
POLICY TRANSMITTAL NO. 06-34	DATE: JULY 31, 2006
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

DHS:2-1, Table of Contents; 2-1-16; 2-1-32, and 2-1-34 through 2-1-36.

EXPLANATION: Human Resources Management Division regulations are amended to remove functions that are the responsibility of Finance Division. These revisions are issued to coincide with the revisions in PT 06-36, Finance Division regulations, and PT 06-35, Field Operations Division regulations.

Original signed on 7-25-06

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WF # 06-G (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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

REMOVE

DHS:2-1, Table of Contents

DHS:2-1-32

DHS:2-1-35

DHS:2-1-36

INSERT

DHS:2-1, Table of Contents pages 1-5,
revised 8-1-06

DHS:2-1-16, AMENDED AND
RENUMBERED TO DHS:2-11-102

DHS:2-1-32, pages 1-4, revised 8-1-06

DHS:2-1-34, AMENDED AND
RENUMBERED TO DHS:2-11-96

DHS:2-1-35, pages 1-2, revised 8-1-06

DHS:2-1-36, pages 1-4, revised 8-1-06

DHS SUBCHAPTER 1. HUMAN RESOURCES MANAGEMENT DIVISION**PART 1. INTERNAL HUMAN RESOURCES**

- DHS:2-1-1. Intraagency transfer
- DHS:2-1-2. Detail to special duty
- DHS:2-1-3. Employee recognition
- DHS:2-1-4. Separation, classified or unclassified service
- DHS:2-1-5. Resignation - classified or unclassified service
- DHS:2-1-6. Interagency transfer
- DHS:2-1-6.1. Personnel reviews
- DHS:2-1-7. Discipline
- DHS:2-1-8. Oral reprimand
- DHS:2-1-9. Written reprimand
- DHS:2-1-10. Suspension without pay and involuntary demotion
- DHS:2-1-11. Discharge and pretermination hearing
- DHS:2-1-12. Probationary and unclassified employees
- DHS:2-1-13. Delegation of authority
- DHS:2-1-14. Delegation of authority **[REVOKED]**
- DHS:2-1-15. Procedure for formal disciplinary action (suspension without pay, involuntary demotion, or discharge) probationary employees in classified service) **[REVOKED]**
- DHS:2-1-15.1. Corrective discipline (unclassified) **[REVOKED]**
- DHS:2-1-16. Retirement (classified/unclassified/exempt service) **[AMENDED AND RENUMBERED TO DHS:2-11-102]**
- DHS:2-1-17. Employee performance management process (PMP), classified and unclassified
- DHS:2-1-18. General staff responsibilities
- DHS:2-1-19. Accountabilities with relative importance
- DHS:2-1-20. Time frames for opening Form OPM-111
- DHS:2-1-21. Procedures for opening Form OPM-111
- DHS:2-1-22. Mid-year review for Form OPM-111
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- DHS:2-1-25. Rebuttal to performance evaluation
- DHS:2-1-26. Compensable time for Fair Labor Standards Act (FLSA) non-exempt employees
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- DHS:2-1-28. Work weeks and work periods
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- DHS:2-1-30. Overtime compensation and record keeping

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**PART 8. REDUCTION-IN-FORCE PLAN FOR UNCLASSIFIED EMPLOYEES OF
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- DHS:2-1-240. General Provisions **[REVOKED]**

- DHS:2-1-241. Definitions **[REVOKED]**
- DHS:2-1-242. Basic reduction-in-force plan **[REVOKED]**
- DHS:2-1-243. Abolishing positions and retaining positions **[REVOKED]**
- DHS:2-1-244. Displacement opportunities **[REVOKED]**
- DHS:2-1-245. Official notice of reduction-in-force **[REVOKED]**
- DHS:2-1-246. Written notice to employees **[REVOKED]**
- DHS:2-1-247. Order of Separation **[REVOKED]**
- DHS:2-1-248. Priority consideration for re-employment **[REVOKED]**
- DHS:2-1-249. Appeal of reduction-in-force **[REVOKED]**

DHS:2-1-16. Retirement (classified/unclassified/exempt service) [AMENDED AND RENUMBERED TO DHS:2-11-102]

DHS:2-1-32. Attendance and leave - classified, unclassified, and temporary employees

(a) **Assigned work hours.** Local administrators have the responsibility and authority for scheduling work hours for employees under their administrative supervision. Hours of attendance vary with the needs of the office or facility. For example, shift work and the need for emergency services to clients affect hours employees are required to work. Local administrators advise employees of their normal hours of attendance in writing, either by posted notices or individual written notification.

(1) **Standard business schedule.** All OKDHS offices, excluding residential care facilities and other 24-hour operations, operate on a standard business schedule of 8:00 a.m. to 5:00 p.m. Monday through Friday, or, for offices located in courthouses, 8:00 a.m. to 4:30 p.m. Monday through Friday. Assignment of employee work hours outside the standard business schedule is subject to the requirements included in subsection (a)

(2) **Changes in scheduled work hours.** The local administrator has the authority to make changes in scheduled work hours, shifts, or days off at any time subject to the requirements outlined in this subsection.

(A) The needs of the office or facility are the first consideration in the scheduling of hours of work.

(B) Local administrators are expected to take into consideration employee preference, where practical, and to make a reasonable effort to provide advance notice of any change in assigned work hours or days.

(C) Local administrators establish internal procedures for determining the assignment of employees to preferred shifts or days off.

(D) Considerations may include, but are not limited to, seniority with the Oklahoma Department of Human Services (OKDHS), office, or facility, and order of request.

(E) Established procedures are in writing and posted on official bulletin boards of the offices to which they apply.

(3) **Flexible work schedule.** Associate directors, division directors, area directors, resource center administrators, or their designees, may authorize one or more offices or operating units under their supervision to permit all employees of those offices or units to use flexible work schedules. The use of flexible scheduling of

working hours is encouraged where it would provide increased services to the public and improve employee morale and productivity without adversely affecting service to the public or other units of OKDHS.

(A) Flexible work scheduling must be centered around the conventional five-day week and must be a defined work schedule that provides for the use of alternative starting and ending times. Each office or operating unit designates times that include a common work period during which all employees are expected to be present in order to facilitate service delivery, meeting, and training.

(B) Employee use of flexible work scheduling is subject to supervisory approval. A supervisor may approve flexible work scheduling if it is clear that the efficiency and communication of the office or operating unit will not be impaired and adequate supervisory coverage is available. Fair Labor Standards Act (FLSA) non-exempt staff do not work outside of standard business hours without the written approval of local administrator.

(C) The standard basis for employment for full-time employees using flexible scheduling is 40 hours per week. FLSA exempt employees may use flexible scheduling provided that the employee works less than 40 hours per work week.

(D) FLSA non-exempt employees using flexible work scheduling must comply with FLSA as set forth in DHS:2-1-26 as determined by the Human Resources Management Division FLSA compliance manager. The final approval of flexible work scheduling is made by the appropriate associate director, division director, area director, resource center administrator, or their designees.

(i) FLSA non-exempt employees must not work more than 40 hours in a work week without prior approval of their supervisor.

(ii) FLSA non-exempt employees do not work at home or at locations other than the normally assigned duty station without prior approval of their supervisor.

(iii) A change in shift assignment in excess of 30 calendar days is not made for a probationary employee without the prior approval of the Office of Personnel Management. [Merit Rule 530:10-11-40]

(4) **Basis for pay.** Full-time employees are employed and paid on the basis of a 40-hour work week. Part-time employees may be employed and paid on the basis of a specified number of hours per week or on an as-needed basis. Where actual

work time is in excess of 40 hours per week, DHS:2-1-26 applies. Where actual work time is less than 40 hours per week or the specified work hours, appropriate leave policies such as annual leave, sick leave, or leave without pay are applied.

(b) **Leave - eligibility and use.** Unclassified/exempt and permanent and probationary classified employees working at least half-time are eligible for leave benefits. Leave accrues at the rates specified under the various types of leave per DHS:2-11-94 through 2-11-96. No leave accrues while on leave without pay status. No leave is taken in advance of its accrual. Temporary and seasonal employees are not eligible for leave benefits. Teachers employed less than 12 months per year are granted leave in accordance with DHS:2-1-40.

(1) Accrual and use of leave are governed by Oklahoma Department of Human Services (OKDHS) policies and procedures and the Oklahoma Merit Rules for Employment. Employees are responsible for complying fully with OKDHS requirements concerning the reporting, scheduling, and use of leave, including initiating requests for leave and reporting absences. OKDHS does not normally accept a collect call from an employee to report an absence; however, a collect call may be accepted in an emergency situation if the employee would otherwise be unable to contact his or her office.

(2) Excessive or abusive use of leave may be grounds for disciplinary action.

(A) Abusive use of leave includes, but is not limited to:

- (i) use of leave for purposes other than those for which leave was approved;
- (ii) failure to report leave accurately;
- (iii) failure to comply with time and leave rules and policies, such as unscheduled or unexcused absences;
- (iv) repeated use of leave in conjunction with holidays or regular days off; and
- (v) inexcusable failure to secure prior approval for leave.

(B) Excessive leave includes, but is not limited to, use of leave:

- (i) without pay to cover an absence from work, other than absences due to a critical illness or injury that causes the employee to be absent for an extended period of time; and

- (ii) within any 12 month period in excess of the leave accrued by the employee within a calendar year.
- (c) **Status of employees on leave.** While on leave of any type, employees remain subject to all Oklahoma laws, rules, and OKDHS policies that apply to their employment status, whether classified or unclassified exempt or non-exempt, or a contract employee.

DHS:2-1-34. Holidays [AMENDED AND RENUMBERED TO DHS:2-11-96]

DHS:2-1-35. Annual leave

(a) **Statement of policy.** Annual leave is an employee benefit to be used for vacations, personal business, and other approved time off work not covered by other paid leave or holiday provisions. Annual leave is planned, requested in advance, and approved by the employee's supervisor prior to being taken. Approval of annual leave for unscheduled absences is not automatic. An unscheduled absence is subject to disciplinary action.

(1) A senior administrator, defined as a chief officer, advocate general, general counsel, inspector general, or designee, may place an employee on annual leave, when such action is in the best interest of Oklahoma Department of Human Services (OKDHS). An employee is not required to reduce accrued annual leave below five working days, 40 hours. Leave taken under the provisions of this paragraph is neither returnable nor reimbursable.

(2) Annual leave may be utilized to supplement the receipt of temporary total disability (TTD) payments in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, any employee receiving TTD payments must promptly report in writing to OKDHS and CompSource Oklahoma any change in:

(A) a material fact;

(B) the amount of income he or she is receiving; or

(C) his or her employment status.

(3) An employee who is ill or requires enforced leave during a scheduled period of annual leave may charge the absence to sick or enforced leave by submitting Form 10AD001E, Request for Approval of Leave.

(b) **Employee's responsibility.** Each employee is responsible for:

(1) submitting a written request in advance to his or her immediate supervisor for annual leave, using Form 10AD001E;

(2) obtaining appropriate approvals prior to taking annual leave;

(3) when advance planning of annual leave is not possible, notifying his or her supervisor of the reason(s) for the absence within the time frames established by

local office procedure, but not later than two hours after the employee's scheduled reporting time;

(4) submitting a written request for approval of annual leave on Form 10AD001E as soon as practical; and

(5) submitting a written request for any cancellation or change in scheduled annual leave.

(c) Supervisor's responsibility. Supervisors are responsible for:

(1) approving or disapproving advance requests for annual leave based on needs of the office, staffing requirements, and status of employee's workload. When, due to staffing requirements, a decision must be made between two or more employees who have requested annual leave for the same time period, the decision is based on the date the completed Form 10AD001E is received by the supervisor. If the requests are received on the same date, the decision is based on seniority with OKDHS;

(2) approving or disapproving requests for unscheduled annual leave based on the reason(s) for the unplanned absence;

(3) imposing appropriate corrective discipline for unscheduled absences; and

(4) ensuring that any leave taken is accurately reported.

DHS:2-1-36. Sick leave

(a) **Statement of policy.** The Oklahoma Department of Human Services (OKDHS) employs and schedules employees to ensure efficient and effective delivery of services to clients. Employees are expected to be at work on all scheduled workdays. Sick leave is a benefit provided to employees to protect them in the event of serious illness or injury that prevents them from performing assigned duties.

(1) Sick leave may be utilized for a period in which the employee is incapacitated for the performance of his or her duties by illness, pregnancy, or injury, or for medical, surgical, mental health, dental, or optical examination or treatment, or when, by reason of his or her physical condition or exposure to contagious disease, his or her presence at work could jeopardize the health or safety of others. The fact that sick leave is due to a job-related illness or injury for which worker compensation benefits are or may be received does not relieve the employee of the responsibility to comply with OKDHS policies governing sick leave.

(2) Sick leave may be denied when the supervisor has facts to show the employee:

(A) is abusing sick leave benefits; or

(B) failed to furnish a written statement as required in (b)(4) of this Section.

(3) Excessive or abusive use of sick leave is grounds for disciplinary action.

(4) Sick leave may be utilized to supplement the receipt of temporary total disability (TTD) benefits in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, any employee receiving TTD benefits must promptly report in writing to OKDHS and the CompSource Oklahoma any change in:

(A) a material fact;

(B) the amount of income he or she is receiving; or

(C) any change in his or her employment status.

(5) If an employee is physically unable to perform his or her duties for OKDHS, it is presumed that the employee cannot participate in certain other equally physically demanding activities while on leave from OKDHS. Although each case is evaluated upon its specific circumstances, it is generally not appropriate for an employee who is on medical leave from OKDHS to work for another employer.

(b) Employee's responsibility. Each employee is responsible for:

(1) calling his or her supervisor or designee to report any absence due to illness or injury within the time frames established by local office procedures, but not later than two hours after the employee's scheduled reporting time. Employees must report on a daily basis except when the illness or injury results in an extended absence and make arrangements with the supervisor to report on a less frequent basis;

(2) applying available workweek adjustment prior to charging sick leave for an absence;

(3) submitting Form 10AD001E, Request for Approval of Leave, to his or her immediate supervisor for absences in excess of three consecutive days as soon as practical, but no later than immediately upon return to duty. When the employee is absent for an extended period, the request for sick leave and the attending physician's statement must be submitted as soon as it is available, but not later than the fourth working day of such absence;

(4) furnishing Form 11AD002E, Certification of Health Care Provider, or equivalent statement from the attending licensed medical or mental health professional for any absence in excess of three consecutive workdays unless such requirement is waived in writing by the appropriate division director. The written waiver is attached and submitted with Form 10AD001E.

(A) A medical statement may be required for an absence of less than three consecutive workdays if the employee has been advised in writing in advance that such statement will be required.

(B) Form 11AD002E or an equivalent statement must specifically state:

(i) the limitations regarding the employee's ability to perform the essential functions of his or her job;

(ii) the period of time the employee is unable to perform his or her job duties as a result of said limitations;

(iii) the date of the employee's next medical evaluation; and

(iv) a certification of the employee's fitness to return to duty, including a specific statement of any limitations on the employee's work assignments and for what time period.

(C) An employee who fails to provide a required medical statement is charged unauthorized leave without pay for the absence.

(D) An employee is not permitted to return to work if, due to physical condition or exposure to contagious disease, his or her presence would jeopardize the health or safety of the employee or others. In such instances, the employee is allowed three working days from the date the employee was not permitted to return to duty to provide a medical statement. Failure to provide a medical statement results in the absence being charged as unauthorized leave without pay;

(5) monitoring his or her leave balances. When an absence due to illness or injury extends beyond the accrued sick leave balance, the remainder of the absence may be charged against the employee's accrued annual leave, comp time, holiday leave, or leave without pay. The routine use of annual leave or leave without pay to cover absences due to illness or injury is normally considered excessive use of leave and may result in appropriate disciplinary action; and

(6) indicating a beginning and ending date of the absence on Form 10AD001E. When an ending date is unknown, the duration of the request must not exceed three months. Chronic Family and Medical Leave Act (FMLA) qualifying events may be requested for six-month periods.

(c) Supervisor's responsibility. Each supervisor is responsible for:

(1) ensuring employees under their supervision are aware of and have access to OKDHS policy and local office procedures governing attendance and leave;

(2) approving or disapproving requests for sick leave. In accordance with (a)(1) and (2) of this Section, sick leave may be denied and the absence charged as unauthorized leave without pay when a supervisor has facts to show the employee;

(A) is abusing sick leave benefits; or

(B) failed to fulfill his or her responsibilities under this regulation;

(3) reviewing the medical statement to ensure that the employee is released to full duty. The supervisor, in consultation with appropriate administrative staff, ensures that appropriate action is taken to address any limitations placed on the employee's work assignments;

(4) determining whether an employee's return to duty jeopardizes the health or safety of the employee or others. The supervisor, after consultation with appropriate

administrative staff and within three working days of the date the employee is not permitted to return to duty, submits to the designated staff person written documentation detailing the reason(s) for his or her refusal to allow the employee to return to duty;

(5) ensuring the Employee Leave Summary and appropriate leave forms are provided to the employee. When an employee is on leave for an extended period, forms and summaries are mailed to the employee's home address of record;

(6) ensuring that any leave taken is accurately reported; and

(7) imposing appropriate corrective discipline per DHS:2-1-7 for excessive or abusive use of sick leave.