
POLICY TRANSMITTAL NO. 11-30
FIELD OPERATIONS DIVISION

DATE: SEPTEMBER 28, 2011
DEPARTMENT OF HUMAN SERVICES
OFFICE OF INTERGOVERNMENTAL
RELATIONS AND POLICY

TO: ALL OFFICES
SUBJECT: MANUAL MATERIAL

OKDHS:115-3-2.

EXPLANATION: OKDHS: 115-3-2 is revised to: (1) address security and confidentiality issues concerning employee and other sensitive case records; (2) require completion and submission of Form 09AD042E, Securing and Assigning Sensitive Case Records, to the county director when the employee, members of his or her household, relatives, or other persons identified as sensitive in nature due to their personal relationship with the employee, apply for or receive benefits; and (3) clarify county director responsibility concerning appropriate case assignment.

Original signed on 9-27-11

Larry Johnson, Director
Field Operations Division

Sandra Harrison, Coordinator
Office of Intergovernmental Relations and
Policy

WF # 11-T (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

OKDHS:115-3-2

INSERT

OKDHS:115-3-2, pages 1-8, revised 10-1-11

OKDHS:115-3-2. PersonnelRevised 10-1-11

(a) **Office hours.** The county director, after consultation with the area director, is responsible for establishing and communicating the normal working hours for the human services center (HSC) to staff and the community. The county director:

(1) monitors observation of office hours and addresses abuse of office hours with appropriate supervisory personnel; and

(2) is responsible for ensuring personnel sufficient to serve the public are on duty and essential functions are covered during lunch hours, breaks, staff meetings, and reduction of services due to hazardous weather conditions.

(b) **Work period adjustments for Fair Labor Standards Act (FLSA) exempt Field Operations Division (FOD) staff.**

(1) In Section 840-2.30 of Title 74 of the Oklahoma Statutes, Oklahoma expressly adopted principles of public accountability authorized by the U.S. Department of Labor for Fair Labor Standards Act (FLSA) exempt employees of public agencies by Section 541.710 of Title 29 of the Code of Federal Regulations. Public accountability prevents FLSA exempt employees from receiving payment for time not worked unless accrued leave is charged. FOD FLSA exempt employees comply with the provisions of OKDHS regulations per OKDHS:2-1-26.1(c)(1)(B). There is no guarantee or expectation of compensation or adjustment for work performed outside normal work time.

(A) Flexible scheduling, or work period adjustment, is contingent upon:

(i) the availability of staff;

(ii) no adverse impact on client services; and

(iii) continued ability to meet the needs of clients and community.

(B) The employee notifies his or her supervisor in advance, when possible, of any work to be done outside normal working hours. There is no need to track the exact amount of time involved as there is no hour for hour compensation for the time.

(C) The supervisor is responsible to approve time off, if work period adjustment or leave is used.

(D) There are no formal records or controls kept. FLSA exempt staff handle work period adjustment with his or her immediate supervisor.

(2) The needs of the OKDHS and its clients come first when determining whether flexible scheduling or work period adjustment is granted to any employee. The county director and senior supervisory staff take corrective action when an FLSA exempt employee fails to fully and properly perform the duties of his or her position. FLSA exempt staff must assure that all job duties are completed regardless of the time required for completion.

(c) **Out-stationing.** Out-stationing of FOD staff to locations outside the HSC is encouraged when it is cost effective and better meets the needs of OKDHS clients and community.

(1) Available out-stationing services include assisting families in the completion of applications for OKDHS Family Support Services Division (FSSD) programs such as SoonerCare (Medicaid), Supplemental Nutrition Assistance Program (SNAP) food benefits, Temporary Assistance for Needy Families (TANF), and Child Care Subsidy benefits.

(2) For contractual out-stationing of employees, OKDHS enters into a contractual arrangement with one or more community partners to share the cost of an OKDHS worker to provide specialized services in a non-traditional work environment.

(A) The contract includes:

(i) details of the program specific to the particular community resource; and

(ii) resources required for the out-stationed worker and who provides those resources.

(B) The county director, with the approval of the area director, submits the contract to the FOD director for approval. Upon approval by the area director and FOD director, the contract is submitted to the OKDHS Director for final approval.

(3) OKDHS may contract for medical out-stationed workers (OSWs), school-based service specialists (SBSSs), and other special projects.

(A) The medical OSW is out-stationed at a medical facility to facilitate the processing of applications for SoonerCare (Medicaid) eligibility.

(B) The SBSS is out-stationed at a school that has a written contract with OKDHS to help students and their families who are identified as at risk or in crises.

(i) During school breaks, holidays, snow days, and summer vacations the SBSS reports to the school when it is open. When the school is not open, the SBSS reports to the local HSC where the SBSS continues his or her duties include including maintaining contact with students, working on special projects, and other duties as assigned by the county director.

(ii) With prior approval of the SBSS's supervisor and county director, the SBSS may attend workshops or conferences requested by the partnering school when the school system pays his or her expenses.

(d) Out-stationing services provided by the SBSS. Depending on the terms of the contract with the partnering school, the SBSS:

(1) provides services to the student and the student's family to resolve social, emotional, and financial difficulties by:

(A) explaining OKDHS programs for which the family may be eligible;

(B) referring the family to agencies in the community that provide the needed service; or

(C) assisting the family in locating resources to meet the required need;

(2) identifies first hand or follows up on referrals from school staff regarding issues which interfere with the student's adjustment, achievement, or attendance in school;

(3) makes visits to the student's home when needed;

(4) ensures all allegations of abuse or neglect are immediately referred to Child Welfare (CW);

(5) is available to CW staff to assist in communication with the school and in identifying needs of students and their families who CW services;

(6) educates school staff and community groups regarding OKDHS programs;

(7) assists in developing community resources to meet the needs of students and their families within the school system;

(8) assists the partnering school in developing specialized programs such as:

(A) tutoring services;

(B) truancy prevention;

(C) counseling services for children; or

(D) after school activities;

(9) may participate in team conferences with teachers, counselors, school administrators, or child advocates regarding the student's and his or her family's needs;

(10) ensures that all SBSS responsibilities included in the contract with the partnering school are carried out;

(11) complies with confidentiality restraints that are in existence at the participating school as well as OKDHS rules regarding confidentiality; and

(12) documents activities on the School-based and AIDS Management System (SAMS) database.

(e) **Administration.** The county director:

(1) has administrative responsibility for FOD staff including:

(A) maintaining personnel files and records;

(B) approving payroll activities;

(C) recruiting new employees for field positions in conjunction with the Office of Communications and Human Resources Management Division (HRMD);

(D) initiating and processing requests to fill approved vacancies;

(E) reviewing and concurring in selections of staff;

(F) reviewing and approving plans for corrective discipline and disciplinary action;

(G) ensuring uniformity in the application and implementation of established OKDHS personnel policies and procedures, such as observation of office hours, mileage claims, staff time, and staff leave; and

(H) ensuring completion of required training;

(2) is the designated affirmative action officer and this responsibility cannot be delegated.

(A) The county director notifies the area office when a client or employee-related problem regarding an affirmative action issue cannot be resolved. If the issue involves any alleged discriminatory act or alleged sexual harassment, the Office for Civil Rights (OCR) is also notified immediately per OAC 340:1-11 and OKDHS:2-43.

(B) The investigation of discrimination and sexual harassment complaints is not the responsibility of the county director, but is the responsibility of OCR.

(C) The county director ensures:

(i) there is a good faith effort by meeting the goals established in the OKDHS Affirmative Action Plan;

(ii) personnel decisions including interviews, evaluations, and selections in all divisions are consistent with the OKDHS Affirmative Action Plan and state and federal regulations and laws;

(iii) personnel are advised of affirmative action goals and issues; and

(iv) mandated annual training is provided;

(3) has general program knowledge in all areas of OKDHS services to ensure appropriate program support for the local HSC worker;

(4) has administrative oversight responsibilities for employees from OKDHS divisions other than FOD that are housed in the HSC. Administrative oversight includes providing:

(A) reasonable clerical support including reception, switchboard, mail service, and employee leave entries;

(B) routine technical support related to computers and other equipment;

- (C) coordination of Workers' Compensation involved in employee accidents;
- (D) coordination of drug testing responsibilities in instances of reasonable suspicion;
- (E) coordination of space needs with the non-FOD division management;
- (F) coordination of equipment purchases for non-FOD employees; and
- (G) supplies and postage;

(5) is the custodian of records and ensures their confidentiality and proper use per OAC 340:2-21. Every precaution is taken to ensure the confidentiality of client information. The county director is alert to possible compromises of security and potential conflicts of interest and takes action to correct those situations.

(A) Per OKDHS:2-1-7 securing or attempting to secure access to confidential information without authorization is prohibited. This includes accessing any paper or electronic record to which the employee has not been officially assigned.

(B) Employees are required to complete and submit Form 09AD042E, Securing and Assigning Sensitive Case Records, to the county director when they, members of their household, relatives, or other persons whose circumstances are considered sensitive in nature apply for or receive benefits or services from the same HSC where the employee works. Employees must also complete Form 09AD042E, when such persons receive other payments approved by staff working in the same HSC where the employee works.

(i) For purposes of this policy, relatives are defined per OAC 340:2-1-8(b)(1).

(ii) Persons whose circumstances are considered sensitive in nature are those who due to their personal relationship with the employee, pose the appearance of conflict of interest if the employee processes their applications or provides services. Examples of such persons may include neighbors, friends, politicians, government officials, or other high profile persons.

(iii) HSC staff approve, deny, or provide ongoing FSSD benefits. Benefits include Supplemental Security Payment (SSP) or TANF cash assistance, SNAP food benefits, SoonerCare (Medicaid) medical benefits, Child Care Subsidy benefits, and Low Income Home Energy Assistance Program (LIHEAP) payments.

(iv) Services include any protective services provided by CW or Adult Protective Services (APS) staff in the course of an investigation of abuse, neglect, or exploitation of a person described in (e)(5)(B) of this Section or in the provision of ongoing services for that person.

(v) Examples of other payments approved by HSC staff include payments to:

(I) local businesses for TANF flexible or support service funds, LIHEAP payments, and child care provider payments; or CW or APS emergency payments; or

(II) payments to individuals such as foster parents.

(C) When the county director receives a completed Form 09AD042E or becomes aware of a potential security risk or conflict of interest by other means, he or she makes appropriate case assignment to prevent or minimize the risk. The county director keeps Form 09AD042E in a secure location separate from regular case files.

(i) When the employee wants to apply for benefits or will be included in an application completed by a member of the employee's household, the county director advises the employee or the household member to apply in another HSC.

(I) For employees living in a county with multiple HSCs, this can be another HSC within the same county.

(II) For employees living in a county in which there is one HSC, this is the HSC most convenient for the employee.

(III) If the employee or household member advises the county director of reasons why it would be a hardship for the employee to apply for or receive benefits from another HSC, the county director helps minimize the hardship. For example, if the closest HSC is over 30 miles away, the county director might make arrangements for the employee to be interviewed over the telephone rather than face-to-face.

(ii) When the person applying is a member of the employee's household and the employee is not included in the application, a relative, or a person whose circumstances are considered sensitive in nature, the county director assigns the application to staff in the same HSC after determining the person applying does not also create a conflict of interest for the designated staff. The

designated staff is advised of the sensitive nature of case and the increased security measures he or she must take.

(iii) Per OAC 340:75-3-6.1, the county director assigns a CW worker in another county to complete an assessment or investigation of child abuse, neglect, or exploitation involving employees, members of the employee's household, relatives, or persons whose circumstances are considered sensitive in nature.

(iv) Per OAC 340:5-3-6, the county director, in consultation with the APS specialist IV and the area program field representative, determines appropriate assignment of an investigation of abuse, neglect, or exploitation of a vulnerable adult involving employees, members of the employee's household, relatives, or persons whose circumstances are considered sensitive in nature.

(v) When the county director becomes aware that a benefit or service has been approved without completion of Form 08AD042E or assignment by the county director, he or she assesses the situation to determine if changes are needed in case assignment.

(D) The county director maintains paper records for employees, other members of the employee's household, and their relatives in a secure file location separate from other HSC case files. When paper records are imaged, the paper record may be destroyed. Imaged records do not need to be printed in order to secure paper records as doing so does not limit electronic access.

(E) Paper records may be destroyed only in accordance with OKDHS General Records Disposition Schedule and OKDHS Division Records Disposition Schedule per OKDHS:2-21-51 through 2-21-57. No records pertaining to legal dispute or overpayment may be destroyed.

(F) Records may be destroyed only in accordance with OKDHS General Records Disposition Schedule and OKDHS Division Records Disposition Schedule per OKDHS:2-21-51 through 2-21-57. No records pertaining to legal dispute or overpayment may be destroyed; and

(6) is responsible for the security of all equipment in the HSC. Control methods are established by the county director to monitor assignment of small equipment such as pagers, cellular phones, and cameras.