

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

3 **SUBCHAPTER 7. SALARY AND PAYROLL**

4 **PART 1. SALARY AND RATES OF PAY**

5 **530:10-7-3. Entrance salary**

6 (a) The entrance salary for any classified position shall be at the minimum salary for the
7 class to which the employee is appointed, except as provided in the Merit Rules.

8 (b) Appointing Authorities may offer class or individual special entrance rates of pay
9 above the minimum salaries of a grade according to paragraphs (1) and (2) of this
10 subsection.

11 (1) **Class special entrance rate of pay.** When the Appointing Authority submits a
12 written statement that economic or employment conditions make recruitment and
13 retention of eligibles at the minimum rate for the class difficult, the Office of Personnel
14 Management may authorize appointment of eligibles at a higher rate of pay within the
15 salary grade for the class in a limited geographical area or in positions in a class where
16 employment conditions are unusual. Such higher rate of pay shall remain in effect until
17 the Office of Personnel Management orders the rate of pay rescinded or the salary
18 grade is adjusted. Such special entrance rates of pay shall not exceed 20% above the
19 minimum rate of pay for the grade for that class. All employees in the same class under
20 the same conditions who are earning less than the higher rate of pay shall be increased
21 to the approved entrance rate of pay, and thereafter all new employees shall be
22 appointed at the higher entrance rate of pay which shall be considered to be the
23 minimum rate of pay.

24 (2) **Individual special entrance rate of pay.**

25 (A) An Appointing Authority may offer to appoint from a certificate or reinstate
26 an applicant who exceeds the minimum qualifications for a class at a rate of pay
27 which does not exceed 20% above the minimum rate of pay for the grade for that
28 class or the minimum rate of pay for the next higher pay grade in the same series.
29 Such offer shall be based upon the applicant's qualifications and the needs of the
30 agency. Before any Appointing Authority authorizes or grants an individual special
31 entrance rate of pay, the Appointing Authority shall articulate in writing an
32 individual special entrance rate of pay policy statement for the agency. The policy
33 statement shall be consistent with the Oklahoma Personnel Act and the federal
34 Equal Pay Act. The policy statement shall be made available to requesting parties.

35 (B) The Appointing Authority's determination that an individual special entrance
36 rate of pay is justified shall be in writing and shall describe how the applicant
37 exceeds the minimum qualifications. The Appointing Authority shall take into
38 consideration rates of pay paid to employees or previously offered to other
39 applicants where the relationship between qualifications and needs of the
40 Appointing Authority were essentially the same as in the current case. The written
41 determination shall be preserved by the Appointing Authority. Individual special

1 entrance rates of pay shall not be offered to applicants for classes which require
2 neither education nor experience.

3 (C) Such individual special entrance rate of pay would affect that applicant only
4 and would not affect salary for other incumbents.

5 **530:10-7-6. Data processing pay incentive**

6 (a) Appointing Authorities may implement a pay incentive for individuals not currently
7 employed in state government and who are hired to fill positions in professional-level data
8 processing classes as determined by the Administrator of the Office of Personnel
9 Management.

10 (b) Appointing Authorities who choose to implement the pay incentive shall file a plan
11 with the Administrator of the Office of Personnel Management and the Director of the
12 Office of State Finance which contains information related to the implementation of the
13 pay incentive within the agency. The plan shall include a project description, a staffing
14 plan, specific prerequisites that each employee shall meet in order to receive the pay
15 incentive, and information concerning the funding of the incentive from the agency's
16 existing budget.

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

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

29 (e) An individual may receive only one pay incentive during his or her state employment.
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31 **530:10-7-7. Pay differential**

32 ~~(a) The Office of Personnel Management may authorize a pay differential for a position~~
33 ~~within a class because of special duty requirements related to the position. This differential~~
34 ~~shall be over and above the base pay within the salary grade and shall be paid only as long~~
35 ~~as the employee occupies the particular position under the circumstances which have~~
36 ~~necessitated the differential. A pay differential shall not be paid for hours in which an~~
37 ~~employee is not in pay status. The request for the differential shall be submitted in writing~~
38 ~~by the requesting agency and shall adequately identify the need.~~

39 ~~(b) Employees may not receive pay differential compensation while on paid leave status.~~
40 ~~Pay differentials must be pro-rated if the employee works part of a pay period in a position~~
41 ~~eligible for a pay differential.~~
42

43 **530:10-7-14. Rate of pay upon reclassification, promotion, and demotion**

1 (a) **Rate of pay when incumbent is reclassified directly.** When an employee is
2 reclassified directly under 530:10-5-90, the rate of pay shall be fixed in accordance with
3 530:10-7-13.

4 (b) **Rate of pay upon promotion.**

5 (1) An Appointing Authority shall adopt objective written criteria for the amount of
6 salary advancements on promotion. These criteria shall be a part of the agency
7 promotional plan established under 530:10-9-35 and 530:10-11-51 and shall be
8 consistent with state and federal statutes prohibiting discrimination.

9 (2) The Appointing Authority shall set an employee's salary on promotion within the
10 new salary grade, except as provided in paragraph (3) of this subsection.

11 (A) The Appointing Authority shall set an employee's salary on promotion at least
12 2 1/2% above the employee's salary before promotion, unless the increase would
13 make the employee's salary after promotion greater than the maximum rate of pay
14 for the new salary grade (in which case the employee's salary shall be set at the
15 maximum rate of pay for the new salary grade).

16 (B) The Appointing Authority has the option to raise an employee's salary on
17 promotion up to any one of the following limits:

18 (i) 20% above the employee's salary before promotion; or

19 (ii) 20% above the minimum salary for the new salary grade; or

20 (iii) If an employee is promoted to a class previously held, the greatest percent
21 above the minimum salary the employee was previously paid while in the class.

22 (3) The Appointing Authority shall not lower the salary of an employee on promotion.
23 If the employee's salary before promotion exceeds the maximum for the new salary
24 grade, the employee's salary on promotion shall remain the same.

25 (c) **Rate of pay when demoted.** The rate of pay of an employee who is demoted shall be
26 set by the Appointing Authority at any rate of pay within the range for the class to which
27 demoted, which does not exceed that employee's last rate of pay, except as provided in
28 530:10-7-3(b)(1).

29 (d) **Protection of pay when demoted due to agency reorganization.**

30 (1) An Appointing Authority may set the salary of a demoted employee at a rate not
31 to exceed the rate of pay received immediately prior to the demotion, even though the
32 rate of pay exceeds the maximum rate of pay for the class to which the employee is
33 demoted, provided that:

34 (A) The employee is demoted due to a position reallocation; and

35 (B) The position reallocation is a result of an agency reorganization. For the
36 purposes of this subsection, "agency reorganization" means the reclassification of
37 employees in lieu of reduction-in-force.

38 (2) Such protection of pay may continue for a period not to exceed 1 year from the
39 date of the demotion, provided that the employee remains in the class to which
40 demoted or another class at the same grade. At the end of the period, if the employee
41 remains in the class to which demoted or another class at the same grade, the
42 Appointing Authority shall adjust the employee's salary according to subsection (c) of
43 this rule.

1 (3) Instead of using the provisions of this subsection, an Appointing Authority may
 2 set the salary of an employee who is demoted as a result of a position reallocation
 3 during an agency reorganization according to subsection (c) of this rule.

4 ~~(d)~~(e) Rate of pay when transferred interagency. An Appointing Authority shall set
 5 the salary of an employee who receives an interagency transfer to the same class or
 6 another at the same grade, may be paid at any rate of pay within the grade, which is at or
 7 below that received before transfer, except as provided in 530:10-7-3(b)(1). An
 8 Appointing Authority shall not set an employee's rate of pay below the minimum grade for
 9 the class.

10 (f) Rate of pay when transferred intra-agency. An Appointing Authority shall not
 11 change the base pay of an employee on intra-agency transfer to a position in the same class
 12 or another class at the same grade, except as provided in 530:10-7-3(b)(1).

13 **SUBCHAPTER 11. EMPLOYEE ACTIONS**

14 **PART 5. PROMOTIONS**

15 **530:10-11-30. Probationary employees; general provisions**

16 (a) All original appointments to classified positions shall be made from certificates, except
 17 as provided elsewhere in the Merit Rules or by statute, for a probationary period of ~~6~~
 18 months 1 year, unless the length of the probationary period is reduced according to the
 19 provisions of this Section [74:840-4.13(D)]. At the end of the probationary period, the
 20 employee shall automatically become permanent [74:840-4.13]. ~~The~~ At any time after the
 21 probationary employee has served 6 months, the Appointing Authority may extend a 6
 22 month waiver the remainder of the probationary period for up to 3 additional months
 23 provided that by notifying the employee and the Office of Personnel Management is
 24 notified in writing as to such action the waiver and the reasons for it [74:840-4.13(D)].
 25 Such notification of extension shall be made to the employee before the end of the final
 26 working day of the probationary period or the employee shall automatically become
 27 permanent. The Appointing Authority may not extend the probationary period. The "end
 28 of the final working day of the probationary period" shall be made known to the employee
 29 in accordance with Rule 530:10-15-3 at the time of entry on duty and at the time of any
 30 extension or adjustment or waiver of the probationary period. The agency shall also be
 31 sure the Office of Personnel Management receives written notice of a probationary period
 32 extension and the reasons for it [74:840-4.13(D)] after the date the employee was notified
 33 of the extension. The Appointing Authority may end the extension at any time and the
 34 employee shall automatically become permanent. Some positions may have statutory
 35 probationary periods that differ from the conditions of this Section.

36 (b) Except as provided in 530:10-9-102, the provisions of this Part apply to probationary
 37 periods made in accordance with those Merit Rules.

38 (c) An employee on an original probationary appointment with the agency or any
 39 ~~extension or~~ adjustment of the original probationary appointment, or on a probationary
 40 period with the agency after reinstatement, or an adjustment of such a probationary period
 41 may be released or dismissed in accordance with 530:10-11-32.
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1 (d) The Appointing Authority may establish a written policy describing any agency
 2 standard for waiving the probationary period after 6 months and the reasons for the
 3 standard.

4
 5 **530:10-11-55. Trial period and probationary period for promoted employees**

6 **(a) Trial period after intra-agency promotions.**

7 (1) When ~~an~~ a classified employee is promoted intra-agency, the ~~Appointing~~
 8 ~~Authority may~~ employee shall ~~require such employee to~~ serve a 6 month trial period in
 9 the class to which the employee has been promoted unless the Appointing Authority
 10 waives the trial period according to the provisions of this Section. The Appointing
 11 Authority may waive the trial period may be canceled at any time by giving the
 12 employee written notice of the cancellation. Waiver of the trial period makes, making
 13 the promotion final. The employee shall be informed in writing, before the effective
 14 date of the promotion, of the determination of the Appointing Authority to require that
 15 a trial period be served before such promotion shall become final. The Office of
 16 Personnel Management shall be sent written notice when a trial period is required for a
 17 promoted employee. The promotion shall be permanent if the Appointing Authority
 18 fails to notify the employee in writing before the effective date of the promotion that a
 19 trial period is required under this paragraph.

20 (2) If an employee does not prove to be satisfactory in the new class during the trial
 21 period, the employee shall be reinstated to the former position or another in the same
 22 class, at the salary the employee would have received if the promotion had not taken
 23 place. However, the reasons for denying the failure to allow the employee to acquire
 24 permanent status in the promotional position shall be submitted in writing to the
 25 individual before the end of the trial period and a copy filed with the Office of
 26 Personnel Management. [T]he employee shall not have the right to appeal [74:840-
 27 4.12].

28 (3) The promotion shall automatically become permanent at the end of the final
 29 working day of the trial period.

30 (4) The Appointing Authority may establish a written policy describing any agency
 31 standard for waiving the trial period and the reasons for the standard.

32 **(b)(e) Trial period after interagency promotion.**

33 (1) An employee who is promoted interagency may, at the discretion of the receiving
 34 Appointing Authority, be required to serve a 6 month trial period in the new class only
 35 if the receiving agency has

36 (A) the class from which the employee was promoted or

37 (B) another class at the same salary grade as the employee's former class for
 38 which the employee is qualified in its classification plan.

39 (2) The trial period may be canceled at any time, making the promotion final. ~~The~~
 40 ~~employee shall be informed in writing, before~~ Before the effective date of the
 41 promotion, the employee shall be informed in writing by ~~of the determination of the~~
 42 Appointing Authority intention to require that whether the employee will be required
 43 to serve a trial period be served before such promotion shall become becomes final.
 44 The Office of Personnel Management shall be sent written notice when a trial period is
 45 required for a promoted employee. The promotion shall be permanent if the

1 Appointing Authority fails to notify the employee in writing before the effective date
 2 of the promotion that a trial period is required under this paragraph. If an employee
 3 does not prove to be satisfactory in the new class during the trial period, the employee
 4 shall be reinstated to a position in the former class or another class at the same salary
 5 grade for which the employee is qualified with the receiving agency, at the salary the
 6 employee would have received if the promotion had not taken place. However, the
 7 reasons for ~~denying the failure to allow~~ the employee to acquire permanent status in
 8 the promotional position shall be submitted in writing to the individual before the end
 9 of the trial period and a copy filed with the Office of Personnel Management. The
 10 promotion shall automatically become permanent at the end of the final working day of
 11 the trial period.

12 ~~(c) (b) Statutory probationary period after intra-agency promotion. If the Oklahoma~~
 13 ~~Statutes require or permit an Appointing Authority to require a probationary period in the~~
 14 ~~class to which An employee who is promoted to a class for which a probationary period is~~
 15 ~~either permitted or required by Oklahoma Statutes after an intra-agency transfer, the~~
 16 ~~Appointing Authority shall be notify notified by the Appointing Authority of the~~
 17 ~~probationary period the employee of the requirement before the effective date of the a~~
 18 ~~probationary period after promotion. The Appointing Authority shall not require an An~~
 19 ~~employee shall not be required to serve a trial period after the promotion if a statutory~~
 20 ~~probationary period is required.~~

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 22 **SUBCHAPTER 13. REDUCTION-IN-FORCE**

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 24 **PART 7. PRIORITY CONSIDERATION FOR REEMPLOYMENT**

25 **530:10-13-73. Expiration and forfeiture of eligibility**

26 (a) The eligibility of an individual to remain on any Priority Reemployment Consideration
 27 Roster and to be given priority consideration for reemployment shall expire **18** months
 28 after separation as a result of a reduction-in-force or abolition of an agency [74:840-
 29 2.27C(F)]. A person's eligibility shall also be forfeited upon:

- 30 (1) declination of an offer of reemployment to position in a class having the same or
- 31 higher grade than that class from which removed [74:840-2.27C(F)], that is located in
- 32 a county in which the person has indicated a willingness to work;:
- 33 (2) acceptance of an offer of reemployment to a class having the same or higher grade
- 34 than the class from which removed;:
- 35 (3) failure to report for duty within the time specified by the Appointing Authority;
- 36 provided the person is given at least **14** calendar days;:
- 37 (4) recall to the class from which removed;: or
- 38 (5) failure to meet any of the requirements for the class.

39 (b) It is the responsibility of the person to maintain a current address with the Office of
 40 Personnel Management.

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 42 **SUBCHAPTER 15. TIME AND LEAVE**

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 44 **PART 1. GENERAL PROVISIONS**

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530:10-15-3. Attendance

The Appointing Authority in each agency shall establish the working days, hours of attendance and place of work for employees within the agency, and may make other ~~regulations~~ policies in regard to attendance as necessary. The Appointing Authority must make such regulations known to employees.

(1) Attendance of employees may be considered by the Appointing Authority in decisions regarding promotions, pay increases, and discipline [74:840-2.20].

(2) Abuse of leave benefits or failure to maintain regular attendance may be grounds for dismissal. [74:840-2.20].

(3) Attendance policies shall be in compliance with the Family and Medical Leave Act of 1993 (29 U.S.C, 2654 et seq.) and the use of approved FMLA leave shall not be considered a negative factor in employment actions.

PART 3. ANNUAL AND SICK LEAVE POLICIES

530:10-15-11. Annual leave

(a) Annual leave is intended to be used for vacations, personal business, and other time off work not covered by other paid leave or holiday provisions.

(b) Eligible employees shall accrue annual leave on a calendar month basis [74:840-2.20(4)] in accordance with 530:10-15-10 and the provisions in this subsection.

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

(2) Part-time employees shall accrue annual leave in an amount proportionate to that which would be accrued under full-time employment [74:840-2.20(4)].

(3) Annual leave earned during a pay period shall be prorated in accordance with the days an employee is on the payroll [74:840-2.20(4)].

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

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

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

1 (7) An employee who transfers to another agency may have accrued annual leave
 2 transferred at the option of the Appointing Authority to which transferred, or such
 3 Appointing Authority may require that all or a portion of the annual leave be paid by
 4 the agency from which the employee is transferred before the transfer. The amount of
 5 annual leave paid by the agency from which the employee is transferred and the
 6 amount of annual leave transferred with the employee shall not exceed the
 7 accumulation limits established in Section 840-2.20 of Title 74 of the **Oklahoma**
 8 **Statutes**.

9 (8) Any employee who is separated from the state service shall be paid or shall have
 10 payment made to the employee's estate for any annual leave accumulated up to and
 11 including the accumulation limit except as otherwise provided in the Merit Rules.

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

16 (10) Any probationary or permanent employee who leaves the employ of an agency
 17 shall receive payment for the accrued number of hours of annual leave in accordance
 18 with the hourly rate. Payment may only be withheld pending settlement of a legal debt
 19 to the agency. If a person is reemployed within a period of **1** month from the date of
 20 separation, any portion of the accumulated annual leave which has not yet been paid
 21 may be reinstated.

22 **PART 5. MISCELLANEOUS TYPES OF LEAVE**

23 **530:10-15-44. Military leave of absence and restoration to position**

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 25 Military leave of absence and right to restoration to former position shall be granted in
 26 accordance with Section 209 of Title 44, Sections 25.4, 25.5 and 25.7 of Title 51, and
 27 Section 48 of Title 72 of the **Oklahoma Statutes; the Uniformed Services Employment**
 28 **and Reemployment Rights Act (Section 4301 et seq. of Title 38 of the United States**
 29 **Code);** and such rights and privileges as these laws provide.
 30

31 **530:10-15-45. Family and medical leave**

32 (a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to
 33 family and medical leave. This section is not a comprehensive listing of the provisions of
 34 the federal Family and Medical Leave Act of 1993 (29 U.S.C, 2654 et seq.) and
 35 regulations promulgated thereunder, and is not intended to conflict with either the Act or
 36 the regulations. To be eligible, an employee shall have been employed by the state at least
 37 ~~one year~~ **12 months** and have worked at least **1,250** hours during the preceding **12-month**
 38 **period.**
 39

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

- 42 (1) the birth of the employee's son or daughter, and to care for the newborn child;
- 43 (2) the placement with the employee of a son or daughter for adoption or foster care;
- 44 (3) to care for the employee's spouse, son, daughter, or parent with a serious health
 45 condition. As used in this subsection, "son" or "daughter" means a biological, adopted,

1 or foster child, a stepchild, a legal ward, or a child of a person standing *in loco*
2 *parentis*, who is either under age 18, or age 18 or older and incapable of self-care
3 because of a mental or physical disability; and

4 (4) a serious health condition that makes the employee unable to perform the
5 functions of the employee's job.

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

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

15 (e) When family and medical leave is taken to care for a sick family member as defined in
16 (b)(3) of this Section or for an employee's own serious health condition, leave may be
17 taken intermittently or on a reduced leave schedule when it is medically necessary.

18 (f) Whenever it is possible, an employee shall schedule family and medical leave to
19 accommodate the operations of the employee's agency. An employee shall give the
20 Appointing Authority notice and a leave request at least 30 days before leave is to begin if
21 the need for family and medical leave is expected. When the need for family and medical
22 leave is unexpected, an employee shall give the Appointing Authority notice and a leave
23 request as soon as possible. The notice and request shall:

24 (1) be in writing;

25 (2) refer to this Section;

26 (3) describe the reason for the family and medical leave;

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

28 and

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

30 (g) The Appointing Authority has the responsibility to review requests for sick leave and
31 leave without pay for designation as family and medical leave. The Appointing Authority's
32 designation decision shall be based only on information provided by the employee or the
33 employee's spokesperson. In accordance with the federal Family and Medical Leave Act,
34 the Appointing Authority shall not designate leave as family and medical leave
35 retroactively, unless the Appointing Authority does not have sufficient information
36 concerning the employee's reason for taking the leave until after the leave period has
37 begun.

38 (h) Family and medical leave is not a separate type of leave, and it is not accrued or
39 accumulated. An Appointing Authority shall give employees the following options to
40 account for time lost because of leave under the federal Family and Medical Leave Act of
41 1993.

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

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

44 (3) Charge to leave donated by other state employees under Section 840-2.23 of Title
45 74 of the **Oklahoma Statutes**, which is also known as "shared leave"; and

- 1 (4) Record as leave without pay in accordance with 530:10-15-47.
- 2 (i) The agency shall continue paying the employee's insurance coverage while the
3 employee is on family and medical leave.
- 4 (j) Upon return from family and medical leave, an employee shall have the right to be
5 restored to the same or equivalent position and benefits, except for extension of his or her
6 anniversary date for longevity pay, leave accrual, and calculation of retention points, he or
7 she would have had if the employee had been continuously employed in pay status during
8 the leave period.
- 9 (k) An employee shall not be required to take more leave than necessary to resolve the
10 circumstance that precipitated the need for leave. ~~The Appointing Authority may require~~
11 ~~the employee to provide notice of at least 2 working days of intent to return before~~
12 ~~expiration of family and medical leave.~~

13

14 **530:10-15-55. Paid administrative leave for state employees as the result of the**
15 **bombing at the Alfred P. Murrah Federal Building on April 19, 1995 [REVOKED]**

- 16 ~~(a) A classified or unclassified employee of a state agency housed in a building damaged~~
17 ~~by the bombing of the Alfred P. Murrah Federal Building on April 19, 1995, or a classified~~
18 ~~or unclassified state employee physically present in such a building in an official capacity,~~
19 ~~who is necessarily absent from work because of physical, mental, or emotional harm~~
20 ~~suffered as a result of the bombing, shall be granted paid administrative leave pursuant to~~
21 ~~the provisions of this Section. Paid administrative leave granted pursuant to the provisions~~
22 ~~of this Section shall not be accrued or accumulated nor charged to sick or annual leave.~~
- 23 ~~(b) To be eligible for paid administrative leave, an employee shall request leave pursuant~~
24 ~~to the provisions of this Section on the appropriate agency form.~~
- 25 ~~(c) For periods of absence exceeding 3 consecutive working days, the employee shall:~~
- 26 ~~(1) submit a statement to the Appointing Authority which is signed by a physician or a~~
27 ~~qualified mental health professional, as defined in subsection (i) of this Section. The~~
28 ~~statement shall provide verification that the employee suffered physical, mental, or~~
29 ~~emotional harm as the result of the bombing of the Alfred P. Murrah Federal Building~~
30 ~~on April 19, 1995, and that, because of the harm suffered, the employee is necessarily~~
31 ~~absent from work. The statement also shall include the date the employee is expected~~
32 ~~to return to work; and~~
- 33 ~~(2) at the time the employee returns to work, submit a release to return to work~~
34 ~~statement to the Appointing Authority, which is signed by a physician or qualified~~
35 ~~mental health professional.~~
- 36 ~~(d) The Appointing Authority may waive the requirements of subsection (c).~~
- 37 ~~(e) If leave granted pursuant to the provisions of this Section exceeds 24 hours in a 30-~~
38 ~~day pay period, the Appointing Authority may require verification in accordance with~~
39 ~~subsection (c) of this Section before granting additional paid administrative leave pursuant~~
40 ~~to the provisions of this Section.~~
- 41 ~~(f) Paid administrative leave granted pursuant to the provisions of this Section shall be~~
42 ~~authorized for 12 months from the date the employee is first granted paid administrative~~
43 ~~leave pursuant to the provisions of this Section or Section 530:10-15-54. Paid~~
44 ~~administrative leave granted pursuant to the provisions of this Section shall not exceed the~~
45 ~~maximum length of a time-limited appointment. Except as provided in subsection (g) of~~

1 this Section, paid administrative leave shall not be granted pursuant to the provisions of
2 this Section after October 19, 1996.

3 (g) An employee who requires a medical procedure related to physical harm suffered as a
4 result of the bombing, which is scheduled after October 19, 1996, shall be granted paid
5 administrative leave pursuant to the provisions of this Section. To be eligible for paid
6 administrative leave after October 19, 1996, the employee shall submit, at the time he or
7 she requests paid administrative leave pursuant to the provisions of this Section, a
8 statement to the Appointing Authority which is signed by a physician, as defined in
9 subsection (i) of this Section, describing the required medical procedure and the date it is
10 scheduled to occur. An Appointing Authority shall not grant paid administrative leave
11 pursuant to the provisions of this Section after October 19, 1997.

12 (h) Annual leave, sick leave, or compensatory time, which was charged to any state
13 employee entitled to paid administrative leave pursuant to the provisions of this Section,
14 shall be reinstated. The Appointing Authority may require the employee to provide
15 appropriate documentation which conforms to the requirements of subsection (c)(1) of
16 this Section before approving the reinstatement of leave. A state employee entitled to paid
17 administrative leave pursuant to the provisions of this Section who was charged leave
18 without pay shall be compensated.

19 (i) As used in this Section, "physician" means any person licensed in Oklahoma as a
20 medical doctor, chiropractor, podiatrist, dentist, osteopathic physician, or optometrist, and
21 "qualified mental health professional" means an individual certified or licensed in this state
22 to practice psychiatry, psychology, professional counseling, or social work.
23

24 **SUBCHAPTER 17. PERFORMANCE EVALUATION AND CAREER** 25 **ENHANCEMENT PROGRAMS**

26 **PART 3. PERFORMANCE EVALUATION SYSTEM**

27 **530:10-17-31. Performance evaluations**

28
29 (a) *Each agency shall adopt and maintain a system of employee service ratings. The*
30 *Office of Personnel Management shall make available a one or more standard system*
31 *systems for this purpose, but an appointing authority may develop a separate system,*
32 *subject to the approval of the Administrator of the Office of Personnel Management. The*
33 *purpose of the system of employee service rating is to evaluate the performance of each*
34 *classified, unclassified and exempt employee in the executive branch of state government*
35 *except those in the unclassified service as specified in paragraphs 1 and 2 of subsection*
36 *A of [subsection A of] Section 840-5.5 . . . [840-5.5 of the Act] and those employees*
37 *employed by the institutions under the administrative authority of The Oklahoma State*
38 *System of Higher Education. The Administrator of the Office of Personnel Management,*
39 *on or before January 1 of each year, shall submit a report to the Speaker of the House of*
40 *Representatives, the President Pro Tempore of the Senate, and the Governor identifying*
41 *those state agencies that have complied with the provisions of this section [74:840-*
42 *4.17(A)].*

43
44 (b) *The system Employee service evaluation systems shall provide for the following:*

1 (1) *An objective evaluation . . . by the immediate supervisor, of the performance of*
 2 *the employee within the assigned duties of the job;*

3 (2) *The identification of the strengths and deficiencies of the employee;*

4 (3) *Corrective actions, if necessary, to correct deficiencies;*

5 (4) *An interview with the employee by the immediate supervisor who shall provide*
 6 *the employee with a copy of the service ratings; and*

7 (5) *The opportunity for the employee to submit written comments regarding the*
 8 *service rating [74:840-4.17(~~B~~)].*

9 (c) *Each employee shall be rated thirty (30) days prior to the end of the probationary*
 10 *period. Thereafter, each employee shall be rated no less than once each year [74:840-*
 11 *4.17(~~C~~)].*

12 (d) *The agency shall use the available service ratings of current or former state*
 13 *employees in decisions regarding promotions, appointments, demotions, performance*
 14 *pay increases, and discharges. Reductions-in-force shall not be considered discharges*
 15 *[74:840-4.17(~~E~~)].*

16 (e) *The agency shall retain a copy of the service rating for each employee of the agency.*
 17 *A copy of the service rating shall be furnished to the Administrator of the Office of*
 18 *Personnel Management for review to determine compliance with the provisions of this*
 19 *section and shall be retained in the file on the employee [74:840-4.17(~~F~~)].*

20 **PART 9. MANDATORY SUPERVISORY TRAINING**

21 **530:10-17-91. Definitions**

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

24 "**Supervisory training**" means courses or training conducted or approved by the
 25 Administrator. Supervisory training programs shall include such subjects as: *supervisory*
 26 *skills, affirmative action and equal employment opportunity, selection, performance*
 27 *management, performance appraisal, employee assistance, corrective discipline, and*
 28 *other legal and ethical issues relevant to supervisors [74:840-3.1(~~D~~)(~~1~~)].*

29 "**Twenty-four hours of training**" means the equivalent of **4** training days that include
 30 at least **6** classroom hours of instruction a day. Twenty-four hours of training are also
 31 equivalent to **2.4** continuing education units (CEUs).
 32
 33
 34

35 **530:10-17-93. Supervisory training requirements**

36 (a) Beginning January 1, 1998, all supervisors shall complete **24** hours of supervisory
 37 training according to this Part each calendar year [74:840-3.1(~~B~~)].

38 (b) Persons appointed to supervisory positions after January 1, 1998, shall complete **24**
 39 hours of supervisory training according to this Part within **6** months before or after
 40 assuming a supervisory position [74:840-3.1(~~B~~)].

41 (c) The appointing authority of each agency shall make sure each supervisory employee is
 42 notified and scheduled to attend required supervisory training and shall make time
 43 available for each supervisory employee to complete the training [74:840-3.1(~~B~~)].

44 (d) All supervisors who have not already done so shall attend training in performance
 45 management or performance appraisal within **12** months after becoming a supervisor.

PART 17. STATE WORK INCENTIVE PROGRAM

530:10-17-170. Purpose

(a) The rules in this Part establish policies and procedures to implement the State Work Incentive Program in accordance with Section 840-5.16 of Title 74 of the Oklahoma Statutes.

(b) The State Work Incentive Program is aimed at employing participants in the Temporary Assistance to Needy Families Program in Oklahoma in entry-level positions within state service. [74:840-5.16]

(c) The rules in this Part, except for Section 530:10-17-177, apply to both merit system and non-merit system agencies employing participants in the State Work Incentive Program. Section 530:10-17-177 shall apply to merit system agencies only.

530:10-17-171. [RESERVED]

530:10-17-172. [RESERVED]

530:10-17-173. Eligibility and length of appointment

To be eligible for hire under the State Work Incentive Program, a person must be certified as a participant in the Temporary Assistance to Needy Families Program by the State of Oklahoma Department of Human Services. Agencies may employ eligible persons in the State Work Incentive Program for up to 2 years in full-time or part-time unclassified status.

530:10-17-174. [RESERVED]

530:10-17-175. Conditions of employment

(a) Employees hired under the State Work Incentive Program shall be employed in the unclassified service of the state. Employees hired under the State Work Incentive Program shall have no right or expectation of continued employment in any classified or unclassified position because of participation in the State Work Incentive Program.

(b) Employees hired under the State Work Incentive Program are eligible for leave and other benefits of state employment available to regular unclassified employees. Employees hired under the State Work Incentive Program must meet any other eligibility requirements established for such benefits. [74:840-5.16]

(c) Employees hired under the State Work Incentive Program may be reassigned or promoted while they are participating in the program. [74:840-5.16]

(d) Appointing Authorities shall evaluate the performance of employees hired through the State Work Incentive Program according to the provisions of Section 840-4.17 of Title 74 of the Oklahoma Statutes.

530:10-17-176. [RESERVED]

530:10-17-177. Conversion

- 1 (a) Persons employed by merit system agencies under the State Work Incentive Program
2 shall be eligible for conversion to permanent classified status at the discretion of the
3 Appointing Authority if the employee has:
- 4 (1) completed 2 years of continuous participation in the State Work Incentive
5 Program;
 - 6 (2) performed satisfactorily as evidenced by performance evaluations conducted
7 according to Section 840-4.17 of Title 74 of the Oklahoma Statutes;
 - 8 (3) met the minimum requirements for the position; and
 - 9 (4) passed any entrance examination required for the applicable job specification by
10 the Office of Personnel Management.
- 11 (b) Conversion shall be to a class consistent with the duties assigned to the employee
12 under the State Work Incentive Program.
- 13 (c) The conversion of employees hired under the State Work Incentive Program who meet
14 the requirements of subsection (a) to permanent classified status shall be exempt from:
- 15 (1) the promotional posting requirements of Part 5 of Subchapter 11 of these rules;
 - 16 (2) the application, certification, and appointment requirements of Subchapter 9 of
17 these rules; and
 - 18 (3) the probationary period requirements of Part 3 of Subchapter 11 of these rules.