

CHAPTER 1. ADMINISTRATIVE OPERATIONS

1 **DRS:1-17-5. DRS Logo and Communication Materials Development. [AMENDED]**

2 (a) **Development of Communication Materials.** The DRS Communications Office (~~PIO~~)
3 (CO) is responsible for development of communication materials representing DRS
4 divisions, schools, units or programs to external audiences. Communication materials
5 include all print and electronic publications, websites and web pages, advertisement (except
6 for classified newspaper notices), public service announcements, originally produced
7 videotapes, media documents, tabletop displays and stand alone exhibits. All projects, even
8 those funded by some other entity, are subject to this policy. The ~~PIO~~ CO will coordinate
9 approval with appropriate agency officials before distribution. ~~PIO~~ CO staff are responsible
10 for complying with state rules related to the use of official cost statements and submission of
11 print and electronic publications to the Oklahoma Publications Clearinghouse. The ~~PIO~~ CO
12 is also responsible for logo design and advising staff regarding appropriate use of the DRS
13 logo. The ~~PIO~~ CO administrator may delegate these responsibilities.

14 (b) **Beginning New Projects.** When they are ready to start new communications projects,
15 division administrators, superintendents, unit administrators or their delegates prioritize new
16 and existing requests, assign subject matter experts and provide funding information to the
17 ~~PIO~~ CO. The subject matter experts provide background information, program knowledge,
18 client contacts and collaborate with the ~~PIO~~ CO as needed. The ~~PIO~~ CO may contract for
19 assistance with projects that are priorities if existing workloads would delay completing the
20 projects in-house.

21 (c) **Use of DRS Agency Name and Logo.** Print and electronic publications produced for
22 DRS divisions, schools, units or programs shall include the full name of the Oklahoma
23 Department of Rehabilitation Services. The DRS logo shall be used on all communication
24 materials representing the agency to external audiences, including print and electronic
25 publications, websites and web pages, advertisements, public service announcements,
26 original videotapes and media documents.

1 **DRS:1-17-7. Social Networking [AMENDED]**

2 (a) **Implementation.** Social network (SN) services focus on building online communities of
3 people who share interests and/or activities, or who are interested in exploring the interests
4 and activities of others. Most social network services are web-based and provide a variety of
5 ways for users to interact.

6 The tools used to interact with social network providers vary greatly as does the format.
7 Social network services are most commonly hosted by entities to which the Oklahoma
8 Department of Rehabilitation Services (ODRS) has limited or no control. As such, the
9 contributions to social networking sites may not be protected or guaranteed in any way and
10 may not reflect the position of the ODRS.

11 To protect the position, image and information assets of the ODRS, the use of social
12 network services is intended for agency purposes only. The ODRS recognizes the potential
13 marketing benefits of a social network presence and its use is meant to promote and market
14 the mission and goals of the agency.

15 (b) **Use.**

16 (1) The Communications Office as authorized by the ODRS Director is responsible for
17 overseeing the ODRS' brand identity and key messages communicated on the sites.
18 The Communications Office will maintain a log of all social networking services used by
19 agency employees in the course of official business.

20 (A) The Communications Office is responsible for oversight and management of all
21 agency accounts with social networking providers.

22 (B) Authorization for the engagement with agency social network accounts is a
23 function of the Communications Office.

24 (C) Authorized individuals who have obtained written permission by the
25 Communications Office or Director may publish content to an approved social
26 network provider.

27 (D) The Communications Office will provide the agency's Information System
28 Administrator with documentation detailing the authorized social network service
29 providers, and current account names and master passwords, and person(s)
30 authorized to use the accounts.

31 (E) Employees shall conform to the agency policy on computer and software usage
32 and refrain from using Social Networking for personal use on state time or
33 equipment.

34 (2) The following statements also apply to social network usage:

35 (A) All policies and guidelines pertaining to e-mail and acceptable usage of
36 computers also apply to social networks, including, but not exclusive to, policies
37 regarding solicitation, obscenity, harassment, pornography, sensitive information
38 and malware.

39 (B) Users' social networking presences reflect the ODRS so usernames,
40 comments, photos, videos, etc., should be appropriate for a professional
41 environment, and selected in good taste. All ODRS official pages or users must

42 have approval from the ODRS Director to comment, write or publish on the agency's
43 behalf.

44 (C) Information published on social networking sites should comply with the State
45 of Oklahoma Information Security Policy, Procedures and Guidelines,

46 (D) Respect copyright laws and reference sources appropriately. Identify any
47 copyrighted or borrowed material with citations and links.

48 (E) It is unlawful to disclose or use the ODRS' or respective client's confidential or
49 proprietary information in any form of online media.

50 (F) When representing the ODRS in any social networking activity, user should be
51 aware that all actions are public and employees will be held fully responsible for any
52 and all said activities.

53 (G) User must disclose their true identity and affiliation with the ODRS.

54 (H) User must respect the privacy of colleagues and the opinions of others.

55 (I) Avoid personal attacks, online fights, and hostile personalities.

56 (J) Ensure material is accurate, truthful, and without error.

57 (K) Do not conduct any online activity that may violate applicable local, state, or
58 federal laws or regulations.

59 (L) All social networking pages for the ODRS will display the logo approved by the
60 Communications Office as authorized by the ODRS Director.

61 (c) **Security.** Social Networking has the potential for security-related issues. Most social
62 networking traffic is sent in clear text that is not encrypted. The following statements apply to
63 social networking security:

64 (1) The agency's information systems administrator must review selected social
65 network service providers, clients, and associated plug-ins to identify potential security
66 vulnerabilities prior to their use.

67 (2) To maintain security of the ODRS network usernames and passwords, social
68 networking users must use a username/password combination that differs from their
69 login ID and password for the ODRS network.

70 (3) Sensitive information such as usernames, passwords, Social Security numbers, and
71 account numbers passed via social networking can be read by parties other than the
72 intended recipient(s). Transferring sensitive information over social networking is
73 prohibited.

74 (4) Peer-to-peer file sharing is not allowed through the ODRS network. Social
75 networking clients are prohibited from use as peer-to-peer file-sharing.

76 (5) Many social networking clients provide file transfers. Transferring of files is not
77 allowed and users will never accept any files being sent to them for any reason.

78 (6) Social networking can make a user's computer vulnerable to denial of service (DoS)
79 attacks. Social networking users will configure their social networking clients in such a
80 way that they do not receive messages from unauthorized users.

81 (7) Many Social networking sites provide plug-ins for internet browsers and instant
82 messaging services. These open additional security holes in the system and will not be
83 installed on ODRS equipment.

84 (8) Many Social networking sites provide access to secondary Instant Messaging
85 services to communicate with people one on one. As these programs are vulnerable
86 and do not provide any encryption, these applications will not be used on ODRS
87 equipment or accounts.

88 (9) Escalations: In the event a virus, malware, or any other suspicious activity is
89 observed on the user machine. User is instructed to immediately contact the ODRS
90 help desk for prompt assistance to determine the cause of the situation. If confirmation
91 of a Virus or other non-ODRS authorized application is present, the ODRS help desk will
92 attempt to clean the machine using authorized ODRS programs and procedures. If the
93 cleaning is unsuccessful user is instructed and required to shut down the computer
94 without any additional use, including saving or moving of data from the machine. The
95 ODRS help desk will arrange for the recovery of the machine, access to the machine
96 after confirmation of infection is prohibited.

97 (d) **Symptoms of Suspicious Activity.**

98 (1) The computer runs slower than usual.

99 (2) The computer stops responding, or it locks up frequently.

100 (3) The computer crashes, and then it restarts every few minutes.

101 (4) The computer restarts on its own. Additionally, the computer does not run as usual.

102 (5) Applications on the computer do not work correctly.

103 (6) Disks or disk drives are inaccessible.

104 (7) You cannot print items correctly.

105 (8) You see unusual error messages.

106 (9) You see distorted menus and dialog boxes.

107 (10) There is a double extension on an attachment that you recently opened, such as a
108 .jpg, .vbs, .gif, or .exe. extension.

109 (11) An antivirus program is disabled for no reason. Additionally, the antivirus program
110 cannot be restarted.

111 (12) An antivirus program cannot be installed on the computer, or the antivirus program
112 will not run.

113 (13) New icons appear on the desktop that you did not put there, or the icons are not
114 associated with any recently installed programs.

115 (14) Strange sounds or music plays from the speakers unexpectedly.

116 (15) A program disappears from the computer even though you did not intentionally
117 remove the program.

118 (e) **Infected machine.** The ODRS help desk support staff will notify the ODRS Security
119 Officer of the infected machine so an examination of the system may be performed to locate
120 the cause of the infection and solution necessary to prevent spread. Machine may require
121 reinstallation of operating system, loss of data files may occur.

122 (f) **Records Management.** All social networking communications are subject to the
123 requirements of the Office of Records Management and the Child Internet Protection Act
124 (CIPA).

125 (g) **Monitoring.** Social networking traffic is logged and periodically reviewed. Until product
126 software is in place to do this electronically, the ODRS will take screen capture of social
127 networking sites monthly. Users will have no expectation of privacy. Supervisors may
128 request or be provided reports of Internet usage by employees from the Information
129 Systems Administrator as needed to monitor use.

130 Any employee found to have misused or abused a social networking service or violated this
131 policy may be subject to disciplinary action, up to and including termination of employment.
132 For assistance with this policy, please contact the ODRS help desk.

133 The ODRS will also follow the State of Oklahoma Social Networking and Social Media
134 Standards not expressly written in this document, see
135 http://www.ok.gov/OSF/Information_Services/Social_Media/.

136 (h) **Communications.** The ODRS will use social networking pages as another tool to
137 connect with media, other agencies and the general public in times of crisis to assist with the
138 emergency or disaster incidents plan; including potential delays or closures of sites or
139 services as deemed applicable and prudent by the Director of the ODRS.

CHAPTER 3. MANAGEMENT SERVICES DIVISION

1 **DRS:3-3-3. General leave provisions [AMENDED]**

2 (a) **Leave policy.** Accrual and use of leave are governed by these policies, procedures
3 and Merit Rules. Each supervisor is responsible for providing employees under their
4 supervision access to Department policy governing attendance and leave.

5 (b) **Eligibility for leave.** Permanent and probationary classified employees and regular
6 unclassified employees are eligible for leave benefits. Temporary employees are not eligible
7 for leave benefits.

8 (c) **Accrual of leave.** Leave accrues at the rates specified under the various types of
9 leave. No leave accrues while on leave without pay status. No leave may be taken in
10 advance of its accrual.

11 (d) **Compliance and reporting.** All employees are responsible for complying fully with
12 Department requirements concerning the reporting, scheduling and use of leave, including
13 initiating requests for leave and reporting absences. The Department DRS does not
14 normally accept collect calls from employees reporting absences; however, a collect call
15 may be accepted in an emergency situation where the employee would otherwise be unable
16 to contact his or her office.

17 (e) **Status of employees on leave.** Employees remain subject to all state laws and rules,
18 and DRS policies and procedures which apply to their employment status (classified,
19 unclassified/exempt) while on leave.

20 (f) **Correction of leave charges.** It is the responsibility of employees to review their copy
21 of the Employee Leave Summary Monthly Accrual Leave Report and the their PeopleSoft
22 timesheet to assure insure that leave charges have has been correctly posted for the pay
23 period. If any discrepancy is noted, it It is the employee's responsibility to notify call the error
24 to the attention of his or her supervisor before the close of the pay period following the pay
25 period in which the charge(s) occurred; otherwise, the charge(s) will be considered as final
26 when leave has been incorrectly and/or not posted to the timesheet. Once the supervisor
27 has been notified, the employee has access to his or her timesheet to make any corrections
28 and/or add leave to the previous pay period for 5 days after the pay period ends. The
29 supervisor has access to make corrections and/or add leave to the employee's timesheet for
30 the previous pay period for 30 days after the pay period ends. The Payroll, Leave and
31 Retirement Unit can make changes to the timesheet for any pay period as needed at the
32 request of the supervisor. When such discrepancies are called to the attention of the
33 supervisor, the supervisor should notify the designated timekeeper in writing of the error for
34 appropriate corrective action to be taken by the timekeeper. The designated timekeeper
35 shall notify the DRS Payroll Office of any corrections made to an employee's leave charges.
36 The designated timekeeper is authorized to correct the previous month's leave charge
37 errors. Corrections must be submitted to the designated timekeeper by the supervisor no
38 later than the last working day of the following month.

39 (g) **Abusive use of leave.** Excessive or abusive use of leave may be grounds for
40 disciplinary action. Excessive and abusive use of leave includes, but is not limited to:

- 41 (1) use of leave for purposes other than those for which leave was approved;
- 42 (2) failure to report leave accurately;
- 43 (3) failure to comply with time and leave policies, rules and regulations;
- 44 (4) unscheduled or unexcused absences;

- 45 (5) repeated use of leave in conjunction with holidays or regular days off;
- 46 (6) failure to secure prior approval for leave except in emergency situations; and
- 47 (7) use of leave associated with a false and/or fraudulent report of a job-related
- 48 accident, illness, injury or condition, or pursuant to a fraudulent workers compensation
- 49 claim.

1 **DRS: 3-3-4. Annual leave [AMENDED]**

2 (a) Annual leave is provided to employees to be used for vacations, personal business, and
3 other approved time off work not covered by other paid leave or holiday provisions. Annual
4 leave is to be requested (verbal or written) in advance, and approved by the employee's
5 supervisor prior to being taken. Request for Approval of Leave Form must be submitted
6 within five (5) days of verbal approval for leave. Exceptions are limited to emergency
7 situations, and must be approved by the Division Administrator or Superintendent.

8 (b) A Division Administrator or Superintendent may place an employee on annual leave,
9 where the decision has been made that such action would be in the best interest of the
10 agency; however, the employee shall not be required to reduce accrued annual leave below
11 five working days (40 hours). The Division Administrator or Superintendent shall not place
12 an employee on annual leave for internal investigatory purposes in lieu of utilizing the
13 provisions of ~~OAC 530:10-11-120- 260:25-11-120~~ Suspension with Pay. Leave of absences
14 for internal investigatory purposes shall be administered according to ~~530:10-11-120-~~
15 260:25-11-120 Suspension with Pay

16 ~~(c) When an employee is on leave without pay for an entire pay period (or continuous pay~~
17 ~~periods), usage of annual leave as a means to keep insurance in effect is prohibited.~~
18 ~~Employees of Oklahoma School for the Blind and Oklahoma School for the Deaf are exempt~~
19 ~~from this subsection.~~

20 ~~(d)~~ (c) Annual leave may be utilized to supplement the receipt of Temporary Total Disability
21 (TTD) payments in accordance with 85 O.S., Section 2e. Regardless of the type of
22 supplemental leave option utilized, any employee receiving temporary disability benefits,
23 shall promptly report in writing to the Department and/or CompSource Oklahoma, any
24 change in a material fact, the amount of income he or she is receiving, or in his or her
25 employment status, occurring during the period of receipt of temporary disability benefits.

26 ~~(e)~~ (d) Eligible employees accrue leave based on the number of years of cumulative service.
27 Employees shall accrue leave based upon hours worked (excluding overtime), paid leave,
28 and holidays in accordance with the DRS Annual Leave Accrual Rates and Accumulation
29 Limit Schedule not to exceed the total possible work hours for the month.

30 ~~(f)~~ (e) Permanent part-time employees shall accrue annual leave in an amount proportionate
31 to that which would be accrued under full-time employment.

32 ~~(g)~~ (f) Upon separation or death of an employee from the Department, payment is made for
33 any unused annual leave (within the 240-hour and 480-hour limitations) that has
34 accumulated to the employee's credit.

35 ~~(h)~~ (g) Employees will be paid for any unused accumulations of annual leave in accordance
36 with their hourly rate of compensation.

37 ~~(i)~~ (h) Each employee is responsible for the actions described in (1) through (3) of this
38 subsection.

39 (1) Submitting written request to the immediate supervisor for annual leave, using the
40 Request for Approval of Leave form.

41 (2) Obtaining appropriate approvals prior to taking annual leave. Unscheduled
42 absences are a serious matter, and employees who are absent without authorization
43 may be subject to appropriate disciplinary action. Approval of annual leave for
44 unscheduled absences is not automatic.

45 (3) An employee who is ill in excess of one working day during a scheduled period of
46 annual leave may have the absence charged to sick leave by submitting a written
47 request accompanied by a statement from the attending licensed medical or mental
48 health professional.

49 (j) Supervisors are responsible for the actions described in (1) and (2) of this subsection.

50 (1) Approving or disapproving requests for annual leave based on needs of the office,
51 staffing requirements, and status of employee's work load (current or delinquent).

52 (2) Imposing appropriate corrective discipline for unscheduled absences. Where a
53 request for annual leave for an unscheduled absence is disapproved, the employees
54 shall be shown on unauthorized leave without pay.

1 **DRS:3-3-5. Sick leave [AMENDED]**

2 (a) Sick leave is provided to employees to be used during those periods of time in which an
3 employee is unable to perform job duties due to sickness, injury, pregnancy, or for medical,
4 surgical, dental or optical examination or treatment, or where the employee's presence at
5 work would jeopardize the health of the employee or others.

6 (b) Sick leave shall not be used for annual leave.

7 (c) Holidays falling within a period of sick leave shall not be counted as work days. Regular
8 days off are not counted as sick leave.

9 (d) Sick leave may be utilized to supplement the receipt of Temporary Total Disability (TTD)
10 payments in accordance with 85 O.S. Section 2e. Regardless of the type of supplemental
11 leave option utilized, any employee receiving temporary disability benefits shall promptly
12 report in writing to the Department and/or ~~CompSource~~ Oklahoma workers compensation
13 insurance carrier any change in a material fact, or the amount of income he or she is
14 receiving, or any change in his or her employment status, occurring during the period of
15 receipt of such benefits.

16 (e) If an employee is physically unable to perform his or her duties for the Department, it is
17 presumed that the employee cannot participate in certain other equally physically
18 demanding activities while on leave from the Department. Although each case will have to
19 be evaluated based upon the specific circumstances, it is not appropriate for an employee
20 who is on medical leave from the Department to be working for another employer.

21 (f) Eligible employees accrue sick leave in accordance with the Merit Rules. Employees
22 accrue sick leave based upon hours worked (excluding overtime), paid leave, and holiday in
23 accordance with the DRS Sick Leave Accrual Rates and Accumulation Limits Schedule not
24 to exceed the total possible work hours for the month.

25 (g) Part-time employees and employees in leave without pay status for any part of a pay
26 period accrue sick leave based on the number of hours (excluding overtime) paid in the pay
27 period.

28 (h) Routine use of annual leave or leave without pay to cover absences due to illness or
29 injury is normally considered to be excessive.

30 (i) Each employee is responsible for the actions described in (1) through (3) of this
31 subsection.

32 (1) Calling his or her supervisor (or designated individual) to report any absence due to
33 illness or injury not later than two hours after the employee's scheduled reporting time or
34 within the time frames established by the appropriate Division Administrator or
35 Superintendent. Such notification shall be done on a daily basis except where the illness
36 or injury results in an extended absence and the employee has made arrangements
37 with the supervisor to report on a less frequent basis.

38 (2) Furnishing a written statement from the attending licensed medical or mental health
39 professional for any absence in excess of three consecutive work days unless such
40 requirement is waived in writing by the appropriate Division Administrator or
41 Superintendent when circumstances leave no doubt that illness or injury exists. The
42 written waiver is attached and submitted with the Request for Approval of Leave form.

43 (A) A medical statement may be required for absences of less than 3 consecutive
44 work days if the employee has been advised in writing in advance that such
45 statement will be required.

46 (B) Medical statements shall include a certificate of the employee's fitness to return
47 to duty, and a specific statement of any limitations on the employee's work
48 assignments and for what time period (Request for Approval of Leave form).

49 (C) Medical statements relating to job related accidents, injuries, illness, conditions
50 and/or workers compensation shall specifically state:

51 (i) the physical and/or mental limitations the employee has as a result of the
52 injury, accident, illness and/or condition which prevents the employee from
53 completing assigned job duties;

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

56 (iii) the date of the employee's next medical evaluation.

57 (D) An employee who fails to provide a required medical statement will be shown
58 on unauthorized leave without pay for the absence.

59 (E) An employee shall not be permitted to return to work if, due to physical
60 condition or exposure to contagious disease, his or her presence would jeopardize
61 the health or safety of the employee and others. In such instances, the employee
62 shall be allowed three working days from the date the employee was not permitted
63 to return to duty to provide a medical statement. Failure to provide a medical
64 statement will result in the absence being charged as unauthorized leave without
65 pay.

66 (3) Submitting a written request for sick leave on the Request for Approval of Leave
67 form as soon as practical, but no later than immediately upon return to duty. Where the
68 employee is absent for an extended period, the request for sick leave and the attending
69 physician's statement should be submitted as soon as it is available, but not later than
70 the 4th working day of such absence unless an exception is granted by the Division
71 Administrator or Superintendent.

72 (j) Each supervisor is responsible for the actions described in (1) through (5) of this
73 subsection.

74 (1) Approving or disapproving requests for sick leave. Sick leave may be denied, and
75 the absence charged as unauthorized leave without pay, where a supervisor has facts
76 to show the employee is abusing sick leave privileges, or where the employee has failed
77 to fulfill his or her responsibilities under this policy.

78 (2) Reviewing the medical statement to ensure that the employee is released to full
79 duty. Where limitations are placed on the employee's work assignments, the supervisor,
80 in consultation with appropriate administrative staff, shall ensure that appropriate action
81 is taken to address any limitations.

82 (3) Where a supervisor believes that allowing an employee to return to duty would
83 present a hazard to the employee or others, the supervisor is responsible for consulting
84 with appropriate supervisory, personnel, and legal staff within three working days of the
85 date the employee was not permitted to return, and for submitting written documentation

86 to the appropriate Division Administrator or Superintendent detailing the reasons for his
87 or her refusal to allow the employee to return to duty.

88 (4) Approving or disapproving any requests for annual leave or leave without pay where
89 sick leave has been exhausted. Where an employee is so incapacitated as to be unable
90 to submit a written request for annual leave or approved leave without pay (LWOP) in
91 advance, the supervisor, with the approval of the Division Administrator or
92 Superintendent, may waive the requirement for an advance written request, and may
93 show the employee on annual leave or approved leave without pay; however, written
94 requests for LWOP must be filed within 5 working days of the date LWOP begins.

95 (5) Imposing appropriate progressive discipline for excessive or abusive use of sick
96 leave.

1 **DRS:3-3-9. Holidays [AMENDED]**

2 (a) Holidays are granted in accordance with state law and the Governor's proclamations
3 and are observed in accordance with agency work load and policies.

4 (b) Holiday leave is accrued and charged on the date on which the holiday is observed,
5 except as otherwise provided for in this subsection. Holidays may not be taken prior to the
6 date accrued.

7 (1) To be eligible for holiday pay, an employee shall be in pay status or on furlough
8 either the entire regularly-scheduled workday before or the entire regularly-scheduled
9 workday after the holiday. An employee shall not be eligible to be paid for holidays
10 which occur either before the employee's entry-on-duty date or after the last day the
11 employee works.

12 (2) Computation of holiday accrual for part-time employees is based on the percentage
13 of full-time equivalency (FTE) scheduled in the pay period in which the holiday occurs.

14 (3) Temporary employees and other limited term employees are paid only for hours
15 actually worked and are not eligible for paid holidays.

16 (4) If a full-time employee must work on an observed holiday or the observed holiday is
17 a regular day off, the employee is granted an 8 hour holiday to be taken later.

18 (5) If an employee's scheduled hours worked plus holiday hours are more than 40
19 hours in a workweek, the Fair Labor Standards Act requires that only hours actually
20 worked be counted as hours worked. (Merit Rule ~~530:10-15-43(f)~~ 260:25-15-43(f))

21 (6) If an observed holiday falls within a period of time that an employee requests annual
22 or sick leave, the employee will be charged the holiday leave rather than be charged
23 annual or sick leave.

24 (7) Accrued holidays must be taken prior to approval for use of annual leave except
25 where the annual leave would otherwise be forfeited under the provisions of Merit Rule
26 ~~530:10-15-11(b)(5)~~ 260:25-15-11(b)(5) which sets accumulation limits. Employees are
27 responsible for making requests for compensatory holidays in the same manner as for
28 annual leave. A supervisor may schedule the leave at the agency's convenience where
29 the employee has failed to do so within a reasonable time frame.

30 (8) Accrued holidays must be taken within 180 days of the date accrued unless a longer
31 period is authorized by Human Capital Management.

1 **DRS:3-3-11. Family and Medical Leave (FMLA) [AMENDED]**

2 (a) **Purpose.** Family and Medical Leave (FMLA) is provided to employees in accordance
3 with the code of federal regulations Title 29 Part 825. This policy is not intended to conflict
4 with either the Act or regulations.

5 (b) **Definitions.**

6 (1) **Activities of daily living** includes adaptive activities such as caring appropriately
7 for one's grooming and hygiene, bathing, dressing, and eating.

8 (2) **Care means** providing physical and psychological support, as deemed necessary
9 by a health care provider, also providing necessary transportation, i.e. driving a
10 qualifying spouse, child or parent to or from the hospital.

11 (3) **Agency** means the Department of Rehabilitation Services (DRS).

12 (4) **Family Member** means the spouse, son, daughter or parent.

13 (5) **Incapable of self-care** means the person requires active assistance or supervision
14 to provide daily self-care in three or more of the activities of daily living or instrumental
15 activities of daily living.

16 (6) **HCP** means health care provider.

17 (7) **Incapacity** means inability to work, attend school, or perform other regular daily
18 activities due to the serious health condition, treatment or recovery.

19 (8) **In loco parentis means** in place of a parent or instead of a parent. In loco parentis
20 includes those with day-to-day responsibilities to care for or financially support a child.
21 Those with no biological or legal relationship with a child may stand in loco parentis.

22 (9) **Instrumental activities of daily living** includes cooking, cleaning, shopping, taking
23 public transportation, paying bills, maintaining a residence, using telephones and
24 directories, using a post office, and similar activities.

25 (10) **Parent** means a biological, adoptive, step or foster care mother or father or any
26 other individual who stands or stood in loco parentis to the employee when the
27 employee was a child under the age of 18 or incapable of self-care. This term does not
28 include parents "in-law".

29 (11) **Parent of a covered servicemember** means a biological, adoptive, step or foster
30 father or mother, or any other individual who stood in loco parentis to the covered
31 servicemember. This term does not include parents in law.

32 (12) **Son or daughter** means a biological, adopted, or foster child, a stepchild, a legal
33 ward, or a child of a person standing in loco parentis (in place of the parent), who is
34 under 18 years of age or 18 years or older and incapable of self-care because of a
35 mental or physical disability at the time the FMLA leave is to commence.

36 (13) **PLR** means the Human Resources Payroll, Leave and Retirement Office.

37 (14) **Spouse** Husband or wife refers to the other person with whom an individual
38 entered into marriage as defined or recognized under Oklahoma State Law or, in the

39 case of a marriage entered into outside of any State, if the marriage is valid in the place
40 where entered into and could have been entered into in at least one State.

41 (c) **Eligibility.** To be eligible, an employee must have been employed by the State of
42 Oklahoma at least 12 months and the 12 months need not be consecutive. In addition, an
43 employee must have worked at least 1,250 hours during the preceding 12-month period.
44 "Time Worked" is defined literally. The calculation of "time worked" does not include
45 holidays, paid or unpaid leave. An employee on active military duty receives credit for the
46 hours and months he or she would have worked but for the employee's military service, in
47 compliance with the requirements of USERRA.

48 (d) **Leave Entitlement.**

49 (1) Eligible employees are entitled to 12 weeks of unpaid FMLA leave each calendar
50 year for certain qualifying events.

51 (A) Time off is determined in weeks, therefore the amount of hours an employee is
52 entitled to will differ dependent upon their scheduled working hours.

53 (2) Spousal Limitation. Spouses who are eligible for FMLA leave and are both
54 employed by the agency are limited to a combined total of 12 weeks of leave during any
55 12-month period beginning on the date of the birth of a child (i.e. bonding time) or to
56 care for the child after birth, placement of a child for adoption or foster care. Bonding
57 Leave must be taken in a continuous block; however, a reduced schedule is permitted.
58 Intermittent absences for bonding are not permitted under this policy.

59 (3) The use of paid leave or leave without pay to cover a FMLA absence may not
60 exceed 12 weeks in a 12-month period.

61 (4) DRS designates the calendar year (January to December) as the 12-month period.

62 (e) **Qualifying Reasons for Leave.**

63 (1) Birth of the employee's child and to care for the newborn child provided the leave
64 must conclude within one year of the birth of the child;

65 (2) Adoption or foster care placement of a child with the employee provided the leave
66 must conclude within one year of the placement of the child;

67 (3) To care for the employee's spouse, son, daughter or parent with a serious health
68 condition; or

69 (4) Because of a serious health condition that makes the employee unable to perform
70 the functions of the employee's job; or

71 (5) Because of any qualifying exigency; or

72 (6) To care for a covered servicemember under Military Caregiver Leave.

73 (f) **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or
74 physical or mental condition that involves:

75 (1) Inpatient care (an overnight stay) in a hospital, hospice, or residential medical-care
76 facility, and any period of incapacity or subsequent treatment in connection with such
77 inpatient care,

- 78 (2) Continuing treatment by a HCP includes any one or more of the following:
- 79 (A) Incapacity and treatment. A period of incapacity of more than three
80 consecutive, full calendar days, and any subsequent treatment or period of
81 incapacity relating to the same condition, that also involves:
- 82 (i) Treatment two or more times by a HCP, within 30 days of the first day of
83 incapacity, unless extenuating circumstances exist; or
- 84 (ii) Treatment by a HCP on at least one occasion, which results in a regimen of
85 continuing treatment under the supervision of the HCP. i.e. Prescription
86 Medication
- 87 (iii) Treatment by a HCP means an in-person visit to a HCP. The first (or only)
88 in-person treatment visit must take place within seven days of the first day of
89 incapacity.
- 90 (3) Pregnancy or Prenatal Care - Any period of incapacity due to pregnancy for prenatal
91 care. This includes severe morning sickness.
- 92 (4) Chronic conditions - Any period of incapacity that requires periodic visits for
93 treatment by a HCP (or a nurse under the direct supervision of a HCP) at least twice per
94 year.
- 95 (A) The condition continues over an extended period of time, including recurring
96 episodes of a single underlying condition, and
- 97 (B) The condition may cause episodic rather than a continuing period of incapacity.
98 i.e. asthma, diabetes, epilepsy, etc.
- 99 (5) Permanent or Long-Term Conditions - Any period of time, which is permanent or
100 long term due to a condition for which treatment may not be effective. Examples include
101 Alzheimer's, a sever stroke, or terminal stages of a disease.
- 102 (6) Conditions requiring multiple treatments for an injury or condition, such as
103 restorative surgery after an accident or other injury or a condition that would result in an
104 incapacity of more than three consecutive, full calendar days if not treated.
- 105 (7) **Conditions not considered a serious health condition.** Short-term conditions
106 requiring only brief treatment and recovery are not included as serious health
107 conditions. Unless complications arise, the common cold, earaches, upset stomach,
108 minor ulcers, headaches other than migraine, routine dental or orthodontia problems,
109 and periodontal disease are not ordinarily serious health conditions. Routine physical,
110 eye examinations and dental examinations are not considered treatment, although
111 examinations to determine if a serious health condition exists and evaluations of the
112 condition are considered treatment.
- 113 (g) **Qualifying Exigency.** Allows an eligible employee whose spouse, son, daughter or
114 parent who has an impending call or is on covered active duty or called to covered active
115 duty or notified of an impending deployment to a foreign country to take FMLA leave to
116 assist the servicemembers family in managing their affairs and certain activities related to
117 the call or deployment.

118 (1) Covered active duty includes regular active duty military personnel, retired members
119 of the regular Armed Forces; members of the retired Reserve, members of the
120 Reserves, National Guard and state militias called to active federal duty.

121 (2) Leave because of a qualifying exigency.

122 (A) Family members may use all or part of the regular allotment of 12 weeks of
123 FMLA during the covered active duty in the 12-month period.

124 (B) Spouses who are eligible and are both employed by the agency are limited to a
125 combined total of 12 weeks of leave during any 12- month period.

126 (C) Leave may begin as soon as the covered military member receives the call or
127 order to covered active duty or deployment.

128 (D) Short-Notice deployment:

129 (i) Military member is notified of impending call or order to covered active duty
130 seven or less calendar days prior to the date of deployment.

131 (ii) Leave for this purpose can be used for a period of seven calendar days
132 beginning on the date of the notification of an impending call or order to covered
133 active duty for the following:

134 (I) Military events and related activities; and

135 (II) Childcare and certain related activities; whether family or not;

136 (III) Leave for a covered military member's parent who is incapable of self-
137 care.

138 (iii) Leave to care for the military member's child and/or parent means to
139 arrange alternative care and/or to provide care on an urgent, immediate need
140 basis (but not on a routine, regular, or everyday basis) as necessitated by a
141 change in the existing care arrangements for the child or parent due to the
142 covered active duty or call of the covered active duty status of the military
143 member.

144 (iv) Financial and legal arrangements.

145 (v) Counseling. To attend counseling provided by someone other than a HCP
146 for the employee, for the military member, or child of the covered military
147 member.

148 (vi) Rest and recuperation of up to fifteen (15) days each time the covered
149 military member is given short-tem, temporary rest and recuperation leave;

150 (vii) Post-deployment activities of 90 days following termination of the military
151 member's active duty; and

152 (viii) Any other event that the employee and DRS agree is a qualifying
153 exigency.

154 (E) Certification Military Qualifying Exigency Leave.

155 (i) The requesting employee must submit the Certification of Qualifying
156 Exigency for Military Leave (FMLA) form WH-384.

157 (h) **Military Caregiver Leave.**

158 (1) Eligible employees are entitled to FMLA leave to care for a spouse, son, daughter,
159 parent or next of kin who is a covered servicemember or covered veteran with a serious
160 illness or injury.

161 (2) Military caregiver leave is not available for a veteran until March 8, 2013, the
162 effective date of the 2013 FMLA regulations.

163 (3) **Definitions.**

164 (A) **Covered servicemember** means a current member of the Armed Forces,
165 including a member of the National Guard or Reserves, who is undergoing medical
166 treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise
167 on the temporary disability retired list, for a serious injury or illness.

168 (B) **Covered veteran** means an individual who was a member of the Armed
169 Forces, National Guard or Reserves, and was discharged or released under
170 conditions other than dishonorable at any time during the five year period prior to
171 the first date the eligible employee takes FMLA leave to care for the covered
172 veteran. The period between October 28, 2009 and March 8, 2013 will not count
173 towards the determination of the five-year period. The single 12-month period may
174 extend beyond the five-year period.

175 (C) **A serious injury or illness for a covered veteran** is one that rendered the
176 veteran medically unfit to perform his or her military duties or an injury or illness that
177 qualifies the veteran for certain benefits from the Department of Veterans Affairs or
178 substantially impairs the veteran's ability to work, was incurred by the veteran in the
179 line of duty on active duty in the Armed Forces or that it also includes injuries or
180 illnesses that were incurred or aggravated during military service but that did not
181 manifest until after the veteran left active duty.

182 (D) **Next of Kin** of a covered servicemember or veteran is the nearest blood
183 relative, other than the current service member's or veteran's spouse, parent, son,
184 or daughter, in the following order of priority, a blood relative who has been
185 designated in writing as the next of kin for FMLA purposes or a blood relative who
186 has been granted legal custody of the servicemember or veteran, brothers and
187 sister, grandparents, aunts and uncles, and first cousins.

188 (4) **Military Caregiver Leave Entitlements** allows an eligible employee to take up to a
189 total of 26 weeks of leave during a single 12 month period to provide care for the
190 covered servicemember or veteran. Up to 12 of the 26 weeks may be for an FMLA-
191 qualifying reason other than military caregiver leave.

192 (A) **Spousal Limitation.** Spouses who are eligible and are both employed by the
193 agency are limited to a combined total of 26 weeks of leave during any 12-month
194 period.

195 (B) **The single 12-month period for military caregiver leave** begins on the first
196 day the employee takes leave for this reason and ends 12 months later, regardless
197 of the designated 12-month period established by the employer for other FMLA
198 leave reasons.

199 (5) **Certification of Military Caregiver Leave.** An employee must provide certification
200 of the family member or next-of-kin's documentation of discharge date and the
201 Department of Labor form (WH-385) Certification for serious Injury or Illness of a
202 Current Servicemember.

203 (i) **FMLA designation and Leave.** FMLA leave is a designation specified by law as
204 determined by the Human Resources DRS HR Payroll, Leave and Retirement Office for a
205 FMLA qualifying absence. FMLA leave is unpaid leave. Employees may use accrued leave
206 concurrently with the unpaid FMLA leave protection for the FMLA absence. FMLA leave is
207 not a separate type of leave and it is not accrued or accumulated. FMLA leave is
208 independent of actual leave used for the FMLA absence.

209 (1) The employee has the following options for the charging of leave once the absence
210 has been designated as FMLA:

211 (A) Charge to accrued annual leave;

212 (B) Charge to accrued sick leave;

213 (C) Charge to accrued compensatory time;

214 (D) Record as leave without pay; or

215 (E) After all available paid leave has been exhausted, then charge to shared leave
216 if available pursuant to DRS: 3-3-15 Shared Leave.

217 (2) Employees eligible for the Holiday - When a holiday falls during a week in which an
218 employee is taking a full week of FMLA leave, the entire week is counted as FMLA
219 leave. However, when a holiday falls during a week when an employee is taking less
220 than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the
221 employee was scheduled and expected to work on the holiday and used FMLA leave for
222 that day.

223 (3) The fact that an absence is workers' compensation (WC), does not exempt it from
224 FMLA designation. All FMLA-qualifying absences must be designated and charged as
225 such. If the eligible employee is not supplementing the WC Temporary Total Disability
226 (TTD) payments with annual leave, sick leave, shared leave or compensatory time
227 balances, the first 12 weeks of leave taken for a work-related injury are designated as
228 FMLA, provided that the total FMLA leave does not exceed the 12 month limitation.

229 (4) An eligible employee may take intermittent leave or a reduced leave schedule when
230 determined medically necessary by a HCP for a FMLA qualifying health condition of the
231 employee or a family member as defined in this policy or for a covered servicemember
232 or a covered veteran with a serious health condition.

233 (5) A certified qualifying exigency allows an eligible employee to take intermittent leave
234 or a reduced leave schedule for family members that are covered servicemembers.

235 (j) **Employee's responsibilities.** When possible, an employee shall schedule FMLA leave
236 to accommodate the operations of the agency. If the need for FMLA is foreseeable, the
237 employee shall give the supervisor notice and all required leave documentation at least 30
238 days before leave is to begin. In any case if the FMLA is foreseeable, the employee shall
239 provide notice to the supervisor as is reasonable and practicable. If the need for FMLA is
240 unforeseeable, the employee shall give the supervisor as much notice as possible and

241 request leave as soon as reasonable and practicable taking into account the individual facts
242 and circumstances regarding the request for leave.

243 (1) Include any information or documentation required for the type of absence
244 requested; such as a DRS-A-153 Request for Leave form; the DRS-A-153(a) Medical
245 Certification Form; certification of adoption or foster care; etc. Sufficient completion of the
246 DRS Medical Certification will provide the necessary documentation to determine a
247 FMLA Qualifying Event. In regards to the medical certification, the supervisor cannot
248 request or require the employee or family member to provide a diagnosis.

249 (2) The employee will state whether the leave is being requested because the employee
250 has a covered ADAAA disability and whether a reasonable accommodation is needed to
251 be able to return to work. An individual need not mention ADAAA or use the phrase
252 "reasonable accommodation" to request accommodation.

253 (k) **Supervisor's responsibilities.** The supervisor is responsible for reviewing all leave
254 requests and determining whether a leave request may be FMLA qualifying. All leave
255 requests must be reviewed for FMLA qualifying reasons regardless of the duration of the
256 absence. All FMLA qualifying absences of more than 3 consecutive days must be
257 considered for FMLA qualified absences.

258 (1) Immediately upon receiving notification of an employee's probable FMLA absence,
259 the supervisor may defer the employee's FMLA case to the DRS Human Resources
260 PLR Office for assessment, processing and possible FMLA designation.

261 (A) Within five business days of an employee giving notice of leave that may be
262 eligible for FMLA qualifying, the employee shall be provided with a copy of the
263 Notice of Eligibility and Rights and Responsibilities under FMLA, the DRS-A-153(a)
264 Medical Certification Form and the DRS-A-153 Request for Leave Form. If a
265 medical certification has not been supplied upon notification or if the supplied
266 medical certification is insufficient, the employee must be given fifteen calendar
267 days to submit sufficient medical certification. An additional seven calendar days
268 may be given for the employee to submit the medical certification. Finally, if
269 warranted an additional seven days may be given to submit the medical
270 certification.

271 (B) When the employee returns the requested medical certification and
272 documentation, a designation must be made within five business days as to whether
273 the absence qualifies for FMLA. At this time, the employee receives the
274 Designation Notice Family and Medical Leave Act (FMLA) WH-382. Copies of the
275 employee's completed DRS-A-153(a) Medical Certification, completed DRS-A-153
276 Request for Leave form and completed WH-382 DOL Designation Notice must be
277 submitted to the Human Resources PLR Office within five days of receiving all
278 forms.

279 (C) If the submitted medical certification is insufficient or if no medical certification
280 was returned by the employee, the employee must be given seven additional
281 calendar days to return sufficient medical certification. If at the end of the seven day
282 period sufficient certification is not received, FMLA leave protection may be denied.
283 FMLA will not be designated retroactively if sufficient certification is received after
284 the deadline.

285 (D) If the absence is a FMLA qualifying reason and the employee has complied
286 with DRS policy and FMLA requirements, FMLA leave cannot be denied. The
287 supervisor may not interfere with, restrain, or deny the exercise of any right provided

288 by FMLA. The employee must be notified whether or not the absence is FMLA
289 designated before returning from the absence. The supervisor may not designate
290 leave retroactively as FMLA leave after the employee has returned to work unless:

291 (i) The employee was absent for a FMLA reason and the supervisor did not
292 learn the reason for the absence until the employee's return. Provided the
293 employee notifies the supervisor no later than two business days upon
294 returning to work, the supervisor may, within five business days of the
295 employee's return to work, designate the leave retroactively with the
296 appropriate notice to the employee.

297 (ii) In the absence of such timely notification by the employee, the employee
298 may not subsequently assert FMLA protection for the absence.

299 (l) **Employee's rights.** Upon return from FMLA, an employee shall have the right to be
300 restored to the same or equivalent position and benefits he or she would have had if the
301 employee had been continuously employed in pay status during the leave period.

302 (1) The taking of FMLA leave will not be used as a negative factor in employment
303 actions. However, benefit anniversary dates, which normally are extended due to
304 extended leave without pay will still be subject to extension in accordance with the
305 appropriate policy and procedure. This includes, but is not limited to longevity pay, leave
306 accrual and retention points. Time worked toward qualifying work experience will be
307 extended due to an FMLA absence only if an extension would be applied to a non-
308 FMLA absence.

309 (m) **Insurance Coverage.** While an employee is on FMLA, DRS will continue to pay the
310 agency's portion of employee's premium including the benefit allowance for the dependent
311 insurance premium according to applicable rules and conditions. The employee will be
312 responsible for paying the employee portion of optional and dependent insurance
313 premium(s). Failure to pay insurance premiums will result in termination of coverage.

314 (1) If an employee allows dependent health insurance to lapse during FMLA leave, the
315 agency is not required to pay its portion of the dependent health premium. Upon return
316 to work after the qualifying FMLA period, an employee is entitled to reinstate any lapsed
317 coverage according to applicable rules and conditions; however, no reinstatement
318 qualifying period, Evidence of Insurability or exclusion of pre-existing conditions will
319 apply.

320 (2) If an employee allows coverage to lapse during FMLA leave, and returns to work
321 after the qualifying FMLA period, an employee is entitled to reinstate any lapsed
322 coverage according to applicable rules and conditions, including any reinstatement
323 qualifying period, Evidence of Insurability or exclusion of pre-existing conditions.

324 (n) Unless it is medically unfeasible or due to circumstances beyond the employee's control
325 as set forth in 29 CFR Section 825.213(a)(2), the employee is expected to return from FMLA
326 leave upon its completion. Failure to do so will subject the employee to liability for
327 reimbursement to the agency for all insurance premiums paid by the agency during FMLA
328 leave.

329 (o) **Fitness for Duty certification (FFD) / Return to Work from FMLA Leave (29 CFR
330 825.312)**

331 (1) **Applicability.** Employees returning to work after an FMLA absence due to their own
332 serious illness must provide medical certification utilizing the Fitness for Duty (FFD)

333 Form regarding their abilities to perform essential job functions (fitness for duty) prior to
334 resuming job duties. The fitness-for-duty certification will be limited to the essential
335 functions of the employee's job and the serious health condition, which necessitated the
336 FMLA leave.

337 (A) FFD may be requested only if the employee was provided notification of this
338 requirement on the completed DRS-A-382 Designation Notice.

339 (B) FFD will not be required in the event the FMLA leave was taken intermittently.

340 (C) Employees will not be allowed to return to work if they do not provide the
341 requested fitness for duty certification. Employees will be placed on leave without
342 pay until they furnish the required documentation.

343 (D) If an employee seeks to return to work before his or her health care ~~provide~~
344 provider's previously approved date of return, the employee will be required to
345 provide a new fitness-for-duty certification with regard to the particular health
346 condition that caused the employee's need for FMLA.

347 (2) Fitness for Duty Form/attachments.

348 (A) The employee's supervisor will furnish each employee on FMLA leave (due to
349 the employee's serious illness) a copy of the employee's job family descriptor, any
350 other information relevant to the job's requirements and the Fitness for Duty Form
351 along with the DRS-A-382 Designation Notice.

352 (B) Under no circumstances may the supervisor contact the employees HCP, if
353 clarification is needed please contact the DRS PLR Office or the Disability
354 Determination Service Human Resources Office and they may contact the HCP for
355 you as needed.

356 (C) Employees are responsible for all costs associated with providing a fitness for
357 duty release.

358 (3) Reasonable Accommodation.

359 (A) Employees who are unable to continue performing essential job functions due
360 to a disability or impairment, as defined by the Amended Americans with Disabilities
361 Act (ADAAA) will be provided reasonable accommodation in accordance with the
362 ADAAA.

363 (B) Any request by an employee for an adjustment or change at work for a reason
364 related to a medical condition will be treated as a request for accommodation.

365 (p) Failure of an employee to report for work on the specified date of return shall be cause
366 for disciplinary action, up to and including termination.

1 **DRS:3-3-13. Leave without pay - approved and unapproved [AMENDED]**

2 (a) Approved leave without pay may be granted for extended absences in lieu of exhausting
3 accrued leave balances, or where all accrued leave has been exhausted. If the leave
4 without pay absence is due to a work related illness or injury and a worker's compensation
5 claim has been filed, an employee, except a temporary employee, is entitled to leave without
6 pay. Leave without pay is not considered a break in service. An employee on approved
7 leave without pay remains subject to all state laws, Merit Rules, and departmental policies
8 applicable to his/her employment.

9 (1) Approved leave without pay shall be subject to review by the granting Division
10 Administrator or Superintendent and is not automatically approved.

11 (2) Leave without pay may not be approved for more than 12 months; however,
12 extensions may be granted as long as the total length of the original leave plus all
13 extensions does not exceed two years.

14 (3) Employees remain subject to all state laws, rules and departmental policies which
15 apply to their category of employment during periods of leave without pay and/or sick
16 leave. The fact that an extended absence is due to a job-related illness or injury, for
17 which worker's compensation is or will be received, does not relieve an employee of the
18 responsibility to comply with state laws, rules and departmental policies governing leave
19 without pay and/or sick leave.

20 (4) An employee may be placed on approved leave without pay due to an on-the-job
21 injury or illness while in receipt of Temporary Total Disability payments in accordance
22 with 85 O.S., Section 2e. Regardless of the type of supplemental leave option utilized,
23 any employee receiving temporary disability benefits, shall promptly report in writing to
24 the Department and/or ~~CompSource~~ Oklahoma Workers Compensation insurance
25 carrier, any change in a material fact, the amount of income he or she is receiving, or in
26 his or her employment status occurring during the period of receipt of temporary
27 disability benefits.

28 (5) Approved leave without pay may be canceled at any time by the granting Division
29 Administrator or Superintendent. The employee shall be notified of the cancellation by
30 certified mail sent to the last address of record and shall be provided 7 calendar days
31 from the date of the mailing of the letter to return to work. An employee who is absent
32 due to illness or injury and who has exhausted all annual and sick leave and who fails to
33 return to duty by the expiration of the 7 calendar days may be separated from
34 employment in accordance with Merit Rule ~~530:10-15-12(10)(A)~~ 260:25-15-12(10)(A).
35 However, separation may not occur during a period of temporary total disability.

36 (6) Requests for extension of approved leave without pay must be submitted in writing
37 to the granting Division Administrator or Superintendent no less than 7 calendar days
38 prior to the expiration of the current approved leave without pay. The granting
39 Administrator or Superintendent may deny the request for an extension. Denials shall be
40 in writing and include the reason for the denial. The employee shall be notified of a
41 denial by certified mail sent to the last address of record, and shall be provided 7
42 calendar days from the date of the mailing of the letter to return to work.

43 (7) Leave without pay for probationary employees may be granted. If the leave without
44 pay exceeds 5 working days, the date of the final working day of the probationary period
45 shall be adjusted by the number of working days the probationary employee was on
46 leave without pay in excess of 5 days. Notification of such leave to Human Capital

47 Management and the employee shall include the scheduled date of the final working
48 day of the adjusted probationary period.

49 (b) An employee shall submit a written request for approved leave without pay. The request
50 shall be in writing, include the reasons for the leave, and submitted no less than 5 working
51 days from the date the approved leave without pay begins. The approval of the leave shall
52 also be in writing, and it shall specify the date the employee is to return to work. An
53 employee's failure to immediately inform the granting Division Administrator or
54 Superintendent of any change in the employee's condition or situation which warranted the
55 approved leave without pay may subject the employee to the cancellation of the leave and
56 disciplinary action.

57 (c) Approved leave without pay is not automatic, and granting officials may decline requests
58 for approved leave without pay based upon the needs of the Department.

59 (l) The granting of approved leave without pay shall be in compliance with other
60 relevant departmental policies governing leave.

61 (2) Requests for leave without pay of less than 90 days must be approved by the
62 Division Administrator or Superintendent. Requests for leave without pay of 90 days or
63 more must be approved by the Division Administrator or Superintendent and the
64 Director.

65 (e) An employee granted approved leave without pay shall be accorded the right to be
66 returned to an equivalent position at the end of the leave period, except in cases where the
67 leave without pay was granted due to an on-the-job injury or illness, in which case the
68 employee shall be returned to his or her original position at the end of the leave period. An
69 employee's right to return to the original position or be placed in another position through
70 first preference expires one year from the date the employee started leave without pay or
71 prior to the expiration of one year if the claim or worker's compensation benefit is denied or
72 canceled within the one year period.

73 (f) An employee who fails to return to duty after the expiration or cancellation of approved
74 leave without pay is considered on unapproved leave without pay as of the expiration date
75 or the effective date of cancellation.

76 (1) Any unauthorized or unapproved absence from the work place is a serious matter
77 and is considered unapproved leave without pay.

78 (2) Appropriate disciplinary action shall be taken for incidents of unapproved leave
79 without pay.

1 **DRS:3-3-14. First preference for vacant job positions due to work related illness or**
2 **injury [AMENDED]**

3 (a) Employees who are medically unable to perform the essential job functions of their
4 original positions, with or without reasonable accommodation, but who are medically able
5 and qualified for an alternative position within the Department will be given first preference in
6 filling any such vacant position provided such position does not constitute a promotion for
7 the employee. [Merit Rule ~~530:10-15-49(h)~~ 260:25-15-49(h)]

8 (b) Upon receipt from the employee of a medical statement describing any physical or
9 mental limitations or restrictions which affect the ability to perform job duties to the DRS
10 personnel office, through the appropriate local office, the personnel office shall provide to
11 the employee for completion:

12 (1) an "Application for First Preference" form; and

13 (2) an ~~OPM-4-B~~ HCM 4-B form.

14 (c) Eligibility for first preference expires 1 year from the date the employee started leave
15 without pay or prior to 1 year if the worker's compensation claim is denied.

16 (d) Employees must be notified of all classified and unclassified vacant positions which the
17 agency seeks to fill.

18 (e) An employee shall not be appointed to any vacant classified position until the employee
19 is certified as qualified for that position by Human Capital Management.

20 (f) Employees who accept alternative positions through first preference will be provided
21 notice that they are to continue to submit medical statements every 3 months, and of their
22 right to be returned to the original position if medically able within 1 year from the date of the
23 start of leave without pay.

24 (g) When medical statements indicate limitations which can be reasonably accommodated
25 to allow the employee to continue to perform essential job functions of the original position,
26 the employee will be returned to the original position and provided reasonable
27 accommodation.

28 (h) Employees who are medically able to perform essential job duties of either the original
29 position or an alternative position and who fail to return to work within 7 calendar days after
30 notice is mailed or delivered may be discharged.

31 (i) Employees who do not return to their original position or any other position within the
32 Department, within 1 year from the date that leave without pay began, may be separated
33 from employment; however, separation may not occur during a period of temporary total
34 disability.

35 (j) Separated employees will be provided a copy of Merit Rule ~~30:10-15-49(k)~~ 260:25-15-
36 49(k) regarding reinstatement.

1 **DRS:3-3-15. Shared leave Program [AMENDED]**

2 (a) In accordance with 74 O.S., Section 840-2.23, the state leave sharing program permits
3 state employees to donate annual or sick leave to a fellow state employee who is eligible for
4 and requires family leave or who is suffering from or has a relative or household member
5 suffering from an extraordinary or severe illness, injury, impairment, or physical or mental
6 condition which has caused or is likely to cause the employee to take leave without pay or
7 terminate employment if the receiving employee has exhausted, or will exhaust, all annual
8 leave and sick leave due to an extraordinary or severe illness, injury, impairment, or physical
9 or mental condition, which involves the employee, a relative of the employee or household
10 member, and the condition has caused, or is likely to cause, the employee to go on leave
11 without pay or terminate employment; or to a state employee immediately after the death of
12 a relative or household member, provided that the total leave received for this purpose shall
13 not exceed five (5) days in any calendar year; or who is affected by a presidentially declared
14 national disaster in Oklahoma after May 1, 1999, for a period of eighteen (18) months after
15 the date of the presidentially declared national disaster if the employee suffered a physical
16 injury as a result of the disaster, the spouse, relative or household member of the employee
17 suffered a physical injury or died as a result of the disaster, or the domicile of the employee
18 or the home of a relative of the employee was damaged or destroyed as a result of the
19 disaster. For the purposes of this section, the words and terms in (1) through ~~(5)~~ (7) of this
20 subsection shall have the following meaning, unless the context clearly indicates otherwise.

21 (1) "**Relative of the employee**" means spouse, child, stepchild, grandchild,
22 grandparent, stepparent, or parent of the employee.

23 (2) "**Household members**" means those persons who reside in the same home, who
24 have reciprocal duties to and who provide financial support for one another. This term
25 shall include foster children and legal wards even if they do not live in the household.
26 The term does not include persons sharing the same general house, when the living
27 style is primarily that of a dormitory or commune.

28 (3) "**Severe**" or "**extraordinary**" means extreme or life threatening (see definition of
29 "serious health condition" as defined by DRS Family and Medical Leave Policy 3-3-
30 11(b)(4)).

31 (4) "**State employee**" means a permanent classified employee or a regular
32 unclassified employee with one (1) year or more continuous service with the state. It
33 does not include classified employees in probationary status or unclassified employees
34 on temporary or other limited term appointments.

35 (5) "**Terminal**" means likely to result in death within two (2) calendar years.

36 (6) "**OMES**" means State Office of Management Enterprise Services.

37 (7) "**HCM**" means Human Capital Management Division of OMES.

38 (b) The donating employee may donate annual and/or sick leave.

39 (c) The donating employee cannot cause his or her annual or sick leave balance to fall
40 below 80 hours. Except as provided in section (p) of this policy.

41 (d) The donating employee cannot donate leave that exceeds the termination accumulation
42 limit as set in the DRS Internal Policy, DRS:3-3-4. Except as provided in section (p) of this
43 policy.

- 44 (e) An employee may not donate excess annual or sick leave that the donor would not be
45 able to otherwise take. Therefore, if a donating employee is retiring or resigning, the
46 maximum amount of leave they can donate to an eligible recipient cannot exceed the
47 number of working hours left until the time they resign or retire. Except as provided in
48 section (p) of this policy.
- 49 (f) Donated leave must be given voluntarily. No employee shall be coerced, threatened,
50 intimidated or financially induced into donating annual or sick leave for purposes of the leave
51 sharing program.
- 52 (g) All forms of paid leave available for use by the recipient must be used prior to using
53 donated leave.
- 54 (h) The employee is permitted to use shared leave to supplement worker's compensation.
- 55 (i) A medical certificate from a licensed physician or health care practitioner must be
56 submitted to verify the severe or extraordinary nature and expected duration of the condition
57 for which shared leave is requested.
- 58 (j) The duration of the condition must exceed 3 days. Any exception to this requirement
59 must be approved by the Director or the Director's designee.
- 60 (k) Employees can receive no more than 261 days of donated or shared leave during their
61 employment with the state unless the employee is suffering from an illness which has been
62 certified in writing by a licensed physician or health care practitioner as being terminal. In the
63 event of such a terminal illness, the employee may receive and use up to a maximum of
64 three hundred sixty-five (365) days of donated leave during total state employment.
65 However, upon written request by the employee who either has reached or shall reach in the
66 near future a maximum amount as set out in this subsection, the appointing authority or
67 designee may approve additional donated leave as requested by the employee.
- 68 (l) The dollar value of the donated leave must be converted from the donor to the recipient,
69 if the salary is different.
- 70 (m) Leave may be donated anonymously, however, the recipient must have an approved
71 request on file to receive shared leave. Unused donated leave must be returned to the
72 donor after each occurrence.
- 73 (n) Leave may be donated between different state agencies if approved by the appointing
74 authority or designee of each agency.
- 75 (o) An employee wishing to donate leave to a DRS employee should complete the Donor
76 portion (Part I) of the DRS-A-161 Leave Sharing Application Form and also provide any
77 available information pertaining to the recipient in Part II. Employees desiring approval to
78 receive shared leave from DRS employees should complete the Recipient portion (Part II) of
79 the Leave Sharing Application Form and attach the appropriate medical certificate. Separate
80 forms may be submitted by both the donor and the recipient or one form may be completed
81 by both employees. Due to the fact that there may be multiple donors for a single recipient,
82 only one Leave Sharing Application Form must be signed by the recipient. The Leave
83 Sharing Application Form should be accompanied by a completed Request for Approval of
84 Leave form. The receiving employee must complete and sign a Request for Approval of
85 Leave form and include a medical certificate from a licensed physician or health care
86 practitioner and submit them to his or her supervisor. The receiving employee's supervisor is
87 responsible for reviewing the Request for Approval of Leave Form and the medical
88 certificate to verify that they contain all of the required information. The supervisor is then

89 responsible for obtaining all required supervisory signatures for approval or disapproval of
90 the leave request. The completed Leave Sharing Application Form, approved Request for
91 Approval of Leave Form and the medical certificate should be submitted to DRS Payroll
92 Office for processing and verification of eligibility. The receipt of shared leave is not
93 automatic and requests may be disapproved if the required documentation has not been
94 provided/completed properly and/or other conditions as set forth in this policy have not been
95 met.

96 (p) State Shared Leave of Last Resort Bank. Eligibility for shared leave has not changed
97 (see Section (a) of this policy). Participation in the Leave of Last Resort Ban requires prior
98 approval or disapproval of shared leave pursuant to the DRS:3-3-11 FMLA internal policy.

99 If a qualifying employee is unable to secure leave from employees within his or her
100 employing agency or within a different agency, an employee may request leave from the
101 Leave of Last Resort Bank. The bank is administered by OMES/HCM. The Leave of Last
102 Resort Bank is funded by voluntary donations of annual and sick leave from employees
103 retiring from or leaving state service.

104 (1) Leave of Last Resort Bank Donors

105 (A) Employees who are retiring or leaving state service can donate all remaining
106 sick and annual leave balances to the bank.

107 (B) Employees that are scheduled to retire and employees leaving state service,
108 shall be given the HCM-33C Separation State Service Donation to Leave Bank Form
109 to elect whether any of his or her sick leave and/or annual leave shall be deposited
110 into the Leave of Last Resort Bank. The completed form should be submitted to the
111 DRS PLR unit for processing.

112 (C) Any sick leave donated will not apply as a credit for years of service under the
113 employee's retirement system.

114 (D) For retirees, their Retirement System will be notified by PLR to verify the
115 remaining sick leave balances after the Retirement System has processed the
116 retirement.

117 (E) To donate leave to another state employee (outside of DRS) the employee
118 should complete the HCM-33B Request to Donate Shared Leave and submit the
119 form to the DRS PLR unit for processing.

120 (F) Leave donated to the Bank will not be returned to the donor.

121 (G) If the donor leaves state service and is reemployed within a period of two years
122 from separation date, any leave donated to the bank will not be reinstated.

123 (H) DRS will continue to utilize the DRS-A-161 Leave Sharing Application for all
124 internal share leave donors. Refer to paragraph (o).

125 (2) Leave of Last Resort Bank Leave Requests

126 (A) If an employee wishes to receive shared leave from the leave of last resort bank
127 or another state agency they must complete the HCM-33A (Request to Receive
128 Shared Leave/Bank Leave Form. The employee's signature is required on the
129 HCM-33A. The employee must also complete the required forms listed in (p) 3.A.i.

130 (B) DRS will continue to utilize the DRS-A-161 Leave Sharing Application for all
131 internal shared leave requests. Refer to paragraph (o).

132 (3) The Leave of Last Resort Bank Process

133 (A) Pursuant to the DRS:3-3-11 FMLA internal policy, all required forms must be
134 completed and forwarded to the DRS Payroll, Leave & Retirement (PLR) for
135 verification and approval.

136 (i) Required Forms

137 (I) DRS-A-153 Request for Leave

138 (II) DRS-A-153(a) Medical Certification Form

139 (III) DRS-A-161 Leave Sharing Application

140 (IV) HCM-33A Request to Receive Shared Leave/Bank Leave

141 (B) It is recommended that employees request leave from the bank at the same
142 time they complete the DRS-A-161 Leave Sharing Application.

143 (C) After PLR has approved the HCM-33A and the Leave Sharing Application, PLR
144 will submit the forms to the Agency Director for approval and then submit the HCM-
145 33A for to OMES for Leave Bank processing.

146 (D) Leave Bank donations are processed on a first come first serve basis.

147 (E) If an employee does not receive any donations from his or her internal agency
148 or other agencies, shared leave from the leave bank will be given to the employee,
149 based upon availability, up to the remaining number of hours needed to receive a full
150 months pay.

151 (i) It is possible that the leave bank hours could be depleted before an
152 employee's application is processed, or may be insufficient to bring the
153 employee up to full pay.

154 (F) The HCM-33A will be in effect for the same period of time as indicated on the
155 DRS-A-161 Leave Sharing Application.

156 (G) The amount of time the DRS-A-161 Leave Sharing Application is in effect is
157 based upon the medical certification received for the absence.

1 **DRS:3-3-16. Leave when an office is temporarily closed due to unsafe working**
2 **conditions or services are temporarily reduced due to hazardous weather (paid**
3 **administrative leave) [AMENDED]**

4 (a) If agency offices are closed because of an imminent peril threatening the public health,
5 safety, or welfare of state employees or the public, or when state services are temporarily
6 reduced due to hazardous weather conditions, the Appointing Authority shall place
7 employees who are scheduled to work in the affected work areas on paid administrative
8 leave or, if applicable, shall assign them to work in another location. During their normal duty
9 hours, employees on paid administrative leave due to unsafe working conditions are on
10 stand-by or on-call status. Appointing Authorities may call employees to return to their
11 normal duties or respond to the demands of the situation as necessary. [74:840-2.20A(A)]

12 (b) Paid administrative leave means leave granted to affected employees if offices of
13 agencies are closed because of an imminent peril threatening the public health, safety, or
14 welfare of state employees or the public or when state services are temporarily reduced due
15 to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe
16 working conditions are: leaks of toxic fumes in buildings; life threatening damage to building
17 structures; or emergency operations which would be disrupted by the presence of the usual
18 work force; or any other condition which poses a significant threat to the safety of the work
19 force.

20 (c) Paid administrative leave shall be afforded to affected employees only when a state
21 office is temporarily closed or services are temporarily reduced in accordance with Merit
22 Rule 260:25-15-71. Upon its reopening, normal Merit Rules governing leave and agency
23 procedures shall apply. The granting of administrative leave applies only to employees
24 scheduled to work during the time period of the closure or reduced services. It does not
25 apply to employees who are absent during the closure or reduction on any previously
26 approved leave. Temporary employees shall not be granted administrative leave under this
27 policy when state services are temporarily reduced due to hazardous weather conditions.
28 However, paid administrative leave shall be granted to temporary employees when agency
29 offices are closed because of an imminent peril threatening the public health, safety, or
30 welfare of state employees or the public.

31 (d) When the Governor or his designee, the Commissioner of the Oklahoma Department of
32 Public Safety, issues an official announcement which authorizes agencies, or parts of
33 agencies, to maintain only essential services due to hazardous weather conditions, DRS will
34 implement the provisions of Merit Rule 260:25-15-71, Leave when an office is temporarily
35 closed due to unsafe working conditions or services are temporarily reduced due to
36 hazardous weather (paid administrative leave). If the decision is made to authorize state
37 agencies to maintain only essential services, the Commissioner of the Oklahoma
38 Department of Public Safety will announce the curtailment of state government operations
39 by notifying the media. Such information will also be posted on the website:
40 www.youoklahoma.com. Because of Oklahoma's unpredictable weather conditions, the
41 Commissioner of the Oklahoma Department of Public Safety has conditionally limited his
42 authority to the Oklahoma City metropolitan area, which includes the following seven
43 counties: Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie.
44 Decisions regarding agency operations outside these seven counties are hereby given by
45 the Commissioner of the Oklahoma Department of Public Safety to Appointing Authorities,
46 to be made on an individual basis as necessary; however, the Commissioner of the
47 Oklahoma Department of Public Safety reserves the authority to authorize reductions in
48 services at any location in the state. When the Commissioner of the Oklahoma Department
49 of Public Safety, issues an official announcement which authorizes agencies, or parts of
50 agencies, within the seven metropolitan counties to maintain only essential services due to
51 hazardous weather conditions, the message on the DRS Weather Hotline will be updated

52 with that information. Agency employees assigned to the offices within these seven
53 counties, including Disability Determination Division, will be responsible for checking the
54 DRS Weather Hotline for information regarding offices closures or reduction of services due
55 to hazardous weather.

56 (e) Essential staff will be designated according to (1) through (5) of this subsection. The
57 respective Division Administrator or Superintendent will notify those employees who are
58 responsible for staffing essential functions during hazardous weather conditions.

59 (1) Oklahoma School for the Blind - as directed in writing by the Superintendent.

60 (2) Oklahoma School for the Deaf - as directed in writing by the Superintendent.

61 (3) Disability Determination Division - as directed in writing by the Division
62 Administrator. The Disability Determination Division staff in the Tulsa Office will not be
63 considered as essential unless otherwise notified in writing by the Division Administrator
64 and the decision regarding office closure during hazardous weather in Tulsa will be
65 based on the decision made by the federal office building.

66 (4) Within the State Office, the Director is designated as staffing an essential function,
67 however, the Director or designee may require additional personnel to report to work if
68 circumstances require.

69 (5) The assigned Programs Manager responsible for the ~~VR/VS~~ VR/SBVI field offices
70 outside of the seven counties within the Oklahoma City metropolitan area has been
71 designated as the individual with the responsibility for determining whether the office(s)
72 should be closed and/or services reduced due to hazardous weather. The Programs
73 Manager will determine if any staff members within their assigned area are essential to
74 provide basic minimum services during hazardous weather conditions and will notify
75 those staff members of the designation. In addition, the Programs Manager will
76 establish a method to ensure that their staff members are notified of decisions that are
77 made to authorize offices to reduce services or close during hazardous weather. In
78 addition, the Programs Manager will ensure that the telephone message for the main
79 office telephone number is updated so that callers are aware of the office closure. If the
80 Programs Manager position is vacant, the designated Field Coordinator will assume the
81 responsibility for this determination and ensure that staff members are notified of the
82 determination.

83 (f) Employees who are considered responsible for maintaining essential services and who
84 are required to work when state services are temporarily reduced due to hazardous weather
85 conditions shall be entitled to accrue administrative leave on a straight-time basis for all
86 hours worked during such reduction. Such leave must be taken within 180 days of its
87 accrual or the employee shall be paid for the leave. An extension of the time period for
88 taking the leave may be approved for up to an additional 180 days, provided the Appointing
89 Authority submits a written request with sufficient justification to Human Capital
90 Management.

91 (g) Employees who are responsible for maintaining essential services who do not report to
92 work during hazardous weather have the following options to request time off and account
93 for the absence.

94 (1) Charge the absence to accumulated compensatory time;

95 (2) Charge the absence to accumulated annual leave;

96 (3) Make up lost time during the workweek in which the time was lost in a manner
97 consistent with the FLSA, if the Division Administrator or Superintendent determines that
98 office hours and schedules permit.

99 (4) More than one option may be exercised to account for the absence, but if the
100 absence cannot be accounted for by exercising the options in (1) through (3), Leave of
101 Absence without Pay will be utilized.

1 **DRS:3-3-20. DRS Criminal Background [AMENDED]**

2 (a) **Purpose:** DRS has determined that conducting criminal background checks through the
3 Oklahoma State Bureau of Investigation (OSBI) as part of the employee selection process
4 will provide a mechanism to enhance safety and security for DRS clients, employees and
5 state property.

6 (b) **Application:** This section shall apply to all DRS hires except those by the Oklahoma
7 School for the Blind, the Oklahoma School for the Deaf and the Disability Determination
8 ~~Division~~ Services. The schools shall conduct criminal background checks pursuant to
9 O.A.C. 612:20-3-39. ~~DDD DDS~~ shall conduct its background checks according to the
10 procedure established by the United States Social Security Administration.

11 (c) **Authority:** DRS is authorized to conduct criminal background searches on new hires
12 pursuant to 74 O.S. § 166.12 and O.A.C. 612:3-3-20(e)(3). As a contractor with the United
13 States Social Security Administration, the ~~DDD DDS~~ is required to conduct background
14 checks on employees pursuant to Homeland Security Presidential Directive 12 (HSPD-12).
15 HSPD-12 calls for a mandatory, government-wide standard for secure and reliable forms of
16 ID issued by the federal government to its employees and employees of federal contractors
17 for access to federally-controlled facilities and networks.

18 (d) **Mandate:** Criminal background checks shall be conducted for all new hires to DRS
19 effective January 1, 2012.

20 (e) **Procedure:** Criminal background checks shall be conducted in the following manner:

21 (1) **Notice:** All announcements for employment with DRS shall include a notice that the
22 applicant selected shall be required to consent to a criminal background check and that
23 the offer of employment shall be conditioned upon a review of the check's outcome by
24 DRS. A written consent form approved by DRS legal counsel shall be presented to an
25 applicant selected for employment.

26 (2) **Request for criminal background check:** After an applicant has been selected for
27 employment, the DRS Division making the hire (Hiring Division) shall provide the signed
28 consent form along with the information required by OSBI to the HR Programs Manager
29 for Personnel and Benefits of the DRS Human Resources Unit. Upon receipt of the
30 applicant's signed consent form along with the name and social security number from
31 the Hiring Division, the DRS Human Resources Unit shall request a criminal background
32 check, including a check of the Oklahoma Sex Offender Registry and the Oklahoma
33 Violent Crime Offender Registry of the applicant by OSBI.

34 (3) **Disqualifying Offenses:** If the report from OSBI indicates that a criminal history
35 exists for the applicant, the HR Programs Manager for Personnel and Benefits of the
36 DRS Human Resources Unit shall determine if the report indicates a disqualifying
37 criminal offense. The criminal offenses which disqualify an applicant from DRS
38 employment are those that fall under the following categories: murder; manslaughter;
39 rape; aggravated assault and battery; and any crime involving physical abuse of a family
40 member.

41 (4) **Hiring Review Committee:** Upon receipt of an OSBI report which indicates a
42 criminal history but does not indicate the presence of a disqualifying offense, the HR
43 Programs Manager for Personnel and Benefits of the DRS Human Resources Unit shall
44 notify the members of the DRS Hiring Review Committee. The Hiring Review
45 Committee shall consist of HR Programs Manager for Personnel and Benefits of the
46 DRS Human Resources Unit and the DRS Division Administrators or designees. If

47 either the Vocational Rehabilitation or ~~Visual Services~~ Division of Services for the Blind
48 and Visually Impaired is not the Hiring Division, those divisions may be represented by
49 only one administrator or designee. The notice to the Hiring Review Committee shall
50 include a copy of the OSBI report.

51 (5) **Review:** Each member of the Hiring Review Committee shall review the applicant's
52 criminal history and make a recommendation to the representative from the Hiring
53 Division as to suitability for employment. Factors to be considered in the review shall
54 include the following:

55 (A) the nature and gravity of the offense(s);

56 (B) the time that has passed since the conviction and/or completion of the
57 sentence; and

58 (C) the nature of the job sought.

59 The Hiring Review Committee may communicate with the applicant to seek clarification or
60 further information regarding matters contained in the report. This communication may
61 consist of a telephone call by the Hiring Division member, a teleconference or an in-person
62 meeting. If a teleconference or in-person meeting is scheduled, at least three members of
63 the Hiring Review Committee shall participate. After recommendations have been received
64 from all members of the Hiring Review Committee, the Administrator of the Hiring Division
65 shall submit a final recommendation to the DRS Director regarding the final hiring decision.
66 After the Director has received the Hiring Division Administrator's recommendation, the
67 Director shall make the final decision. After the Director's decision to hire or not hire and
68 before the offer of employment is made, the recommendations and the decision shall be
69 submitted to DRS legal counsel for review. The purpose of the review by legal counsel shall
70 be to advise the Director as to the fairness and consistency of the process with regard to
71 other similar applicants.

72 (f) **Current Employees:** Background checks, including but not limited to criminal
73 background checks, may be performed on current employees as required by the Social
74 Security Administration as a condition for employment in the Disability Determination
75 ~~Division~~ Services. Background checks, including but not limited to criminal background
76 checks, may be performed on current employees when required to have access to another
77 entity's confidential information.

1 **DRS:3-3-27. Department of Rehabilitation Services promotional plan [AMENDED]**

2 (a) **Promotional policy.** It is the policy of the Department of Rehabilitation Services (DRS)
3 to follow this plan when posting and filling classified positions. The DRS promotional plan is
4 designed to provide employees with opportunities for career growth and advancement. No
5 person will be discriminated against because of race, sex, age, color, creed, religion,
6 political affiliation, national origin or disability. Promotional postings shall be required for
7 initial entry into a job family at any level. Promotional posting shall also be required for entry
8 into any vacant supervisory position or level.

9 (b) **Posting decision.** The decision to fill a vacancy, whether classified or unclassified is
10 made by the Director or designee. When continuous, multiple vacancies are anticipated,
11 general promotional opportunities may be posted.

12 (c) **Posting notices.** A vacancy within DRS will be posted on the agency electronic bulletin
13 board system. Notices will be posted at least five (5) working days. Notices will include
14 identification of the job family level (or levels) of the vacancy or vacancies, a listing of the job
15 title, major work duties and minimum qualifications; the pay band and range, the anticipated
16 number of vacancies, the specific location of work, the time limits and procedure for filing an
17 application and additional factors the agency will consider in filling the vacancy or vacancies.
18 The agency may limit a posting notice to a specific work unit, local office, or administrative
19 area. Specific information included on a posting does not limit the Director's continuing
20 authority to define or change the duties, responsibilities and working conditions of positions.

21 (d) **Eligibility for consideration.** The agency may consider internal applicants following
22 closing of the announcement. To be eligible for consideration, a permanent classified DRS
23 employee must meet the requirements set forth in Paragraphs (1) or (2) of this Subsection.

24 (1) submit a completed official State of Oklahoma employment application online with
25 OMES-HCM at jobs.ok.gov no later than the closing date and time specified on the
26 posting notice; and

27 (2) be certified by the HCM Recruitment Division as meeting the minimum qualifications
28 for the posted Level(s) of the Job Family. However, career progression promotions shall
29 be exempt from this requirement provided that an employee has been in a lower level of
30 the job family for an amount of time equal to the difference in the lengths of the
31 experience requirements of the two levels.

32 (e) **Factors for consideration.** Paragraphs (1) through (5) establish factors for
33 consideration.

34 (1) In filling vacancies, the agency will consider factors such as performance appraisals,
35 education, experience, and other qualifications related to the expected ability of an
36 individual to perform the work successfully.

37 (2) The agency may also post and consider special additional factors such as limiting
38 consideration to permanent classified employees of the DRS, special working conditions
39 that an applicant must be willing to accept and selective qualifications required for a
40 position.

41 (3) When merit, ability, and capacity of that employee is relatively equal to other DRS
42 applicants seniority is considered a factor. Seniority is based upon the last date of
43 continuous DRS employment.

44 (4) Consideration may be given to redress underutilization of targeted minority groups.
45 To meet affirmative action goals, all available applicants may be considered.

46 (5) Preference will be given to the current incumbent when a position is reallocated.

47 (f) **Methods for consideration.** Paragraphs (1) through (3) establish methods for
48 consideration.

49 (1) The methods for consideration may include review of personnel records,
50 applications, ratings, work histories, attendance records, test results, references, and
51 other documents and information relating to a person's eligibility or qualifications.

52 (2) Applicants may be required to participate in interviews and in other selection
53 procedures.

54 (3) A personal background investigation, including any civilian and military court
55 records, will be conducted on all designated positions.

56 (g) **Testing policy.** The agency does not require examinations for promotions, demotions,
57 transfers or reinstatements.

58 (h) **Cancellation and correction of posting.** The Director or designee may elect to cancel
59 or correct a posting of a vacancy by posting such cancellation or correction.

60 (i) **Reposting.** If a notice is cancelled, a position will be reposted before it is filled except as
61 provided in (i) of this Section. After the closing date and time specified in a notice, the
62 agency may fill a position within ninety days. If a position is not filled within that time period,
63 the DRS Human Resources Unit will advise the Chief Financial Officer, Chief of Operations,
64 Division Administrator or Director to determine the need to extend the length of time to
65 complete the selection process, repost the posting, or cancel the posting.

66 (j) **Actions not subject to the provisions of this plan.** The appointments and changes in
67 employee classification or position assignment listed in this Section do not require posting or
68 reposting and are not otherwise subject to this plan. However, at the discretion of the
69 Director, posting in accordance with this plan may occur. Actions not subject to the
70 provisions of this plan include but are not limited to:

71 (1) unclassified appointments;

72 (2) temporary appointments;

73 (3) non-competitive appointments;

74 (4) details to special duty;

75 (5) lateral intra-agency transfers within the same job family level;

76 (6) voluntary or involuntary demotions within DRS;

77 (7) career progression promotions within a Job Family;

78 (8) direct reclassification made in accordance with Merit Rule 260:25-5-90; and

79 (9) reallocation of occupied, non-supervisory positions.

80 (k) **Employee request for review of procedure.** In the event a classified employee
81 believes the agency has deviated from this plan by failing to post a vacancy, failing to
82 provide sufficient time for replying to announcements or that the employee has been treated
83 unfairly, the employee can request a review of the procedure with the Human Resources
84 Programs Director. In accordance with merit rules, if the problem cannot be resolved to the
85 employee's satisfaction, he/she shall be advised of the DRS Internal Agency Grievance
86 Resolution Procedure.

1 **DRS:3-3-28. The Department of Rehabilitation Services compensation plan**
2 **[AMENDED]**

3 The Department of Rehabilitation Services (DRS) will establish a Salary Administration
4 Plan in accordance with requirements of Merit Rule ~~530:10-7-1~~ 260:25-7-1. The
5 components of this Plan will include Hiring Ranges/Rates and may include the option for pay
6 movement mechanisms such as Intra-Agency Lateral Transfer, Market Adjustments, Salary
7 Adjustments Upon Completion of Initial Probationary or Trial Period, Equity Based
8 Adjustments and Skill Based Pay Adjustments. This Plan is on file with Human Capital
9 Management and will be made available by the DRS Human Resources Unit upon request.
10 As the Salary Administration Plan is amended to include any revisions or utilization of any of
11 the optional pay movement mechanisms, the DRS staff will be advised in writing. Upon
12 approval of Human Capital Management, a copy of the Salary Administration Plan will be
13 posted in every DRS office.

1 **DRS:3-3-29. Trial work period (classified service) [AMENDED]**

2 (a) Interagency transfers to DRS as the result of a promotion may serve a six month trial
3 period in the new job family level only if the job family level from which the employee was
4 promoted is in the DRS classification plan. Employees having to serve a trial work period
5 shall be informed in writing prior to the effective date of the transfer.

6 (b) Every employee following an intra-agency lateral transfer shall serve a six-month trial
7 period in the job level to which the employee is transferred, unless the trial period is waived,
8 in writing, by the Director or Chief of Staff.

9 (c) When a classified employee is promoted within DRS as a result of an announced
10 vacancy, the employee shall serve a six month trial work period in the job family level to
11 which the employee is promoted, unless the trial work period is waived in writing by the
12 Director or Chief of Staff in advance. At any time during a trial work period, the Director or
13 Chief of Staff may return the employee to the former position or another in the same job
14 family level from which the employee was promoted upon written notification to the
15 employee as to such action and reason for it, and the employee shall not have the right to
16 appeal.

17 (d) No trial work period will be required for individuals who are promoted due to a
18 reallocation of their position. No trial work period will be required for individuals whose
19 career progression promotion resulted from a previous underfill.

20 (e) If the trial work period is not successful, Merit Rule ~~530:10-11-55~~ 260:25-11-55 will
21 apply.

1 **DRS:3-3-30. Department of Rehabilitation Services Fair Labor Standards Act policy**
2 **[AMENDED]**

3 (a) **Statement of policy.** It is the policy of the Department of Rehabilitation Services (DRS)
4 to comply fully with the provisions of the Federal Fair Labor Standards Act (FLSA), as
5 amended. All DRS employees are responsible for making every effort to accomplish
6 essential work within the regularly assigned work week hours.

7 (b) **Notification of FLSA rules.** All DRS administrative and supervisory staff are
8 responsible for ensuring that the rules and regulations governing overtime work, including
9 Human Capital Management's policy guidelines for the Fair Labor Standards Act, DRS
10 FLSA policies, and bulletins and publications provided by the U.S. Department of Labor, are
11 available for review by departmental employees.

12 (c) **FLSA exempt employees.** The FLSA provides definitions for positions which are
13 professional, administrative, or executive, and exempts those positions from the FLSA.
14 These positions are designated as FLSA Exempt, and are generally ineligible for overtime
15 except in exceptional circumstances. These definitions are included in Human Capital
16 Management FLSA Policy Guidelines, and should be reviewed should a question arise
17 concerning the FLSA status of a particular position.

18 (d) **FLSA non-exempt employees.** All DRS employees, regardless of status or type of
19 service, who are not included in the administrative, professional or executive exemptions are
20 subject to the provisions of the FLSA and designated as FLSA non-exempt, and are eligible
21 for overtime.

22 (e) **FLSA designation of employees.** A list of DRS job classifications indicating the FLSA
23 exempt or non-exempt status designation of each position is noted in the DRS Fair Labor
24 Standards Act (FLSA) Class Guide which has been posted in every DRS office. If the
25 designation for a position seems in error, the affected employee or the employee's
26 supervisor may request a review using the procedure outlined in Instructions to Staff.

27 (f) **Establishment of the workweek period.** The workweek period for departmental
28 employees is established by the Director and is found in Instructions to Staff.

29 (g) **Record keeping.** To ensure compliance with the FLSA, all hours worked and leave
30 taken will be recorded in accordance with procedures specified by the Department of
31 Rehabilitation Services.

32 (h) **Overtime compensation, FLSA non-exempt employees.** It is the policy of the State of
33 Oklahoma and the DRS to utilize work week adjustments whenever possible to avoid
34 overtime work by FLSA non-exempt employees, and, where work week adjustments are not
35 possible, to grant employees compensatory time at the rate of one and one-half times the
36 number of overtime hours worked. Payment for overtime work is only made as required by
37 the FLSA, State Law, or Merit Rules, or when authorized by the Director or designee. Any
38 delegation of authority to approve overtime payments must be made in writing.

39 (i) **Overtime compensation, FLSA exempt employees.** FLSA exempt employees are
40 normally expected to accomplish their assigned duties within the regular work week.
41 However, when this is not possible, such employees are expected to devote whatever time
42 is necessary to fulfill their responsibilities. Compensatory time and/or overtime pay for FLSA
43 exempt employees may only be granted in exceptional circumstances based upon prevailing
44 market conditions and when authorized in advance by the Director. A written notice shall be
45 sent to the OMES Human Capital Management ~~of~~ at the Director's decision to award
46 overtime payments or compensatory time for FLSA exempt employees. Compensatory time

47 or overtime pay for FLSA exempt employees shall only be given on an hour for hour basis,
48 one hour of compensatory time or overtime pay granted for each hour of overtime worked.
49 Compensatory time must be taken within 180 days of accruing the time. Compensatory
50 time shall not extended beyond 180 days for exempt employees.

1 **DRS:3-3-75. Second phase - formal discipline [AMENDED]**

2 (a) **Purpose.** The purpose of formal discipline is to correct violations of statute, rule, policy,
3 practice or procedure regarding work performance or behavior. Unless aggravating
4 circumstances are present, formal discipline is usually imposed after informal discipline has
5 failed to produce acceptable results. Supervisors are responsible for reviewing all the facts
6 of the situation to present and justify the recommended disciplinary action to his or her
7 supervisor including a citation of any other informal or formal discipline which was used in
8 the recommendation. Formal discipline should be commensurate with the offense. All steps
9 of formal discipline will comply with applicable Merit Rules. Unless otherwise justified, the
10 progression of DRS formal discipline is: 1) written reprimand; 2) suspension without pay; 3)
11 involuntary demotion; and, 4) discharge. The agency shall maintain documentation of formal
12 discipline in the official personnel file.

13 (b) **Written Reprimand.**

14 (1) A written reprimand is the first step of formal discipline and is intended to correct
15 continuing performance or conduct problems not resolved by informal discipline; or, to
16 address problems so serious in nature or detrimental, they warrant formal discipline.
17 After consultation with his/her reviewing supervisor, the Human Resources Management
18 Specialist for Employee Relations and the DRS Legal Counsel, a supervisor will
19 determine whether or not there is sufficient justification to issue a written reprimand.
20 Once the decision has been made to issue a reprimand, the written notice of reprimand
21 should not be issued until it has been reviewed by the Human Resources Management
22 Specialist for Employee Relations and the DRS Legal Counsel.

23 (2) A memorandum will be provided to the employee that includes as a minimum:

24 (A) the date of the written reprimand;

25 (B) the statute, rule, policy, practice or procedure regarding work performance or
26 behavior which was violated;

27 (C) a statement of the act or incident that is cause or reason for the written
28 reprimand;

29 (D) steps which can be taken to resolve the problem;

30 (E) a citation of any other informal or formal discipline, which was used in the
31 decision to administer the written reprimand;

32 (F) consequences of repeated infractions or continuing deficient performance or
33 behavior;

34 (G) a notice of the employee's right to submit a written response within five (5)
35 working days from receipt of the written reprimand for inclusion in his or her official
36 personnel file. Such response will become part of the discipline documentation and
37 filed in the official personnel file.

38 (H) a notice of the employee's right to grieve the written reprimand in accordance
39 with the Department's grievance policy.

40 (3) **Distribution of written reprimand.** The original is given to the employee and
41 copies to the appropriate supervisory staff, DRS Employee Relations and the official
42 personnel file.

43 (4) Petition to remove written reprimand from official personnel file.

44 (A) An employee may petition to remove a written reprimand from his/her official
45 personnel file. Written reprimands involving discrimination, sexual harassment or
46 workplace violence cannot be petitioned for removal. After an employee has
47 performed satisfactorily without another disciplinary incident of any kind for a period
48 of two (2) years, the employee may request the removal of written reprimand from
49 their official personnel file. Such requests shall be made in writing to the Division
50 Administrator or Superintendent through appropriate supervisory channels.
51 Supervisors in turn will attach documentation of their recommendation to the
52 Division Administrator/Superintendent to approve or disapprove the request.

53 (B) Within ten (10) working days after receipt of a written request, the Division
54 Administrator/ Superintendent will render a decision whether or not to purge the
55 official file. If the decision is to purge, a copy of such decision will be provided to the
56 Human Resources Programs Director and supervisor with instructions to purge and
57 destroy the written reprimand and related documentation. If the decision is not to
58 purge, a written notice will be sent to the employee by the Division
59 Administrator/Superintendent detailing reasons for the denial. Such notice will
60 advise the employee of the right to grieve the decision in accordance with the
61 Department's grievance policy.

62 (c) **Adverse Action.** The Division Administrator or Superintendent is the final decision-
63 maker regarding all adverse actions. No letter of suspension without pay, involuntary
64 demotion or discharge may be imposed without the signature of the Division Administrator
65 or Superintendent and review by the Human Resources Management Specialist for
66 Employee Relations, the Human Resources Programs Director and the DRS Legal Counsel.
67 OAC ~~530:10-11-120~~ 260:25-11-120 provides that a permanent employee may be
68 suspended with pay for internal investigatory purposes or to facilitate the required notice and
69 response opportunity prior to a suspension without pay, involuntary demotion or discharge.
70 OAC ~~530:10-15-11(b)(4)~~ 260:25-15-11(b)(4) prohibits the placement of an employee on
71 annual leave for internal investigatory purposes.

72 (1) **Suspension without pay.** Upon approval of the Division Administrator or
73 Superintendent and review by the Human Resources Management Specialist for
74 Employee Relations, Human Resources Programs Director and DRS Legal Counsel, a
75 permanent classified employee shall be provided a notice of the proposed suspension
76 without pay by personal service or certified or registered mail. Pending completion of
77 the notice and response opportunity, a permanent, classified employee may be
78 suspended with pay if it is considered to be in the best interests of the agency.

79 (A) Proposed notice shall include, as a minimum:

80 (i) the statute, rule, policy, practice or procedure regarding work performance or
81 behavior which was violated and cause for the proposed suspension without
82 pay;

83 (ii) the specific acts or omissions which are cause or reason for the proposed
84 suspension;

85 (iii) an explanation of the evidence which justifies the proposed suspension
86 without pay; and

87 (iv) an opportunity, either in writing or orally, within five (5) working days to
88 present reasons why the proposed suspension without pay is improper.

89 (B) **Final action.** Within ten (10) working days after the employee has had an
90 opportunity to respond, the Division Administrator or Superintendent, after
91 consultation with Human Resources Management Specialist for Employee
92 Relations, Human Resources Programs Director and DRS Legal Counsel, shall
93 provide written notice of final action to the employee by personal service or certified
94 or registered mail. If the decision is to proceed with the suspension without pay, the
95 notice will include as a minimum:

96 (i) the statute, rule, policy, practice or procedure regarding work performance or
97 behavior which was violated and cause for the suspension without pay;

98 (ii) grounds for the action;

99 (iii) a citation of the law or rule under which the action is being taken;

100 (iv) effective date;

101 (v) inclusive dates of the suspension without pay;

102 (vi) a citation of any other informal or formal discipline which was used in the
103 decision to administer the suspension without pay;

104 (vii) consequences of repeated infractions or continuing deficient performance
105 or behavior;

106 (viii) the employee's right to file an appeal with the Merit Protection
107 Commission, the twenty (20) calendar day time limit for the Commission's
108 receipt of the appeal, the address of the Commission; and

109 (ix) the Commission's petition for appeal form (MPC-200).

110 (C) Distribution of final action for suspension without pay. The original is given to
111 the employee and copies to the appropriate supervisory staff, DRS Employee
112 Relations and the official DRS personnel file.

113 (2) **Involuntary demotion.** Upon approval of the Division Administrator or
114 Superintendent and review by the Human Resources Management Specialist for
115 Employee Relations, the Human Resources Programs Director and DRS Legal Counsel,
116 supervisors recommending an involuntary demotion shall provide notice to the
117 employee, by personal service or by certified or registered mail, of the contemplated
118 action. Pending completion of the notice and response opportunity, a permanent,
119 classified employee may be suspended with pay if it is considered to be in the best
120 interests of the agency.

121 (A) Proposed notice shall include as a minimum:

122 (i) the statute, rule, policy, practice or procedure regarding work performance or
123 behavior which was violated and cause for the proposed involuntary demotion;

124 (ii) the specific acts or omissions which are cause or reason for the proposed
125 involuntary demotion;

126 (iii) an explanation of the evidence which justifies the proposed involuntary
127 demotion; and,

128 (iv) an opportunity, either in writing or orally, within five (5) working days to
129 present reasons why the proposed involuntary demotion is improper.

130 (B) **Final action.** Within ten (10) working days after the employee has had an
131 opportunity to respond, the Division Administrator/Superintendent, after consultation
132 with DRS Human Resources and DRS Legal Counsel, shall provide written notice of
133 the final action to the employee by personal service or certified or registered mail. If
134 the decision is to proceed with involuntary demotion, the notice shall include:

135 (i) the statute, rule, policy, practice or procedure regarding work performance or
136 behavior which was violated and cause for the involuntary demotion;

137 (ii) grounds for the action;

138 (iii) a citation or the law or rule under which the action is being taken;

139 (iv) effective date of the involuntary demotion and the job family level and pay
140 band to which demoted;

141 (v) citation of any other informal or formal discipline which was used in the
142 decision to administer the involuntary demotion;

143 (vi) a statement of the employee's right to file an appeal with the Merit
144 Protection Commission, the twenty (20) calendar day time limit for the
145 Commission's receipt of the appeal, the address of the Commission; and

146 (vii) the Commission's petition for appeal form (MPC-200).

147 (C) **Distribution of final action for involuntary demotion.** The original is given to
148 the employee and copies to the appropriate supervisory staff, DRS Employee
149 Relations and official personnel file.

150 (3) **Discharge.**

151 (A) **Consultation requirements.** Prior to recommending discharge, the supervisor
152 will review the employee's discipline history, the current offense, and the
153 performance management plan. If the supervisor decides to continue,
154 recommendation for discharge must be approved through administrative channels.
155 When the recommendation has been approved by the Division
156 Administrator/Superintendent, the decision will be reviewed by the Human
157 Resources Management Specialist for DRS Employee Relations, Human
158 Resources Programs Director and DRS Legal Counsel.

159 (B) **Action required.** Before a permanent classified employee may be discharged,
160 he or she will be afforded a pretermination hearing to be held before the Director or
161 Director's designee. Such designee will be selected on a case-by-case basis. A
162 pretermination hearing is not required for an employee being terminated as part of a
163 reduction-in-force.

164 (C) **Notice of pretermination hearing.** Prior to its issuance, the notice shall be
165 reviewed by the Human Resources Management Specialist for DRS Employee
166 Relations, the DRS Legal Counsel and the Human Resources Programs Director.
167 The notice will be signed by the Division Administrator or Superintendent in the
168 employee's supervisory channel and will be provided to the employee, by personal

169 service or certified or registered mail, at least seven (7) calendar days prior to the
170 scheduled hearing. This notice shall include, as a minimum:

171 (i) the statute, rule, policy, practice or procedure regarding work performance or
172 behavior which was violated and cause for the proposed action;

173 (ii) all grounds for the proposed action;

174 (iii) a summary of evidence or physical evidence to support each of the stated
175 grounds for the proposed action;

176 (iv) a statement of the employee's right to be represented by an attorney or
177 other person of his or her choice at the pre-termination hearing; and

178 (v) date, time and location of the pretermination hearing.

179 (D) **Disciplinary certificate.** The Director or designee shall ensure a certificate is
180 prepared and placed in the employee's official personnel file at least seventy-two
181 (72) hours before the pretermination hearing. It shall indicate what disciplinary
182 actions have been taken to comply with progressive discipline prior to the
183 pretermination hearing and proposed termination and further certifies that all
184 mandatory progressive discipline actions as required by statute have been taken
185 before pretermination hearing. The disciplinary certificate is not required where
186 grounds for proposed discharge are for commission of a criminal offense and/or
187 acts involving moral turpitude. The Human Resources Management Specialist for
188 Employee Relations will coordinate preparation of this certificate with the
189 appropriate official(s).

190 (E) **Conduct of hearing.** The purpose of a pretermination hearing is to provide the
191 Director or designee (hereafter called the hearing official) with information from
192 which a determination may be made as to whether or not reasonable grounds exist
193 to believe the charges against an employee are true and whether or not the grounds
194 support the proposed discharge. The pretermination hearing need not be a full
195 evidentiary hearing and formal rules of evidence shall not apply. The pretermination
196 hearing shall be recorded by audiotape in its entirety. If the employee requests a
197 copy of the tape, a copy will be provided at no cost to the employee.

198 (i) Participants in the pretermination hearing generally are the hearing official,
199 DRS Legal Counsel, supervisor recommending the discharge, the employee
200 and the employee's representative, if any.

201 (ii) The designated hearing official will preside over the hearing. Generally,
202 hearings may proceed on the following order:

203 (iii) introductions of all individuals present and whether they represent the
204 Department or the employee;

205 (iv) statement of the Department's view followed by the employee or their
206 representative's response to the statute, rule, policy, practice or procedure of
207 work performance or behavior which was violated and cause for the hearing;

208 (v) statement of the Department's view followed by the employee or their
209 representative's response to the summary of evidence or physical evidence to
210 support each of the stated grounds for the proposed discharge; and,

211 (vi) as final statements, the Department's representative and the employee or
212 their representative will state their views and response to opposing arguments.

213 (F) **Legal review.** Within three (3) days of the hearing, a copy of the decision, the
214 tape recording of the hearing and all supporting evidence will be forwarded to DRS
215 Legal Counsel pursuant to Merit Rule 455:10-11-17(b)(5). If the hearing official
216 requires more than three (3) working days to provide this report, an extension may
217 be granted by the Division Administrator or Superintendent.

218 (G) **Final action.** Within ten (10) working days after the pretermination hearing, the
219 employee shall be provided written notice of the final action by personal service or
220 certified or registered mail. This notice will be prepared by the Division
221 Administrator or Superintendent. This notice will be reviewed by the Human
222 Resources Management Specialist for Employee Relations, Human Resources
223 Programs Director and the DRS Legal Counsel prior to its issuance. If the decision
224 is to proceed with discharge, the notice shall include, as a minimum:

225 (i) the statute, rule, policy, practice or procedure regarding work performance or
226 behavior which was violated and cause for the discharge;

227 (ii) all grounds for the discharge;

228 (iii) a citation of the law or rule under which the discharge is being taken;

229 (iv) effective date of the discharge;

230 (v) a citation of any other informal formal discipline which was used in the
231 decision to administer the discharge;

232 (vi) a statement of the employee's right to file an appeal with the Merit
233 Protection Commission, the 20 calendar day time limit for the Commission's
234 receipt of the appeal and the address of the Commission; and

235 (vii) a copy of the Commission's petition for appeal form.

236 (H) **Distribution of final action for discharge.** The original is given to the
237 employee and copies to the appropriate supervisory staff, DRS Employee Relations
238 and official personnel file.

1 **DRS: 3-3-98. Special grievances [AMENDED]**

2 (a) **Group Grievances.** Employees may file a formal grievance as a group when the
3 grievance issues and remedy sought are the same or similar for each member of the group.
4 The group will select a member to serve as spokesperson who will speak and act on behalf
5 of all members of the group. The group is also entitled to a representative in accordance
6 with Merit Rule 455:10-19-39. The spokesperson is responsible for completing and filing the
7 Internal Agency Grievance Resolution, MPC Form 900 and the Group Grievance Form,
8 DRS-A-111. Employees who file a group grievance will forfeit their right to file individual
9 grievances on the same complaint. Members may withdraw from the group grievance, but
10 they may not complete the grievance individually without the written agreement of the
11 grievance manager or assistant grievance manager.

12 (1) The designated agency grievance manager/assistant grievance manager may
13 consolidate formal grievances containing the same or similar issues filed by two or more
14 employees to effect a more efficient, economical or more timely processing and
15 resolution of the grievances, so long as it will not adversely affect the interest of the
16 employees filing the grievances.

17 (2) The designated agency grievance manager/assistant agency grievance manager
18 may join two or more formal grievances filed by an employee to effect a more efficient or
19 timely processing and resolution of the grievances so long as it will not adversely affect
20 the interest of the employee.

21 (b) **Classification Grievances.** An employee has the right and responsibility to file a
22 classification grievance when duties performed on a regular and consistent basis do not
23 conform to the employee's job family descriptor. Employees are entitled to the job family
24 level they are currently assigned and to perform work consistent with their job family level.
25 Employees are entitled to the compensation assigned to the job family level for which duties
26 were performed on a regular and consistent basis. This provision does not entitle the
27 employee to a higher job family level and does not prohibit reclassification in accordance
28 with other merit rules. Employees have no right to reclassification, to occupy a specific
29 position, or to the continued assignment of specific duties and responsibilities.

30 (1) The Step Two Decision Maker and employee shall attempt to resolve these disputes
31 through the formal grievance procedure. Classification grievances are processed in the
32 same manner as other grievances.

33 Corrective actions available at Steps One and Two of the Grievance Resolution Process
34 include modification of the duties so that the duties are consistent with the employee's
35 classification, or in-class transfer of the employee to a position properly allocated to the job
36 family level the employee currently holds.

37 (2) If the dispute cannot be resolved, the Step Two decision maker will advise the
38 employee to complete a Classification Dispute Review Request form which will be sent
39 to the DRS Human Resources Unit, Attention: Personnel Office. A classification
40 grievance must be concluded before an employee may file a Classification Dispute
41 Review Request form.

42 (3) Upon receipt of a Classification Dispute Review Request, the DRS Personnel Office
43 will review it along with other appropriate records, including the internal grievance file, to
44 determine the nature and scope of the grievance.

45 (A) If the grievance concerns only the job family level to which the position is
46 assigned, a position audit will be conducted by the DRS Personnel Office to

47 determine the proper job family level. The audit shall be completed within thirty (30)
48 calendar days or the requesting official and the incumbent shall be notified in writing
49 of the expected completion date. The employee will be sent a written notice of the
50 level assignment and its effective date.

51 (B) If the Classification Dispute Review Request and other related information
52 indicates the grievance concerns the job family to which the position is allocated,
53 the form will be forwarded within twenty (20) days to Human Capital Management
54 requesting that a position audit be completed and determination of an appropriate
55 job family for the position. Upon receipt of the allocation decision from Human
56 Capital Management, the DRS Personnel Office will determine the proper job family
57 level for the position. The completion and notification of such audit will be carried
58 out according to subparagraph (A) above in the Section.

59 (4) If an employee does not agree with the job family level assigned after completion of
60 a grievance audit, he or she may request a review by Human Capital Management.
61 Such request must be submitted to the DRS Personnel Office within twenty (20)
62 calendar days of the date of the final notice of the decision by the agency. DRS
63 Personnel will then submit the request, along with the documents that were considered
64 in determining the job family level, to Human Capital Management who will issue a final
65 decision concerning the proper level of assignment within fourteen (14) calendar days of
66 receipt of the request.

67 (5) If a classification grievance or a classification dispute review indicates an employee
68 has not been compensated for the duties which were performed on a regular and
69 consistent basis, the employee shall be compensated for the difference between the
70 employee's actual rate of pay and the rate of pay the employee would have received on
71 promotion to the job family level that was consistent with the duties and responsibilities
72 of the employee. Back pay will be limited to the date the employee filed the
73 classification grievance. (OAC ~~530:10-5-51~~ 260:25-5-51)

1 **DRS:3-3-99. Grievance Resolution Process [AMENDED]**

2 The grievance resolution process will consist of two steps, (1) informal discussion
3 between the employee and the immediate supervisor, or lowest level supervisor with the
4 authority to resolve the dispute, and (2) the formal grievance. Employee concerns and
5 complaints should, whenever possible, be promptly and informally resolved at the lowest
6 possible level of supervision and in a manner least disruptive to the work place.

7 **(1) Step One - Informal Discussion.**

8 (A) The employee must verbally notify his or her immediate supervisor of a dispute
9 as soon as possible. The supervisor and the employee will attempt to informally
10 resolve the complaint. If the employee fails to attempt resolution at the lowest level,
11 the process will end. If the employee dispute alleges misconduct by the immediate
12 supervisor, the employee may contact the reviewing supervisor. Allegations of
13 illegal discrimination, including sexual harassment, are handled in accordance with
14 DRS:3-3-95 (f) of these procedures and in accordance with special procedures
15 outlined in DRS:3-3-101.

16 (B) The supervisor and the employee will consider mediation prior to exhausting
17 efforts to informally resolve the dispute. If mediation is used, the time limit for filing
18 a formal grievance will be suspended pending completion of the mediation process.

19 (C) If the supervisor is unable to resolve the dispute because it is not within his or
20 her control or authority, the supervisor will refer the dispute to the person within the
21 division or school with the authority to resolve the dispute informally. If the
22 employee and the supervisor are unable to resolve the dispute through informal
23 discussion or mediation, the supervisor will provide a written response to the
24 employee describing the efforts to resolve the dispute informally and provide a copy
25 to the reviewing supervisor. If the dispute is not resolved, the employee may
26 proceed to Step Two - Formal Grievance.

27 **(2) Step Two - Formal Grievance.**

28 (A) An employee who files a formal grievance must state the grievance using the
29 Internal Agency Grievance Resolution Form, MPC Form 900. The employee must
30 file the completed original MPC-900 with the designated agency grievance
31 manager/assistant grievance manager. Except for formal grievances charging
32 discrimination and sexual harassment, a copy of the supervisor's written response
33 describing the efforts to resolve the dispute informally must be attached.

34 (B) The designated agency grievance manager/assistant grievance manager may
35 add a party to a grievance, though not named, to protect any rights or interests they
36 may have. Employee(s) so named or directly affected may participate in the
37 grievance process.

38 (C) The formal grievance must be filed within twenty (20) calendar days after the
39 employee first became aware of or should have been aware of the grievance issue.
40 If the issue is a continuing condition, the employee must file within twenty (20)
41 calendar days after the last occurrence. The designated agency grievance
42 manager/assistant grievance manager may consider a grievance timely filed if the
43 employee can show that he or she could not have otherwise timely filed. In any
44 case, a grievance must be filed no later than twelve (12) months after the day of the
45 action that is the reason for the grievance.

46 (D) The employee must write the statement of grievance in a reasonable and
47 understandable manner. The statement of grievance must describe the cause of
48 the grievance and other descriptive information, such as date and place of the
49 occurrence or date the employee became aware of the matter, names of those
50 involved or having knowledge of the matter; laws, rules or policies applicable to the
51 grievance; description of the actions taken to resolve the complaint informally;
52 proposed resolution of the grievance.

53 (E) Within five (5) calendar days, the designated agency grievance
54 manager/assistant grievance manager will take one of the following actions:

55 (i) Reject the grievance and notify the grievant in writing of the reason for the
56 rejection. The grievant may appeal the decision in accordance with the
57 provisions of Merit Rule 455:10-19-46. Reasons for rejecting a grievance
58 include, but are not limited to, the following:

59 (I) the issue is not timely filed;

60 (II) the issue is not within the control of the appointing authority;

61 (III) the grievant has not been directly affected by the matter which is the
62 subject of the grievance;

63 (IV) failure to complete an informal discussion pursuant to DRS:3-3-99 (a)
64 (1)(A);

65 (V) the grievance information is incomplete.

66 (ii) Accept the grievance and refer to the appropriate decision maker, including
67 a written statement of the issues to be addressed, and notify the grievant.

68 (iii) Accept the grievance and refer to mediation pursuant to DRS:3-3-100.

69 (F) The decision maker will have forty (40) days to resolve the dispute unless
70 he/she requests an extension in accordance with merit rules and these procedures.

71 (G) Upon receipt of the grievance, the decision maker will review the grievance and
72 discuss the matter with the employee either in person or by telephone. The
73 decision maker is also responsible for consulting with the designated agency
74 grievance manager/assistant grievance manager, with necessary levels of
75 supervision and other personnel as appropriate. The decision maker will provide a
76 written decision to the employee and submit a copy to the designated agency
77 grievance manager/assistant grievance manager for the designated division.

78 (H) Except for formal grievances charging discrimination, the Step Two decision
79 maker will be the manager/supervisor who directly reports to the Director, Chief of
80 Staff or a Division Administrator/Superintendent who has been assigned authority to
81 be the decision maker. On a case-by-case basis, the designated agency grievance
82 manager/assistant grievance manager in consultation with the appropriate
83 individual, to include the Director, Chief of Staff, or Division
84 Administrator/Superintendent, may assign a Step Two decision maker outside the
85 grievant's chain of command when appropriate.

86 (I) Resolution decisions must:

- 87 (i) address the issues raised in the formal grievance;
- 88 (ii) be made in writing to the employee filing the formal grievance or to the
89 spokesperson of a group grievance; and
- 90 (iii) be delivered personally or by mail.
- 91 (J) The grievance procedure will end when:
- 92 (i) the grievance is withdrawn in writing by the grievant;
- 93 (ii) a resolution proposed by the employee in the written statement of the
94 grievance is accepted in writing by an agency official who has authority to
95 obligate the agency;
- 96 (iii) a resolution is reached at any step of the procedure and agreed to in writing
97 and signed by the employee and an agency official who has authority to obligate
98 the agency;
- 99 (iv) the grievant fails to comply with any time limit specified in this policy without
100 an approved time extension;
- 101 (v) a final decision on the grievance is provided to the grievant by the Step Two
102 decision maker.
- 103 (K) The grievant, supervisor and appropriate agency official(s) will be notified in
104 writing by the designated agency grievance manager/assistant grievance manager
105 that the grievance procedure has ended. The resolution of any grievance must be
106 in agreement with the Oklahoma Personnel Act, Merit Rule and DRS policies.

1 **DRS:3-3-101. Discrimination and harassment complaint policy and procedure**
2 **[AMENDED]**

3 (a) The purpose of this Section is to define discrimination and harassment and to establish
4 a procedure to be used when handling grievances charging discrimination or harassment.
5 The Department of Rehabilitation Services does not tolerate discrimination or harassment of
6 employees. If subjected to such conduct, employees are encouraged to use the
7 Discrimination and Harassment Complaint and Grievance Resolution Procedure
8 (DHCGRP), contained in this section, to reach resolution. No employee will be disciplined or
9 retaliated against for filing a grievance in accordance with these procedures.

10 (b) Respect for the rights of all and for the differences among people of diverse
11 characteristics and backgrounds is a guiding principle of the DRS. Discrimination or
12 harassment of staff members or clients because of race, religion, sex, national origin, age or
13 disability, has no place in the DRS work force. Such practices violate both the law and the
14 ideals of the DRS. Incidents which constitute actual or apparent discrimination or
15 harassment can sometimes be the result of inadequate communication or insensitivity and
16 can be quite unintentional. In such cases, simple honest discussion among the individuals
17 involved may be the best way to resolve the matter. In other cases, communication may
18 have broken down, the intent may have been malicious, or may involve a violation of DRS
19 policy, State and/or Federal Law. In such instances, alleged violations can be handled
20 through the Discrimination and Sexual Harassment Complaint Procedure.

21 (c) Employees who believe they have been subjected to discrimination or sexual
22 harassment are encouraged to utilize the DRS Discrimination and Sexual Harassment
23 Complaint Procedure for resolution of their concerns. The use of this procedure does not,
24 however, prohibit an employee from filing a complaint with the Office of Civil Rights
25 Enforcement, Federal Equal Employment Opportunity Commission and/or the Merit
26 Protection Commission. The filing of a complaint through this process does not constitute
27 filing a complaint or appeal with any of the above-referenced agencies. The rights, feelings
28 and perceptions of all staff in the work unit must be respected. Concerns about conditions
29 that affect one's work performance should be addressed through normal supervisory and
30 administrative channels, whenever possible. The Discrimination and Sexual Harassment
31 Complaint Procedure attempts to balance the rights of all parties, while ensuring the right of
32 each employee to work in a setting free of discrimination and harassment.

33 (d) For purposes of this Section, discrimination shall be defined as any violation of
34 applicable state and/or federal civil rights laws or any violation of DRS Policy or procedure in
35 which an employee's race, sex, national origin, religion, age and/or disability is the basis for
36 an employment decision.

37 (e) Sexual harassment is defined as repeated or unwelcome sexual advances, requests for
38 sexual favors and other verbal or physical conduct of a sexual nature when:

39 (1) submission to such conduct is made, either explicitly or implicitly, a term or condition
40 of an individual's employment;

41 (2) submission to or rejection of such conduct by an individual is used as a basis for
42 employment decisions; or

43 (3) such conduct has the purpose or effect of unreasonably interfering with an
44 individual's work performance (may include mutually agreeable conduct between parties
45 if the activity results in adverse working conditions for uninvolved co-workers or
46 subordinates).

47 (f) Sexual harassment is a serious form of discrimination which can take various forms,
48 such as inappropriate remarks, comments, gestures, overtures or physical contact. In
49 addition to being contrary to DRS Policy, sexual harassment is a violation of Title VII of the
50 Civil Rights Act of 1964. The Federal Equal Employment Opportunity Commission has
51 issued a regulation (29 CFR 1604) elaborating on the types of conduct that constitute sexual
52 harassment. This regulation states, "With respect to conduct between fellow employees, an
53 employer is responsible for acts of sexual harassment in the work place where the employer
54 (or its agents or supervisory employees) knows or should have known of the conduct,
55 unless it can show that it took immediate and appropriate corrective action...prevention is
56 the best tool for the elimination of sexual harassment. An employer should take all steps
57 necessary to prevent sexual harassment from occurring, such as affirmatively raising the
58 subject, expressing strong disapproval, developing appropriate sanctions, informing
59 employees of their right to raise and how to raise the issue of harassment under Title VII,
60 and developing methods to sensitize all concerned."

61 (g) Pursuant to MPC Merit Rule ~~430:10-19-35~~ 455:10-19-35, this Subsection sets forth the
62 necessary steps and time frames a DRS employee must utilize in order to resolve work
63 related disputes involving an allegation of discrimination and/or sexual harassment. There
64 are three levels in the grievance process when it involves an allegation of discrimination
65 and/or sexual harassment. These levels are the informal discussion, the formal grievance,
66 and the final resolution. The necessary steps and time frames for resolving work related
67 disputes involving an allegation of discrimination and/or sexual harassment are presented in
68 (1) through (5) of this Subsection.

69 (1) **Informal discussion.** An employee with a work related dispute involving
70 allegations of discrimination or sexual harassment is required to speak to his/her
71 immediate supervisor, except in instances where the immediate supervisor is alleged to
72 be a party to the discriminatory or sexual harassing act. In situations where the
73 immediate supervisor is accused of discrimination or sexual harassment, the employee
74 is required and must speak with either the Grievance Manager, or any other supervisor.
75 Once any of the above-named officials are apprised of allegations of discrimination or
76 sexual harassment, said official must initiate appropriate corrective action.

77 (2) **Filing period.** If an employee cannot resolve the alleged discriminatory issue
78 during counseling with any of the officials named in (1) of this Subsection, a formal
79 grievance may be filed:

80 (A) within twenty (20) calendar days of the date of the act or incident; or

81 (B) within twenty (20) calendar days of the date the employee becomes aware of
82 or, with reasonable effort, should have become aware of the grievable issue. [See
83 MPC 455:10-19-42]

84 (3) **Filing a formal grievance.** Once the employee has completed the MPC Internal
85 Agency Grievance Resolution form, he/she must give the form and all written
86 documentation, such as witness statements, to the Grievance Manager. The employee
87 should not submit documents he/she wants returned. The Grievance Manager is
88 assigned the responsibility of coordinating complaints alleging discrimination. Upon
89 receipt of discrimination complaints, the Grievance Manager will refer them to the DRS
90 Director or designee within three (3) business days. Pursuant to MPC Rule 455:10-19-
91 44, the formal grievance must be resolved (including any investigation and the issuance
92 of the final resolution letter) within forty-five (45) days from the filing of the grievance.
93 This period may be extended up to fifteen (15) days for good cause. The grieving
94 employee and DRS may agree to extend up to an additional thirty (30) days for good

95 cause. The agreement must be in writing and include the reason for the extension. In
96 no case shall the resolution time exceed ninety (90) days.

97 (4) **Civil Rights investigation.** Upon receipt of a discrimination grievance, the Director
98 or designee shall refer it for an independent investigation. The investigator is
99 empowered to gather information pertaining to the complaint and interview parties
100 involved. In complaints involving alleged sexual harassment, the grievant may request
101 to initially interview with a member of the same sex, as designated by the Director.

102 (5) **Final resolution.** The discrimination and sexual harassment complaint procedure
103 will end when the Director receives the investigation report and issues a letter
104 containing DRS's final resolution to the Grievant. Copies will be provided to the
105 Grievance Manager and the individual responsible for committing the alleged
106 discriminating act.

1 **DRS:3-3-110. Risk Management Programs Purpose and Scope [AMENDED]**

2 The purpose of this section is to provide direction and guidance to employees and
3 other affected entities in the application or management of risk management matters
4 according to pertinent laws, rules and or policy. The Risk Management Programs include
5 policies and procedures regarding emergency evacuations, safety and violence free
6 workplace. The DRS Risk Manager is the authorized DRS contact person for all matters
7 pertaining to risk management. This authorization includes the School for the Deaf, the
8 School for the Blind, the Disability Determination Services, ~~Visual Services~~ Division of
9 Services for the Blind and Visually Impaired, Vocational Rehabilitation, Executive, and
10 Management Services divisions. All risk management matters shall be referred to the DRS
11 Risk Manager for coordination of tasks and responsibilities, and for communication both
12 within DRS and with other agencies and entities.

1 **DRS:3-3-111. Emergency Evacuation Plans [AMENDED]**

2 Each DRS office location and facility, including the Oklahoma School for the Blind
3 and Oklahoma School for the Deaf (Special Schools), must develop and maintain
4 emergency evacuation plans (Plan) to be implemented in the event of a fire, bomb, severe
5 weather or other similar emergency which endangers or poses a threat of danger to the
6 health or safety of DRS employees and visitors. The ~~Management Services Project~~
7 ~~Coordinator for the Executive Division Administrator~~ for the State Office, the Division
8 Administrators for the Disability Determination ~~Services~~, Vocational Rehabilitation, and
9 ~~Visual Services Divisions~~ Division of Services for the Blind and Visually Impaired and the
10 Superintendents of the Special Schools will be responsible for designating staff for the
11 development, implementation and maintenance of a Plan at the locations in their divisions.
12 Where several divisions are located in one physical location, the divisions should work
13 together to develop one Plan. The Plans must be adapted to the unique needs and
14 configurations of the location and the requirements of local emergency authorities.
15 However, the Plans must contain the components set forth in the Minimum Requirements
16 for DRS Emergency Evacuation Plans (Requirements) found in the Instructions to Staff. The
17 designated person at the administrative/supervisory level (Designated Person) for the
18 location will be responsible for completing, signing and dating the Acknowledgement form
19 DRS-A-110, verifying that a Plan has been developed and implemented according to the
20 Requirements. The executed acknowledgement form is to be forwarded to the DRS Safety
21 Coordinator and a copy retained in the supervisor's evacuation plan training file.

1 **DRS:3-3-112. Disaster Response and Recovery [AMENDED]**

2 (a) **Procedures.** This section establishes policies and procedures for responding to
3 situations where the severity and extent of an emergency incident exceeds the more
4 common types of emergencies that are addressed in DRS:3-3-111, Emergency Evacuation
5 Plans. This Section of policy is to be utilized in conjunction with DRS:3-3-111. The types of
6 incidents referred to here are those that are most likely to result in significant personal injury
7 or loss of life, significant damage to or loss of property, and or significant interruption or
8 cessation of DRS services. In most cases, the procedures in DRS:3-3-111 will already have
9 been initiated and will progress to the level of emergencies covered in this section.

10 (b) **Requirements of the Oklahoma Department of Civil Emergency Management.** The
11 Oklahoma Department of Civil Emergency Management (CEM) requires certain positions to
12 be established for emergency and disaster situations. The required positions are
13 Emergency Managers, Emergency Coordinators and Alternate Emergency Coordinators.
14 The primary function of an Emergency Manager is to provide direction to staff in incidents of
15 severe emergencies. The primary function of an Emergency Coordinator is to implement
16 those directives. Alternate Emergency Coordinators will assume the primary role in the
17 absence of the primary Emergency Coordinator.

18 (1) **DRS Designation of Required Positions.** For purposes of meeting CEM
19 requirements, DRS positions designated as Emergency Managers include:

20 (A) the ~~Deputy Director~~ Chief of Operations for the State Office;

21 (B) the Superintendents at the Special Schools; and

22 (C) the Division Administrators for the Disability Determination Services, Vocational
23 Rehabilitation Division and ~~Visual Services Divisions~~ the Division of Services for the
24 Blind and Visually Impaired.

25 (2) **Emergency Managers.** Also acting in the capacity of Emergency Managers, the
26 following positions have discretionary authority to make necessary immediate decisions
27 during disaster emergencies:

28 (A) The Programs Managers at Vocational Rehabilitation and ~~Visual Services~~ the
29 Division of Services for the Blind and Visually Impaired office locations and facilities;

30 (B) the Programs Manager at the Library for the Blind and Physically Handicapped;
31 and

32 (C) persons designated by the Administrator at the Disability Determination
33 Division Services and the Superintendents at the Special Schools to make
34 necessary immediate decisions in their absence.

35 (D) However, as soon as the need for immediate decisions ends, these individuals
36 will report to the Chief of Operations, Division Administrator or Superintendent what
37 actions have been taken and will coordinate any remaining decisions with the Chief
38 of Operations, Division Administrator or Superintendent.

39 (3) **Emergency Coordinators and Alternate Emergency Coordinators.** Emergency
40 Coordinators and Alternate Emergency Coordinators under this section will be the same
41 individuals who have emergency responsibilities under the Emergency Evacuation Plan
42 established in accordance with DRS:3-3-111. When an Emergency Coordinator
43 position becomes vacant, the Alternate Emergency Coordinator will assume the primary

44 responsibilities until a replacement Emergency Coordinator is named which should
45 occur within 3-5 working days. When an Alternate Emergency Coordinator position
46 becomes vacant, a replacement Alternate Emergency Coordinator should be named
47 within 3-5 working days.

48 (4) **CEM requirements.** As required by CEM, all Emergency Coordinators should
49 maintain on their desk in a readily accessible place, a copy of the CEM Emergency
50 Standard Operating Procedures for State Departments, Agencies, Offices and
51 Employees (CEM Plan). Also as required, all DRS Employees should be provided with
52 a DRS Emergency/Disaster Personal Procedures Card.

53 (5) **Supervisors.** Supervisors are responsible to ensure that employees are trained in
54 the policies and procedures contained in the CEM Plan upon full implementation of the
55 CEM Plan and within two (2) weeks of entry on duty for new employees.

56 (c) **DRS Disaster Management Team**

57 (1) DRS staff in executive level positions will serve as members of the DRS Disaster
58 Management Team. The DRS Disaster Management Team will include the Director,
59 ~~Deputy Director~~ Chief of Operations, Public Information Administrator, appropriate
60 Division Administrators or Superintendents at the Special Schools, the Human
61 Resources Administrator, the Human Resources Programs Director, the DRS Risk
62 Manager and the DRS Property Manager. The Chief Financial Officer and other
63 necessary staff will be included depending on the nature of the crisis or need.

64 (2) The DRS Disaster Management Team will manage crisis situations that result from
65 emergency or disaster incidents involving DRS employees, visitors or property. The
66 DRS Disaster Management Team will make decisions regarding issues including,
67 communication to the public, employees and clients, return to service, personnel
68 matters, equipment and property repairs and or replacement, etc.

1 **DRS:3-3-113. Violence-free work place policy [AMENDED]**

2 (a) The Department of Rehabilitation Services is committed to maintaining a work place
3 environment that is safe and secure for all DRS employees. It is the policy of the
4 Department to take seriously threats made to, by or about the Department, or its employees.
5 Threats, threatening behavior, acts of violence and harassing behavior directed against
6 employees, clients, or visitors will be thoroughly investigated. If it is determined that these
7 acts or behaviors are instigated by an employee, the employee will be subject to serious
8 disciplinary action, up to and including discharge.

9 (b) For purposes of this section, violence means physical harm or the attempt to physically
10 harm persons or property. Threat of violence means verbal, written or behavioral messages
11 that communicate the intent to inflict, or cause to be inflicted, physical harm to persons or
12 property.

13 (c) Possession, use, or threat of use of a deadly weapon is not permitted on DRS property,
14 including state vehicles. For the purposes of this section, "weapon" means any club, knife,
15 gun or other device with the potential to commit harassing behavior.

16 (d) If an imminent threat occurs, the appropriate emergency personnel should be contacted
17 by calling 9-1-1, if available. If 9-1-1 is not available, the employee should contact 2-1-1 or
18 the appropriate law enforcement agency directly. Each employee is responsible for notifying
19 their supervisor immediately of all threats which have been witnessed, received, or been
20 reported by another person who has witnessed or received such threats. Failure to report a
21 threat may result in disciplinary action.

22 (e) Each supervisor who receives a report from an employee of a work place violence
23 incident is responsible for notifying the DRS Safety Coordinator within twenty-four (24)
24 hours. All reported incidents will be investigated and appropriate action taken. An integral
25 part of the investigation will include the information from the incident report that was
26 completed by the employee or his/her supervisor.

27 (f) An employee may be removed from duty by being placed on paid administrative leave in
28 accordance with Merit Rule ~~530:10-15-50~~ 260:25-15-50, if a "cooling off" period is needed to
29 defuse a potentially violent occurrence in the work place. An employee's time on paid
30 administrative leave under this Merit Rule shall not exceed 32 hours in any 12 month period.

31 (g) An employee who brings a weapon into the work place, or commits harassing behavior,
32 threat of violence or violence in the DRS work place will be subject to disciplinary action, up
33 to and including discharge.

34 (h) All DRS administrators and supervisors will be provided the appropriate training
35 regarding handling of work place violence. Nonsupervisory employees may also attend
36 training with supervisory approval.

1 **DRS:3-9-8. Purchases for Vocational Rehabilitation and ~~Visual Services Divisions~~**
2 **the Division of Services for the Blind and Visually Impaired Clients [AMENDED]**

3 (a) **Purchases for the acquisition of goods and services.** The purchase of goods and
4 services, except as outlined in (b) of this section, are not required to be submitted to the
5 Contracts and/or Purchasing Section. These types of purchases are exempt under Title 74,
6 Section 85.7, paragraph 12 of the Oklahoma Central Purchasing Act and are processed at
7 the VR and ~~VS~~ SBVI field office level by rehabilitation professionals in accordance with
8 procedures covered in OAC 612:10-1-7. If, in the judgment of the responsible rehabilitation
9 professional, the best interests of the client and/or the agency would be served by having
10 the Contracts and/or Purchasing Section handle the procurement, a DRS requisition form
11 may be submitted to the Purchasing or Contracts Section.

12 (b) **Purchases for special equipment for motor vehicles and home modifications.** The
13 purchase of special equipment for motor vehicles and home modifications projected to cost
14 more than \$5,000.00 are required to be submitted to the Purchasing Section for processing.
15 The rehabilitation professional shall also provide the Purchasing Section a copy of the
16 evaluation report as required in OAC 612:10-7-220 (b) (~~F~~) for vehicle modifications and OAC
17 612:10-7-221 for home modifications.

1 **DRS:3-9-39. Emergency purchases [AMENDED]**

2 There are two exceptions provided for under Oklahoma law in which a state agency
3 may make emergency purchases without seeking competitive bids:

4 (1) Title 74 Emergency:

5 A. A state agency may make an emergency acquisition of items, products,
6 materials, supplies, services and equipment not exceeding the current dollar limit
7 set forth under the Oklahoma Central Purchasing Act at 74 O.S. § 85.7.A.4.

8 B. Emergency under this title means an unforeseen condition believed to endanger
9 human life, safety or poses an imminent danger to significant property or is a
10 condition certified by the Governor as a serious environmental situation.

11 C. An emergency under this title may be declared if it is impossible for normal
12 acquisition procedures to be observed because of the time factor involved. The
13 procedures in (1) through (4) of this Subsection will be adhered to by all agency
14 personnel.

15 (i) During normal State Office work hours, any Division Administrator who
16 becomes aware that an emergency as defined in this Subsection exists will
17 declare an emergency. All facts will be presented by telephone to the
18 Purchasing Section. The Purchasing Section will coordinate the situation with
19 the Central/Departmental Services Administrator for direction and will make
20 notifications and take action as required.

21 (ii) After normal State Office work hours, if it is determined that an emergency
22 exists, a Division Administrator, or a person with written delegated authority, will
23 take action necessary to resolve the situation.

24 (iii) In either situation described above in this Subsection, it is understood that
25 in-house capabilities or resources are to be used or referred to for guidance or
26 assistance to remedy the situation.

27 (iv) The next working day, a memo describing the emergency, Requisition form,
28 and supporting documentation will be forwarded to the Purchasing Section for
29 processing to ~~DCS~~ OMES Central Purchasing Division.

30 (2) Title 61 Emergency:

31 A. A state agency may make an emergency purchase of public improvements to
32 the agency's real property, constructing any public building for its use or making
33 repairs or performing maintenance on its public buildings, under the Oklahoma
34 Competitive Bidding Act, 61 O.S. § 130.

35 B. Emergency under this title means conditions resulting from a sudden
36 unexpected happening or unforeseen occurrence or condition whereby the public
37 health or safety is endangered.

38 C. Pursuant to 61 O.S. § 130.B, and by approval of this section of policy, the Director is
39 authorized to declare emergencies under this title for contracts of less than Thirty-five
40 Thousand Dollars (\$35,000) and to report such to the Commission within ten (10) days. All
41 other emergencies under this title must be declared by two-thirds (2/3) vote of the
42 Commission for Rehabilitation Services. All emergencies declared under this title shall be

43 reported to the State Construction Administrator of the Division of Capital Assets
44 Management pursuant to 61 O.S. § 130.F

1 **DRS:3-9-80. Fleet management [AMENDED]**

2 (a) Fleet Manager. The responsibilities of the Materiel Management Section in managing
3 the Agency's vehicle fleet are:

4 (1) liaison between the Agency and the Division of Capital Assets Management Fleet
5 Management Division;

6 (2) ensuring compliance with state statutes, Executive orders, and any other
7 regulations regarding vehicles;

8 (3) maintaining compliance of DRS fleet management policies and procedures;

9 (4) maintaining an accurate inventory of all vehicles within the Agency;

10 (5) coordinating the purchase of all vehicles with the DCAM Fleet Management Division
11 and DRS Purchasing Section;

12 (6) coordinating the disposal of all vehicles with the DCAM Fleet Management Division;

13 (7) coordinating any/all vehicle requests with the DCAM Motor Pool Division;

14 (8) monitoring the Agency's vehicle Risk Management Program; and

15 (9) monitoring Pike Pass use, fuel consumption, and vehicle operating and
16 repair/maintenance records for the Agency's vehicle fleet.

17 (b) Agency owned vehicles. The Fleet Manager coordinates with the DCAM Fleet
18 Management Division all reports pertaining to DRS vehicles.

19 (c) Vehicle Operator's License. All employees operating a state owned vehicle or a
20 privately owned vehicle for official state business, shall have a valid vehicle operator's
21 license.

22 (d) Safety Belts. All persons operating or riding in a vehicle while on state business are
23 required to wear safety belts.

24 (e) Fuel management. The Division of Capital Assets Management may annually establish
25 statewide contracts for the purchase of vehicle fuel. The Fleet Manager is responsible for
26 compiling the Agency's annual projected cost for regular unleaded gasoline; No. 2 diesel;
27 miscellaneous vehicle maintenance (including accessories, repair, and inspection); bulk
28 purchases (including antifreeze, oil, and fuel card fees); and fuel management reports and
29 summaries. The Fleet Manager shall monitor fuel consumption, and vehicle operating and
30 repair/maintenance cost of the Agency's vehicle fleet. The Fleet Manager is also required to
31 provide the State Motor Pool a monthly report on Agency vehicle fuel consumption and
32 repair/maintenance costs. The fleet manager also initiates a requisition to purchase the
33 items listed above from the statewide contract.

34 (f) Pike Pass. Pike passes may be assigned to a division administrator, school
35 superintendent, or his/her representative for issue to assigned employees on an as needed
36 basis. Requests for Pike Passes shall be submitted to the MMS Fleet Manager.

37 (g) Transportation of non-State employees in state owned vehicles. When transportation of
38 individuals who are not employees of the State of Oklahoma is necessary to conduct state

39 business, those individuals may be transported in state vehicles under the following
40 circumstances:

41 (1) approval must be obtained in advance by one of the following:

42 (A) Program Managers in the Divisions of Vocational Rehabilitation and ~~Visual~~
43 ~~Services~~ Services for the Blind and Visually Impaired,

44 (B) Superintendents at the Oklahoma School for the Blind and the Oklahoma
45 School for the Deaf

46 (C) the Division Administrator or Deputy Administrator for the Disability
47 Determination ~~Division~~ Services

48 (D) Chief of Operations, Executive and Unit Administrators for the Executive and
49 Management Services Divisions.

50 (2) only state employees or officials are authorized to drive state vehicles.

51 (3) non-employee passengers are advised that there is no liability coverage for non-
52 employees.

CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES

1 **DRS:10-1-10. Ethics [NEW]**

2 (a) The ACS sets forth six professional values that provide the ethical principles that are the
3 foundations for ethical behaviors and decision-making in the counselor profession: They are:

4 (1) **Autonomy**, or fostering the right to control the direction of one's life;

5 (2) **Nonmaleficence**, or avoiding actions that cause harm;

6 (3) **Beneficence**, or working for the good of the individual and society by promoting
7 mental health and well-being;

8 (4) **Justice**, or treating individuals equitably and fostering fairness and equality;

9 (5) **Fidelity**, or honoring commitments and keeping promises, including fulfilling one's
10 responsibilities of trust in professional relationships; and

11 (6) **Veracity**, or dealing truthfully with individuals with whom counselors come into
12 professional contact.

13 (b) The policy for prohibited VR/SBVI counselor behavior is as follows:

14 (1) All VR/SBVI staff will not condone or engage in activities which exploit consumers
15 for personal gain, expect or demand receipt of any benefit or otherwise impose
16 demands which compromise the delivery of professional services.

17 (2) VR/SBVI staff will not request a consumer perform work activity, whether paid or
18 unpaid, or any other favors such as personal babysitting for the benefit of that staff
19 member.

20 (3) VR/SBVI staff will not take a consumer to his/her home or visit the consumer's
21 home unless for a reason directly related to the consumer's OKDRS case.

22 (4) If a face to face meeting is not feasible VR/SBVI will only communicate with a
23 consumer through OKDRS approved methods, such as, the US Postal Service, agency
24 provided cell phone or OKDRS secured internet to ensure confidentiality.

25 (5) VR/SBVI staff will not condone or engage in any form of sexual harassment as
26 define in the OKDRS Policy Statement on the Prevention of Harassment.

27 (6) VR/SBVI staff will inform consumers of their legal representatives of their rights to
28 consent to participation in programs and receipt of services under the counselor's
29 authority. After informing consumers of such rights, VR/SBVI staff must obtain the
30 consumer's consent in a written format.

31 (7) VR/SBVI staff will not require a consumer to sign a blank or in any way incomplete
32 form for the counselor to complete at a later time.

33 (8) VR/SBVI will insure that programmatic information is provided in the consumer's
34 requested assessable format.

35 (9) VR/SBVI staff will not condone, participate in or engage in discrimination based
36 upon a consumer's race, religion, color, place of national origin, culture, disability,
37 gender and/or age.

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(10) VR/SBVI staff will demonstrate respect for consumer cultural, social and religious backgrounds through the development and adaptation of service deliveries to incorporate said perspectives into the consumer's achievement of plan goals, objectives and outcomes.

CHAPTER 20. SPECIAL SCHOOLS

1 **DRS:20-1-1. Fund-raising [AMENDED]**

2 (a) The Oklahoma School for the Deaf and Oklahoma School for the Blind may engage in
3 fund-raising activities to the same extent as other public schools in the State. Fund-raising
4 activities are limited to projects contributing to the benefit or well-being of students with
5 respect to school activities.

6 (b) The Management Services Division (MSD) and the Executive Division of DRS, as part
7 of its administrative support for the two schools, may participate in fund-raising activities on
8 behalf of OSD and OSB. The Executive Director may create a committee for this purpose.

9 (c) All fund-raising activities at the Oklahoma School for the Blind and Oklahoma School for
10 the Deaf shall be approved by the Superintendents.

11 (d) All fund-raising activities conducted by MSD on behalf of OSB and OSD shall be
12 approved by the ~~Administrator~~ Chief Operations Officer of the Management Services
13 Division.

14 (e) A faculty member or faculty sponsor must assist with any fund-raising activity at OSB or
15 OSD.