



**STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT**

"Working for Oklahoma"

OPM 09-23

DATE: July 1, 2009

TO: All Appointing Authorities

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

SUBJECT: Permanent Amendments to the Merit Rules and Voluntary Payroll Deduction Rules

Attached for your information is the text of the permanent amendments to the Merit Rules and Voluntary Payroll Deduction Rules. The applicable effective date is notated at the beginning of each subchapter or appendix. This information will also be available on the Office of Personnel Management website at www.opm.ok.gov.

Please advise if there are questions or if additional information is needed.

Attachment

"We serve the people of Oklahoma by delivering reliable and innovative human resource services to our partner agencies to achieve their missions."

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

**SUBCHAPTER 3 - AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT
OPPORTUNITY**

(effective June 25, 2009)

PART 2. DISCRIMINATION COMPLAINTS INVESTIGATIONS

530:10-3-26. Discrimination complaint investigation training program or course approval

- (a) The Administrator may approve training that is not conducted by the Office of Personnel Management as meeting the four days of initial discrimination complaints investigator training required in 530:10-3-22.
- (b) To request approval of discrimination complaints investigation training, an Appointing Authority shall submit the following course information to the Administrator for review:
- (1) Course title and a brief description;
 - (2) Classroom hours or Continuing Education Units (CEUs); and
 - (3) Course outline.
- (c) The Office of Personnel Management shall maintain lists of approved discrimination complaint investigation training courses, and may withdraw its approval of courses by notifying employing agencies.
- (d) Persons who complete approved training courses shall submit proof of completion on a form that is ~~acceptable to~~ prescribed or approved by the Administrator.
- (e) The Administrator shall send notice of the acceptability of training to a person submitting proof of completion. If the person is a state employee, the Administrator shall also send the notice to the Appointing Authority.

PART 3. AFFIRMATIVE ACTION

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

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

530:10-3-33.6. Availability analysis

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

- (1) Prepare an availability analysis for each job group;
- (2) Use the "civilian labor force information identified by the Administrator to obtain the raw availability percentage of minorities and females in the workforce, unless more appropriate data is available;
- (3) Consider ~~all of the following availability factors and use at least one of the most appropriate considering~~ when taking into account how individuals are usually selected for employment within each job group:

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

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

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

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

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

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

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

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

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

- (4) Determine the appropriate geographic area for each factor used. This shall include the recruitment area from which most employees are drawn;
- (5) Weight each factor used. The weight shall represent the percentage of all employees in the job group who come from the source referenced in a particular factor, and the total of all factors used shall always equal **100%**; and
- (6) Complete a form prescribed or approved by the Administrator to record availability analysis. The form shall provide spaces for availability information, including but not limited to: EEO job category and job group data, raw availability statistics, availability factors, weight factors, labor and recruitment areas, sources of data, and final availability percentage.

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATE OF PAY

(effective May 11, 2009)

530:10-7-12. Payment of overtime

(a) An Appointing Authority shall neither require nor allow employees to work in excess of **40** hours a week without establishing and implementing a comprehensive policy for compensation. Such policy shall be in compliance with the Fair Labor Standards Act (29 U.S.C. 201 et seq.). The policy shall be made available by the Appointing Authority to interested persons upon request and the Appointing Authority shall so notify employees. Copies of such policy shall be forwarded to the Office of Personnel Management. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations.

(b) FLSA Non-Exempt (as defined by the Fair Labor Standards Act) employees shall be paid 1-1/2 times their regular hourly rate for each overtime hour worked.

(c) The Executive Branch of the State of Oklahoma is one employer for FLSA purposes; therefore, concurrent employment in more than one agency is considered joint employment. Employees working in one or more nonexempt positions in Executive Branch agencies and who work more than 40 total hours per week shall be eligible for overtime. Employees shall be required to notify their current agency upon accepting employment with another Executive Branch agency. It will be the responsibility of all agencies involved to insure that all FLSA requirements associated with multiple agency appointments are met.

(ed) Compensatory time in lieu of overtime payment at the rate of time and one-half may be given to FLSA Non-Exempt employees (as defined by the Fair Labor Standards Act) subject to the following conditions:

(1) Prior to the performance of overtime work, the Appointing Authority and the employee shall agree in writing that the employee may be required to take compensatory time in lieu of overtime pay. A written agreement is not required with respect to employees hired prior to April 15, 1986, if the employer had a regular practice in effect on April 15, 1986, of granting compensatory time off in lieu of overtime pay (29 U.S.C. 553.23).

(2) An employee shall be permitted to use accrued compensatory time within **180** days following the pay period in which it was accrued. The balance of any unused compensatory time earned but not taken during this time period shall be paid to the employee. An Appointing Authority may request an extension of this time period for taking compensatory time off up to an additional **180** days providing the Appointing Authority submits proper documentation to the Office of Personnel Management justifying the extension. Agencies shall not be allowed to extend the initial 180-day time period for employees working in an institutional setting as defined by 74:840-2.15(D) [74:840-2.15(C)]. All extensions are subject to the approval of the Office of Personnel Management.

(3) The maximum compensatory time which may be accrued by a FLSA Non-Exempt employee shall be **480** hours for those employees engaged in a public safety or firefighting activity and **240** hours for all other FLSA Non-Exempt employees.

(4) An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours worked at the rate of 1-1/2 times their regular hourly rate of pay for each overtime hour worked.

(5) Payment for accrued compensatory time upon termination of employment with the agency shall be calculated at the average regular rate of pay for the final **3** years of employment, or the final regular rate received by the employee, whichever is the higher.

(6) Overtime and compensatory time is accrued by work period, as defined by the FLSA.

(7) Compensatory time shall not be transferred from one agency to another agency.

(8) An Appointing Authority shall approve an employee's request to take compensatory time off on a particular day, unless the employee's taking compensatory time off on that day disrupts agency operations or endangers public health, safety, or property.

(9) Accrued compensatory time shall be exhausted before the granting of any annual leave for a non-exempt employee except when the employee may lose accrued leave under 530:10-15-10 and 530:10-15-11(b)(5).

- (10) Adjustments in scheduled work time may be made on an hour-for-hour basis within the work period.
- (de) Appointing Authorities may provide compensatory time off to FLSA Exempt (as defined by the Fair Labor Standards Act) employees with the following stipulations:
- (1) The compensatory time off shall be taken within time periods and policy outlined in 530:10-7-12(c)(2). Unused compensatory time shall be taken off the books if not taken by the end of the time periods and policy outlined in 530:10-7-12(c)(2).
 - (2) Compensatory time shall only be given on an hour-for-hour basis, 1 hour off for each hour worked overtime. The maximum compensatory time which may be accrued by an FLSA exempt employee shall be the same as that outlined in 530:10-7-12(c)(3).
 - (3) Payments shall not be made for compensatory time accrued by an employee on FLSA Exempt status for any reason, except as provided for in (e) of this Section.
- (ef) After submitting written notice to the Office of Personnel Management, an Appointing Authority may provide overtime payments to persons in FLSA Exempt classes based on a prevailing market condition.

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

- (a) An Appointing Authority may develop skill-based pay programs upon the approval of the Administrator. Such programs shall be related to the acquisition or possession of additional skills and abilities which can be applied to the work to be performed and which will increase the value of the employee to the agency. The skills or abilities must be verifiable through certification, licensure, diploma, or some other method and must be beyond the qualifications required to perform the primary or essential functions and responsibilities of the employee's position. Requests to establish skill-based pay programs shall include a complete description of the training or education required, how it will benefit the agency, the proposed salary adjustment, and any other information that will assist in evaluating the request.
- (b) Skill-based pay adjustments may be provided as a differential over and above an employee's base pay or as lump-sum payment. Lump sum skill-based pay adjustments may be awarded upon initial certification and any subsequent recertification as may be required by the certifying organization and identified in the agency's skill-based pay plan. Lump sum payments shall be limited to 10% of an employee's annual salary, and differentials shall be limited to 10% of an employee's monthly salary for employees paid on a monthly basis, and 10% of an employee's biweekly salary for employees paid on a biweekly basis. ~~Employees whose base pay is at or exceeds the maximum of the pay band shall not be eligible for a differential, but may receive a lump-sum payment. At no time shall a differential pursuant to this section cause an employee's base pay to exceed the pay band maximum.~~ Except as provided in Subsection (c), skill-based pay adjustments shall be paid only as long as the employee occupies a position to which the skill is applicable in accordance with the agency's salary administration plan. An employee may receive multiple skill-based pay differentials so long as the combined total of all skill-based pay differentials does not exceed 15%. All eligible employees of an agency in jobs affected by a skill-based pay adjustment shall be given uniform treatment.
- (c) ~~Skill based pay differentials paid to an employee prior to November 1, 2006 shall become permanent after 24 continuous months and shall be included as a part of the employee's base pay,~~

except as provided in ~~530:10-7-10~~. Skill-based pay differentials ~~paid to an employee on or after November 1, 2006~~ shall not be included in the employee's base salary and are subject to being discontinued under circumstances described in Subsection (b). [74:840-2.17]

530:10-7-26. Equity-based pay adjustments

An Appointing Authority may provide equity-based pay adjustments when ~~individual~~ employees are significantly underpaid relative to other employees performing the same or similar duties, or employees with the same role or accountabilities, in the same job family and level within the same agency. Adjustments above the midpoint of the pay band require approval of the Administrator. Adjustments below the midpoint of the pay band and which are consistent with the requirements of this section may be made at the Appointing Authority's discretion. An Appointing Authority may limit equity-based pay adjustments to employees rated at least "Meets Standards" on the most recent performance evaluation. Such limitation must be included in the agency's approved Salary Administration Plan. All eligible employees of an agency in jobs affected by an equity-based adjustment shall be given uniform treatment. No employee may receive more than one equity-based adjustment in the same job family and level in a twelve-month period.

SUBCHAPTER 9. RECRUITMENT AND SELECTION

PART 1. GENERAL PROVISIONS

(effective May 11, 2009)

530:10-9-9. Disqualifications

(a) Except as provided in 530:10-9-131, an Appointing Authority or the Administrator may permanently or temporarily refuse to certify, disqualify or remove a person's name from a register if:

- (1) the person lacks any of the education, experience, or certification requirements for the job.
- (2) the person lacks any other requirement established by Oklahoma statute or federal law for the job.
- (3) the person fails any part of an Appointing Authority's background investigation.
- (4) the person made a false statement of material fact in an application for employment or otherwise misrepresented himself or herself during the application process.
- (5) the person has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment process.
- (6) even with reasonable accommodation, the person is unable to perform the duties of the job or position(s) or is unable to do so without risk to himself or herself, the agency, or others, beyond that risk normally associated with such duties.
- (7) the person has obtained information regarding examinations to which an applicant is not entitled, or the person has taken part in the development, administration, or correction of the examinations.
- (8) the person is in possession of unauthorized materials or electronic device during an examination.
- ~~(8)~~(9) the person has failed to submit an application correctly or within the prescribed time limits.

~~(9)~~(10) the person has failed to maintain a record of current address at the Office of Personnel Management as evidenced by the return of a letter by the U.S. Post Office, if properly addressed to the last address of record.

~~(10)~~(11) the person has, within 2 years prior to the date of certification, been discharged for delinquency, misconduct, absenteeism, inability to perform the same type job for which applying or other disciplinary reason or has resigned in lieu of such dismissal from any public or private employer. The Appointing Authority may extend the 2-year restriction for good cause.

~~(11)~~(12) the agency has exercised a selective qualification as established in 530:10-9-74.

~~(12)~~(13) an individual is ineligible for employment due to citizenship or residence requirements as prescribed in 530:10-9-75.

(b) Action initiated by an Appointing Authority under (a)(1), (a)(7), and (a)(9) of this Section shall be subject to the approval of the Administrator. Any person who is disqualified shall be notified in writing of this action and the reason for it. At the appropriate time, the Administrator shall notify an individual of the right to appeal. The party initiating the action, whether the Administrator or an Appointing Authority, shall be independently responsible for justifying the action, for both the nature and accuracy of the supporting information, and for the retention of that information pending appeal of the action.

SUBCHAPTER 15. TIME AND LEAVE **PART 5. MISCELLANEOUS TYPES OF LEAVE**

(effective May 11, 2009)

530:10-15-40. Enforced leave

The Appointing Authority may grant a probationary or permanent employee time off from regular duties, with compensation for absence necessary when some member of his or her immediate family or household requires the employee's care because of illness or injury, or in the case of death in the immediate family or household or in the case of personal disaster. ~~Enforced leave shall also be granted in accordance with 530:10-15-72.~~ Enforced leave shall be charged against the employee's sick leave and may not be granted in excess of accumulated sick leave. The number of days granted will be governed by the circumstance of the case, but in no event shall they exceed 10 working days in any calendar year.

530:10-15-43. Holidays

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

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

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

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

- (1) Holiday pay as a percentage of normally scheduled hours worked divided by full-time hours; or
- (2) Holiday pay equal to regular pay for hours normally worked if a holiday occurs on a normally scheduled work day.

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

- (1) Work additional hours during the same workweek;
- (2) Charge to accumulated annual leave; or
- (3) Record as leave without pay under 530:10-15-47.

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

(g) For employees who are required to work in fire suppression duties on a holiday, the Appointing Authority shall pay the employee for the holiday based on an 8-hour workday times the employee's base rate of pay at the time of payment. For employees who are required to work on a holiday in duties other than fire suppression and for employees whose regular day off falls on a holiday, the Appointing Authority shall either:

- (1) reschedule the employee's holiday to be taken within 180 days; or
- (2) pay the employee for the holiday based on an 8-hour workday times the employee's base rate of pay at the time of payment.

(h) If a holiday is rescheduled, the employee must take the rescheduled holiday after occurrence of the holiday. A rescheduled holiday may not be used to substitute for absences occurring prior to the actual holiday.

(hi) An Appointing Authority may request an extension of the 180 days for taking holiday time off up to an additional 180 days providing the Appointing Authority submits proper documentation to the Office of Personnel Management justifying the extension. All extensions are subject to the approval of the Office of Personnel Management.

SUBCHAPTER 17. PERFORMANCE EVALUATION AND CAREER ENHANCEMENT PROGRAMS

PART 15. STATE MENTOR PROGRAM

(effective May 11, 2009)

530:10-17-150. Purpose [REVOKED]

~~(a) The rules in this Part establish policies and procedures to implement the State Mentor Program in accordance with Section 840-3.8 of Title 74 of the **Oklahoma Statutes**. The Program is administered by the Administrator of the Office of Personnel Management.~~

~~(b) — It is the purpose of the State Mentor Program to develop the executive potential of employees in all branches of state government, with a special emphasis on women, racial minorities, and persons with disabilities.~~

530:10-17-151. [RESERVED]

530:10-17-152. Mentor Selection Advisory Committee [REVOKED]

~~(a) — **Organization.** Section 840 3.8 of Title 74 of the **Oklahoma Statutes** creates a 7 member Mentor Selection Advisory Committee and provides for the appointment of five permanent members, who serve at the pleasure of their Appointing Authority, and the selection of two Appointing Authority members by the permanent members every two years. The Committee shall elect a chairperson from among its members. A member may be elected for succeeding terms of office.~~

~~(b) — **Purpose.** The purpose of the Mentor Selection Advisory Committee is to select candidates for participation in the State Mentor Program and recommend those candidates to the Administrator for his approval in accordance with the provisions of Section 840 3.8 of Title 74 of the **Oklahoma Statutes**.~~

~~(c) — **Meetings.** The Advisory Committee shall meet at the call of the chair as necessary to fulfill its purpose under Section 840 3.8 of Title 74 of the **Oklahoma Statutes**. A majority of the members shall constitute a quorum.~~

530:10-17-153. Definitions [REVOKED]

In addition to words and terms defined in OAC 530:10-1-2 and 455:10-1-2, the following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise.

~~"Agency" means any office, department, board, commission, or institution in all branches of state government.~~

~~"Agency Mentor" means a policy level manager in an agency participating in the State Mentor Program who serves as a mentor during the period the Mentor Executive is completing his or her management rotation in that agency.~~

~~"Mentor Executive" means a state employee selected for participation in the State Mentor Program.~~

~~"Sending agency" means the employing agency of each state employee selected as a Mentor Executive.~~

~~"Receiving agency" means each agency where a Mentor Executive is completing a phase of his or her management rotation.~~

530:10-17-154. [RESERVED]

530:10-17-155. Program description [REVOKED]

~~(a) — **Eligibility.** A state employee in any branch of state government may be nominated by another state employee for participation in the State Mentor Program.~~

~~(b) — **Nomination procedure.**~~

~~(1) — The State Mentor Program nomination form is available from the Office of Personnel Management. The nomination form solicits information about the~~

~~nominee and the state employee making the nomination, and shall be signed by the state employee making the nomination.~~

~~(2) — Any state employee may nominate another state employee for participation in the Program during the nomination period announced by the Administrator by forwarding a completed nomination form to the State Mentor Program at the Office of Personnel Management.~~

~~(c) — **Application form.**~~

~~(1) — The Office of Personnel Management shall provide a State Mentor Program application form to each state employee nominated for participation in the Program. The application form provides general and specific information about the State Mentor Program, including the application process, application requirements, and Program eligibility requirements. It solicits information about applicants and their qualifications for participation in the Program.~~

~~(2) — Any state employee nominated for participation in the Program may complete and return an application during the application period announced by the Administrator by forwarding a completed application to the State Mentor Program at the Office of Personnel Management.~~

~~(d) — **Communication with the Office of Personnel Management.** Interested persons may direct communications to the attention of the State Mentor Program at the Office of Personnel Management in accordance with 530:1-1-12.~~

~~(e) — **Application procedure.** To apply for participation in the State Mentor Program, an applicant shall complete the application form described in subsection (c) of this section and submit it to the State Mentor Program at the Office of Personnel Management by the prescribed deadline.~~

~~(f) — **Selection process.** The process for selecting Mentor Executives will normally consist of the application, minimum qualifications, ratings of training and experience, interviews, a writing exercise, and other assessment methods, as prescribed by the Mentor Selection Advisory Committee, in which applicants must participate in order to advance to the final selection pool.~~

~~(g) — **Minimum qualifications.** To be eligible for selection as a Mentor Executive, an applicant shall possess the minimum qualifications established for the Mentor Executive job family.~~

~~(h) — **Appointing Authority endorsement letter.** The Committee shall contact the agency Appointing Authority of each applicant who demonstrates the minimum qualifications for Mentor Executive to request endorsement of the employee's participation in the State Mentor Program. An applicant who does not receive the endorsement of the agency Appointing Authority will not be considered further.~~

~~(i) — **Background investigation.** Each applicant shall complete a post-offer, pre-hire, work-related criminal background investigation.~~

530:10-17-156. Agency rotations [REVOKED]

~~(a) — **State Personnel Interchange Program.** Rotation assignments shall be accomplished through the State Personnel Interchange Program, Section 840-3.9, et seq. of Title 74 of the Oklahoma Statutes.~~

~~(b) — **Length of rotations.** Each Mentor Executive shall be assigned to a management rotation in any state agency accepting the Mentor Executive, and the Mentor Executive's sending agency, provided that each agency rotation shall not exceed six months. Rotational assignments may be consecutive or intermittent and shall not exceed a total of 24 months for all rotations combined.~~

~~(c) — **Work assigned during rotations.** Each agency participating in the State Mentor Program shall assign the Mentor Executive to a policy level manager during the period he or she is completing a management rotation in that agency.~~

~~(d) — **Compensation during rotations.**~~

~~(1) — The Administrator shall establish minimum compensation for Mentor Executives. The sending agency and each agency in which the Mentor Executive is completing his or her management rotation may share the compensation of the Mentor Executive or either agency may pay the total amount.~~

~~(2) — If a state employee's salary is below the minimum salary for the Mentor Executive job family, the employee's salary shall be increased to that minimum. A state employee's salary shall not be reduced because of his or participation in the State Mentor Program.~~

~~(e) — **FTE limitations.** Employees participating in the State Mentor Program shall be exempt from any full time equivalent limitations established by law.~~

~~(f) — **Intercession by the Office of Personnel Management.** *The Administrator of the Office of Personnel Management may intercede in mentor executive rotational assignments if the Administrator determines that the assignments are not functioning in accordance with guidelines established for the state mentor program. The result of the intercession may include, but is not limited to, reassignment or removal from the program. [74:840 3.8]*~~

~~(g) — **Completion of rotation assignment.** At the end of a two year management rotation assignment or sooner, if a Mentor Executive is unable to complete the entire two year management rotation assignment, a Mentor Executive shall be entitled to return to the previous job family or its successor job family, if one exists in the sending agency. Otherwise, the reduction in force provisions of Section 840 2.27C of Title 74 of the Oklahoma Statutes shall apply.~~

APPENDIX A. PAY BAND SCHEDULE [REVOKED]

APPENDIX A. PAY BAND SCHEDULE [NEW]

(effective July 1, 2009)

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
A*	\$18,310	\$18,310	\$22,126
B*	\$18,310	\$18,551	\$23,189
C*	\$18,310	\$19,626	\$24,533
D*	\$18,310	\$21,158	\$26,448
E*	\$18,310	\$23,275	\$29,094
F	\$19,202	\$25,602	\$32,003
G	\$21,122	\$28,163	\$35,204
H	\$23,234	\$30,979	\$38,724
I	\$25,730	\$34,307	\$42,884
J	\$28,288	\$37,717	\$47,146
K	\$30,920	\$41,227	\$51,534
L	\$34,012	\$45,349	\$56,686
M	\$37,752	\$50,336	\$62,920
N	\$41,906	\$55,874	\$69,843
O	\$46,934	\$62,578	\$78,223
P	\$53,056	\$70,714	\$88,393
Q	\$59,930	\$79,907	\$99,884
R	\$67,721	\$90,295	\$112,869
*Minimum revised to reflect state employee minimum wage rate (see 74 O.S. 840-2.16)			

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION
(effective May 11, 2009)

SUBCHAPTER 1. GENERAL PROVISIONS

530:15-1-1. Purpose

The rules in this Chapter provide procedures for implementation of voluntary payroll deductions for employee association dues, educational employee organizations, employee association foundation contributions, payments to credit unions, banks, or savings associations, payments to supplemental insurance and retirement plans, payments to a college savings account, and subscriptions to Oklahoma Today magazine, as authorized for state employees by Section 7.10 of Title 62 of the Oklahoma Statutes. Other types of voluntary payroll deductions (such as those for salary adjustment agreements under subsection B~~(3)~~(4) of Section 7.10, U.S. Savings Bonds or charitable gifts) are not addressed by the rules in this Chapter.

530:15-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Administrator" means the chief administrative officer of the Office of Personnel Management, an officer of the State of Oklahoma appointed by the Governor pursuant to Section 840-1.6A of Title 74 of the **Oklahoma Statutes**, and authorized to establish procedures for administration of voluntary payroll deductions by Section 7.10. The term, as used in this Chapter, includes employees of the Office of Personnel Management to whom the Administrator has lawfully delegated authority to act on his or her behalf.

"Appointing Authority" means the chief administrative officer of an agency. As the term is used in the Voluntary Payroll Deduction Rules, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Complaint" means a grievance with respect to any matter relevant to the Administrator's duties under Section 7.10.

"Complainant" means a person or an organization that has submitted a complaint.

"Declaratory ruling" means an explanation of a rule or order and its applicability to a particular matter.

"Dues-paying" means, with respect to a member of an employee association, the member is either currently paying dues or has provided a valid authorization to have such dues withheld from pay and remitted to the association. [62:7.10(B)~~(4)~~(5)]

"Employee association" means a formal and continuing affiliation of state employees with the principle objective of speaking for and benefiting their interests as employees, in which membership is restricted to state employees but unrestricted as to the geographic location of their duty stations, and which has at least ~~1,000~~ 2,000 dues-paying members. An employee organization also falls within this definition.

"Member" means:

- (A) with respect to a credit union, a shareholder; and
- (B) with respect to a bank or savings association, an account holder; and,
- (C) with respect to an employee association, a person who has sought and been granted recognition as one of those within the field of membership as defined by the association's governing instruments.

"Participation" means the total number of state employees reported to the Office of Personnel Management for which amounts withheld from pay for a given month were remitted

pursuant to employee authorization to a single billing unit as identified by its Federal Employer (Tax) Identification Number.

"Party" means any person, employee association, educational employee organization, credit union, bank, savings association or insurance organization that is the subject of, or requests, action by the Administrator in connection with any matter relevant to the Administrator's duties under Section 7.10.

"Product vendor" means any of the following entities approved for state employees' voluntary payroll deduction:

(A) an entity offering a supplemental retirement plan with a minimum participation of **500** state employees;

(B) a private insurance organization with a minimum participation of **500** state employees for supplemental life, accident, or health insurance;

(C) a private insurance organization with a minimum participation of **500** state employees for legal services;

(D) the Oklahoma Tourism and Recreation Department as publisher of Oklahoma Today magazine.

"Provided for by the State" means:

(A) for insurance purposes, the basic health, life, dental, or disability plan or any other such insurance a state agency is authorized to provide for its employees as evidenced by financial participation in those policies or a group policy(s) the agency has negotiated as a basic employment benefit; and

(B) for retirement purposes, any state retirement system, deferred compensation program (commonly referred to as deferred annuities), or other retirement plan(s) a state agency is authorized to provide for its employees as evidenced by financial participation in those plans.

"Section 7.10" means Section 7.10 of Title 62 of the **Oklahoma Statutes**.

"State agency" means any office, department, board, commission, or institution of the State of Oklahoma."

"State employee" means any employee of a state agency.

"Supplemental" means:

(A) for insurance purposes, life, accident (including income continuation during disability), legal, and health insurance policies not provided for by the State; and

(B) for retirement purposes, plans that provide retirement income benefits and are not provided for by the State. In recognition of the powers conferred upon state institutions of higher education by Section 3905 of Title 70 of the **Oklahoma Statutes**, the Administrator will follow such institutions' decisions as to whether an insurance policy or retirement plan is a basic or a supplemental employee benefit.

530:15-1-7. Filing and inspection of documents

(a) Requests for declaratory rulings, applications for administrative actions, complaints or other communications regarding any matter relevant to the Administrator's duties under Section 7.10 must be directed to the Administrator, Office of Personnel Management, 2101 N. Lincoln Blvd., Oklahoma City, OK 73105-4904; telephone (405) 521-2177.

(b) Except as provided elsewhere by the rules in this Chapter, no particular form is required. Requests for blank forms and general information may be directed to the Office of Personnel

Management, Attention: ~~Fiscal Services~~Financial Management Services, at the same address and telephone number.

(c) A document that is required to be filed may be sent by mail or hand-delivered within the time limit, if any, for such filing. The date on which it is received at the Office of Personnel Management shall be deemed to be the date of filing. The document must be signed by the party to the action, by a duly authorized representative of the party, or by the party's attorney; provided, however, an application by a credit union, bank, savings association, or an employee association, or educational employee organization for approval or renewal of payroll deduction status must be signed by an officer of the organization. The signature of the person signing the document constitutes a certification that such person has read the document and has personal knowledge of the facts set forth therein; that every statement contained in the instrument is true and correct and no such statements are misleading; and that the document is not interposed for delay. If any document submitted is not signed or is signed with intent to defeat the purposes of the rules in this Chapter, it may be stricken as sham and false and the Administrator may proceed as though the document had not been served or filed.

(d) If a party has designated an attorney to represent it, the Administrator shall communicate with the party through the attorney, and consider that the attorney can act for and bind the party.

(e) A document a party has filed may be amended, upon the party's written request and in the discretion of the Administrator, at any time prior to final action. If amended, the document shall be effective as of the date of the original filing.

(f) If a document that has been filed is not in substantial conformity with the applicable rules as to the contents thereof or is otherwise insufficient, the Administrator, on his own initiative or upon request of a party, may strike or dismiss such document, or require its amendment.

(g) All documents filed with the Administrator shall be retained in the files of the Office of Personnel Management in accordance with the Records Management Act, Section 201 through 216 of Title 67 of the **Oklahoma Statutes**. The Administrator may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents.

(h) Any document submitted to the Administrator with respect to a matter under Section 7.10 and that is not exempt from public disclosure; any form that may be adopted by the Administrator; all rules, written statements of policy or interpretation; and all final orders, decisions and opinions formulated or used by the Administrator are available for public inspection.

530:15-1-9. Forms

The following form has been adopted by the Administrator for use in administering Section 7.10: Form VPD-1 "Request for Approval or Renewal of Payroll Deduction Status." This form is to be used by employee associations, educational employee organizations, credit unions, banks, savings associations and insurance/retirement plan organizations to request initial approval or continuation of payroll deduction status.

SUBCHAPTER 3. ADMINISTRATIVE PROVISIONS

530:15-3-7. Dues for employee associations

(a) An employee association other than one specifically authorized payroll deduction for its dues by statute may request such status. The request must be made by filing a completed Form VPD-1 and providing the Administrator with information to show it is a statewide association

limited to state employee membership and has at least ~~1,000~~ 2,000 dues-paying members. [62:7.10(B)(4)(5)]

(b) Either of the following may be submitted as evidence that an employee association has at least ~~1,000~~ (2,000) dues-paying members.

(1) Attestation by an independent public accountant or certified public accountant that the association had at least ~~1,000~~ (2,000) members at the time of the accountant's examination of membership records, all of whom either were currently paying dues or had signed valid authorizations for payroll deduction of dues. The examination must have taken place within the **60** days preceding the date of application for payroll deduction status.

(2) Photocopies of membership application cards, showing the association name, date of membership application, member's name and address, employing state agency and signature authorizing payroll deduction of dues. These must be accompanied by an affidavit signed by a duly authorized representative of the association, attesting that all persons for whom cards are submitted are current members. Cards shall be considered valid if the dates thereon, and other evidence provided to the Administrator, indicate a regularity of continuing interest by the employees signing the cards.

(c) The Administrator may require an association that has previously been granted payroll deduction status to file a completed Form VPD-1 and to certify or demonstrate it continues to be a statewide association limited to state employees with at least ~~1,000~~ (2,000) dues-paying members. The Administrator may utilize the State's payroll records to satisfy himself that there continue to be at least ~~1,000~~ (2,000) dues-paying members.

(d) As evidence an employee association is a "statewide" organization in which membership is limited to state employees, the association must submit a copy of its governing instruments, demonstrating that membership is both:

(1) restricted to state employees, and

(2) open to state employees regardless of the geographic location of their duty stations.

530:15-3-9. Supplemental insurance or retirement plans

(a) A private organization, including an independent insurance agency, that was not accorded payroll deduction status as of July 1, 1988, may request such status with respect to insurance policies or retirement plans that are supplemental to those provided for by the State. Such requests must be made by filing a completed Form VPD 1. A policy or retirement plan must have received applicable regulatory approvals to qualify for payroll deduction.

(b) The Administrator shall not consider any application for payroll deduction status during a period of ~~6~~ 12 months following the removal or revocation of such status, nor shall he consider more than **3** applications from an applicant previously denied or removed from deduction status during any ~~36~~ 3 year period after the first denial or refusal.

(c) Upon a determination that a supplemental insurance or supplemental retirement applicant is eligible for payroll deduction status, the Administrator shall grant probationary deduction status to continue through the end of the ~~fourth~~ 12th month following the month in which probationary status is granted. If participation during the ~~fourth~~ 12th month is less than 500 state employees, the Administrator shall notify the applicant that deduction status will be revoked.

(d) The minimum participation requirement shall apply to each supplemental insurance billing unit, as identified by the Federal Employer (Tax) Identification Number, to which payments are payable, and to each retirement plan.

530:15-3-14. Procedure for requesting Voluntary Payroll Deduction

(a) A request by a state employee for voluntary payroll deduction for the payment of premiums for supplemental life, accident, and health insurance, insurance premiums for legal services, premiums or payments for retirement plans, salary adjustment agreements included in the flexible benefits plan, contributions to the Oklahoma College Savings Plan, membership dues in any statewide educational organization or association, payments to banks, credit unions, savings associations and subscriptions to the Oklahoma Today magazine, must be made in writing to the employing state agency. The request must include the employee's signature.

(b) A request by a state employee for voluntary payroll deduction for the payment of membership dues in an employee association may be made as described in Subsection (a) or may be made via online or electronically submitted forms. The employee association shall verify that the online or electronically submitted form accurately reflects the request of the state employee via email or another method approved by the Office of Personnel Management, and shall forward a copy of such verification and membership application to the employing agency for processing.

(c) All forms for employee requests for voluntary payroll deduction, whether paper or electronic format, shall include at a minimum the employee's name, Social Security number, the amount of the voluntary payroll deduction, the vendor's name, and if applicable, the approved policy form number.