:
 - (1) Consideration may be limited to internal applicants;
 - (2) Special working conditions that an applicant must be willing to accept (e.g., frequent travel);
 - (3) Selective qualifications for education or experience that have been approved by the Office of Human Capital Management in conjunction with a request for a certified list [Merit Rule 260:25-9-74];

- (4) Requirements for the specific position (e.g., commercial driver's license);
 - (5) Preferred qualifications for the job which exceed the minimum or are in a specialized area (e.g., college degree for correctional case managers or unit managers); or
 - (6) Demonstration of specific skills (e.g., submission of a writing sample).
2. Posting Requirements [74 O.S. § 840-4.15.A. and Merit Rule 260:25-11-51(a)]
 - a. Job announcements must be posted on personnel bulletin boards that have secured, transparent enclosures and are located in areas readily accessible to employees throughout the agency.
 - b. Bulletin boards containing job announcements will be located at the agency administration building and each division office, facility, community corrections center and probation and parole district office. Additional administrative offices may request routine distribution of job announcements if a secured, transparent enclosure is available at that location.
 - c. Announcements must be posted at least five working days prior to the closing date for receipt of applications.
 - d. Job announcements will additionally be posted on the agency's web site at <http://www.ok.gov/doc/>.
3. Exceptions to Posting Requirements
 - a. Promotions which constitute career progressions or are as a result of the reallocation of occupied positions [Merit Rule 260:25-11-51(a)];
 - b. Transfer of a permanent, classified agency employee to a job family level at the same (lateral transfer) or lower (voluntary or involuntary demotion) pay band as the position from which the employee is transferring or reinstatement of a current agency unclassified employee to the classified service;
 - c. Positions filled by temporary or other limited term employees;
 - d. Appointing authorities may elect to post vacancies in the unclassified service;
 - e. Execution of an order for personnel action from the Merit

Protection Commission or other body of competent jurisdiction;

- f. A position may be filled with an applicant originally recommended by an interview committee and without additional announcement when:
 - (1) The additional position is in the same job family level and work location; and
 - (2) The additional position becomes vacant or is approved to fill after interviews are held; or
 - (3) The original position for which interviews were held remains vacant due to the non-availability of the selected applicant.

This appointment must be made within 60 calendar days following the initial posting for that job family level; and

- g. The positions for licensed practical nurse I and II, registered nurse I, II, III, patient care assistant I and II, correctional security officer I, II, and III and food service specialist II, III, and IV will be continuously announced. All applications received for these positions will be kept on file at the affected facility/district/unit for six months following receipt and will be reviewed for a hiring decision each time a vacant position is filled during the six-month period. A record will be kept of each review and resulting decision for a period of two years; however, the application will be removed from the file after expiration of the six-month period [Merit Rule 260:25-11-53].

4. Cancellations/Corrections/Re-Announcements

- a. A job announcement may be canceled or corrected at any time by posting a notice of the cancellation or correction.
- b. A position may be re-announced if the appointing authority does not make an appointment from a posted job announcement.

II. Applicant Preferences and Eligibility

A. Statutory Promotional Preferences

Preference will be given to:

- 1. Qualified permanent agency applicants when the merit, ability, and

capacity of employee applicants are relatively equal to that of outside applicants (74 O.S. § 840-4.16.1) (4-4057); and

2. Seniority as a factor, when merit, ability and capacity are relatively equal among agency applicants (74 O.S § 840-4.16.2).

B. First Preference (2-CO-1C-09-1, 4-4054, 4-ACRS-7E-03, 4-APPFS-3E-04)

Any qualified employee who has filed a workers' compensation claim and is eligible for first preference in accordance with 74 O.S § 840-2.21.F will be placed in any appropriate position in accordance with [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."

C. Hiring/Promotion Preference

Preference will be given to applicants with college degrees for the following positions:

1. Correctional case manager; and
2. Unit manager.

D. Certification of Qualifications for Classified Positions (2-CO-1C-08, 4-4057, 4-ACRS-7B-04)

1. Prior to promotion, demotion, lateral transfer, or reinstatement to any job family level in the classified service, the Office of Human Capital Management must certify that the employee/former employee meets the minimum qualifications for the position [(Merit Rule 260:25-9-10(a) and 74 O.S. § 4.12 (E)] except when:
 - a. An employee is demoting to a job within the same job family, to a job in which permanent status was previously held, or a job in the same family as and below one in which permanent status was previously held [Merit Rule 260:25-9-10(b)]; or
 - b. The promotion represents career progression as defined in these procedures where all experience required for the higher level job has been obtained in the lower level job [Merit Rule 260:25-9-10(c)].
2. Applicants not meeting the minimum qualifications as of the closing date of the job announcement will be screened from the selection process by the facility/district/unit Human Resources Management Specialist (HRMS).

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3. The HRMS will ensure that prior to the appointment of any applicant, a "Personnel Data Summary Sheet" (HCM-4B) and "Request to Evaluate Qualifications" (HCM-9) has been submitted to HCM, through the central Human Resources Unit and the returned HCM-9 certifies that the applicant meets minimum requirements.
4. Minimum qualifications for career progression as defined in Section II. D. item 1. b. of this procedure will be submitted for certification to the central Human Resources Unit using the "Application for Career Progression Promotion" ([Attachment C](#), attached).

E. Hiring of Ex-Offenders

Ex-offender status will not prevent employment unless prohibited by law; however, the director's written approval is required prior to the appointment of any ex-offender. (2-CO-1C-10, 4-4055, 4-ACRS-7E-06, 4-APPFS-3E-07)

F. Changing From the Classified to Unclassified Service

1. No employee in the classified service may be appointed to the unclassified service unless an acceptance of the unclassified position is made by the employee in writing [Merit Rule 260:25-11-134(a)].
2. Classified employees accepting regular positions in the unclassified service will be considered resigned from their classified positions effective on the date of the unclassified appointment [Merit Rule 260:25-11-134(b)].
3. If the appointment to the unclassified position is temporary or in an acting capacity, the employee may choose leave without pay status in lieu of resignation from the classified position while assigned to the unclassified position [Merit Rule 260:25-11-134(b)].

G. Additional Eligibility Requirements

Following a conditional offer of employment and prior to entering on duty, applicants will meet the following requirements:

1. Pre-Employment Drug Testing

Applicants, including temporary employees, will meet any drug testing requirements in accordance with [OP-110603](#) entitled "Pre-Employment Drug Testing Program."

2. Background Investigations

Applicants, including temporary employees, are subject to a

background investigation in accordance with [OP-110210](#) entitled “Employee Background Investigations and Post Conditional Offer of Employment Testing.” (2-CO-1C-18, 4-ACRS-7B-05, 4-APPFS-3A-02)

The division head may give approval, in writing, for an applicant to enter on duty prior to the completion of a background investigation when exigent circumstances exist such as preventing the loss of the applicant for a critical position due to competing job offers. The employee will be provided notice that he/she will be terminated if an unacceptable background investigation is returned.

3. Psychological Evaluation

Applicants for positions requiring peace officer certification by the Council on Law Enforcement Education and Training (CLEET) must undergo psychological evaluation using the MMPI, CPI, or other psychological instrument approved by CLEET and deemed “suitable” for such employment by a psychologist licensed by the State of Oklahoma (70 O.S. § 3311.E.2.).

- a. All psychological evaluation of applicants for new hire will be conducted in accordance with the agency’s contract for such testing and by the vendor with whom the agency contracts.
- b. The re-evaluation of any applicant found not to be suitable is prohibited for at least one year (70 O.S. § 3311E.2.a).

4. Physical Exams

Affected applicants must meet requirements for physical exams in accordance with [OP-140116](#) entitled “Employee Physical Examinations and Medical Screenings.” (2-CO-1C-19, 4-4062, 4-APPFS-3A-03)

H. Recall from Reduction in Force [74 O.S. § 840-2.27C]

Consistent with any displacement limits described in the agency’s Reduction in Force Plan, permanent classified employees and employees in probationary status after reinstatement from permanent classified status without a break in service, who are removed from a job family level as a result of a reduction-in-force, will be eligible for recall to the job family level from which removed for 18 months after the effective date of separation or demotion [Merit Rule 260:25-13-50].

1. If there are persons eligible for recall to a job family level, an appointing authority may not appoint or reclassify persons to the job family level from the employment register, by internal action such as

promotion or reinstatement, or from a priority reemployment consideration roster. However, an appointing authority may reclassify an employee by involuntary demotion for cause to a job family level for which there is a recall list.

2. The salary of a recalled employee will be fixed at the rate of pay received immediately before the reduction in force, and will be adjusted according to any across-the-board increases for agency employees in that job family level made in the interim. [Merit Rule 260:25-7-8]
3. Affected employees who are reemployed by the agency as a result of a reduction-in-force less than one year after receiving severance benefits are required to repay such benefits [74 O.S. § 840-2.27E]. Employees who accept voluntary out benefits in accordance with 74 O.S. § 840-2.28 will not be eligible for recall.
4. Individuals who are eligible for recall will be ranked in order of their retention points at the time the reduction-in-force implementation plan is posted, from high to low.
 - a. Retention points are calculated as one point for each full month of full-time service which is creditable for the longevity pay program. [Merit Rule 260:25-13-33]
 - b. Offers of recall as described in Merit Rule 260:25-13-50 for classified positions will be made first to the eligible individual having the highest retention points, regardless of whether the individual was separated or was removed from the job family level by voluntary demotion or lateral transfer to another job family level. [Merit Rule 260:25-13-51]
5. Recall rights pertain only to the job family level from which an employee is removed in the agency that conducted the reduction-in-force. An individual has no right to be recalled to a specific position or to be recalled by any other agency.
6. The right of an individual to be recalled is forfeited if the person:
 - a. Submits a written notice to the agency that waives the right to be recalled;
 - b. Declines an offer of recall;
 - c. Fails to respond to a written inquiry from the appointing authority relative to an offer of recall within seven calendar days after the date of its mailing or four calendar days after the

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date of its delivery by personal service. The inquiry must include the date and time by which the person must contact the appointing authority;

- d. Fails to report for duty within the time specified by the appointing authority; provided the person is given at least 14 calendar days; or
 - e. Accepts an offer of recall.
7. The right of an individual to be recalled expires if the agency:
- a. Makes no appointments within the displacement area to the job family level within the 18 months after the effective date of the removal of the person from the job family level; or
 - b. In making offers of recall to a job family level, does not reach the name of the individual on the recall list within 18 months after the effective date of the removal of the person from the job family level.
8. If the agency conducts a reduction-in-force which requires the removal of permanent employees from a job family level for which there is already an unexpired recall list from a previous reduction-in-force, the names of the persons removed from the job family level will be merged with names already on the list based on retention points.

I. Priority Consideration for Reemployment [74 O.S. § 840-2.27C]

Permanent classified employees who have been separated as a result of an officially conducted reduction-in-force, are eligible for priority reemployment consideration for jobs in the classified service.

To be placed on the priority reemployment consideration roster for a job family level, a person will apply to the Office of Human Capital Management and meet all requirements for the job. The job family level need not be announced for recruitment.

Employees who accepted severance benefits are eligible for priority reemployment consideration. Employees who are reemployed less than one year after receiving severance benefits by the agency from which they separated are required to repay such benefits [74 O.S. § 840-2.27E]. Employees who accept voluntary buy-out benefits will not be eligible for priority reemployment consideration.

1. Priority Reemployment Consideration Requirements

- a. Upon requesting a certificate of eligibles from the Office of Human Capital Management, the appointing authority will also be provided a list of any persons appearing on the priority reemployment consideration roster for the appropriate job family level. The appointing authority will give such persons priority consideration for reemployment and may appoint any person whose name appears on such list.
 - b. An appointing authority may make an initial appointment from a certificate of eligibles as provided in Merit 260:25-9-92, only after certifying in writing to the Office of Human Capital Management that any and all persons whose names appear on the priority reemployment consideration roster for the job family level were first given priority consideration for reemployment. This requirement does not mandate the appointment of a person from a priority reemployment consideration roster and does not apply to internal appointments and actions, such as promotions and reinstatements.
2. Persons who are appointed from a priority reemployment consideration roster will be employed in accordance with Merit Rule 260:25-9-102, if they are eligible for reinstatement as provided in that Section. The entrance salary of such persons will be fixed in accordance with Merit Rule 260:25-7-4 and [OP-110340](#) entitled "Employee Compensation."
 3. The eligibility of an individual to remain on any priority reemployment consideration roster and to be given priority consideration for reemployment will expire 18 months after separation as a result of a reduction-in-force. A person's eligibility will also be forfeited upon:
 - a. Declination of an offer of reemployment to a job having the same or higher rate of pay than the job from which removed, that is located in a county in which the person has indicated a willingness to work;
 - b. Acceptance of an offer of reemployment to a job having the same or higher rate of pay than the job from which removed;
 - c. Failure to report for duty within the time specified by the appointing authority; provided the person is given at least 14 calendar days;
 - d. Recall to the job family level from which removed; or
 - e. Failure to meet any of the requirements for the job.

It is the responsibility of the person to maintain a current address with the Office of Human Capital Management.

III. Detail to Special Duty [Merit Rule 260:25-11-110]

When the services of a permanent classified employee are temporarily needed in a job family or level other than the employee's assigned classification, the employee may be detailed to special duty, at the discretion of the facility/district/unit head, to perform the duties of the job to which temporarily assigned.

An employee may not be placed on detail to special duty more than 12 months in any 36-month period.

A. Detail to Special Duty Not Required

Detail to special duty is not required when:

1. An employee is temporarily assigned duties of another job for a period of less than 60 days in any 12-month period; or
2. An employee is temporarily performing such duties as part of a return to work program as a result of a work-related illness or injury, regardless of whether that period exceeds 60 days in any 12-month period. Such temporary placement will not exceed six months and will not count toward the 12 month limit.

IV. Interview Process

Positions in the classified service will be filled using the interview process outlined in this procedure. Appointing authorities may elect to use the interview process to fill positions in the unclassified service.

A. Responsibilities

1. Employees/Applicants

In order to be considered for a posted position, an applicant must:

- a. Ensure delivery of a resume and "Personal Data Summary Sheet" ([Attachment K](#), attached), to the hiring unit and person specified on the job announcement by the end of the business day on the closing date indicated on the announcement;
- b. Provide all required documentation to demonstrate possession of the minimum qualifications for the position;

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- c. Provide a copy of the latest completed performance evaluation; and
- d. Be available for interview at the scheduled date and time.

Per Title 21 O.S. Section 358: It is unlawful for any person applying for employment with the State of Oklahoma to make a materially false, fictitious or fraudulent statement or representation on an employment application, knowing such statement or representation to be materially false, fictitious or fraudulent. Any person found guilty of violating this title will be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment.

No resume/HCM-4B submitted before the date of any internal posting is required to be considered.

2. Human Resources Management Specialist (HRMS)

The HRMS is responsible for the following:

- a. Recording the date received on all application materials;
- b. Ensuring that the applicant provides all supplemental documentation pertinent to the job qualifications or other posted criteria; and
- c. Screening out, from the interviewing process, applicants who:
 - (1) Did not meet the application deadline;
 - (2) Are not eligible for consideration. Probationary employees may not be interviewed unless they are agency employees who have completed a minimum of six months of the probationary period (as of the closing date of the job announcement) and are eligible to have the probationary period waived;
 - (3) Do not meet the minimum qualifications or other posted criteria for the position as of the closing date of the job announcement;
 - (4) Are current state employees with an overall performance rating of less than "meets standards" within 12 months of the job announcement;

- (5) Are former employees requesting reinstatement with an overall performance rating of less than “meets standards” (or comparable rating) on the last evaluation completed or has a notation from the facility/district/unit where last employed indicating “do not rehire”; or
- (6) Are not from the intended applicant pool as indicated on the job announcement; and
- d. Scheduling all qualified, eligible, and available applicants for interview and providing notification to those applicants who were screened from interview;
- e. If applicable, requesting certified lists and ensuring that:
 - (1) Letters are sent to any veteran within the hiring rule; and
 - (2) Such certified lists are properly considered and recommended applicants can be appointed within the hiring rule;
- f. Completing the race, gender and DOB section of the applicant tracking form after the interview committee makes a selection; and
- g. Maintaining interview files with all required documentation in accordance with these procedures.

3. Appointing Authority or Designee

The appointing authority or designee will make the final selections for appointment and will ensure that:

- a. A committee and chairperson, who have completed agency training in the interview and selection process, are selected in accordance with this procedure;
- b. The interview questions and rating scales are developed in accordance with these procedures;
- c. The number of applicants to be selected for second interviews is determined prior to interviews or left to the discretion of the interview committee. The appointing authority may request additional finalists if a previously recommended applicant withdraws from second interviews;
- d. A record of the final interview and selection process is made in accordance with these procedures;

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- e. Final interviews of, and appointments made, are limited to the recommended applicants; and
- f. Final applicants are notified of the result of the selection process.

4. Committee Chairperson

The chairperson will ensure that:

- a. Resumes/HCM-4Bs, supporting documents, and performance evaluations are reviewed by the committee;
- b. Applicants are interviewed and rated, and a record of the interview and selection process is made in accordance with these procedures; and
- c. Applicants are notified of the results of the selection process.

5. Supervisors

Supervisors will ensure that employees seeking jobs with the agency or another state agency have performance evaluations on file with end dates within 12 months of any selection process.

B. Interview Committee(s)

Committee composition will normally meet the following guidelines:

- 1. Three to five members;
- 2. Each member must have completed agency training in the interview and selection process;
- 3. Each member must occupy a position assigned to a pay band or range equal to or higher than the position being hired;
- 4. The chairperson may not be the appointing authority unless the final hiring decision will be made by that committee; and
- 5. No member may be a relative of, residing in the same household as, or in a domestic relationship with any applicant.

C. Conducting Interviews and Establishing Ratings

- 1. Developing Interview Questions and Rating Scales

Prior to conducting interviews, the questions and rating scales will be developed.

- a. Interview questions will be job related and designed to elicit behavioral examples of an applicant's knowledge, skills, and abilities (KSA) pertinent to the position being hired.
- b. Applicants will not be asked if they own or possess a firearm (21 O.S. § 1289.27)].
- c. The ratings scale will determine the interviewer's expectation for low, medium, and high rated responses.

2. Conducting Interviews

- a. The same questions will be asked of all applicants.
- b. No additional criteria for selection will be imposed during the interview unless its applicability can be established by an examination of the posting. Any required exercise, such as a writing sample, must be rated as though it were a response to an interview question. A writing sample and ratings scale created by the central Human Resources Unit will be used for correctional security officer I (cadet) interviews.
- c. Committee members will make a written record of the applicants' responses to the interview questions.

3. Rating Applicants

- a. Each committee member will rate each response to an interview question zero through five when compared to the pre-established rating scale of: low (0-1), medium (2-3), and high (4-5) responses.
- b. Performance evaluations will be rated by the committee as a whole, and one score (0-2) will be determined for each applicant.
 - (1) Applicants for whom performance evaluations are not available (non-state employees, state employees from other state agencies for whom no evaluations were provided, or former state employees where records could not be located) will receive a score of zero.
 - (2) Applicants with a rating of "meets" or "exceeds" standards will receive one point.

- c. Any applicant who possesses a preferred qualification, which was posted on the job announcement, will receive two points.
- d. The scores for each applicant will be totaled and listed on the "Applicant Tracking Worksheet" ([Attachment D](#), attached).
- e. Any applicants with tie scores will be ranked in the order of their seniority with the agency.
- f. Any agency employee whose score was tied with an applicant from outside of the agency will be ranked above the outside applicant.

4. Second Interviews

The appointing authority or designee will conduct interviews of the recommended applicants.

- a. Interview questions and rating scales will be developed.
- b. A written record of responses will be made.
- c. Responses will be scored zero through five and totaled.
- d. Seniority will be a factor in the event of a tie score among agency applicants and current agency employment will be a factor in the event of a tie score with an outside applicant.
- e. The appointing authority may review the applicants' personnel file and seek reference and verification information from previous employers or supervisors.
- f. The appointing authority will consider any incidents of sexual harassment in determining whether to hire or promote any applicant/employee. [P.R.E.A. §115.17(b)]
- g. The appointing authority may make an appointment based on any relevant factors as listed above.
- h. The appointing authority is not required to make any appointment, and may elect to keep a position vacant, re-announce the position, or fill the position through an alternative means such as the lateral transfer or demotion of a permanent employee.
- i. The appointing authority may request any other trained employees to assist in the conduct of final interviews.

5. Confirmation Interviews

A confirmation interview is a discretionary interview of an applicant for a classified position after he or she has been selected by the position's appointing authority. The confirmation interview may be conducted by the director, any member of the director's executive staff, or a division manager for determining whether the finalist is suitable for the position selected by the appointing authority and has the requisite skills to meet organizational objectives. The utilization of this process will be determined prior to the initial interview process of the position and will be publicly notated on the job announcement.

Such interviews will adhere to the following requirements/guidelines:

- a. The interviewer will establish KSAs, questions and a Behaviorally Anchored Rating Scale (BARS) for the interview process and record the applicant's/finalist's responses;
- b. The record of the KSAs, questions, BARS, responses and interviewer's decision will be signed, dated, and placed in the interview file;
- c. The BARS will use a pass/fail rating scale rather than the 0-5 numerical rating scale; and
- d. Applicants may be denied appointment to the position when;
 - (1) Failing to receive a passing rating on any interview question(s); and/or
 - (2) The interviewer can articulate in writing a business related, non-discriminatory reason, such as information from past supervisors or references that supports the conclusion that the applicant is not suitable for the position or does not have the requisite skills to meet organizational objectives.

In the event the applicant is not confirmed, the position will be re-announced in accordance with this procedure. Applicants who made timely application to the original announcement and who remain eligible for the posted position will not be required to submit additional applications in response to the new job announcement.

V. Exceptions to the Interviewing Process

A. Unclassified Appointments

Appointing authorities may elect to post vacancies in the unclassified service

and conduct interviews in accordance with this procedure or elect one of the following:

1. Post an announcement indicating that selections will be made without the use of an interview committee; or
2. Make a direct appointment, with the approval of the director.

B. Transfers/Demotions/Reinstatement to Classified Service

A vacant position may be filled with or without announcement, and with or without interviews, through the transfer or demotion of a qualified permanent, classified agency employee, or the reinstatement to the classified service of a current agency unclassified employee.

C. Career Progression

Positions that are designated by this procedure as career progression will not be subject to the requirements for announcement and interview.

D. Limited Applicants

1. The appointing authority may appoint an applicant without an interview when:
 - a. The number of applicants is equal to or less than the number of vacancies;
 - b. The applicant has been certified by HCM as meeting the minimum requirements for the position; and
 - c. The applicant does not have an overall rating less than “meets standards” on a performance evaluation within the last 12 months.
2. When the total number of applicants for any vacant position is five or less, the appointing authority may proceed directly to final interviews providing the interviews are conducted in accordance with Section IV. of this procedure.
3. The appointing authority may proceed with appointment without further interviewing if there is only one finalist for each vacant position recommended by the interview committee.

E. Hires from Certified Lists

For all positions other than those listed in Section V. item F. of this procedure, the interview process may be waived if the highest ranked applicant that can be coded “C” on a certificate is appointed and if there are

no veterans within the hiring rule.

F. Direct Hire Authority

Positions filled in accordance with a properly executed contract for direct hire authority with HCM will utilize the processes outlined below.

1. Correctional Security Officer I
 - a. Applicants will complete an online application and Willingness Evaluation. Formal interviews are not required; however, facilities may designate staff to meet with interested applicants.
 - b. Following satisfactory completion of a writing sample provided by the central Human Resources unit, selected applicants may be given a conditional offer of employment.
 - c. Applicants will be referred for a pre-employment physical exam and drug test, in accordance with [OP-140116](#) entitled "Employee Physical Examinations and Medical Screenings" and [OP-110603](#) entitled "Pre-Employment Drug Testing Program." An NCIC records check will be completed by the hiring facility.
 - d. Applicants who pass the physical exam, drug test and NCIC check may be hired by the facility. A full background investigation will be completed in accordance with [OP-110210](#) entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing." Any employee who does not pass the background investigation will be immediately discharged.
2. Licensed Practical Nurse I/II, Registered Nurse I/II/III, Patient Care Assistant II (Certified Medication Aide)
 - a. If there is more than one ODOC employee/applicant for an approved position, the interview process must be followed. Otherwise, applicants will complete a "State of Oklahoma Employee Application" form ([Attachment L](#), attached) and provide a photocopy of appropriate licensure. The Correctional Health Services Administrator (CHSA) will review the application to determine the level for which the employee will qualify.
 - b. Applicants will be referred for a pre-employment physical exam and drug test, in accordance with [OP-140116](#) entitled "Employee Physical Examinations and Medical Screenings" and [OP-110603](#) entitled "Pre-Employment Drug Testing Program." A background investigation will be completed in

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accordance with [OP-110210](#) entitled “Employee Background Investigations and Post Conditional Offer of Employment Testing.”

- c. Applicants who pass the physical exam, drug test, and background investigation will be hired by the facility/unit.

3. Food Service Specialist II/III/IV

- a. If there is more than one ODOC employee/applicant for an approved position, the interview process must be followed. Otherwise, applicants will complete a “State of Oklahoma Employee Application” form ([Attachment L](#)). The application will be forwarded to the central Human Resources unit for qualifications review.

- b. Applicants will be referred for a pre-employment physical exam and drug test, in accordance with [OP-140116](#) entitled “Employee Physical Examinations and Medical Screenings” and [OP-110603](#) entitled “Pre-Employment Drug Testing Program.” A background investigation will be completed in accordance with [OP-110210](#) entitled “Employee Background Investigations and Post Conditional Offer of Employment Testing.”

- c. Applicants who pass the physical exam, drug test, and background investigation will be hired by the facility/unit.

G. Recall from Reduction in Force

Positions filled in accordance with Section II. item I. of this procedure will not be subject to the requirements for announcement and interview.

VI. Retention of Records

A. Time Limits

Documentation for any hiring or promotional process will be retained in a confidential file by the facility/district/unit for two years following an appointment or the conclusion of any legal action concerning the appointment, then processed in accordance with [OP-020202](#) entitled “Management of Office Records.”

B. Required Documentation

The following documentation of the selection process will be retained:

- 1. A copy of the job announcement (if applicable);

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2. All HCM 4-B/resumes and any attachments;
3. All reviewed performance evaluations;
4. A list of all KSAs, interview questions, and ratings scales (BARS) used during first and final interviews;
5. All interviewers' records of the responses to interview questions made by applicants;
6. A completed "Applicant Tracking Worksheet" ([Attachment D](#)); and
7. A copy of the completed/coded HCM certificate (if applicable).

VII. Career Progression (2-CO-1C-14)

A. Affected Positions

The agency's career progressions include the following:

1. Accountant I to Accountant II;
2. Accountant II to Accountant III;
3. Accounting Technician I to Accounting Technician II;
4. Alcohol and Drug Counselor I to Alcohol and Drug Counselor II;
5. Contracting and Acquisitions Agent I to Contracting and Acquisitions Agent II;
6. Contracting and Acquisitions Agent II to Contracting and Acquisitions Agent III;
7. Correctional Case Manager I to Correctional Case Manager II;
8. Correctional Case Manager II to Correctional Case Manager III;
9. Correctional Security Officer I to Correctional Security Officer II;
10. Correctional Security Officer II to Correctional Security Officer III;
11. Correctional Training Officer I to Correctional Training Officer II;
12. Dental Care Assistant I to Dental Care Assistant II;
13. Food Service Specialist II to III;
14. Food Service Specialist III to IV;

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15. Fugitive Apprehension Agent I to Fugitive Apprehension Agent II;
16. Fugitive Apprehension Agent II to Fugitive Apprehension Agent III;
17. Human Resources Management Specialist I to Human Resources Management Specialist II;
18. Human Resources Management Specialist II to Human Resources Management Specialist III (this career progression applies only to those positions within the agency's central Human Resources Unit or at facilities/districts/units with a single HRMS position);
19. Licensed Practical Nurse I to Licensed Practical Nurse II;
20. Patient Care Assistant I to Patient Care Assistant II;
21. Probation and Parole Officer I to Probation and Parole Officer II;
22. Probation and Parole Officer II to Probation and Parole Officer III;
23. Psychological Clinician I to Psychological Clinician II;
24. Recreation Therapist I to Recreation Therapist II;
25. Registered Nurse I to Registered Nurse II; and
26. Registered Nurse II to Registered Nurse III.

B. Qualifications

Applicants must meet all minimum requirements established for the level to which they are promoting.

The central Human Resources Unit will certify job qualifications utilizing the "Application for Career Progression Promotion Documentation of Minimum Requirements" form ([Attachment C](#)) unless the qualifying experience for the next level was obtained other than in a lower level in the same job family.

C. Probation/Training Requirements

Applicants must have successfully completed probation and any training requirements for the current job prior to promoting to the next level.

D. Performance Management Process (PMP)

Applicants for career progression must have demonstrated job proficiency in the current job as evidenced by an overall rating of "meets standards" or "exceeds standards" on a performance evaluation whose end date falls

within the 12 months preceding career progression to the next level.

E. Discipline

Career progression applicants must not have had any formal disciplinary action taken in the 12 months prior to approval of the career progression. This requirement may be waived at any time during the first 12 months of employment of a Correctional Security Officer I by completing the "Waiver of Probationary Period Checklist" ([Attachment E](#), attached) and ending the officer's probationary period.

F. Review of Qualifications and Requirements

Employees will be promoted at any time if all of the requirements listed above are met. In the event the rating on the PMP does not meet or exceed standards, the employee will be re-evaluated when there is a minimum of three months of performance, following the last end date, to evaluate.

VIII. Probationary and Trial Periods (2-CO-1C-15, 4-4059)

A. Probationary Period

1. All Initial Classified Appointments except Correctional Security Officer I

All original appointments to classified positions will be made for a probationary period of one year [Merit Rule 260:25-11-30(a) and 74 O.S. § 840-4.13.D]; however, following completion of the first six months, the remainder of the probationary period may be waived [Merit Rule 260:25-11-30(a)] by the facility/district/unit head provided:

- a. A completed performance evaluation has a rating of at least "meets standards"; and
- b. The waiver is for permitting an otherwise qualified employee to transfer, promote, or voluntarily demote.

The facility/district/unit must complete and submit the "Waiver of Probationary Period Checklist" ([Attachment E](#)) when effecting a transaction to waive the remainder of a probationary period.

2. All Appointments to Correctional Security Officer I

The remainder of the probationary period will be waived for Correctional Security Officer I and promotion to Correctional Security Officer II effective immediately upon satisfaction of the following requirements:

- a. Successful completion of the first six months;

- b. Completion of all training requirements; and
- c. Completion of a performance evaluation with a rating of at least “meets standards.”

The facility/district/unit must complete and submit “Waiver of Probationary Period Checklist” ([Attachment E](#)) when effecting a transaction to promote a correctional security officer I to a correctional security officer II.

3. Reinstatement to the Classified Service

The facility/district/unit head may require a reinstated employee to serve up to a one year non-extendable probationary period provided the employee is notified in writing of the required probationary period prior to entering on duty [Merit Rule 260:25-9-102].

The facility/district/unit must complete and submit the “Notice of Probationary Period Required for Reinstatement to the Classified Service” ([Attachment F](#), attached) when effecting a transaction to reinstate a former employee with a probationary period.

4. Adjustments to the Probationary Period

(Revision-01 08/25/2016) The probationary period may not be extended. [Merit Rule 260:25-11-30(a)]; However, if a probationary employee is absent from work in excess of 30 continuous calendar days, the probationary period shall be adjusted by the number of calendar days the probationary employee was absent. The employee shall be notified at the earliest date that the probationary period is to be adjusted. Upon the employee’s return to work, notification of such adjustment shall be provided to the employee and the Human Capital Management Division and shall include the adjusted date of the final working day of the probationary period [Merit Rule 260:25-11-36(b)].

5. Personnel Transactions (HCM-14)

An HCM-14 which indicates the final working day of the probationary period will be completed and submitted to the central Human Resources Unit [Merit Rule 260:25-11-30]:

- a. When the employee enters on duty (“Notice of Probationary Period Required for Reinstatement to the Classified Service,” [Attachment F](#), required for reinstatements);
- b. At any time the probationary period is adjusted; and
- c. At any time the remainder of the probationary period is waived

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("Waiver of Probationary Period Checklist," [Attachment E](#), required)

6. Permanent Status in the Classified Service

At the end of the probationary period, an employee will automatically become permanent [Merit Rule 260:25-11-30(a) and 74 O.S. §840-4.13.D].

7. Performance Management Process

Each employee will be rated at least 30 days prior to the end of the probationary period [Merit Rule 260:25-17-31(c) and 74 O.S. §840-4.17].

8. Termination of Probationary Appointment

Any employee may be terminated from employment, during the probationary period or an adjustment of the probationary period, without the right of appeal [Merit Rule 260:25-11-30(c) and 32; 74 O.S. §840-4.13(D)].

9. Prohibited Personnel Transactions During the Probationary Period

A probationary employee may not be:

- a. Changed from part-time to full-time status [Merit Rule 260:25-11-33];
- b. Promoted or demoted [Merit Rule 260:25-11-38]; or
- c. Transferred to a position in another job family level or outside of the local certificate area, if hired from that certificate [Merit Rule 260:25-11-39].

B. Trial Period

1. Intra-Agency/Agency Promotions

- a. All promoted employees will be required to serve a six month trial period except for those promotions identified in these procedures as career progression or as a result of a reallocation [Merit Rule 260:25-11-55(a)(1)].
- b. If an employee does not prove to be satisfactory in the new job during the trial period, the employee will be reinstated to the former position or another in the same job family level [Merit Rule 260:25-11-55(a) (2)].

- (1) The employee must be provided written reasons for denying permanent status in the new job prior to the end of the trial period [Merit Rule 260:25-11-55(a) (2)].
 - (2) An employee may request reinstatement to his/her former position or another in the same job/ family level providing that a vacancy is available, which the facility/district/unit planned to fill. The written reason for denying permanent status in the new position will be “employee requested reinstatement.”
- c. The promotion will automatically become permanent at the end of the final working day of the trial period [Merit Rule 260:25-11-55(a) (3)].

2. Interagency Promotions

- a. The facility/district/unit head may require a six-month trial period for an employee who is promoted from another agency provided:
- (1) The facility/district/unit has the job family from which the employee promoted [Merit Rule 260:25-11-55(b)(1)]; and
 - (2) The employee is notified in writing of the requirement for a trial period using the “Notice of Six Month Trial Period Required For Inter-Agency Promotion” ([Attachment G](#), attached), prior to the effective date of the promotion [Merit Rule 260:25-11-55(b)(2)].
- b. If an employee does not prove to be satisfactory in the new job during the trial period, the employee will be reinstated to a position in the former job family in the same pay band for which the employee is qualified [Merit Rule 260:25-11-55(b)(2)].

The employee must be advised, in writing, of the reasons for the reinstatement, prior to the end of the trial period [Merit Rule 260:25-11-55(b)(2)].

- c. The trial period may be canceled at any time [Merit Rule 260:25-11-55(b)(2)].
- d. The employee will be permanent in the promoted position on the effective date of the promotion if the employee was not previously notified of the required trial period or at the end of the final working day of the trial period [Merit Rule 260:25-11-55(b)(2)].

- e. (Revision-01 08/25/2016) If an employee on a trial period is absent from work in excess of 30 continuous calendar days, the trial period shall be adjusted by the number of calendar days the employee was absent. The employee shall be notified at the earliest date that the trial period is to be extended. Upon the employee's return to work notification of such adjustment shall be provided to the employee and the Human Capital Management Division and shall include the adjusted date of the final working day of the trial period [Merit Rule 260:25-11-55(c)].

3. Voluntary Demotion (4-ACRS-7E-10)

- a. If an employee is demoted in response to the employee's written request for demotion, the facility/district/unit head may require a trial period not to exceed six months in the demoted position. The employee must be notified, before the effective date of the demotion [Merit Rule 260:25-11-76(b)], requirement, in writing using [Attachment H](#) entitled "Notice of Trial Period Required For Voluntary Demotion" (attached) and the employing facility has a vacant position in the job family level from which the employee demoted which will remain vacant during the trial period.
- b. The trial period may be canceled at any time [Merit Rule 260:25-11-76(b)].
- c. If the employee does not prove to be satisfactory in the new job during the trial period, the employee will be reinstated to the former position or another in the same job family level. The employee will be provided written notice of the reasons for the reinstatement [Merit Rule 260:25-11-76(b)].

4. Intra-Agency Lateral Transfer

All laterally transferred employees will serve a six month trial period unless the trial period is waived in writing by the appointing authority [Merit Rule 260:25-11-71 (b) and 74 O.S. § 840-4.12]. The trial period will be waived when:

- a. The agency requires the employee to transfer; or
- b. The transfer is to a position in the same job family level and assigned similar job duties and responsibilities as the position from which transferring.

If an employee does not prove to be satisfactory in the new job during the trial period, the employee may be reinstated to the former position or another in the same job family level [Merit Rule 260:25-11-71(b)].

C. Personnel Transactions (HCM-14)

An HCM-14 will be completed and submitted through the central Human Resources Unit when:

1. An employee is promoted, transferred, or demotes voluntarily.
 - a. Transactions for career progression promotions, promotions due to the reallocation of a position, and transfers meeting the requirements of Section VIII.B.4. item a. or b. of this procedure will indicate trial period waived in accordance with this procedure [74 O.S. § 840-4.12(C) and Merit Rules 260:25-11-55(a)(4) and 260:25-11-71(b)].
 - b. Transactions for interagency promotions or voluntary demotions will indicate any trial period required [Merit Rule 260:25-11-55(b)(2) and 260:25-11-76(b)]. If a trial period is required, [Attachment G](#) or [H](#) must be submitted with the transaction.
2. An employee is reinstated due to failure to become permanent in the new position. A copy of the written reasons provided to the employee will be attached to the transaction unless the reinstatement occurred during a trial period in a position to which the employee was laterally transferred [Merit Rule 260:25-11-55(a)(2), 260:25-11-55(b)(2), 260:25-11-76(b) and 260:25-11-71(b)].

IX. Part Time Regular Employment

A. Part Time Regular Employee

Part time regular employment must be, at a minimum, 1000 hours per year or 50% of a full time work schedule. The OPM-14 for part time employment must state both the percentage of time to be worked and the number of hours that that represents in the normal work period.

B. Temporary/Contract Employee

Any employee or applicant hired to work less than 1000 hours per year or less than 50% of each work period may not be a regular employee but may be hired as either a 999 temporary employee or a contract employee.

Due to overtime requirements, employees who work full time for another state agency cannot be employed by ODOC as a temporary or part time employee in a non-exempt position (refer to [OP-110305](#), [Attachment A](#), for a complete listing of non-exempt job titles).

X. Employee Travel and Leave

A. Travel

Employees who seek promotional opportunities are not eligible for travel reimbursement; however, the facility/district/unit may permit an employee the use of a state vehicle for the purpose of interviewing for agency positions.

B. Work Time

Employees may interview on work time for agency positions during regularly scheduled work hours. Employees must provide sufficient advance notice to their supervisors so that any absence will not be disruptive to the continuance of work.

Any employee interview time which occurs outside assigned working hours, on a regularly scheduled day off, while on previously scheduled leave, or for any position outside of the agency, will not be considered work time.

XI. Prohibited Employment

A. Supervisory Restriction

Employment of any person in a position which results in the immediate supervision by a relative, or permanent placement in a position resulting in relatives occupying positions within a division, facility, district, unit, or office where one relative occupies a supervisory position in the "chain of command" regarding another relative is prohibited.

B. Definition

The term "relative" is defined as spouse, child, parent, sibling, aunt, uncle, niece, nephew, or first cousin to include any in-law, foster, step, half, and grand relationships; any relative residing in the same household; or any person with whom the employee has a domestic relationship.

C. PREA

The Prison Rape Elimination Act (§115.17) prohibits the agency from hiring, promoting, or contracting with anyone who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

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3. Has been civilly or administratively adjudicated to have engaged in the activity described above.

XII. Distribution

A copy of this procedure will be filed with HCM and available through the facility/district/unit and central human resources offices for review by employees [Merit Rule 260:25-11-51(a) and 74 O.S. § 840-4.15].

XIII. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

OP-020202 entitled "Management of Office Records"

OP-110210 entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing"

OP-110260 entitled "Job Classification Procedures"

OP-110305 entitled "Overtime Pay and Compensatory Time"

OP-110340 entitled "Employee Compensation"

OP-110345 entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees"

OP-110603 entitled "Pre-Employment Drug Testing Program"

OP-140116 entitled "Employee Physical Examinations and Medical Screenings"

21 O.S. § 1289.87

70 O.S. §331174 O.S. §840-2.9.A, 2.21.F, 2.27C, 2.27E, 2.28, 4.12(C) and (E), 4.12 (H), 4.13D, 4.15A, 4.16.1 and 2, 4.17 and 954

Section 840 2.1 of the Oklahoma Personnel Act

Merit Rules 260:25-1-2, 10-3-2(a), 10-3-31, 10-7-4, 10-7-8, 10-9-10, 10-9-74, 10-9-92, 10-9-102, , 10-11-30, 10-11-32, 10-11-33, 10-11-34(b), 10-11-36(b), 10-11-38, 10-11-39, 10-11-51, 10-11-53, 10-11-55, 10-11-71, 10-11-76, 10-11-110, 10-11-134, 10-13-33, 10-13-50, 10-17-31

XIV. Action

The division manager/division head is responsible for compliance with this procedure.

The chief administrator of Employee Services is responsible for the annual review and revisions.

Any exception to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110235 entitled "Hiring and Promotional Procedures" dated August 15, 2013

Deleted: OP-110235 Revision-01 dated October 15, 2014

OP-110235 Revision-02 dated December 22, 2014

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment B	"Application for Employment Cover Letter"	OP-110210
Attachment A	"Applicant Information"	Attached
Attachment B	"Job Announcement Request"	Attached
Attachment C	"Application for Career Progression Promotion Documentation of Minimum Requirements"	Attached
Attachment D	"Applicant Tracking Worksheet"	Attached
Attachment E	"Waiver of Probationary Period Checklist"	Attached
Attachment F	"Notice of Probationary Period Required For Reinstatement to the Classified Service"	Attached
Attachment G	"Notice of Six Month Trial Period Required For Inter-Agency Promotion"	Attached
Attachment H	"Notice of Trial Period Required For Voluntary Demotion"	Attached
Attachment J	"Personnel Transaction Freeze Exception Request"	Attached
Attachment K	"Personal Data Summary Sheet"	Attached
Attachment L	"State of Oklahoma Employment Application"	Attached
Attachment A	"Job Family Level Guide"	OP-110305

