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POLICY TRANSMITTAL NO. 10-21	DATE: JUNE 22, 2010
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-1, Table of Contents; 2-1-1 through 2-1-3; 2-1-6; 2-1-8; 2-1-25 through 2-1-29; 2-1-55 through 2-1-57; 2-1-75 through 2-1-80; 2-1-82 through 2-1-86; 2-1-88; and 2-1-93

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:2-1-1 revisions add language to provide greater clarity.

OAC 340:2-1-2 revisions delete language that is obsolete.

OAC 340:2-1-3 Instructions to Staff (ITS) revisions correct a Web address.

OAC 340:2-1-6 revisions update language to include all vulnerable persons.

OAC 340:2-1-8 ITS revisions eliminate redundancy.

OAC 340:2-1-25 is revoked as material is placed in a related Section OAC 340:2-1-78.

OAC 340:2-1-26 revisions clarify language and the application procedures.

OAC 340:2-1-27 revisions update a change in the title of forms.

OAC 340:2-1-28 revisions update policy and clarify language.

OAC 340:2-1-29 revisions clarify reinstatement eligibility to provide more time for reinstatement eligibility and clarify language.

OAC 340:2-1-56 revisions add clarifying language.

OAC 340:2-1-55 ITS revisions make minor and inconsequential changes.

OAC 340:2-1-57 revisions broaden policy and apply to all tobacco products.

OAC 340:2-1-75 revisions amend the tagline to provide clarity.

OAC 340:2-1-76 revisions clarify language.

OAC 340:2-1-77 revisions delete language referring to a trial period which is no longer applicable for interagency appointments. ITS are revised to clarify language.

OAC 340:2-1-78 revisions: (1) provide clearer instructions on the methods of application for Oklahoma Department of Human Services (OKDHS) positions; (2) update name changes in forms used for application purposes; and (3) allow for easier application process for the general public.

OAC 340:2-1-79 revisions update the rule to provide for the Office of Personnel Management (OPM) revisions in the Model Project agreement relating to the application process.

OAC 340:2-1-80 revisions clarify language. ITS are revised to clarify language.

OAC 340:2-1-82 revisions clarify language.

OAC 340:2-1-83 revisions add clarifying language. ITS revisions change the sequence for the selection of the advisory committee used for interviewing applicants.

OAC 340:2-1-84 revisions clarify language and clarify the use of the applicant list, E-List. ITS revisions remove an obsolete instruction.

OAC 340:2-1-85 revisions clarify language and update the language to identify the correct form to be used.

OAC 340:2-1-86 is revoked as the rule is obsolete.

OAC 340:2-1-88 revisions clarify alternate hiring levels.

OAC 340:2-1-93 revisions update procedures. An ITS is added.

Original signed on 6-17-10

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Diane Haser-Bennett, Director  
Human Resources Management Division

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Sandra Harrison, Coordinator  
Office of Intergovernmental Relations and  
Policy

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WF # 10-01 (NAP)

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## **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**

340:2-1, Table of Contents

340:2-1-1

340:2-1-2

340:2-1-3

340:2-1-6

340:2-1-8

340:2-1-25

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340:2-1-27

340:2-1-28

340:2-1-29

340:2-1-55

340:2-1-56

340:2-1-57

340:2-1-75

### **INSERT**

340:2-1, Table of Contents, pages 1-3,  
revised 7-1-10

340:2-1-1, 1 page only, revised 7-1-10

340:2-1-2, 1 page only, revised 7-1-10

340:2-1-3, 1 page only, revised 7-1-10

340:2-1-6, 1 page only, revised 7-1-10

340:2-1-8, pages 1-6, revised 7-1-10

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340:2-1-26, pages 1-3, revised 7-1-10

340:2-1-27, pages 1-3, revised 7-1-10

340:2-1-28, pages 1-3, revised 7-1-10

340:2-1-29, pages 1-2, revised 7-1-10

340:2-1-55, pages 1-2, revised 7-1-10

340:2-1-56, pages 1-2, revised 7-1-10

340:2-1-57, 1 page only, revised 7-1-10

340:2-1-75, 1 page only, revised 7-1-10

**REMOVE**

340:2-1-76

340:2-1-77

340:2-1-78

340:2-1-79

340:2-1-80

340:2-1-82

340:2-1-83

340:2-1-84

340:2-1-85

340:2-1-86

340:2-1-88

340:2-1-93

**INSERT**

340:2-1-76, pages 1-2, revised 7-1-10

340:2-1-77, pages 1-3, revised 7-1-10

340:2-1-78, pages 1-2, revised 7-1-10

340:2-1-79, 1 page only, revised 7-1-10

340:2-1-80, 1 page only, revised 7-1-10

340:2-1-82, pages 1-3, revised 7-1-10

340:2-1-83, pages 1-3, revised 7-1-10

340:2-1-84, pages 1-2, revised 7-1-10

340:2-1-85, pages 1-2, revised 7-1-10

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340:2-1-88, 1 page only, revised 7-1-10

340:2-1-93, 1 page only, revised 7-1-10



**SUBCHAPTER 1. HUMAN RESOURCES MANAGEMENT DIVISION (HRMD)****PART 1. GENERAL PROVISIONS**

## Section

- 340:2-1-1. Purpose
- 340:2-1-2. Appointing authority
- 340:2-1-3. Oklahoma Merit system of Personnel Administration (Merit System)
- 340:2-1-4. Political activity
- 340:2-1-5. Employee benefits
- 340:2-1-6. Investigation of employees accused of child abuse or neglect
- 340:2-1-7. Financial Disclosures filed with the Ethics Commission (EC) required and designated
- 340:2-1-8. Employee ethics and other employment

**PART 3. INTERNAL HUMAN RESOURCES**

- 340:2-1-25. Application **[REVOKED]**
- 340:2-1-26. Employment and assignment
- 340:2-1-27. Report of entrance on duty
- 340:2-1-28. Probationary or trial period, classified service
- 340:2-1-29. Appointments
- 340:2-1-30. The drug-free workplace
- 340:2-1-31. Classification plan
- 340:2-1-32. Salary Administration Plan and Agency Compensation Guidelines
- 340:2-1-33. Fair Labor Standards Act rules **[REVOKED]**
- 340:2-1-34. Employment verifications and references

**PART 4. ALCOHOL AND DRUG TESTING APPLICABLE TO OKDHS EMPLOYEES AND APPLICANTS**

- 340:2-1-40. Purpose
- 340:2-1-41. Prohibition
- 340:2-1-42. Definitions
- 340:2-1-43. Implementation of alcohol and drug testing of OKDHS employees and applicants
- 340:2-1-44. Disciplinary action
- 340:2-1-45. Employee Assistance Program referral **[REVOKED]**
- 340:2-1-46. Confidentiality
- 340:2-1-47. Grievance rights **[REVOKED]**

**PART 5. ADMINISTRATIVE PROCEDURES**

- 340:2-1-55. Individual personnel records  
 340:2-1-56. Criminal history checks  
 340:2-1-57. Tobacco policy  
 340:2-1-58. Reduced services and temporary office or facility closures

### **PART 7. RECRUITMENT, SELECTION, AND PLACEMENT POLICY AND PROCEDURES**

- 340:2-1-75. Policy on equal opportunity for employment  
 340:2-1-76. Appointments and changes in employee classification not subject to vacancy posting provisions  
 340:2-1-77. Vacancy posting procedures  
 340:2-1-78. Method of application  
 340:2-1-79. Eligibility to compete for positions in the classified service  
 340:2-1-80. Eligibility to compete for positions in the unclassified service  
 340:2-1-81. Issuing Applicant List and E-List  
 340:2-1-82. Job-related selection criteria  
 340:2-1-83. Selection advisory committee for positions in the classified service  
 340:2-1-84. Interviews for positions in the classified service  
 340:2-1-85. Final selection  
 340:2-1-86. Delegation of responsibility for vacancy posting and selection procedures **[REVOKED]**  
 340:2-1-87. Compensation  
 340:2-1-88. Alternate hiring levels  
 340:2-1-89. Office of Personnel Management (OPM) E-List - classified service  
 340:2-1-90. Required forms to be completed by OPM certificate applicants **[REVOKED]**  
 340:2-1-91. Submission of OPM certificate and support documentation to personnel **[REVOKED]**  
 340:2-1-92. Review of returned OPM certificate **[REVOKED]**  
 340:2-1-93. Applicants who have previously been discharged from employment in the classified service

### **PART 9. TRAVEL REIMBURSEMENT [REVOKED]**

- 340:2-1-100. Purpose and authority **[SUPERSEDED]**  
 340:2-1-101. Definitions **[SUPERSEDED]**  
 340:2-1-102. Applicability; employee/non-employee responsibility **[SUPERSEDED]**  
 340:2-1-103. Completion of Travel Reimbursement Form (Adm-6) **[SUPERSEDED]**  
 340:2-1-104. Authorization travel (Classified/Unclassified/Exempt Service) **[SUPERSEDED]**

- 340:2-1-105. Attendance at previously arranged meetings **[SUPERSEDED]**
- 340:2-1-106. Per diem **[SUPERSEDED]**
- 340:2-1-107. Subsistence in lieu of per diem **[SUPERSEDED]**
- 340:2-1-108. Miscellaneous expenses **[SUPERSEDED]**



**340:2-1-1. Purpose**Revised 7-1-10

The purpose of this Subchapter is to describe the Oklahoma Department of Human Services (OKDHS) rules governing the appointment of employees including reinstatements, interagency transfers, direct hires, and applicants, as permitted by the Oklahoma Personnel Act.



**340:2-1-2. Appointing authority**Revised 7-1-10

Section 4 of Article XXV, of the Constitution of the State of Oklahoma provides that the Director of the Oklahoma Department of Human Services (OKDHS), subject to the control of the Oklahoma Commission for Human Services, has the power and duty to employ personnel of OKDHS. As the executive and administrative officer of OKDHS, the Director has final responsibility for all administrative decisions affecting personnel actions of OKDHS. Authority to appoint employees in the unclassified service is found in Section 26.17 of Title 56 and Sections 840-5.3 through 5.5 of Title 74 of the Oklahoma Statutes.



**340:2-1-6. Investigation of employees accused of abuse or neglect**Revised 7-1-10

The Oklahoma Department of Human Services (OKDHS) is responsible for receiving and investigating complaints of abuse and neglect. When an employee of OKDHS is alleged to have abused or neglected a vulnerable person, special procedures are followed to provide outside accountability and to assure the employee that an unbiased investigation is completed. These procedures are outlined in OAC 340:75-3-6.1(c) and OAC 340:5-1-8(2).



**340:2-1-8. Employee ethics and other employment**

Revised 6-1-08

(a) **Other employment, prohibition against use of position for personal gain, and avoidance of conflicts of interest.** An employee is subject to appropriate corrective or disciplinary action if the employee fails to comply with the Rules of the Ethics Commission. [74 O. S. Ch. 62]

(1) Under these provisions, every employee must, during office hours, devote full time and attention, to Oklahoma Department of Human Services (OKDHS) business. An employee may not use:

(A) office hours for private gain, including activities involved in a business enterprise, such as livestock or crop farming, sale of real estate, or other business which involves self-employment; nor

(B) paid time, state offices, telephones, supplies, and equipment to further the programs or activities of private, non-profit organizations, even when the objectives of the private organization are compatible with those of OKDHS. Exceptions may occur as authorized by the division director and only for activities in which OKDHS can legitimately expend agency dollars, for example, when OKDHS is a member of an organization or in situations where OKDHS has responsibility as a member of a board or commission by law or by appointment of the executive or legislative branch of government. ■ 1

(2) An employee may accept other employment outside of the employee's OKDHS regular office hours provided such employment is approved in advance and does not interfere with or is not in conflict with the employee's work within OKDHS. ■ 2

(3) It is vitally important that an OKDHS employee avoid actual and perceived conflicts of interest in activities, such as employment with a provider who contracts with OKDHS. The employment or other activities of a spouse or other close family member may create the appearance of a conflict of interest and cause members of the general public to question the objectivity of OKDHS decision-making.

(4) An OKDHS employee may not be employed by another state agency or any provider contracting with OKDHS without the prior written approval of the employee's division director. ■ 3

(b) **Related employees.** Placement in a position that results in relatives occupying positions within a division, office, facility, or area where one relative occupies a senior

administrative position must be approved in writing by the OKDHS Director or designee.

■ 4 OKDHS reserves the right to make placements and work assignments of personnel as necessary to eliminate or prevent situations of this nature. OKDHS policy prohibits, unless waived by the OKDHS Director or designee, the employment of any person in a position that results in:

- (1) immediate supervision by a relative. Relative is defined as spouse, child, parent, stepparent, parent-in-law, grandchild, grandparent, brother, sister, stepchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, first cousin, or foster relationship;
- (2) placement in a position within a relative's line of authority or chain of command; or
- (3) two or more relatives reporting to the same immediate supervisor.

(c) **Processing applications for OKDHS benefits or services on behalf of an employee's relative or for persons living in the employee's home.** In performing their official duties, employees are impartial and perform their duties in a manner that maintains impartiality. ■ 5 Employees who engage in improper client relationships, as referenced in this Section, are subject to appropriate corrective or disciplinary action.

(1) An employee may not:

- (A) process, certify, or approve an application for benefits, payments, or services for any relative as defined in subsection (b) of this Section, or for any unrelated person living in the employee's household. This includes a relationship to a relative that has been terminated by death, divorce, or other reasons; nor
- (B) act as authorized representatives for clients receiving OKDHS program benefits without the specific written approval of the local administrator after a determination has been made that no one else is available to serve.

(2) In those offices with limited staff, it may be necessary for an employee to take an application for a person(s) listed in subsection (b) of this Section. The employee cannot certify the person(s) for benefits, payments, or services. ■ 6

(d) **Client relationships.** In keeping with the mission of OKDHS to serve and protect clients, OKDHS employees assist clients in developing independence and self-sufficiency while recognizing their rights. A client is defined as a program applicant, recipient, patient, resident of an OKDHS facility, and any other person receiving or making application for OKDHS services. Rights of clients include, but are not limited to:

- (1) privacy and the expectation that information obtained by OKDHS employees in the course of their duties is held confidential;
- (2) treatment that conveys dignity, respect, courtesy, fairness, and good faith;
- (3) expectation of high standards of personal conduct from OKDHS employees;
- (4) freedom from discrimination on the basis of race, gender, age, color, creed, national origin, religion, or disability;
- (5) freedom from sexual harassment;
- (6) freedom from coercion to give gifts or services of value; and
- (7) freedom from interference by OKDHS employees with regard to matters of individual belief or faith. ■ 7

## **INSTRUCTIONS TO STAFF 340:2-1-8**

### **Revised 7-1-10**

- 1. Oklahoma Department of Human Services (OKDHS) employees are encouraged to be constructive citizens of their local communities with their private activities conducted on personal time and kept separate from OKDHS working hours. While employed by OKDHS, an employee may not engage in a business enterprise either as an administrator, investor, or operator that is subject directly or indirectly to the control, inspection, review, audit, licensing, or enforcement by OKDHS. If, as a member of the board of directors, the employee, or his or her spouse, has a stake in the financial gains or losses in a business enterprise, membership is prohibited.**
- 2. If an employee wishes to engage in other employment or in a business enterprise or activity or changes secondary employment or other business activity while an employee of OKDHS, the employee submits, in advance, Form 11AD042E, Request for Approval of Other Employment, to the employee's immediate supervisor and local administrator.**
- 3. If there is an appearance of a conflict of interest or involvement with another state agency or a private agency contracting with OKDHS, final approval of Form 11AD042E is made by the appropriate senior administrator or division director.**

4. Questions regarding interpretation of this Section are submitted in writing to the division director, Human Resources Management Division (HRMD), who makes a determination as to applicability of coverage.
5. Employees of OKDHS are expected to:
  - (1) respect the privacy of clients and hold in confidence all information obtained in the course of their duties, as required by law and OKDHS policy;
  - (2) make every effort to foster maximum self-determination on the part of clients;
  - (3) ensure that all judgments, decisions, and actions are taken in the best interest of the client;
  - (4) treat clients with dignity, respect, courtesy, fairness, and good faith;
  - (5) take responsibility for identifying, developing, and fully utilizing knowledge of their respective professions and adhere to professional codes of ethics and conduct that govern that profession;
  - (6) ensure that all contacts attempted or made with a client or relating to a client's case are recorded in the client case record, including contacts in person, by phone, or by written correspondence;
  - (7) maintain high standards of personal conduct in the capacity and identity as an OKDHS employee;
  - (8) comply with OKDHS policies and procedures governing client abuse, neglect, and mistreatment; and
  - (9) recognize the affect their recommendations and professional actions may have on the lives of clients, and ensure that personal, social, financial, political, or other inappropriate factors do not influence these actions or recommendations.
6. OKDHS employees are prohibited from:
  - (1) discriminating against employees or clients on the basis of race, gender, age, color, creed, national origin, religion, or disability and

prohibited from engaging in sexual harassment. Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature, which makes sexual favors a condition of employment, employment benefits, approval, or receipt of benefits, or which create a hostile or offensive working or service environment, even though there may be no economic detriment to the employee or client;

(2) allowing personal problems and conflicts to interfere with professional judgments and effectiveness. Any employee who becomes aware that such personal problems or conflicts may adversely affect the provision of services to a client(s) immediately advises his or her supervisor so appropriate steps can be taken to ensure that client services are unaffected;

(3) taking any action that violates the legal and civil rights of clients or others who may be affected by their actions;

(4) initiating a discussion with, or lobbying clients on, issues unrelated to the provision of client services while engaged in official duties on behalf of OKDHS;

(5) using their position as an OKDHS employee to form a personal relationship with a client;

(6) exploiting the trust and dependency of clients or engaging in any activity that is, or is perceived as, an exploitation of the client relationship. Prohibited activities include, but are not limited to:

(A) taking clients on overnight visits or trips, unless such overnight outings have been officially arranged and sanctioned by OKDHS supervisory or administrative staff;

(B) extending or accepting social invitations from clients;

(C) engaging in sexual intimacies with clients;

(D) engaging in or encouraging clients in illegal activities, including use or possession of illicit drugs or alcohol;

- (E) giving or accepting gifts from clients or exchanging or suggesting the exchange of any goods or services of value, unless specifically authorized by policy or appropriate supervisory personnel; and**
- (F) making home visits or other client contacts on behalf of OKDHS outside normal working hours, unless specifically authorized by policy or appropriate supervisory personnel.**
- 7. (a) In the event an employee has a personal relationship off-duty with a person whose case or OKDHS services are being administered by the immediate office or the program to which the employee is assigned, the employee promptly reports such relationship to his or her immediate supervisor. The supervisor and higher-level management personnel determine whether it is appropriate for the employee to continue in that unit or be reassigned elsewhere.**
- (b) It is the responsibility of the local administrator or designee to complete and dispose of the application or to assign a staff person from another office to complete the application.**

**340:2-1-26. Employment and assignment**Revised 7-1-10

(a) **Selection from Office of Personnel Management (OPM) E-List.** The process to fill a position is initiated by use of Form 11PE031E, Announcement Requisition, which is forwarded to the Human Resources Management Division (HRMD), Oklahoma Department of Human Services (OKDHS). When HRMD is notified of vacancies that are not filled by promotion, demotion, transfer, or reinstatement in accordance with OKDHS recruitment, selection, and placement policy and procedures, HRMD may request an OPM E-List which may be used in accordance with OAC 340:2-1-84(b). OPM supplies names of eligible persons. The hiring rule is the top ten available eligibles, or anyone whose name is tied with the lowest ranked eligible within the hiring rule. [OAC 530:10-9-92 and 74 O. S. § 840-4.13] OKDHS may make its selection from the OPM E-List within the hiring rule. In selecting new personnel from the OPM E-List, OKDHS may consider any information legally available concerning each applicant, including data recorded on the application, reports of interviews with applicants and references, performance evaluations, letters of reference, and background checks. OKDHS does not discriminate in any of its employment policies and is an equal opportunity employer. ■ 1

**(b) Utilization of multiple continuous announcement (MCA).** OKDHS may announce that applications will be accepted for a specified period of time in anticipation that numerous vacancies will occur during the period of the announcement. Criteria for the establishment of an MCA is determined by HRMD. When MCA is utilized:

(1) individual announcements are not utilized for the same job family descriptor at the same unit location;

(2) applicant lists may be issued to selecting official beginning ten calendar days after announcement opens and up to ten calendar days after the announcement closes; and

(3) an applicant will have his or her name removed from further consideration for MCA when the applicant:

(A) fails to respond to an invitation for an interview;

(B) fails to respond to a request for additional information;

(C) declines an interview; or

(D) declines a job offer.

**(c) Determination of availability.** Upon receipt of the OPM E-List, HRMD forwards the E-List to the requesting official. This official contacts applicants on the list by mail or e-mail to determine if the applicants are available for an interview.

(1) If an applicant declines an offer of appointment, fails to report for an interview, or fails to report for duty, the circumstances are documented for the record. An eligible applicant may be considered to have declined and may be removed from consideration when he or she:

(A) fails to reply to a written invitation to interview within seven calendar days, exclusive of the date of mailing;

(B) is contacted by e-mail with an invitation to interview and fails to respond to the electronic inquiry within 72 hours; or

(C) verbally declines an opportunity to interview with a representative of OKDHS.

(2) Information regarding a selected applicant's availability for appointment is transmitted to HRMD with any other pertinent information obtained regarding the applicant at the time. Form 11PE076E, Applicant List, is returned to HRMD and as relevant, the OPM E-List.

(3) A conditional offer of employment, Form 11PE009E, Conditions of Employment, is made to an applicant pending the passing of the required drug screening. [OAC 340:2-1-43(b)(1)] ■ 2

(4) Appointment to certain positions within OKDHS requires the completion of a favorable background check. [OAC 340:2-1-56]

**(d) Notice of appointment.** Since OKDHS administers statewide programs, staff are assigned in accordance with the particular needs of OKDHS. Form OPM-14, Request for Personnel Action, showing the OPM position identification number, job family with level and job code, place of assignment, pay band and salary, is provided to the new employee as notice of his or her appointment. ■ 3

## **INSTRUCTIONS TO STAFF 340:2-1-26**

**Revised 7-1-10**

1. Division directors are responsible for making the necessary efforts to attain division goals developed pursuant to the Oklahoma Department of Human Services (OKDHS) Affirmative Action Plan. Fair Employment Practices Act (FEPA) List may be utilized.
2. InfoNet Form 11PE009E, Conditions of Employment, will be used to convey salary, appointment status, and requirements which applicant must meet.
3. (a) The Human Resources Management Division (HRMD) copy of Form OPM-14, Request for Personnel Action, is filed in the employee's personnel folder.  
  
(b) Form OPM-14 is transmitted electronically to the Office of Personnel Management (OPM) and to the employing office.  
  
(c) A copy of Form OPM-14 is sent to:
  - (1) the Payroll Unit of OKDHS Finance Division;
  - (2) the HRMD Benefits Section;
  - (3) the employee; and
  - (4) as required, the Oklahoma Public Employees Retirement System (OPERS).



**340:2-1-27. Report of entrance on duty**Revised 7-1-10

(a) **Required documents.** On the day a new employee enters on duty, the supervisor of the unit of assignment completes Form 11AD068E, Report of Accession, and forwards it to the Human Resources Management Division (HRMD). Documents attached to Form 11AD068E include:

(1) a copy of the employee's Social Security card. The employee's name on all personnel and payroll records is shown exactly as it appears on the Social Security card. If the employee is unable to provide the required original Social Security card, the employee must present a receipt of application for the replacement card within three business days of entering on duty;

(2) Secretary of State (SOS) Form 100, Loyalty Oath. A signed, written loyalty oath is required for each new employee. A new SOS Form 100 is submitted with each appointment following a consecutive 30-day break in service;

(3) Form W-4, Employees Withholding Allowance Certificate, or Form W-5, Earned Income Advance Payment Certificate;

(4) Form 515-01-97R, Enrollment Application in State Retirement, except for temporary appointments;

(5) Notice of Employee's Right to Continue Group Health Coverage, Consolidated Omnibus Budget Reconciliation Act (COBRA), except for temporary appointments;

(6) Form 11PE021E, Additional Application Information;

(7) Form 10PL023E, Employee Longevity Service Worksheet, except for temporary appointments;

(8) Department of Homeland Security, United States Citizenship and Immigration Services, Form I-9, Employment Eligibility Verification. Pursuant to the Immigration Reform and Control Act of 1986, Form I-9 is completed by the employing unit on the first day of employment. If the employee is unable to provide the acceptable original document(s) as listed on the Form I-9, the employee must present a receipt for the application for the document(s) within three business days of entering on duty or the employee will be immediately separated from duty. However, an employee working three days or less must produce the required original documents for the completion of Form I-9 on the first day of duty. An employee who presented a receipt for the

application of a document must present the required original document within 90 calendar days of entering on duty or he or she will be immediately separated from duty; ■ 1

(9) verification of tribal affiliation, if the employee wishes designation as Native American;

(10) insurance benefits enrollment forms, except for temporary appointments;

(11) Form 11AD133E, Employee and Non-employee Acknowledgment of Confidentiality; and

(12) the employee's acceptance of the conditional job offer, Form 11PE009E, Conditions of Employment, agreeing to classification, status, salary and to serving a probationary period upon entrance to the classified service as a direct hire, as a reinstatement, or any other hire that does not utilize the Office of Personnel Management (OPM) E-List. ■ 2

(b) **Missing documents.** If all documents are not available on the date of entry on duty, all available documents are submitted. Missing documents are submitted as soon as possible, but no later than required by law to ensure accurate compensation. All of the documents listed in (a)(1) through (12) of this Section are required in accordance with state and federal laws.

#### **INSTRUCTIONS TO STAFF 340:2-1-27**

**Revised 6-1-08**

**1. (a) Authorized unit staff are required to submit Form I-9, Employment Eligibility Verification, and documentation information to the Department of Homeland Security (DHS) through the E-Verify system for all new hires:**

**(1) temporary;**

**(2) unclassified;**

**(3) probationary; and**

**(4) inter-agency transfer of an active state employee.**

**(b) An exception is a previous Oklahoma Department of Human Services (OKDHS) employee with less than a 30 day break in service, who does not need to be verified through the E-Verify system.**

**(c) When a receipt for application is used for the initial submission of required document(s) for the Form I-9, the unit staff completing Form I-9, records "receipt" on the document information.**

**(1) The original Form I-9 is held in the unit until verification of the original document has been made.**

**(2) A copy of Form I-9, and "receipt" documentation used for the E-Verify process, along with the response e-mail from OKDHS E-Verify is forwarded to Human Resources Management Division (HRMD).**

**(d) If a receipt for application for a document is used for initial submission of Form I-9, the unit staff enters "Pending" into the Human Resources Information System (HRIS). HRMD verifies the entry.**

**(e) Upon verification of the original document the unit staff:**

**(1) updates HRIS to "yes";**

**(2) crosses out "receipt," on any document number, records the information for the original document, initials and dates the change on the Form I-9; and**

**(3) forwards the original Form I-9 and the copies of documentation to HRMD.**

**(f) The unit maintains a copy of the response from OKDHS E-verify, Form I-9 with the verifying documentation in the employee's local file.**

**2. The employee's acceptance of the conditional job offer, including the notification of a probationary period to be served is completed prior to the employee's enter-on-duty date.**



**340:2-1-28. Probationary or trial period, classified service**Revised 7-1-10

(a) **Probationary period upon initial appointment.** The probationary period for any appointed employee is one-year or until waived after the employee has served six months. The probationary period may not be extended beyond one year but may be adjusted, per Merit Rule OAC 530:10-11-36. An employee in a leave without pay status in excess of 40 working hours will have the probationary period adjusted equal to his or her leave without pay time in excess of 40 hours. ■ 1

(1) The probationary period is a working test period during which a classified employee is required to demonstrate fitness for the job family and level to which appointed. The decision to grant a probationary employee permanent status is based upon written evaluations, recommendations, or other pertinent information. Early award of permanent status is reviewed and approved at division level or designee. When permanent status is granted, the employee and OPM receive confirmation from the Human Resources Management Division (HRMD). ■ 1

(2) Services of an employee on probationary status may be terminated at any time. ■ 2

(3) Employee benefits are available to probationary employees in accordance with specific benefit policies.

(4) A change in shift assignment or significant change of duties of a probationary employee, in excess of 30 calendar days, requires prior approval of OPM.

(5) A probationary employee is not:

(A) eligible for promotion or demotion;

(B) eligible to apply for OKDHS job announcements until successful completion of the probationary period;

(C) transferred from the original locality where appointed;

(D) changed from part-time to full-time; and

(E) transferred to a position in another job family.

(6) A probationary or permanent OKDHS employee may apply for a job through the OPM application system. If a job offer is subsequently made, the offer is to a new appointment and the employee is required to:

(A) resign from the old position at the time of acceptance; and

(B) serve a new one-year probationary period in the new position.

**(b) Trial period upon promotion or transfer.** A classified employee who is promoted or transferred to a different job family and level serves a six-month trial period in the job family and level to which the employee is promoted or transferred. The trial period may be waived in writing at any time.

**(c) Trial period upon voluntary demotion.** Voluntary demotion of a classified OKDHS employee requires a six-month trial period. The voluntarily demoting employee is notified in writing of a trial period prior to the effective date of the voluntary demotion. ■ 5 The trial period may be cancelled at any time.

**(d) Failure to complete trial period.** If an employee's performance does not prove satisfactory in the new job, the employee is reinstated to the former position or another in the same job family and level, at the salary the employee would have received if the promotion, demotion, or transfer had not taken place. The employee is provided written notice of the reason for failure to acquire permanent status in the job. ■ 4

**(e) Interagency transfer or reinstatement.** Permanent, classified employees of other Oklahoma state agencies may transfer in permanent status unless the selecting authority elects to require appointment as a reinstatement to include a probationary period as a condition of employment.

## INSTRUCTIONS TO STAFF 340:2-1-28

### Revised 7-1-10

1. It is critical that the immediate supervisor and the reviewing supervisor develop Form OPM-111, Performance Management Process (PMP), the accountabilities, to include tasks and performance standards and behaviors expected for successful performance in the assigned job family and level. Form OPM-111 is opened within the employee's first 30 duty days. The immediate supervisor must close out Form OPM-111 not later than 30 calendar days prior to completion of the probationary period.

- 2. When services are terminated during a probationary period, the appropriate senior administrator, division director, area director, or designee is responsible for notifying the employee and other relevant offices of the termination. This notice is delivered by personal service or sent certified mail to the last known address of the employee. A copy of the notice of termination is filed in the employee's personnel record.**
- 3. When a determination is made that an employee's trial period is terminated and the employee returns to the previous job family descriptor (JFD), the current division director or designee advises the employee's previous division official of the decision and reaches an agreement on the employee's effective date of transfer, which must not be later than seven duty days from the notification date.**
- 4. The demoting employee signs and dates the completed form to acknowledge the demotion, the change of salary, and the required trial period before assuming his or her new job family and level.**
- 5. Before extending a job offer to an applicant from another state agency, the selecting official checks with the Human Resources Management Division for verification of the applicant's current job family and level, pay band, salary, and status.**



**340:2-1-29. Appointments**Revised 7-1-10

(a) **Types of appointments.** All appointments are made either to the classified service or to specific positions in the unclassified service. ■ 1 Appointments are made in accordance with applicable Oklahoma Administrative Code (OAC) Rules, Merit System of Personnel Administration Rules (Merit Rules), and Oklahoma Department of Human Services (OKDHS) policy.

(1) **Classified service.** Classified service refers to employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration (Merit System) by constitutional amendment or state statute.

(2) **Unclassified service.** Unclassified service refers to employees and positions excluded from coverage of the Merit System, by constitutional amendment, state statute, or executive order and approved by the OKDHS Director. Employment in the unclassified service is considered employment-at-will.

(b) **Reinstatement.** A former employee, who had permanent status in the classified service, may be eligible to apply on OKDHS job announcements to be considered for reinstatement in accordance with OKDHS policy. The Human Resources Management Division (HRMD) obtains verification from the Office of Personnel Management (OPM) of the applicant's eligibility for reinstatement at the time of application.

(1) Reinstatement eligibility may equal up to the period of service that results in permanent classified status.

(2) If a permanent, classified employee leaves a permanent, classified position for an unclassified position with no break in service, [OAC 530:10-15-10(c)(1)(G)] the period of time during which the person is eligible for reinstatement begins on the date of separation from the unclassified position rather than the date of separation from the classified position.

(3) The unclassified service does not add to the period of time eligible for reinstatement.

(4) Reinstatements to the classified service are probationary under the terms outlined in OAC 340:2-1-28 for new employees, provided the former employee has been notified, and has acknowledged in writing an understanding that probation is a condition of the job offer.

(5) Enter on duty date must occur before reinstatement eligibility expires. An applicant whose eligibility date expires within 30 working days of the closing date of an individual announcement is notified that:

(A) there is insufficient time for the selection process to be completed prior to the end of his or her eligibility; and

(B) he or she may compete for appointment in the classified service by submission of an application to OPM if the position is announced on OPM'S application system. [Merit Rule OAC 530:10-9-10]

(c) **Direct hire and hard to fill appointments.** Appointments in the classified service made under the direct hire and hard to fill positions serve a probationary period even if a probationary period was served for a previous appointment with any Oklahoma state merit agency.

(d) **Temporary appointments.** When OKDHS requires the service of persons on a temporary basis, a person may be appointed into the unclassified service without regard to other provisions governing appointments. No person is appointed under this provision for more than a total of 999 hours in a 12-month period from the date of initial hire with any or all state agencies. Temporary appointments do not confer any privileges, rights of appeal, or rights of position, transfer, reinstatement, nor any other rights to any classified position under the Merit System, nor is any temporary employee entitled to any employee benefits. Local administrators and supervisors are responsible for ensuring that temporary employees do not work more than 999 hours within a 12-month period from the date of initial hire. [74 O.S. § 840-5.5(A)(8)] ■ 2

(e) **Dual appointments.** When an OKDHS employee seeks additional employment with another state agency, the employee must complete Form 11AD042E, Request for Approval of Other Employment, which requires the division director's approval. The division director refers to the Fair Labor Standards Act to review for any potential overtime and/or budgetary issues.

## INSTRUCTIONS TO STAFF 340:2-1-29

### Revised 7-1-10

1. Form 11PE009E, Conditions of Employment, is completed by the selecting official or designated representative and provided to the applicant selected for the appointment to document the conditions under which an offer of employment is tendered. This must be completed prior to obtaining information for a background check or drug testing.

**340:2-1-55. Individual personnel records**

Revised 6-26-03

A local personnel file is set up in each office aside from the file in Human Resources Management Division (HRMD). ■ 1 Included in the file are official communications, documents, supervisory memoranda, and similar material relating to the employee. The divisions and units housed at the state office may use the records maintained by HRMD in place of the files required in the outlying offices. The employee and any individual in the line of authority above the employee may review the employee's personnel file either in the local office or in the state office. Local administrators or selecting officials may review personnel files for employees who are seeking assignment within their offices. Other officials of OKDHS may review an employee personnel file when there is an administrative need. Any other requests to review employee personnel files are handled in accordance with the provisions of the Open Records Act. Section 840-2.11 of Title 74 of the Oklahoma Statutes prohibits public inspection or disclosure of state employees' home addresses, home telephone numbers, and Social Security numbers. ■ 2

**INSTRUCTIONS TO STAFF 340:2-1-55**Revised 7-1-10

1. (a) The local personnel file may include copies of materials maintained in Human Resources Management Division (HRMD) files, such as:
  - (1) Form 11PE012E, Application for Employment;
  - (2) Secretary of State (SOS) Form 100, Loyalty Oath;
  - (3) copy of Social Security card;
  - (4) Consolidated Omnibus Budget Reconciliation Act (COBRA) Form Notice of Right to Continue Coverage; and
  - (5) Form 11AD133E, Employee and Non-employee Acknowledgment of Confidentiality.
- (b) The local administrator is responsible for the maintenance of local personnel files for all staff assigned to the county.

**2. The items listed in this Instruction are filed in HRMD permanently or as indicated. Local office files include copies of forms originating in its office. Personnel records are separated into:**

**(1) active - those now in the employment of the Oklahoma Department of Human Services (OKDHS), files maintained by optical imaging in Records and Archives;**

**(2) inactive - those separated from employment, files deleted of duplicate correspondence when separated from OKDHS are imaged and placed in storage; and**

**(3) supervisory documentation - such as, informal notes on performance, corrective discipline, timekeeping, and any other pertinent documents relevant to employee's performance or that may be considered by the supervisor in evaluation of the employee's performance. These are not open records but may be subject to review. No information is contained in such files that has not been discussed with or provided to the employee.**

**340:2-1-56. Criminal history checks**Revised 7-1-10

Criminal history checks are completed for all employees appointed to or transferring to positions that are sensitive or critical in nature or to positions that work directly with children. ■ 1-3

(1) Personnel handling restricted data are considered, for purposes of this Section, to be in a sensitive position. Criminal history checks are completed on designated positions within the Field Operations Division, Children and Family Services Division, Support Services Division, and Developmental Disabilities Services Division. Applicants for positions requiring criminal history checks are advised that, if selected for the position, a favorable criminal history check is required.

(2) Divisions are responsible for designation of positions that require criminal history checks. Divisions must consistently obtain criminal histories on any person selected to fill a position requiring criminal history checks.

(3) Criminal history checks are obtained prior to employment for staff of child care facilities when 24-hour, supervised care is provided, as in group homes, and include a search of Department of Corrections files maintained pursuant to the Sex Offenders Registration Act. [10 O.S. § 404.1]

(4) Criminal history checks are required only on the applicant who is recommended for the position.

(5) Criminal history checks are also obtained on any Oklahoma Department of Human Services (OKDHS) employee selected for transfer to a position that requires a criminal history check.

(6) Criminal history checks are considered restricted information and are protected accordingly. The results of these investigations are maintained in a separate file and are not made a part of the local or Human Resources Management Division personnel files. The history check is maintained for the duration of employment of the person and for one year from the date of the report for employees who separate from OKDHS.

(7) Certain OKDHS volunteers and health care providers are required to have history checks.

**INSTRUCTIONS TO STAFF 340:2-1-56**Revised 7-1-10

1. The recommended employee completes Form 11PE021E, Additional Application Information, at the time a conditional job offer is made.
  - (1) The original Form 11PE021E is sent to the Human Resources Management Division (HRMD), with Form 11AD068E, Report of Accession, and required documents.
  - (2) The local office retains a copy of Form 11PE021E.
  - (3) A copy of Form 11PE021E is sent to the person responsible for requesting criminal history checks from the Oklahoma State Bureau of Investigation (OSBI) for the employing division. The authorized person in the division prepares a request to OSBI, which includes name of the recommended employee, any other names used, Social Security number, date of birth, sex, and race.
2. A current OKDHS employee transferring into a position requiring a criminal background history check completes Form 11PE021E. The local office forwards Form 11PE021E to the person responsible for requesting criminal background history checks for the division, and a request is prepared as outlined in Instructions to Staff #1. An employee is not permitted to transfer until a favorable criminal background history check is received.
3. The local office may request a criminal history check of the history of an applicant or employee who has been a resident of another state. The authorized person in the division may obtain information on the cost of criminal history checks by contacting the OSBI.

**340:2-1-57. Tobacco policy**Revised 7-1-10

In all buildings, offices, and facilities owned, leased, or otherwise occupied by the Oklahoma Department of Human Services (OKDHS), tobacco use is not permitted except in designated areas if available.

(1) **Outside use of tobacco.** Possession of tobacco in any form within 25 feet of the entrance or exit of any building, office, or facility owned, leased or otherwise occupied by OKDHS is prohibited.

(2) **Designation of tobacco use areas.** If adequate space exists, the Support Services Division (SSD) director may designate at least one tobacco use area in each building or facility. These areas must be adequately vented to the outside to eliminate smoke in both smoking and nonsmoking areas. SSD determines if adequate space exists and whether ventilation is sufficient to allow an area to be designated for smoking. Tobacco use areas are not used for public business.

(3) **State vehicles.** All state vehicles owned, leased, or otherwise utilized by OKDHS are considered a non-tobacco use area.

(4) **Responsibilities.** Administrators and supervisors are responsible for the enforcement of this policy. Appropriate signs such as "No Tobacco Use Within 25 feet of Building" are posted. ■ 1

**INSTRUCTIONS TO STAFF 340:2-1-57**Revised 7-1-10

1. **Tobacco cessation programs.** The Oklahoma Department of Human Services (OKDHS) wellness coordinator, with the cooperation of chief officers, division directors, area directors, resource center directors, and other administrators or supervisors, provides information on tobacco cessation programs and encourages employees to take advantage of tobacco cessation programs offered by state employee health plans or other entities.



**340:2-1-75. Policy on equal opportunity for employment**Revised 7-1-10

(a) The Oklahoma Department of Human Services (OKDHS) is an equal opportunity employer and has as its employment goal the recruitment, selection, and placement of persons most likely to become productive, motivated employees. To accomplish this goal, procedures designed to meet the hiring process objectives include:

- (1) recruiting qualified applicants who have the general knowledge, skills, and abilities to perform the variety of work available in OKDHS;
- (2) selecting persons who meet minimum qualifications and can perform the essential functions and who are or will become successful employees of OKDHS;
- (3) placing employees in positions suited to their qualifications where they are successful in providing a variety of services to the citizens of Oklahoma;
- (4) ensuring that all employment decisions are based on job-related qualifications and consistent with applicable laws, rules, policies, procedures, and regulations governing such actions; and
- (5) providing OKDHS employees career development and advancement opportunity consistent with this policy.

(b) In the administration of the employment policies and practices, OKDHS does not discriminate against employees or applicants for employment because of race, creed, color, religion, sex, age, national origin, disability, or political affiliation or opinion. OKDHS takes affirmative action to ensure that applicants and employees are treated in a non-discriminatory way. Such employment actions include, but are not limited to, hiring, promotion, demotion, or transfer, recruitment, or recruitment advertising, layoff, or termination, rates of pay, or other forms of compensation, and selection for training.

(c) The policies in this Part apply throughout OKDHS, except where a separate policy has been issued, or a pilot is being tested as provided in OAC 340:2-1-76(10).



**340:2-1-76. Appointments and changes in employee classification not subject to vacancy posting provisions**Revised 7-1-10

Unless otherwise indicated, the local administrator submits Form 11PE031E, Announcement Requisition, to the Human Resources Management Division (HRMD) to effect personnel vacancies. ■ 1 Appointments and changes in employee job family descriptor (JFD) and level or position not subject to the vacancy notice posting provisions of the policies in this Part are:

- (1) temporary appointments;
- (2) detail to special duty or other temporary assignments that do not affect an employee's base JFD and level or classification;
- (3) intra-agency lateral transfer of a permanent employee from one position to another position in the same JFD and level, in-class, or another JFD in the same pay band;
- (4) voluntary and involuntary demotion to a vacant position;
- (5) direct reclassification made when a new JFD is adopted that better describes an incumbent's job;
- (6) position reallocation;
- (7) career progression promotions;
- (8) positions limited to the prescribed length of time of the course of training or extension study;
- (9) positions where OKDHS has elected to establish separate policies or to test pilot rules within specific organizational units, and where such policies are publicized prior to implementation;
- (10) positions converted from the classified to the unclassified service, or from the unclassified to the classified service by appointment, reinstatement, or position reallocation of an incumbent in accordance with applicable Merit System of Personnel Administration Rules (Merit Rules) and OKDHS policy and procedures;

(11) transfer of an employee, position, or both, from one work organization to another; and

(12) positions in the unclassified service. The OKDHS Director may waive the vacancy posting provisions of this policy for positions in the unclassified service. Approval of a waiver request may not be delegated, except for unclassified lawyer positions exempt from OKDHS vacancy posting procedures.

### **INSTRUCTIONS TO STAFF 340:2-1-76**

**Revised 6-1-08**

- 1. When there is a decision to fill a position, the local administrator prepares Form 11PE031E, Announcement Requisition, and other necessary documents and submits the documents to Human Resources Management Division (HRMD) ensuring compliance with state and OKDHS policies, procedures, and practices, including Equal Employment Opportunity (EEO) guidelines.**

**340:2-1-77. Vacancy posting procedures**Revised 7-1-10

(a) **Vacancy posting decision.** All vacant positions in the classified service are posted in accordance with the rules in this Section prior to the filling of such vacancies except as provided in OAC 340:2-1-76. ■ 1

(b) **Vacancy posting for positions in the classified service.** ■ 2

(1) Each posting is posted for a minimum of ten working days excluding holidays and weekends with the exception that positions that generally have a satisfactory pool of applicants may be posted for a minimum of six working days.

(2) Listings of recruitment announcements are posted on the Oklahoma Department of Human Services (OKDHS) InfoNet under Employee Self-Service and the external <http://www.okdhs.org/> Web site.

(c) **Vacancy posting for positions in the unclassified service.** Positions in the unclassified service are posted for application, except as provided in OAC 340:2-1-76(12). The process outlined in this Section may be used or, at the discretion of the appointing authority, applications may be solicited through newspapers, journals, or other recruiting methods. ■ 2

(d) **Notification of cancellation.** A vacancy posting may be canceled at any time by the OKDHS Director, senior administrator, division director, area director, local administrator, or HRMD. Notice of cancellation is provided to HRMD. If the cancellation occurs before Form 11PE076E, Applicant List, is issued, then HRMD notifies all applicants of the cancellation. If the cancellation occurs after Form 11PE076E is issued, the local administrator notifies all applicants on Form 11PE076E and any other contacted applicants from the Office of Personnel Management (OPM) E-List.

(e) **Vacancy posting extension of application period.** If a decision is made to extend the posting period beyond the initial request, a new announcement number is not required. The requesting official coordinates the extension of the announcement with HRMD. All requests to extend the announcement period are made to HRMD while the announcement is still open.

(f) **Reposting of an announcement.** To repost a position, a new vacancy posting is issued by HRMD. ■ 3

**INSTRUCTIONS TO STAFF 340:2-1-77****Revised 7-1-10**

- 1. See OKDHS:2-1-96 for additional information regarding filling vacancies. The Human Resources Management Division (HRMD) maintains an announcement file for each position announced. The local administrator or the selecting official also maintains a local file for each position announced for that unit. In a human services center (HSC), the county director maintains the announcement folder for local staff positions housed in the HSC. The announcement file must be retained for a period of two years. If legal action is filed, documents are retained for two years after the exhaustion of all legal remedies.**
  
- 2. Each vacancy posting is entered on the Oklahoma Department of Human Services (OKDHS) InfoNet, Employee Self Services and on the OKDHS Web site, <http://www.okdhs.org/> at the job announcement link <http://apps6.okdhs.org/Jobs/Pages/Intro.aspx>, each vacancy posting must include:**
  - (1) the vacancy announcement number;**
  
  - (2) the specific unit location;**
  
  - (3) the time limits for filing an application;**
  
  - (4) the official Office of Personnel Management (OPM) job family descriptor (JFD) and code, whether the position is classified or unclassified, and if the position may be filled at an alternate hiring level;**
  
  - (5) the number of vacancies;**
  
  - (6) the pay band for classified positions or salary grade for unclassified positions; salary range; and pay differential, if applicable;**
  
  - (7) a brief description of the position's essential functions or major work duties and the location to access minimum job qualifications;**
  
  - (8) any required or preferred job-related, non-discriminatory special factor(s) or consideration(s), which may be taken into consideration in making the selection decision.**
    - (A) Examples of required special factors or considerations are whether:**

- (i) a probationary or trial period is required;**
- (ii) extensive travel is required;**
- (iii) the position requires 24-hour on-call duty; and**
- (iv) selective qualifications are specified for the position. Selective qualifications for the position are approved by OPM when an E-list is utilized. HRMD has approval authority when an E-list is not used.**

**(B) Examples of preferred special factors or considerations are:**

- (i) program experience for professional supervisory or administrative positions in a specific program area; and**
- (ii) education, experience, or certifications necessary for compliance with federal or state regulations or accreditation standards;**

**(9) a statement regarding eligibility for consideration, such as whether recruiting is restricted to OKDHS employees or whether external applicants may be considered;**

**(10) the name and address of the person or office where written application is submitted;**

**(11) a procedure for filing a written application; and**

**(12) a statement that OKDHS is "AN EQUAL OPPORTUNITY EMPLOYER."**

- 3. If a position has been previously posted for announcement and not filled and contained an OPM-approved selective qualification, any changes in selective qualification must be approved by OPM prior to reposting the vacant position.**



**340:2-1-78. Method of application**Revised 7-1-10

(a) **Application for classified employment or reinstatement.** Persons seeking initial appointment in the classified service must apply through the Office of Personnel Management (OPM) for specific posted job announcements. Applicants must meet the minimum education and experience qualifications for the positions, and, if required, must complete merit testing. ■ 1

(b) **Receipt of application information.** An application must be received at the location specified for submission in the job announcement by 5:00 p.m. on the announcement closing date, using Form 11PE012E, Application for Employment. To be considered for an interview, an interagency applicant who elects to use Form OPM-4B, Personal Data Summary Sheet, in lieu of Form 11PE012E is required to complete Form 11PE021E, Additional Application Information, provided by the Human Resources Management Division (HRMD). If Form OPM-4B is utilized, the job announcement number and means to contact the applicant must be provided. ■ 1 & 2

(c) **Lateral or demotion transfer.** A permanent, classified OKDHS employee may submit a written request to the local administrator to voluntarily transfer to a specific position which has not been announced. ■ 3

(d) **Unclassified service.** OKDHS may post positions in the unclassified service per OAC 340:2-1-76(12).

(1) If the announcement is restricted to OKDHS employees, any current or former OKDHS employee, including temporary service, may apply using Form 11PE012E.

(2) If the announcement is open to applicants from all sources, any applicant may apply by submitting:

(A) Form 11PE012E; or

(B) a resume with a cover letter or transmittal document that identifies the announcement number and a means to contact the applicant. A Form 11PE021E provided by HRMD must be completed to be considered for an interview.

(e) **Submission options.** A valid employment application must be received at the location designated for submission in the job announcement by 5:00 p.m. on the closing date. Options for submission include:

(1) e-mail. Attach completed application to e-mail and send to jobs@okdhs.org. Receipt is acknowledged within one workday. Signature is not required at the time of submission when sent by e-mail, but signature is required if invited to interview;

(2) fax. Send application to 405-521-6902. Application must be signed;

(3) mail. Including UPS overnight express. Send to OKDHS Attn: HRMD, P. O. Box 25352, Oklahoma City, OK 73125. Application must be signed; or

(4) overnight express with a carrier other than USPS. Send to OKDHS, HRMD, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma. Application must be signed.

## **INSTRUCTIONS TO STAFF 340:2-1-78**

Revised 7-1-10

### **1. The procedures in (1) – (4) apply to application processing.**

**(1) Any applicant on an E-list must complete Form 11PE012E, Application for Employment, before the applicant is interviewed.**

**(2) The interviewing official advises the applicant of the authorization for release of the information and background investigations contained on the Form 11PE012E.**

**(3) The interviewing official or local administrator is responsible for preparing Form 11PE006E, Form Letter to Employment Reference, or Form 11PE007E, Form Letter to Personal Reference. The applicant has a right to review the information obtained from these inquiries.**

**(4) Applications of persons not selected are maintained for two years.**

### **2. Interagency or reinstatement applicants invited to interview do not count toward the minimum requirement that five current classified Oklahoma Department of Human Services (OKDHS) employees be invited to interview.**

### **3. The local administrator may elect not to accept and approve an employee's voluntary request to transfer. Human Resources Management Division (HRMD) must review the employee's qualifications to ensure he or she meets minimum requirements prior to a final decision to accept an employee's transfer request.**

**340:2-1-79. Eligibility to compete for positions in the classified service**Revised 7-1-10

(a) Eligible applicants must possess the required minimum education and experience for the job family descriptor (JFD) and level and any announced selective qualifications within 30 days of the closing date of an announcement.

(b) If the vacancy posting indicates Oklahoma Department of Human Services (OKDHS) employees only, then an applicant must be a:

- (1) current permanent, classified OKDHS employee;
- (2) former permanent, classified OKDHS employee with current permanent, classified status with another state agency;
- (3) current unclassified, OKDHS employee with reinstatement eligibility to the classified service; or
- (4) former permanent, classified OKDHS employee with reinstatement eligibility to the classified service.

(c) If the vacancy posting indicates all sources, then applicants must:

- (1) meet any of the criteria listed in subsection (b) of this Section;
- (2) be a current permanent, classified employee with another state agency; or
- (3) be a former permanent, classified employee with another state agency with reinstatement eligibility to the classified service.

(d) If the vacancy posting is for a JFD which has been approved by the Office of Personnel Management (OPM) under the Model Project agreement, indicating all sources, then any applicant meeting the education and experience requirements may apply directly to the location indicated in the job announcement.

(e) If the vacancy posting indicates all sources, after complying with OAC 340:2-1-84(b), the selecting official may consider applicants from an OPM E-List.



**340:2-1-80. Eligibility to compete for positions in the unclassified service**Revised 7-1-10

(a) If the vacancy posting indicates Oklahoma Department of Human Services (OKDHS) employees only, applicants must be current, temporary, or former employees of OKDHS.

(b) If the vacancy posting indicates all sources, any person may be recruited and compete.



**340:2-1-82. Job-related selection criteria**Revised 7-1-10

(a) At the time a decision is made to fill a position, the supervisor of the position is responsible for reviewing and determining job-related selection criteria based on the duties of the position. These job-related selection criteria are used to develop interview questions and any other selection procedures, such as skill assessments, simulations, or case studies. The Human Resources Management Division (HRMD) is available to assist with development of interview questions.

(b) The selecting official is normally in the program's upper organizational structure for the position being filled. The selecting official is identified on Form 11PE076E, Applicant List, when it is returned to HRMD.

(c) The selecting official considers local affirmative action goals and reviews the job-related information in paragraphs (1) through (3) of this subsection when selecting applicants for interview and making the selection decision. ■ 1 Job-related information is:

(1) Form 11PE012E, Application for Employment or resume;

(2) the employee's most recent Form OPM-111, Performance Management Process (PMP), which must be considered if available. Selection advisory committees may also review earlier Forms OPM-111 only when done consistently for all applicants; and

(3) work histories, if available, job-related references, and other job-related documents may be considered if done consistently for all applicants.

(d) The selecting official is responsible for validation of work experience and education required for the position. ■ 2 & 3

(e) A felony conviction does not exclude an applicant from being hired as an employee of the State of Oklahoma. Before making a conditional job offer to an applicant with a felony conviction, written approval in the form of a memo or e-mail must be obtained from the division director or the executive officer to whom the division director reports. This approval is included in the official personnel file. ■ 4

**INSTRUCTIONS TO STAFF 340:2-1-82**Revised 7-1-10

1. **Local administrators or persons higher in the organizational structure in a given program area may serve as selecting officials.**
2. **To verify the applicant's credentials for employment and personal references, the selecting official may utilize Form 11PE006E, Form Letter to Employment Reference, and Form 11PE007E, Form Letter to Personal Reference, and send a written request on Oklahoma Department of Human Services (OKDHS) letterhead, or make direct contact by telephone.**
  - (1) **When an employer or reference requires the applicant's written permission prior to providing information about the applicant, the selecting official attaches a copy of page 4 of Form 11PE012E, Application for Employment, to the written request and sends it to the employer or reference.**
  - (2) **The selecting official may designate a staff member to conduct credentials verification and reference checks.**
  - (3) **The selecting official documents his or her attempts to obtain references and employment verifications when contacts do not cooperate or fail to respond.**
3. **The selecting official ensures that all information used to aid in determination of the selection process is justified and documented.**
  - (1) **If a bachelor's degree is the minimum requirement for a position, the selecting official must review a copy of the transcript or a signed registrar's letter affirming the degree has been awarded.**
  - (2) **Job-related factors such as results of an interview, credentials, work history, skills assessments, and references may be used.**
  - (3) **A value is assigned to each factor used in the selection process. The interview factor is no less than one-third, but no more than one-half of the overall assessment.**
4. **When the selecting official considers an applicant with a felony conviction the hiring decision must include consideration of the position's duties, the nature of the criminal offense, and the date of conviction. Some positions have employment bans due to the nature of the criminal infraction. Other positions may fall under the Nursing Home Care Act, Section 1-1950.1(F)(1) of Title 63 of**

**the Oklahoma Statutes.**



**340:2-1-83. Selection advisory committee for positions in the classified service**Revised 7-1-10

(a) A committee is established by the selecting official or designee to provide assistance in the consideration, interview, and selection process of applicants for any classified supervisory, managerial, or Fair Labor Standards Act (FLSA) exempt position. Upon request, the requirement for a committee may be waived. A waiver request, including justification, must be submitted to the Human Resources Management Division (HRMD) director for consideration. If there is only one applicant, a committee is not required.

(b) Initial and any subsequent committees must have at least three members, one of whom must be from outside the program or division of the vacant position. ■ 1

(c) The selecting official does not serve as a member of any committee.

(d) A selection advisory committee is not required for entry-level and nonsupervisory positions. When a local administrator elects to use a committee for such positions, there is no minimum member requirement and the requirement for one member to be from outside the program or division is waived. The selecting official may delegate responsibility for conducting interviews or include other staff members in the interview process for entry-level and nonsupervisory positions as an alternative to use of a committee.

(e) This procedure may be utilized when filling an unclassified position, although it is not a requirement.

**INSTRUCTIONS TO STAFF 340:2-1-83**Revised 7-1-10

1. The procedures for the selection advisory committee are described in (1) through (6).

**(1) The selecting official may delegate to the committee review of all applicant materials, and the decision as to which applicants are to be interviewed. The committee members participate in all applicant interviews before a selection recommendation is made.**

**(2) The selecting official appoints one committee member from outside of the division of the position being filled.**

- (A) When, due to location or organizational structure, it is an inefficient or ineffective use of Oklahoma Department of Human Services (OKDHS) resources to appoint a committee member from outside of the division, the selecting official:**
- (i) first documents his or her efforts to obtain a committee member from outside the division; and**
  - (ii) then chooses a committee member outside of the program area of the position being filled. For example, if a county director is filling a vacant position in Family Support Services and is unable to efficiently and timely obtain the services of someone from outside of Field Operations Division (FOD), the county director may use a committee member who works in another FOD program area, such as Child Welfare.**
- (B) A county director from another county may not be used as the third committee member from outside the program area of the position being filled, as county directors are responsible for all FOD programs in their counties.**
- (C) The selecting official may utilize a person outside of OKDHS as a committee member.**
- (3) The initial committee, after considering all applicants and interviews, recommends and provides job-related information regarding the applicants' qualifications to the selecting official. Any subsequent committees also provide a list of recommendations and job-related information regarding the applicants' qualifications to the selecting official.**
- (4) The selecting official must review Form 11PE076E, Applicant List, with the local administrator before submitting Form 11PE076E to the Human Resources Management Division (HRMD). The committee recommendations are not binding on the selecting official.**
- (5) If the selecting official does not select one of the applicants recommended by the committee, then a decision not to accept the committee recommendations is documented in writing by the selecting official and reviewed with the local administrator or the selecting official's immediate supervisor. The written documentation is maintained in the local announcement folder.**

**(6) The selecting official or local administrator provides the name, job family descriptor, level, and work location of each committee member on selection report section on Form 11PE076E submitted to the HRMD.**



**340:2-1-84. Interviews for positions in the classified service**Revised 7-1-10

(a) If there are five or fewer applicants who are current Oklahoma Department of Human Services (OKDHS) employees on the Form 11PE076E, Applicant List, they are all invited for an interview. ■ 1 Applicants who decline an invitation to interview do not need to be replaced. If five or fewer applicants are on Form 11PE076E, all are offered an interview. Applicants interviewed within the last six months for the same job family descriptor and level by the same selecting official or identical selection advisory committee need not be interviewed again. Such prior interviews are considered toward meeting the minimum interview requirement.

(b) When a position is announced as open to applicants from all sources, after complying with the rules in subsection (a) of this Section, interviews may be conducted at the discretion of the selecting official from the Office of Personnel Management (OPM) E-List and Fair Employment Practices Act (FEPA) List.

(c) If interviews have not been completed and an amended applicant list is issued, the procedures described in (1) and (2) apply. If the number of current OKDHS employees invited to interview:

(1) did not meet the agency requirement to invite five, any OKDHS employees added to the eligible list must be invited to interview; or

(2) met the agency requirement to invite five, it is the selecting official's discretion as to whether to extend an invitation to any current OKDHS employees added to the eligible list.

(d) The selecting official at his or her discretion may fill the position, cancel, or reannounce the position.

(e) The selecting official is responsible for ensuring that the interview time, date, and location are conveyed to applicants selected for interviews.

(f) A permanent classified employee of OKDHS or any other agency is responsible for submitting the most recent finalized Form OPM-111, Performance Management Process (PMP), at the time the interview is held, unless required to provide it prior to the interview.

(g) An OKDHS employee interviewed through these procedures is considered on duty when prior supervisory notification is given and he or she is currently a permanent

status employee. Travel expenses are the responsibility of the employee. Time away from duty to interview for a position outside of OKDHS is charged as annual leave.

**340:2-1-85. Final selection**Revised 7-1-10

(a) The local administrator is responsible for completing Form 11PE076E, Applicant List, obtaining reviews or approvals from higher management levels, and forwarding the completed Form 11PE076E immediately to the Human Resources Management Division (HRMD) upon the employee's acceptance of a conditional job offer. In a human services center, the county director is responsible for reviewing Form 11PE076E to ensure compliance with the Oklahoma Department of Human Services (OKDHS) policy and Merit System of Personnel Administration Rules governing the selection process and signing the form to indicate the review has taken place. ■ 1

(b) The salary approved for the selection is in compliance with OAC 340:2-1-87.

(c) The selected applicant is notified of the conditions of employment using Form 11PE009E, Conditions of Employment, and if the appointment is accepted the form is filed in the official personnel file.

(d) The selecting official ensures that all applicants on the Form 11PE076E are notified of the final selection decision.

**INSTRUCTIONS TO STAFF 340:2-1-85**Revised 7-1-10

1. (a) **Intra-agency transfer.** In completing an intra-agency transfer, the gaining unit contacts the current unit to determine the effective date. The current unit may retain the employee up to 28 calendar days from the date of notification to a supervisor within the employee's chain-of-command.

(b) **Coordination.** The local administrator or designee of the gaining unit contacts the selected applicant to formally offer the person the job. If the selected applicant accepts the job, the local administrator coordinates the effective date with the applicant.

(c) **Interagency transfers and reinstatements.** If the selection results in an interagency transfer or reinstatement, the local administrator of the gaining unit contacts Human Resources Management Division (HRMD) to confirm starting salary before making a conditional job offer.

(d) **Reinstatements.** Written notice of probationary status is required for the

reinstated employee prior to entering on duty when a probationary period is utilized.

(e) **Responsibility of current unit.** The local administrator of the current unit notifies the employee of the report date to the new location. The local administrator of the current unit ensures Form OPM-111, Performance Management Process (PMP), is finalized with the employee.

(f) **Informing applicants.** The recommended applicant is informed that the recommendation is subject to administrative approval and Office of Personnel Management (OPM) approval, if applicable.

**340:2-1-88. Alternate hiring levels**Revised 7-1-10

(a) Alternate hiring levels are authorized by the Office of Personnel Management (OPM) where there are bona fide trainee levels for full performance jobs, or where the Oklahoma Department of Human Services (OKDHS) experiences recruiting difficulties for a specific job family descriptor (JFD) and level. ■ 1

(b) Hiring at the alternate hiring level may be a result of a position reallocation decision, vacancy announcement, or actions exempt from the announcement process. Position reallocation alternate hiring level is authorized if the position incumbent is ineligible for reclassification due to qualifications, status, examination, or if the employee is in a trainee status and has not completed a prescribed training program and is performing duties below the full performance level. ■ 2

(c) Employees hired at an alternate hiring level may progress to the next level upon completion of probation, if applicable, and upon meeting minimum education, experience, and licensure requirements.

**INSTRUCTIONS TO STAFF 340:2-1-88**Revised 7-1-10

1. The administrator recommending the alternate hiring level of a position by an employee in a lower class than the position is allocated to is responsible for ensuring that:

**(1) the action is accompanied by a corresponding modification in the duties and responsibilities of the position;**

**(2) duties assigned to the employee are in substantial agreement with the class specification for the alternate hiring level; and**

**(3) a request to establish career progression alternate hiring level within a job family descriptor is submitted in writing to the Human Resources Management Division.**

2. The immediate supervisor advises the employee of the conditions of the career progression alternate hiring level assignment.



**340:2-1-93. Applicants who have previously been discharged from employment in the classified service**

Revised 7-1-10

Before making a bona fide job offer to any previously discharged state employee, written approval in the form of a memo or e-mail must be obtained from the director of the hiring division or the chief officer to whom the division director reports. This approval is included in the official personnel file. ■ 1

**INSTRUCTIONS TO STAFF 340:2-1-93**

**Issued 7-1-10**

- 1. Involuntary discharge from the classified service does not bar a former employee from applying for appointment under the reinstatement provisions of the Office of Personnel Management (OPM) Merit System of Personnel Administration Rules (Merit Rules). The Human Resources Management Division (HRMD) contacts OPM to verify reinstatement eligibility. If the applicant is a former state employee who was discharged, this information is included with the application.**