
POLICY TRANSMITTAL NO. 07-39	DATE: JULY 11, 2007
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-1, Table of Contents; and 2-1-301.

EXPLANATION: OKDHS:2-1-301 is issued to establish telecommuting regulations for the Oklahoma Department of Human Services

Original signed 7-9-07

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WF # 07-H (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:2-1, Table of Contents

INSERT

OKDHS:2-1, Table of Contents, pages 1-5,
revised 7-15-07

OKDHS:2-1-301, pages 1-4, issued 7-15-07

OKDHS:2 SUBCHAPTER 1. HUMAN RESOURCES MANAGEMENT DIVISION**PART 1. INTERNAL HUMAN RESOURCES**

- OKDHS:2-1-1. Intraagency transfer
- OKDHS:2-1-2. Detail to special duty
- OKDHS:2-1-3. Employee recognition
- OKDHS:2-1-4. Separation, classified or unclassified service
- OKDHS:2-1-5. Resignation - classified or unclassified service
- OKDHS:2-1-6. Interagency transfer
- OKDHS:2-1-6.1. Personnel reviews
- OKDHS:2-1-7. Discipline
- OKDHS:2-1-8. Oral reprimand
- OKDHS:2-1-9. Written reprimand
- OKDHS:2-1-10. Suspension without pay and involuntary demotion
- OKDHS:2-1-11. Discharge and pretermination hearing
- OKDHS:2-1-12. Probationary and unclassified employees
- OKDHS:2-1-13. Delegation of authority
- OKDHS:2-1-14. Delegation of authority **[REVOKED]**
- OKDHS:2-1-15. Procedure for formal disciplinary action (suspension without pay, involuntary demotion, or discharge) probationary employees in classified service) **[REVOKED]**
- OKDHS:2-1-15.1. Corrective discipline (unclassified) **[REVOKED]**
- OKDHS:2-1-16. Retirement (classified/unclassified/exempt service) **[AMENDED AND RENUMBERED TO DHS:2-11-102]**
- OKDHS:2-1-17. Employee performance management process (PMP), classified and unclassified
- OKDHS:2-1-18. General staff responsibilities
- OKDHS:2-1-19. Accountabilities with relative importance
- OKDHS:2-1-20. Time frames for opening Form OPM-111
- OKDHS:2-1-21. Procedures for opening Form OPM-111
- OKDHS:2-1-22. Mid-year review for Form OPM-111
- OKDHS:2-1-23. Time frames for closing Form OPM-111
- OKDHS:2-1-24. Procedures for closing Form OPM-111
- OKDHS:2-1-25. Rebuttal to performance evaluation
- OKDHS:2-1-26. Compensable time for Fair Labor Standards Act (FLSA) non-exempt employees
- OKDHS:2-1-27. Procedures for overtime work by Fair Labor Standards Act (FLSA) non-exempt employees
- OKDHS:2-1-28. Work weeks and work periods
- OKDHS:2-1-29. Work week adjustments
- OKDHS:2-1-30. Overtime compensation and record keeping
- OKDHS:2-1-31. Fair Labor Standards Act (FLSA) compliance

<u>OKDHS:2-1-32.</u>	Attendance and leave - classified, unclassified and temporary employees
<u>OKDHS:2-1-33.</u>	Administrative leave
<u>OKDHS:2-1-34.</u>	Holidays [AMENDED AND RENUMBERED TO DHS:2-11-96]
<u>OKDHS:2-1-35.</u>	Annual leave
<u>OKDHS:2-1-36.</u>	Sick leave
<u>OKDHS:2-2-36.1.</u>	Organ donor leave
<u>OKDHS:2-1-37.</u>	Enforced leave
<u>OKDHS:2-1-38.</u>	Leave without pay
<u>OKDHS:2-1-39.</u>	Involuntary leave without pay (furlough)
<u>OKDHS:2-1-40.</u>	Leave for teachers employed less than 12 months per year
<u>OKDHS:2-1-41.</u>	Military leave
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<u>OKDHS:2-1-163.1.</u>	End of grievance procedure [REVOKED]
<u>OKDHS:2-1-164.</u>	Grievances alleging discrimination - Statement of policy [REVOKED]

- OKDHS:2-1-165. Grievances alleging discrimination or sexual harassment
[REVOKED]
- OKDHS:2-1-166. General provisions **[REVOKED]**
- OKDHS:2-1-168. DHS Dispute Mediation Program (DMP)
- OKDHS:2-1-169. Procedure for mediation

PART 5. [RESERVED]

PART 6. [RESERVED]

PART 7. REDUCTION-IN-FORCE

- OKDHS:2-1-201. Purpose
- OKDHS:2-1-202. Definitions **[REVOKED]**
- OKDHS:2-1-203. Reduction-in-force applicability **[REVOKED]**
- OKDHS:2-1-204. **[REVOKED]**
- OKDHS:2-1-205. Displacement limits **[REVOKED]**
- OKDHS:2-1-206. **[REVOKED]**
- OKDHS:2-1-207. Abolishing positions and retaining positions **[REVOKED]**
- OKDHS:2-1-208. Order of employee removal **[REVOKED]**
- OKDHS:2-1-209. Calculation of retention points **[REVOKED]**
- OKDHS:2-1-210. Displacement opportunities **[REVOKED]**
- OKDHS:2-1-211. **[REVOKED]**
- OKDHS:2-1-212. Order of offers for displacement opportunities **[REVOKED]**
- OKDHS:2-1-213. Official notice of reduction-in-force **[REVOKED]**
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- OKDHS:2-1-220. Equal Employment Opportunity (EEO) **[REVOKED]**
- OKDHS:2-1-221. Continuation of insurance upon separation by reduction-in-force
[REVOKED]
- OKDHS:2-1-222. Appeal of reduction-in-force **[REVOKED]**
- OKDHS:2-1-223. Severance option **[REVOKED]**

**PART 8. REDUCTION-IN-FORCE PLAN FOR UNCLASSIFIED EMPLOYEES OF
HISSOM MEMORIAL CENTER [REVOKED]**

- OKDHS:2-1-240. General Provisions **[REVOKED]**
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OKDHS:2-1-242. Basic reduction-in-force plan **[REVOKED]**
OKDHS:2-1-243. Abolishing positions and retaining positions **[REVOKED]**
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OKDHS:2-1-247. Order of Separation **[REVOKED]**
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PART 9. TELECOMMUTING AND ALTERNATE WORK LOCATION

- OKDHS:2-1-301. Telecommuting

PART 9. TELECOMMUTING AND ALTERNATE WORK LOCATION

OKDHS:2-1-301. Telecommuting

Issued 7-1-07

(a) **General provisions.** The purpose of this regulation is to permit divisions to designate employees to work at alternate work locations for all or part of their workweek in order to promote general work efficiencies in accordance with Merit Rules OAC 530:10-5-3 and Sections 840-4.3 and 840-4.19 of Title 74 of the Oklahoma Statutes.

(b) **Definitions.** The following words and terms when used in the Section shall have the following meanings unless the context clearly indicates otherwise:

(1) "**Alternate work location**" means an approved work site other than the employee's assigned duty station where official state business is performed. Such locations may include, but are not limited to, employees' homes and satellite offices.

(2) "**Duty station**" means the official designated place where the employee is hired to perform the duties and responsibility for which he or she is hired.

(3) "**Telecommuting**" means a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their assigned duty station at an alternate work location in accordance with work agreements.

(4) "**Telecommuting Plan**" means a written document describing a division's internal telecommuting rules and procedures designed to accommodate the specific needs and requirements of the division.

(5) "**Work agreement**" means the written agreement, Form 11AD006E, Telecommuting Agreement, between the Oklahoma Department of Human Services (OKDHS) and the employee which details the terms and conditions of an employee's work away from his or her assigned duty station. A completed Form 11AD006E is required for a telecommuting assignment.

(c) Telecommuting.

(1) OKDHS may designate positions for telecommuting and approve employees to telecommute when it is in the best interest of OKDHS.

(A) Form 11AD006E is used to establish a work agreement between the supervisor and the employee on any telecommuting arrangements.

(B) OKDHS may establish telecommuting as a condition of employment based on OKDHS business requirements and this condition will be included in the announcement, advertisement, and any correspondence offering employment.

(C) OKDHS divisions and offices utilizing telecommuting must submit a telecommuting plan to the Human Resources Management Division for review. The plan must include, but may not be limited to:

(i) a description of the class of employee(s) who will be telecommuting;

(ii) a statement(s) identifying and describing the compelling business advantage to OKDHS in allowing the employee(s) to telecommute;

(iii) a detailed description of the work to be performed and how the work will be evaluated; and

(iv) the approval of the chief officer in the chain of command for the division or office requesting the establishment of a telecommuting plan.

(2) The duties, obligations, and responsibilities of an employee who telecommutes are the same as for employees at the regular duty station. Work performed in an alternate work location is considered official state business.

(d) **Compensation and benefits.** An employee's compensation and benefits does not change as a result of telecommuting. Employees on a telecommuting schedule continue to accrue annual leave, sick leave, and all other leave benefits at the same rate as an employee who is not working a telecommuting schedule.

(e) **Leave during telecommuting assignments.** The total number of hours that employees are expected to work does not change, regardless of work location. Regulations governing the Fair Labor Standards Act (FLSA) and the Family Medical Leave Act (FMLA) remain in effect under this regulation. Supervisors of telecommuting staff ensure that procedures are in place to document and control the work hours of employees who telecommute. Telecommuting is not:

(1) intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during the employees' work hours, some other individual must be present to provide care;

(2) used in place of sick leave, Family Medical Leave, Workers' Compensation, Administrative Leave, Educational Leave, or any other leave for disability or other purposes provided by OKDHS; and

(3) established at the employee's discretion to avoid any perceived unpleasant or inconvenient working conditions at the employee's regular duty station.

(f) **Telecommuting as a reasonable accommodation.** OKDHS may determine whether or not it is appropriate to offer telecommuting as an opportunity for partial or full return to work through reasonable accommodation based on OKDHS policy and criteria normally applied to such decisions.

(g) **OKDHS inspection of alternate work location.** OKDHS has the right to inspect the alternate work location where telecommuting work is performed.

(1) When the alternate work location is the employee's home, the employee must allow his or her supervisor and other designated OKDHS staff to inspect the location.

(2) Risk, Safety, and Emergency Management Unit staff may inspect the location in the event of a reported job-related incident, accident, or injury.

(3) Telecommuting employees do not hold business meetings with internal or external clients, customers, or colleagues at their homes.

(h) **Job-related illness or injuries during telecommuting.** OKDHS may be liable for job-related injuries or illnesses that occur during employees' established work hours in their alternative work locations.

(i) **Equipment.** Form 11AD006E specifies whether employees use their own equipment or OKDHS-owned equipment when telecommuting.

(1) OKDHS provides equipment and materials needed by employees to effectively perform their duties.

(A) Authorized employees may use OKDHS-owned equipment only for legitimate state business purposes.

(B) Employees are responsible for protecting state-owned equipment from theft, damage, and unauthorized use.

(2) When employees are authorized to use their own equipment, OKDHS does not assume responsibility for:

(A) the cost, repair, or service of the equipment; or

(B) operating costs.

(3) When employees use their homes as telecommuting alternate work locations, except as described in the Work Agreement, OKDHS does not assume responsibility for:

(A) home maintenance; or

(B) other incurred costs.

(j) **Employee travel.** During a telecommuting assignment, the employee's regular duty station is the location of origin in calculating mileage unless the alternate work location is closer to the employee's destination. Mileage to and from the employee's designated alternate work location and the regular duty station is not a reimbursable expense.

(k) **Termination of telecommuting assignment.** OKDHS may terminate the telecommuting agreement at its discretion. Supervisors of telecommuting employees attempt to give advance notice if a decision is made to terminate a telecommuting agreement; however, advance notice is not required.