
POLICY TRANSMITTAL NO. 08-15	DATE: MAY 23, 2008
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-1, Table of Contents; 2-1-3; 2-1-5; 2-1-8; 2-1-25 through 2-1-29; 2-1-55 through 2-1-56; 2-1-76 through 2-1-79; and 2-1-81 through 2-1-86.

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

OAC 340:2-1-3 Instructions to Staff (ITS) are revised to reflect a Web site.

OAC 340:2-1-5 is amended to: (1) reflect changes to procedure regarding response to unemployment benefit claims; and (2) remove language that is internal procedure and addressed in the Oklahoma Department of Oklahoma (OKDHS) regulations.

OAC 340:2-1-8 is amended to correct a scrivener error.

OAC 340:2-1-25 and 340:2-1-26 are amended to reflect: (1) procedural changes due to Office of Personnel Management (OPM) requirements; and (2) current form numbers.

OAC 340:2-1-27 is amended to: (1) clarify procedures regarding documentation a new employee is required to provide; and (2) change form numbers.

OAC 340:2-1-28 is amended to: (1) correct the authority citation; and (2) clarify language.

OAC 340:2-1-29 is amended to clarify probationary requirements for specific types of new employees.

OAC 340:2-1-55 ITS are revised to reflect current form numbers and remove Instructions that are the responsibility of the Finance Division regarding payroll records.

OAC 340:2-1-56 ITS are revised to reflect current form numbers.

OAC 340:2-1-76, 340:2-1-85, and 340:2-1-86 are amended to reflect current form numbers.

OAC 340:2-1-77 is amended to remove a process due to changes in OPM requirements.

OAC 340:2-1-78 is amended to: (1) clarify processes for applying for OKDHS employment; and (2) reflect current form numbers.

OAC 340:2-1-79 is amended due to changes in OPM requirements.

OAC 340:2-1-81 and 340:2-1-84 are amended to: (1) clarify processes due to changes in OPM requirements; and (2) reflect current form numbers.

OAC 340:2-1-82 is amended to: (1) clarify processes regarding employee selection criteria; and (2) reflect current form numbers.

OAC 340:2-1-83 ITS are revised to reflect current form numbers and a process clarification.

Original signed on 5-14-08

Diane Haser-Bennett, Director
Human Resources Management Division

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 07-38 (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

340:2-1, Table of Contents

340:2-1-3

340:2-1-5

340:2-1-8

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INSERT

340:2-1, Table of Contents, pages 1-3,
revised 6-1-08

340:2-1-3, 1 page only, revised 6-1-08

340:2-1-5, pages 1-2, revised 6-1-08

340:2-1-8, pages 1-6, revised 6-1-08

340:2-1-25, pages 1-2, revised 6-1-08

340:2-1-26, pages 1-2, revised 6-1-08

340:2-1-27, pages 1-3, revised 6-1-08

340:2-1-28, pages 1-3, revised 6-1-08

340:2-1-55, pages 1-2, revised 6-1-08

340:2-1-56, pages 1-2, revised 6-1-08

340:2-1-76, pages 1-2, revised 6-1-08

340:2-1-77, pages 1-3, revised 6-1-08

340:2-1-78, pages 1-2, revised 6-1-08

340:2-1-79, pages 1-2, revised 6-1-08

340:2-1-81, 1 page only, revised 6-1-08

REMOVE

340:2-1-82

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340:2-1-86

INSERT

340:2-1-82, pages 1-2, revised 6-1-08

340:2-1-83, pages 1-2, revised 6-1-08

340:2-1-84, pages 1-2, revised 6-1-08

340:2-1-85, pages 1-2, revised 6-1-08

340:2-1-86, pages 1-2, revised 6-1-08

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

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- 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

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- 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
- 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]**

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- 340:2-1-55. Individual personnel records
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- 340:2-1-57. Smoking policy
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- 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 and unclassified 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
- 340:2-1-87. Compensation
- 340:2-1-88. Alternate hiring levels
- 340:2-1-89. Office of Personnel Management (OPM) certificate of eligibles (certificate) - 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. Personnel 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 of 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]**

340:2-1-3. Oklahoma Merit System of Personnel Administration (Merit System)

Revised 6-26-03

The Office of Personnel Management (OPM) and the Oklahoma Merit Protection Commission (MPC) are charged with the responsibility for the development, implementation, and administration of the Merit System. [74 O.S. § 840-1.4] The Oklahoma Department of Human Services (OKDHS) appoints and employs persons in the classified service in accordance with the Merit System of Personnel Administration Rules (Merit Rules). ■ 1 Merit Rules apply to employees in the classified service. Some provisions of the Merit Rules also apply to unclassified and exempt employees. The Oklahoma Commission for Human Services has adopted the personnel policies and procedures found in OAC 340:2-1. ■ 2 OKDHS cooperates fully with both OPM and MPC in fulfilling the responsibilities assigned to merit agencies in the administration of the Merit System.

INSTRUCTIONS TO STAFF 340:2-1-3Revised 6-1-08

1. **Electronic access to the Merit Rules are provided to all Oklahoma Department of Human Services (OKDHS) employees at the time the employee enters on duty. The Merit Rules are available on OPM's Web site: <http://www.opm.state.ok.us/>. All employees are expected to review these rules and ensure that their actions as state employees do not violate Merit Rules.**
2. **OKDHS policies and procedures are located in each OKDHS office or facility and are made available online for employees to review on the OKDHS InfoNet. Employees are expected to review these rules and procedures and ensure that their actions and conduct are in accordance with OKDHS policy.**

340:2-1-5. Employee benefitsRevised 6-1-08

(a) **Benefits.** Oklahoma Department of Human Services (OKDHS) employee benefits include:

(1) a core benefit allowance for the employee's mandatory coverage of:

(A) health insurance;

(B) dental insurance;

(C) basic life insurance; and

(D) disability insurance;

(2) an additional benefit allowance for the employee's dependent health, dental, and basic life insurance coverage;

(3) premium conversion for qualifying insurance benefits, if the employee elects;

(4) a reimbursement account, if the employee elects, for:

(A) child care;

(B) qualifying medical expenses; or

(C) both;

(5) retirement benefit through Oklahoma Public Employees Retirement System (OPERS).

(b) Unemployment compensation. Employees of OKDHS may qualify for unemployment compensation under certain circumstances. [Part 2, Eligibility, of the Oklahoma Employment Security Act as amended by the 1988 Session of the Oklahoma Legislature effective May 5, 1988] When an individual files for unemployment compensation, the Oklahoma Employment Security Commission (OESC) notifies OKDHS with Form OES-617, Notice of Application for Unemployment Compensation, in-state application, or Form IB-3, Claimant/Employer Separation Statement, out-of-state application. Human Resources Management Division (HRMD) provides a written

response for all claims received. To be filed timely, OKDHS response to OESC must be postmarked within ten calendar days of the date of notice. If the response is not filed timely, the eligibility for compensation is determined from the information provided by the claimant. Local offices fully cooperate in providing information requested by OKDHS to ensure timely filing of the response. When a notice of application for unemployment compensation is received in the local offices or institutions, it is immediately faxed to HRMD with the hard copy forwarded to HRMD.

(c) Eligibility for OKDHS program benefits. Benefits through OKDHS programs are available to an employee and his or her legal dependent(s) who meets all conditions of eligibility for the specific program for which application is made. The application for benefits, the determination of original eligibility and continuing eligibility, and the delivery of services are handled in the same manner as for any other individual, except that an employee cannot certify himself or herself, relatives, or unrelated persons living in the employee's home.

(d) Other benefits. Other benefits, deferred compensation, leave, and holidays are provided to employees in accordance with state law and OKDHS policy. The eligibility requirements, effective date, and specific provisions of these benefits vary and are addressed elsewhere in policy.

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 6-1-08

- 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. **Senior administrative positions include, but are not limited to, division director, senior administrator, resource center administrator, deputy director, county director, business manager, institutional unit coordinator, programs coordinator, programs administrator, programs manager, programs supervisor, area director, and programs field representative. Refer to OKDHS:2-1-3(b)(1)(D) for definition of senior administrator. 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;

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 an individual 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.

PART 3. INTERNAL HUMAN RESOURCES

340:2-1-25. Application

Revised 6-1-08

(a) **Persons seeking initial employment.** Any person interested in securing initial employment in the classified service may take the open competitive examination through the Office of Personnel Management (OPM). The person must meet the minimum education and experience qualifications for the job family for which he or she is applying. Application must be submitted to the OPM designated application system for eligibility determination and approval for merit testing as appropriate.

(1) Applications for non-competitive positions in the classified service are submitted to the OPM designated application system. These are primarily used in residential facilities and group homes.

(2) Form 11PE001E, Application for Employment, is provided to the applicant prior to the initial interview or at the time of contact when his or her name appears within the hiring rule on an OPM E-List. The applicant returns Form 11PE001E to the local Oklahoma Department of Human Services (OKDHS) office. ■ 1

(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) The interviewing official is responsible for explaining benefits and conditions of employment.

(5) Applications of persons recommended for employment are sent by the selecting official to the appropriate local office or the designated Human Resources Management Division (HRMD) office with the completed Form 11PE076E, Applicant List, and as applicable the OPM E-List. ■ 2

(b) **Permanent classified employee or applicant for reinstatement.** An application for an announced position is submitted directly to OKDHS Human Resources Management Division (HRMD). An OKDHS employee must submit a valid Form 11PE012E, Data Summary Sheet. An interagency applicant electing to use Form OPM-4B, Personal Data Summary Sheet, in lieu of Form 11PE012E is required to complete a supplemental questionnaire provided by HRMD to be considered for an

interview. If Form OPM-4B is utilized, the job announcement number and a means to contact the applicant must be provided.

(1) The interviewing official or local administrator is responsible for preparing Form 11PE006E or Form 11PE007E. The applicant has a right to review the information obtained from these inquiries.

(2) The interviewing official is responsible for explaining benefits and conditions of employment.

(3) The application of a person recommended for employment is sent by the selecting official to the appropriate local office or the designated HRMD office with the completed Form 11PE076E and, as applicable, the OPM E-List.

(c) Unclassified service. OKDHS may post positions in the unclassified service. [OAC 340:2-1-76(13)] A person interested in applying for an unclassified position submits any of the documents listed in this subsection and any additional requested documentation to HRMD. An acceptable application is:

(1) a resume with a cover letter or a transmittal document that identifies the announcement number and a means to contact the applicant. In order to be eligible to be considered for an interview, the applicant is required to complete a supplemental questionnaire provided by HRMD; or

(2) Form 11PE012E.

INSTRUCTIONS TO STAFF 340:2-1-25

Revised 6-1-08

1. The interviewing official advises the applicant of the authorization for release of information and background investigations contained on the last page of Form 11PE001E, Application for Employment. The applicant must be advised of the Oklahoma Department of Human Services selection process relevant to vacancy postings.

2. Applications of persons not selected are maintained for two years.

340:2-1-26. Employment and assignmentRevised 6-1-08

(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, and these 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. OPM supplies names of eligible individuals. 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) **Determination of availability.** Upon receipt of the OPM E-List, HRMD forwards the OPM 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. ■ 2

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

(4) A conditional offer of employment is made to an applicant pending the passing of the required drug screening. [OAC 340:2-1-43(b)(1)]

(c) **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 6-1-08

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. **A sample conditions of employment letter is located in the Human Resource Guide on the InfoNet.**

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).

(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;

(4) the employing office; and

(5) as required, the Oklahoma Public Employees Retirement System (OPERS).

340:2-1-27. Report of entrance on dutyRevised 6-1-08

(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 or the employee will be immediately separated from 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. It is mandatory that each employee enrolls in the Oklahoma Public Employees Retirement System, 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 11PE201D, Application Supplement;

(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 Acknowledgment of Confidentiality of Computer Accessible Case Records and Computer and Internet Usage Restrictions; and

(12) the employee's acceptance of the conditional job offer 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. 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 need not 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 serviceRevised 6-1-08

(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. The division may require early award of permanent status to be reviewed and approved above supervisor level. 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.

(b) **Trial period upon promotion or lateral transfer.** A classified employee who is promoted or laterally transferred serves a six-month trial period in the job family and level to which the employee is promoted or laterally transferred. The trial period may be waived in writing at any time. ■ 3

(1) During the trial period, if an employee 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 or lateral transfer had not taken place.

(2) The reason for denying permanent status in the promotional or lateral transfer position is submitted in writing to the employee before the end of the trial period, and a copy is filed with OPM. ■ 4

(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.

(1) During the trial period, if the employee does not prove satisfactory in the new job, the employee is reinstated to the former position or another in the same job family.

(2) The employee is provided written notice of the reason for failure to allow the employee to acquire permanent status in the job to which demoted. A copy is filed with OPM.

(d) **Interagency transfer.** ■ 6 Interagency transfers, including demotions, promotions, and lateral transfers, require a six-month trial period, provided OKDHS utilizes the employee's previously held job family and level. A six-month trial period is required for interagency in-class transfers, as well. The employee must be notified in writing prior to entering on duty that a trial period is required. The trial period may be waived in writing at any time.

(1) If the employee does not prove satisfactory in the new job, the employee is reinstated to a position within the receiving agency in the former job family in the same pay band for which the employee is qualified at the salary the employee would have received if the promotion, demotion, or lateral transfer had not taken place.

(2) The employee is provided written notice of the reasons for denying the employee permanent status in the job, and a copy is filed with OPM.

INSTRUCTIONS TO STAFF 340:2-1-28**Revised 6-1-08**

- 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. A lateral transfer occurs when an employee changes classification, yet remains in the same pay band as held in the previous position.**
- 4. 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.**
- 5. Prior to the employee entering on duty, Form 11PE017E, Salary Exception Request for Special Entrance Rate or Voluntary Demotion, is completed on the demoting employee. 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.**
- 6. Before extending a job offer to an applicant from another state agency, the selecting official checks with Human Resources Management Division for verification of the applicant's current job family and level, pay band and whether the currently held position of the applicant is a job family or level utilized by Oklahoma Department of Human Services (OKDHS).**

PART 5. ADMINISTRATIVE PROCEDURES**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 340:2-1-55Revised 6-1-08

1. (a) The local personnel file may include copies of materials maintained in Human Resources Management Division (HRMD) files, such as:

(1) Form 11PE001E, 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 Acknowledgment of Confidentiality of Computer Accessible Case Records and Computer and Internet Usage Restrictions.

(b) The county director 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 6-26-03

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, Office Support Services Division, and the Developmental Disabilities Services Division. Applicants for positions requiring criminal history checks are advised that, if selected for the position, a 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 individual 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 individual 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 6-1-08**

1. The recommended employee completes Form 11PE201E, Application Supplement.

(1) The original Form 11PE201E 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 11PE201E.

(3) A copy of Form 11PE201E is sent to the individual responsible for requesting criminal history checks from the Oklahoma State Bureau of Investigation (OSBI) for the employing division. The authorized individual 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 11PE201E. The local office forwards Form 11PE201E to the individual responsible for requesting criminal background history checks for the division, and a request is prepared as outlined in Instructions to Staff #1.
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 individual in the division may obtain information on the cost of criminal history checks by contacting the OSBI.

340:2-1-76. Appointments and changes in employee classification not subject to vacancy posting provisionsRevised 6-1-08

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) classified service noncompetitive job level;
- (8) career progression promotions;
- (9) positions limited to the prescribed length of time of the course of training or extension study;
- (10) 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;
- (11) 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;

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

(13) 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 them 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 proceduresRevised 6-1-08

(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 candidates 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(13). 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) **Trial period upon interagency promotion or demotion.** A non-OKDHS employee selected for interagency promotion or demotion is required to serve a trial period in accordance with OAC 340:2-1-28(b), (c), and (d) and the Merit System of Personnel Administration Rules (Merit Rules) governing such actions. The determining factor is whether the former job held by the new employee is within OKDHS existing JFDs.

(e) **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 candidates from the Office of Personnel Management (OPM) E-List.

(f) **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.

(g) **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 6-1-08

1. See OKDHS:2-1-96 for additional information regarding filling vacancies.

(1) 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) See OKDHS:2-1-97 for additional information regarding promotional testing.

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 candidates 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 changes in position qualifications are requested, the changes must be approved by OPM prior to reposting the vacant position.**

340:2-1-78. Method of applicationRevised 6-1-08

(a) To be eligible to compete for a position, an applicant must ensure that a properly completed current version of Form 11PE012E, Data Summary Sheet, is received at the designated location by the application deadline as specified on the vacancy posting. ■

1 Alternate methods of submission include:

(1) faxing the application to the designated location in the job announcement. Fax telephone numbers are located on Form 11PE012E; or

(2) sending the application as an attachment to an e-mail for announcements that allow e-mail applications. E-mail applications are sent to the Web address specified in the job announcement. If invited to interview, the applicant is required to sign the application attesting to the authenticity of the information before a hiring decision is made. Failure to sign the application when requested results in withdrawal of the application from further consideration.

(b) An OKDHS employee interested in intra-agency transfer or demotion for a specific position which has not been announced with an OKDHS Job Announcement number must submit a written request, which may be an e-mail message to the local administrator of the position. ■ 2

(c) An illegible, incomplete, or obsolete application, as determined by the Human Resources Management Division (HRMD), is not accepted. The applicant is notified.

INSTRUCTIONS TO STAFF 340:2-1-78Revised 6-1-08

1. The required application materials include:

(1) Form 11PE012E, Data Summary Sheet;

(2) for positions in the classified service, completed signed copies of Form 11PE012E. If the application is submitted electronically, only one copy is required; or

(3) for positions in the unclassified service, completed signed copies of Form 11PE012E, or a resume.

2. (a) A permanent employee desiring to change work location within the agency may request an intra-agency transfer. An intra-agency transfer moving the employee from one position to another within the same job family and same pay band is also known as an "in-class transfer."

(b) An Human Resources Management Division (HRMD) review for minimum qualifications is required prior to the selecting officials decision to accept an employees' request for voluntary demotions or lateral transfers.

340:2-1-79. Eligibility to compete for positions in the classified serviceRevised 6-1-08

(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 applicants 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 indicates all sources, the selecting official may consider:

(1) candidates from an Office of Personnel Management (OPM) E-list; or

(2) candidates entitled to benefits under the Special Disabled Veterans Employment Act, exempt from OPM examination requirement. [72 O.S. § 403]

(e) If the vacancy posting indicates all sources permitted by Merit Rules or OKDHS only, the selecting official may consider candidates with severe disabilities pursuant to Section 840-4.12G of Title 74 of the Oklahoma Statutes certified as severely disabled

through the Department of Rehabilitation Services, and exempt from OPM examination requirements.

(1) Minimum qualifications for the JFD and level must be met by the applicant.

(A) The applicant possesses a letter issued by OPM to the applicant stating the JFD and level for which the applicant is qualified.

(B) The OPM eligibility letter expires after one year, if not renewed.

(2) The selecting official may:

(A) accept the applicant's letter and application directly up to the closing date of the announced position; or

(B) refer the applicant to apply on internal OKDHS announced positions.

(3) Section 840-4.12G of Title 74 of the Oklahoma Statutes does not apply to permanent classified employees seeking promotion, demotion, or an intra-agency transfers.

340:2-1-81. Issuing Applicant List and E-ListRevised 6-1-08

(a) The Human Resources Management Division (HRMD) prepares Form 11PE076E, Applicant List, for the announced position. Applicants are screened to determine eligibility.

■ 1

(b) If the position is in the classified service and announced as such, applicants may be considered from all sources. The local administrator may request that HRMD issue an Office of Personnel Management (OPM) E-List for the announced job family descriptor and level and authorized announced alternate hiring level, as applicable. For positions that have been identified as underutilized in the current fiscal year in the Oklahoma Department of Human Services (OKDHS) Affirmative Action Plan, a special OPM E-List is requested by the local administrator under the provisions of the Fair Employment Practices Act (FEPA) for which a goal has been established. The selecting official:

(1) must work Form 11PE076E; and

(2) may work the regular OPM E-list(s) which includes the:

(A) FEPA List; and

(B) Priority Reemployment E-List.

INSTRUCTIONS TO STAFF 340:2-1-81Revised 6-1-08

- 1. Selecting officials are required to utilize the amended Form 11PE076E, Applicant List, issued by Human Resources Management Division (HRMD) provided the selecting official has not made an offer of employment to a selected applicant.**

340:2-1-82. Job-related selection criteriaRevised 6-1-08

(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 (2) of this subsection when selecting applicants for interview and making the selection decision. ■ 1 Job-related information is:

(1) Form 11PE001E, Application for Employment, Form 11PE012E, Data Summary Sheet, or resume; and

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

(d) Work histories, if available, job-related references, and other job-related documents may be considered if done consistently for all candidates.

(e) The selecting official is responsible for validation of work experience and education required for the position. For example, if the minimum requirement for a position is a bachelor's degree, a copy of the transcript or signed registrar's letter affirming the degree has been awarded, must be reviewed. ■ 2 & 3

(f) 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 340:2-1-82Revised 6-1-08

1. (a) County directors or persons in the upper organizational structure in a given program area may serve as selecting officials.

(b) The selecting official is responsible for contact with candidates listed on Form 11PE076E, Applicant List, and Office of Personnel Management (OPM) E-List.
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 employers or individuals require written permission from the applicant, attach a copy of page 4 of Form 11PE001E, Application for Employment, or the signature page of Form 11PE012E, Data Summary Sheet, as appropriate.
 - (2) The selecting official may designate a staff member to conduct credentials verification and reference checks.
3. The selecting official ensures that all information used to aid in determination of the selection process is justified and documented.
 - (1) Job-related factors such as results of an interview, credentials, work history, skills assessments, and references may be used.
 - (2) 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. Factors which must be considered in a hiring decision include the position's duties, 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 and unclassified service

Revised 6-26-03

(a) A committee is established by the selecting official or designee to provide assistance in the consideration, interview, and selection process of candidates for any classified supervisory or managerial 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 candidate, 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.

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

(d) The requirements of this subsection are waived for non-mandated committees convened at the discretion of the local administrator. ■ 1

(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 6-1-08

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 candidate materials, and the decision as to which candidates are to be interviewed. The committee members participate in all candidate interviews before a selection recommendation is made.

(2) The initial committee, after considering all candidates and interviews, recommends and provides job-related information regarding the candidates' qualifications to the selecting official. Any subsequent committees also provide a list of recommendations and job-related information regarding the candidates' qualifications to the selecting official.

(3) 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.

(4) If the selecting official does not select one of the candidates 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.

(5) 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.

(6) Selecting officials select one committee member from outside of the division of the position being filled. However, due to location and organizational structures, such as within Field Operations Division (FOD), this is not always an efficient or effective use of OKDHS resources. In such cases, the selecting official, after documenting his or her efforts to obtain a committee member from outside the division, may choose 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 FOD, the county director may use a committee member who works in another FOD program area, such as Child Welfare. A county director from another county must 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 his or her county.

340:2-1-84. Interviews for positions in the classified serviceRevised 6-1-08

(a) When a position is announced as open to applicants from all sources, interviews may be conducted at the discretion of the selecting official from the Office of Personnel Management (OPM) E-List, Fair Employment Practices Act (FEPA) List, and Form 11PE076E, Applicant List.

(b) The selecting official ensures at least five candidates from Form 11PE076E, Applicant List, are invited for an interview. ■ 1 The minimum interview requirement applies only to current Oklahoma Department of Human Services (OKDHS) employees. Once a decision is made on the five candidates to be interviewed, if one or more applicants declines an interview, they do not need to be replaced. If five or fewer candidates are on Form 11PE076E, all are offered an interview. Candidates 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.

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

(d) The selecting official ensures that the interview time, date, location and any approved selective qualification are conveyed to candidates selected for interviews.

(e) 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.

(f) 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.

INSTRUCTIONS TO STAFF 340:2-1-84**Issued 6-1-08****1. At a minimum the invitation to interview must contain:**

(1) the date interviews will be held;

(2) the location of the position to be filled;

(3) the location where the interview will be held;

(4) instructions to confirm the time of the interview; and

(5) notice of an approved selective qualification and instructions for candidates who do not possess the selective qualification.

340:2-1-85. Final selectionRevised 6-1-08

(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 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.

INSTRUCTIONS TO STAFF 340:2-1-85Revised 6-1-08

1. (a) **Intra-agency transfer.** In completing an intra-agency transfer, the receiving 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 receiving unit contacts the selected candidate to formally offer the person the job. If the selected candidate accepts the job, the local administrator coordinates the effective date with the candidate.

(c) **Interagency transfers and reinstatements.** If the candidate selected is an interagency transfer or reinstatement, the local administrator of the receiving unit contacts Human Resources Management Division (HRMD) before setting an effective date. OKDHS requires a trial period for interagency transfers unless OKDHS does not utilize the job family descriptor the employee previously held. See Merit Rule OAC 530:10-11-55(b).

(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 candidates. The recommended candidate is informed that the recommendation is subject to administrative approval and Office of Personnel Management (OPM) approval, if applicable. The local administrator of the gaining organization informs all candidates when the selection is finalized.

340:2-1-86. Delegation of responsibility for vacancy posting and selection proceduresRevised 6-1-08

The Human Resources Management Division (HRMD) director or designee may approve the delegation of responsibility for vacancy posting and procedures to divisions, facilities, or local offices. Such delegation must comply with all applicable Oklahoma Department of Human Services (OKDHS) policy and Merit System of Personnel Administration Rules. ■ 1

(1) Local administrators may delegate authority to recommend the final selection of candidates. ■ 2

(2) If the local administrator approves the selection, he or she obtains the required clearances through all supervisory channels prior to submission of the selection to HRMD for finalization. ■ 3

(3) All dates are tentative until the local personnel office is notified by HRMD of finalization of Form 11PE031E, Announcement Requisition. Employee transfers and effective dates are in compliance with OAC 340:2-1-85. ■ 4

INSTRUCTIONS TO STAFF 340:2-1-86Revised 6-1-08

1. (a) When a vacancy occurs, the unit supervisor submits a request to fill a vacancy to the local personnel office. The local personnel office verifies that the position allocation is correct according to authorized Position Budgeting Report and prepares Form 11PE031E, Announcement Requisition. If an alternate hiring level is requested, the job must be authorized for the alternate hiring level by Human Resources Management Division (HRMD).

(b) If the position is not on the Position Budgeting Report or a change in position allocation is necessary due to a significant change in assigned duties and responsibilities, Form OPM-39, Position Description Questionnaire, must be completed and submitted to HRMD through appropriate supervisory channels prior to the position being announced.

2. (a) The person with delegated selection authority for the specific vacancy returns Form 11PE076E, Applicant List, and Office of Personnel Management (OPM) E-List to facility personnel indicating action taken on each candidate in

addition to completing information on Form 11PE076E.

(b) The local personnel office, after reviewing Form 11PE076E for compliance with applicable Merit Rules and Oklahoma Department of Human Services (OKDHS) policies and procedures, submits to the local administrator for approval the originals of the:

(1) Form 11PE031E;

(2) Form 11PE076E and the OPM E-List, if issued, one copy each; and

(3) application materials of candidate recommended for selection, including Form 11PE012E, Data Summary Sheet; Form 11PE201E, Application Supplement, for any candidate not currently employed by OKDHS; or Form OPM-4, State of Oklahoma Employment Application, for a noncompetitive classification.

- 3.** All items mentioned in Instructions to Staff # 2(b)(1) through (3) are submitted to HRMD for final review and approval.
- 4.** The local personnel office coordinates transfer dates with units outside the division, facility, or local office.