

**DRS INTERNAL POLICY**

**MANUAL**

## **DRS POLICY**

### **CHAPTER 1. ADMINISTRATIVE OPERATIONS**

| Subchapter  | Section    |
|---|------------|
| 13. Civil Rights and Nondiscrimination on Basis of Race, Color, National Origin, Sex, Age or Disability | DRS:1-13-1 |
| 17. Communications Office   | DRS:1-17-1 |

**SUBCHAPTER 13. CIVIL RIGHTS AND NONDISCRIMINATION ON BASIS OF RACE,  
COLOR, NATIONAL ORIGIN, SEX, AGE OR DISABILITY**

**Section**

DRS:1-13-1. Sexual Harassment/Sexual Assault

Section History

7-1-94 PT MEMO #  
New

## **DRS: 1-13-1. Sexual Harassment/Sexual Assault**

(a) **Sexual Harassment.** The Department of Rehabilitation Services [DRS] explicitly prohibits sexual harassment of employees. Sexual harassment is unlawful and may subject those who engage in it to DRS formal discipline as well as civil and criminal penalties.

(b) **Definition of Sexual Harassment.** Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- (1) when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- (2) when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) when such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile, or offensive working environment.

(c) **Examples of Prohibited Conduct.** Conduct prohibited by this policy may include, but is not limited to:

- (1) Unwelcome sexual flirtation, advances or propositions for sexual activity.
- (2) Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes.
- (3) Sexually degrading language to describe an individual.
- (4) Remarks of a sexual nature to describe a person's body or clothing.
- (5) Display of sexually demeaning objects and pictures.
- (6) Offensive physical contact, such as unwelcome touching, pinching, brushing the body.
- (7) Coerced sexual intercourse.
- (8) Sexual assault.
- (9) Rape, date or acquaintance rape, or other sex offenses, forcible or non-forcible.
- (10) Actions indicating that benefits will be gained or lost based on responses to sexual advances.

(d) **Supervisors and Co-workers.** Since some employees of DRS hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Supervisors in particular, in their relationships with subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. It is the responsibility of employees to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive. Sexual harassment also can involve relationships among equals as when repeated

advances, demeaning verbal behavior, or offensive physical contact interfere with an individual's ability to work and study productively. Sexual harassment can also result from situations where there has been a romantic relationship between a supervisor and employee, which has ended or when there is a relationship that creates a third party sexual harassment hostile work environment. Sexual harassment can also result from situations where there is an ongoing consensual sexual relationship between a supervisor and an employee.

(e) **Grievance.** DRS is committed to providing an environment of work free from sexual harassment and to insuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment.

DRS encourages employees to report instances of sexual assault or other sex offenses, either forcible or non-forcible. In addition to internal grievance procedures, employees are encouraged to file complaints or reports with local law enforcement agencies by telephoning 911, as soon as possible after the offense occurs in order to preserve evidence necessary to the proof of criminal offenses.

In the absence of a formal grievance, DRS reserves the right to investigate and deal administratively with sexual harassment issues whenever becoming aware of their existence. Supervisors who become aware of instances of sexual harassment as defined in paragraph (c) shall immediately or as soon as reasonably possible report them to the respective Division Administrator or Chief of Staff who shall consult with legal counsel and initiate appropriate corrective action. **1**

(f) **Retaliation.** Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of sexual harassment will be treated as a separate and distinct violation of DRS policy.

(g) **Discipline.** Appropriate disciplinary action may include a range of actions up to and including discharge. With regard to Examples of Prohibited Conduct (C)(6 – 9) above, DRS has a zero tolerance policy and will proceed directly to discharge.

(h) **Criminal Action.** When criminal action is pursued in addition to an administrative grievance under this policy, the Director shall designate a DRS representative to coordinate investigative actions with local law enforcement authorities to ensure that criminal prosecution is not jeopardized. The designated representative may defer administrative investigation at the request of DRS or local law enforcement authorities pending completion of a criminal investigation.

## INSTRUCTIONS TO STAFF

1. Administrative Guidance: Appropriate corrective action may include, but is not limited to, taking immediate action to remove the alleged violating employee from the work environment by placing them on leave with pay pending an investigation into the allegations. In addition, the alleged actions should be analyzed to determine if they constitute possible violence in the workplace as that is defined in [DRS: 3-3-113](#). If the alleged action constitutes possible violence in the workplace, staff shall follow the requirements of [DRS: 3-3-113](#). In no circumstances shall the reporting employee be subject to adverse action of any kind related to the reporting of the alleged incident.

### Section History

10-10-11 New policy

3-15-15 Removal of language regarding the Civil Rights Administrator.  
Added Instructions to Staff.

3-15-19 Section (g) Discipline. Added language referencing examples of prohibited conduct and that DRS has a zero tolerance policy.

## **SUBCHAPTER 17. COMMUNICATIONS OFFICE**

### **Section**

DRS:1-17-5. DRS Logo and Communication Materials Development

DRS:1-17-7. Social Networking

### Section History

7-1-07 PT Memo 07-  
Permanent, New section

7-1-11 PT Memo #11-01  
Permanent, New section

## **DRS:1-17-5. DRS Logo and Communication Materials Development.**

(a) **Development of Communication Materials.** The DRS Communications Office (CO) is responsible for development of communication materials representing DRS divisions, schools, units or programs to external audiences. **1** Communication materials include all print and electronic publications, websites and web pages, advertisement (except for classified newspaper notices), public service announcements, originally produced videotapes, media documents, tabletop displays and stand alone exhibits. All projects, even those funded by some other entity, are subject to this policy. The CO will coordinate approval with appropriate agency officials before distribution. **2, 3** CO staff are responsible for complying with state rules related to the use of official cost statements and submission of print and electronic publications to the Oklahoma Publications Clearinghouse. **4** The CO is also responsible for logo design and advising staff regarding appropriate use of the DRS logo. The CO administrator may delegate these responsibilities.

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

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

### Instructions to Staff

1. Development of communication projects for external audiences begins and ends with the CO to ensure that projects are professionally produced at fair market prices without taking program staff away from their primary duties. This coordination enables DRS to take advantage of bulk discounts and remain compliant with purchasing/contracting requirements that prohibit multiple purchases of similar goods and services.
2. The CO coordinates the approval process for each project that represents the agency, divisions, schools, units or programs before distribution. When the CO staff develop communication materials, they handle preparation and distribution of accessible and standard materials at the same time.
3. See also [612:3-5-12\(d\)](#) and [612:3-5-17](#)
4. See also [612:1-9-3](#)

### Section History

- |         |   |
|---------|---|
| 7-01-04 | PT Memo #05-01<br>Permanent, New section  |
| 10-1-07 | PT Memo #08-02<br>Added to communication materials                                      |
| 12-9-19 | Division name change from Public Information Office (PIO) to Communications Office (C). |



## **DRS:1-17-7. Social Networking**

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

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

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

### **(b) Use.**

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

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

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

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

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

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

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

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

(B) Users' social networking presences reflect the ODRS so usernames, comments, photos, videos, etc., should be appropriate for a professional environment, and selected in good taste. All ODRS official pages or users must have approval from the ODRS Director to comment, write or publish on the agency's behalf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The computer runs slower than usual.

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

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

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

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

(6) Disks or disk drives are inaccessible.

(7) You cannot print items correctly.

(8) You see unusual error messages.

(9) You see distorted menus and dialog boxes.

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

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

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

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

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

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

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

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

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

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

The ODRS will also follow the State of Oklahoma Social Networking and Social Media Standards not expressly written in this document. **1**

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

#### Instructions to Staff

1. See <https://omes.ok.gov/services/information-services/social-media-networking-policy-and-standards>.

#### Section History

3-11-13 PT Memo #12-01

Permanent, New section

12-9-19 Removed outdated social media link from section (g). Created ITS with updated social media link.

## DRS POLICY

### CHAPTER 3. MANAGEMENT SERVICES DIVISION

| Subchapter                                       | Section     |
|--|-------------|
| 1. General Provisions                            | Reserved    |
| 3. Human Resources Unit                          | DRS:3-3-1   |
| 5. Policy Development and Program Standards Unit | Reserved    |
| 7. Budget and Finance Unit                       | DRS:3-7-1   |
| 9. Central/Departmental Services Unit            | DRS:3-9-1   |
| 11. Information Services Unit                    | DRS:3-11-30 |

#### Section History

|          |  |
|----------|--|
| 7-1-96   | PT Memo #96-3<br>Internal management policy, new table of contents       |
| 11-13-98 | PT Memo #99-3<br>Added listing for first entry in reserved Subchapter 11 |

## **SUBCHAPTER 3. HUMAN RESOURCES UNIT**

### **PART 1. DEPARTMENT OF REHABILITATION SERVICES – TIME AND LEAVE PLAN**

#### **Section**

- DRS:3-3-1. Time and leave plan
- DRS:3-3-2. Attendance
- DRS:3-3-2.1 Telecommuting Policy
- DRS:3-3-3. General leave provisions
- DRS:3-3-4. Annual leave
- DRS:3-3-5. Sick leave
- DRS:3-3-6. Enforced leave
- DRS:3-3-7. Organizational leave
- DRS:3-3-8. Educational leave
- DRS:3-3-9. Holidays
- DRS:3-3-10. Military leave
- DRS:3-3-11. Family and medical leave (FMLA)
- DRS:3-3-12. Court or jury leave
- DRS:3-3-13. Leave without pay - approved and unapproved
- DRS:3-3-14. First preference for vacant job positions due to work related illness or injury
- DRS:3-3-15. Shared leave
- DRS:3-3-16. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave)
- DRS:3-3-17. Leave for voting
- DRS:3-3-20. DRS Criminal Background Check
- DRS:3-3-21 Fitness for Duty

### **PART 3. DEPARTMENT OF REHABILITATION SERVICES - PROMOTION AND COMPENSATION PLAN**

- DRS:3-3-27. Department of Rehabilitation Services promotional plan
- DRS:3-3-28. The Department of Rehabilitation Services compensation plan
- DRS:3-3-29. Trial work period (classified service)
- DRS:3-3-30. Department of Rehabilitation Services Fair Labor Standards Act policy

**PART 5. DEPARTMENT OF REHABILITATION SERVICES - EMPLOYEE MEDIATION**

- DRS:3-3-48. Mediation

**PART 7. DEPARTMENT OF REHABILITATION SERVICES – PROGRESSIVE DISCIPLINE POLICY**

- DRS:3-3-71. Definitions
- DRS:3-3-72. Purpose and scope
- DRS:3-3-73. Responsibilities
- DRS:3-3-74. First phase - informal discipline
- DRS:3-3-75. Second phase - formal discipline

**PART 9. DEPARTMENT OF REHABILITATION SERVICES - EMPLOYEE GRIEVANCE POLICY**

- DRS:3-3-91. Definitions
- DRS:3-3-92. Purpose and scope
- DRS:3-3-93. Employee eligibility
- DRS:3-3-94. Grievable and non-grievable issues
- DRS:3-3-95. Types of grievances
- DRS:3-3-96. General grievance provisions
- DRS:3-3-97. Time limits
- DRS:3-3-98. Special grievances
- DRS:3-3-99. Grievance resolution process
- DRS:3-3-100. Mediation during grievance process (classified employees)

**PART 10. DEPARTMENT OF REHABILITATION SERVICES - DISCRIMINATION AND HARASSMENT COMPLAINT POLICY AND PROCEDURE**

DRS:3-3-101. Discrimination and harassment complaint policy and procedure

**PART 11. DEPARTMENT OF REHABILITATION SERVICES - RISK MANAGEMENT PROGRAMS**

DRS:3-3-110. Risk Management Programs Purpose and Scope

DRS:3-3-111. Emergency Evacuation Plans

DRS:3-3-112. Disaster Response and Recovery

DRS:3-3-113. Violence-free workplace policy

**PART 12. DEPARTMENT OF REHABILITATION SERVICES - DRUG-FREE WORK PLACE**

DRS:3-3-121. Drug-free work place

Section History

|         |   |
|---------|---|
| 7-1-96  | PT Memo #96-3<br>Internal management policy, new table of contents    |
| 7-1-97  | PT Memo #97-7<br>Added listings for sections under Parts 3 and 5      |
| 6-26-00 | POL Memo #00-09<br>Internal management policy, new table of contents  |
| 2/14/03 | POL Memo #03-05<br>Internal management policy, added sections 131-136 |
| 7/1/03  | POL Memo #03-07<br>Corrected tagline 3-3-16                           |
| 9-9-19  | Permanent, New policy 3-3-21 Fitness for Duty                         |



## **PART 1. DEPARTMENT OF REHABILITATION SERVICES – TIME AND LEAVE PLAN**

### **Section**

- DRS:3-3-1. Time and leave plan
- DRS:3-3-2. Attendance
- DRS:3-3-2.1 Telecommuting Policy
- DRS:3-3-3. General leave provisions
- DRS:3-3-4. Annual leave
- DRS:3-3-5. Sick leave
- DRS:3-3-6. Enforced leave
- DRS:3-3-7. Organizational leave
- DRS:3-3-8. Educational leave
- DRS:3-3-9. Holidays
- DRS:3-3-10. Military leave
- DRS:3-3-11. Family and medical leave (FMLA)
- DRS:3-3-12. Court or jury leave
- DRS:3-3-13. Leave without pay - approved and unapproved
- DRS:3-3-14. First preference for vacant job positions due to work related illness or injury
- DRS:3-3-15. Shared leave
- DRS:3-3-16. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave)
- DRS:3-3-17. Leave for voting
- DRS:3-3-20. DRS Criminal Background Check
- DRS:3-3-21. Fitness for Duty

### **DRS:3-3-1. Time and Leave Plan**

The Department of Rehabilitation Services has established the following Time and Leave Plan for classified and unclassified employees to ensure that all absent-from-work time during duty hours will be in accordance with Human Capital Management Merit Rules and current Department policies. Leave policies and other authorized absent-from-work policies will be administered uniformly and fairly by Department personnel delegated the authority to grant such absence. Contract Instructional Personnel in no way are subject to any of the provisions of this plan.

#### Section History

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management"

### **DRS:3-3-2. Attendance**

(a) **Hours of attendance.** Division Administrators and Superintendents have the responsibility and authority for scheduling hours of attendance including establishing alternative work scheduling for employees under their administrative authority. Hours of attendance will vary with the needs of the office or facility, for example, shift work and the need to provide services to clients will affect hours employees are required to work.

(b) **Work week.** Full-time employees are employed and paid on the basis of a forty-hour work week. Part-time employees may be employed and paid on the basis of a specified number of hours per week. Where actual work time is in excess of forty hours per week, DRS FLSA policy and procedure applies. Where actual work time is less than 40 hours per week or the specified work hours, appropriate leave policies (e.g., Annual Leave, Sick Leave, Leave Without Pay) shall be applied.

(c) **Leave forms.** Individual monthly time and leave summaries, and appropriate leave forms, are provided to employees. Where an employee is on leave for an extended period, the supervisor will ensure that forms and summaries are to be mailed to the employee's home address of record.

(d) **Flextime.** Flextime work scheduling must be centered around the conventional five day week and must be a defined work schedule that provides for the use of alternative starting and ending times. Each office or operating unit should designate times that include core hours, as established by the Director, during which all employees are expected to be present. Exceptions must be approved by the Director. Employees' use of flexible work scheduling is subject to prior supervisory approval through the appropriate supervisory channels. FLSA non-exempt employees using flexible work scheduling must comply with the Fair Labor Standards Act. The standard basis for employment for full-time employees using flexible scheduling is forty (40) hours per week.

(e) **Alternative work schedule.** The Director has given each Division Administrator and Superintendent the authority to implement alternative work schedules. Implementation and continuation of alternative work schedules will be based upon a 40 hour work week. Department leave policies and FLSA requirements apply as usual. Employees of a Division offering alternative work schedules will be required to complete an Alternative Work Schedule Request form to get approval for their desired work schedule from their immediate supervisor. Each Supervisor is responsible for ensuring adequate office coverage in his or her area of responsibility. Each supervisor has the authority to reassign work schedules within his or her area of responsibility when the needs of the office warrant, or when an employee does not adhere to Departmental attendance and leave policies. Approved Alternative Work Schedule Requests will remain in effect for at least three months or until the supervisor determines that a change is necessary.

#### Section History

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 6-12-06 POL Memo #07-01  
Permanent, added Alternative work schedule policy

### **DRS: 3-3-2.1 Telecommuting Policy**

(a) **General Provisions.** Divisions/Schools may designate employees to work at alternate work locations for all or part of their workweek when there is a valid business reason such as:

- (1) the work of the position can be completed away from the assigned duty location;
- (2) in order to promote general work effectiveness; and/or
- (3) provide a cost savings to the employer and employee.

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

**“Alternate work location”** means an approved work site other than the employee’s assigned duty station where official state business is performed. Such locations may include, but are not limited to, an employee’s home or satellite office.

**“Duty station”** means the official designated place where the employee is permitted to perform the duties and responsibilities for which he or she is hired.

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

**“Telecommuting Plan”** means a written document outlining a division’s/school’s internal telecommuting criteria and procedures that will be used for determining whether telecommuting work arrangements can accommodate the specific needs and requirements of the division/school.

**“Telecommuting Work Agreement”** means the written agreement between the division/school and the employee which details the terms and conditions of an employee’s work away from his or her assigned duty station.

(c) **Telecommuting Guidelines.**

(1) DRS may designate positions for telecommuting and approve employees to telecommute when it is in the best interest of DRS and its customers. DRS may also designate positions which perform essential functions as telecommuting positions during emergency situations when it is necessary to set up alternate worksites in order to continue operations.

(A) A telecommuting work agreement form is used to establish an agreement between the division administrator/school superintendent and the employee on any telecommuting arrangement.

(B) DRS may establish telecommuting as a condition of employment based on DRS business requirements and this condition will be included in the announcement, advertisement and any correspondence offering employment. An individual appointed to a position with telecommuting as a condition of employment may not renege on the telecommuting arrangement after acceptance of the position. For classified employees, only permanent employees are eligible for telecommuting unless telecommuting was included as a work condition in the job posting since probationary employees may not change work locations during the probationary period. The only exception to this eligibility requirement would be when

telecommuting is approved for a probationary employee on a temporary basis during an emergency situation or when an emergency situation occurs that requires the agency to relocate staff.

(C) In order to utilize telecommuting, a telecommuting work agreement must be approved by the division administrator/school superintendent. The agreement describes the work to be performed, responsibilities of the employee and supervisor, the work schedule of the employee and other conditions of the telecommuting arrangement. Each agreement shall be for a one year period unless specified for a shorter period of time. Telecommuting may also be approved on a temporary basis during an emergency situation. The agreement may be renewed annually or it can be revoked at any time if the employee fails to comply with its terms.

(2) The duties, obligations, and responsibilities of an employee who telecommutes are the same as for employees at the regular duty station. Work performed in an alternate work location is considered official state business. An employee who telecommutes must comply with all applicable federal and state laws, rules and agency policies, practices and instructions.

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

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

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

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

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

(4) does not allow an employee to be employed by another entity or operate a personal business during the hours agreed upon as work hours.

(f) **Attendance at Meetings.** Supervisors are authorized to require employees to report to a central workplace as needed for work-related meetings or other events or to meet with employees in the alternate work locations as needed to discuss work progress or other work-related issues.

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

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

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

(2) DRS staff members have the right to inspect the alternate work location in the event of a reported job-related incident, accident, or injury.

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

(i) **Agency Information.** Employees must safeguard agency information used or accessed while telecommuting. Employees must agree to follow agency-approved security procedures in order to ensure confidentiality and security of data.

(j) **Job-related illness or injuries during telecommuting.** DRS may be liable for job-related injuries or illnesses of the employee that occur during employees' established work hours in their alternate work locations.

(k) **Operating Costs.** DRS is not obligated to assume the responsibility for operating costs (utilities, phones, etc), home maintenance, home office furniture, home office remodeling, or other costs incurred by employees in the use of their home as an alternate work location. It may be appropriate for agencies to pay for certain expenses such as cell phones, long distance work related calls on an employee's personal phone or other items that would otherwise be a normal operating expense of the agency.

(l) **Equipment.** The telecommuting work agreement will specify ONLY DRS computer equipment will be used.

(1) Guidelines for use of DRS-owned equipment:

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

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

(C) DRS should stipulate who is responsible for transporting and installing equipment and for returning it to a designated workplace for repairs or service.

(D) DRS will provide the computer equipment to the telecommuting employee.

(2) When employees are authorized to use their own equipment, DRS does not assume responsibility for the cost, repair, and service of the equipment or operating costs.

(3) When employees use their homes as telecommuting alternate work locations, except as described in the work agreement, DRS does not assume responsibility for home maintenance or other incurred costs.

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

(n) **Termination of telecommuting assignment.** The division administrator/school superintendent may terminate the telecommuting agreement at its discretion. Failure of the employee to comply with the terms of the agreement is grounds for immediate revocation of the agreement. Supervisors of telecommuting employees may attempt to give advance notice if a decision is made to terminate a telecommuting agreement; however, advance notice is not required.

Section History

12-08-08 PT Memo #09-08

Permanent, New, first adoption under DRS internal policy

### **DRS:3-3-3. General leave provisions**

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

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

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

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

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

(f) **Correction of leave charges.** It is the responsibility of employees to review their Employee Monthly Accrual Leave Report and their PeopleSoft timesheet to insure that leave has been correctly posted for the pay period. It is the employee's responsibility to notify his or her supervisor before the close of the pay period when leave has been incorrectly and/or not posted to the timesheet. Once the supervisor has been notified, the employee has access to his or her timesheet to make any corrections and/or add leave to the previous pay period for 5 days after the pay period ends. The supervisor has access to make corrections and/or add leave to the employee's timesheet for the previous pay period for 30 days after the pay period ends. The Payroll, Leave and Retirement Unit can make changes to the timesheet for any pay period as needed at the request of the supervisor.

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

- (1) use of leave for purposes other than those for which leave was approved;
- (2) failure to report leave accurately;
- (3) failure to comply with time and leave policies, rules and regulations;
- (4) unscheduled or unexcused absences;
- (5) repeated use of leave in conjunction with holidays or regular days off;
- (6) failure to secure prior approval for leave except in emergency situations; and
- (7) use of leave associated with a false and/or fraudulent report of a job-related accident, illness, injury or condition, or pursuant to a fraudulent workers compensation claim.



## Section History

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 8-11-08 PT Memo #09-??  
Timekeepers can now correct changes
- 12-9-19 Updated procedures for correction of leave charges in section (f).

### **DRS: 3-3-4. Annual leave**

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

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

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

(d) Eligible employees accrue leave based on the number of years of cumulative service. Employees shall accrue leave based upon hours worked (excluding overtime), paid leave, and holidays in accordance with the DRS Annual Leave Accrual Rates and Accumulation Limit Schedule not to exceed the total possible work hours for the month. **1**

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

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

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

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

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

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

(3) An employee who is ill in excess of one working day during a scheduled period of annual leave may have the absence charged to sick leave by submitting a written

request accompanied by a statement from the attending licensed medical or mental health professional.

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

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

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

### Instructions to Staff

#### 1. Annual Leave Accrual Rates and Accumulation Limit Schedule

Note: "Days" refer to working days

| Years of Cumulative Service | Annual Leave Accrual Rate | Accumulated Limits |
|-----------------------------|---------------------------|--------------------|
| Less than 5 years           | 15 days/year              | (30 days*)         |
| 5 but less than 10 years    | 18 days/year              | (30 days*)         |
| 10 but less than 20 years   | 20 days/year              | (60 days*)         |
| Over 20 years               | 25 days/year              | (60 days*)         |

(\*) Employees will be allowed to carry an annual leave balance above the maximum annual leave accumulation limit during the calendar year in which it accrued. However, the annual leave balance above the maximum accumulation limit will be lost if not used by December 31 of the calendar year in which it accrued.

#### Section History

|          |  |
|----------|--|
| 7-1-96   | PT Memo #96-3<br>Internal management policy, new section   |
| 7-2-96   | PT Memo #96-7<br>New annual leave accrual rate   |
| 11-1-96  | PT Memo #97-4<br>Correct calculation error in accrued leave for employees hired on or after 7-1-96   |
| 11-1-97  | PT Memo #98-6<br>ITS: correct calculation error in accrued annual leave for employees employed 5 but less than 10 years on or after 7-1-96 |
| 12/10/01 | PT Memo # 02-02<br>Changes in Merit Rules require changes in annual leave policy   |
| 12-1-03  | PT Memo #04-02<br>Removed referral to monthly accrual rates, ITS only  |
| 7-1-04   | PT Memo #05-01<br>Changing to PeopleSoft by the state resulted in required changes to policy.  |
| 12-9-19  | Updated citations and antiquated language. Removed section (c).  |

### **DRS:3-3-5. Sick leave**

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

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

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

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

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

(f) Eligible employees accrue sick leave in accordance with the Merit Rules. Employees accrue sick leave based upon hours worked (excluding overtime), paid leave, and holiday in accordance with the DRS Sick Leave Accrual Rates and Accumulation Limits Schedule not to exceed the total possible work hours for the month. **1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Instructions to Staff

##### 1. Sick Leave Accrual Rates and Accumulation Limit Schedule

Note: "Days" refer to working days

| Sick Leave<br>Accrual | Accumulated<br>RateRate |
|-----------------------|-------------------------|
| 15 days/year          | No Limit                |

Sick Leave accrual rate is the same regardless of years of service

#### Section History

|         |   |
|---------|---|
| 7-1-96  | PT Memo #96-3<br>Internal management policy, new section                              |
| 12-1-03 | PT Memo #04-02<br>Removed monthly accrual rate, ITS only                              |
| 7-1-04  | PT Memo #05-01<br>Changing to PeopleSoft by the state requires changes to DRS policy. |
| 12-9-19 | Removed antiquated language.  |

### **DRS:3-3-6. Enforced leave**

(a) Enforced leave may be granted when employees have to care for ill or injured members of their immediate family or household, in the case of death of a member of the immediate family or household, or in the event of personal disaster.

(1) Personal disaster is defined as an unforeseeable, catastrophic event such as the destruction of the employee's residence.

(2) Immediate family is defined as spouse, children, step-children, parents, step-parents, parents-in-law, grandchildren, step-grandchildren, grandparents, grandparents-in-law, brothers, sisters, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law of the employee.

(b) Enforced leave is charged to accrued sick leave, may not exceed 10 working days in any calendar year and may not exceed the accrued sick leave balance.

(c) Requests for enforced leave are entered and processed in the same manner as requests for sick leave, using the Request for Approval of Leave form. Approval of enforced leave may be denied where the supervisor has facts to show the employee is abusing enforced leave privileges, or where the employee has failed to satisfy a request to provide evidence that the enforced leave was necessary.

#### Section History

7-1-96 PT Memo #96-3  
Internal management policy, new section

### **DRS:3-3-7. Organizational leave**

(a) Permanent employees may use organizational leave to attend meetings of job-related professional organizations, of which the employee is a member, and which collect annual dues, conduct annual meetings, provide job-related education for its members, and which include state employees.

(b) Organizational leave shall not be used for lobbying activities.

(c) Organizational leave with pay is limited to three days a year.

(d) Employees must submit requests for organizational leave prior to the effective date of such leave, on the Request for Approval of Leave form. Documentation includes meeting agenda and dates. Supervisors shall approve or disapprove requests for organizational leave based on staff requirements, job-relatedness, and date of request. Any denial of organizational leave must be in writing and state the reasons for denial.

#### Section History

7-1-96 PT Memo #96-3  
Internal management policy, new section



### **DRS:3-3-8. Educational leave**

(a) Educational leave with or without pay may be granted to attend classes offered by accredited colleges or universities which are directly related to the employee's career development and the agency's mission.

(b) Supervisor's may approve Educational leave with pay up to a maximum of twenty working days (160 hours) in any calendar year. The Division Administrator or Superintendent can approve Educational leave not to exceed 1 year. The Director may grant an extension for not more than 1 additional year.

(c) The employee must receive written approval of the appropriate Division Administrator or Superintendent and provide evidence of enrollment and satisfactory completion of course work.

(d) In times of critical staff shortages, such as during hiring freezes, requests for Educational Leave may be denied if an employee's absence will cause an adverse effect on the delivery of client services.

(e) Educational leave without pay is subject to the same terms and conditions as other requests for leave without pay.

(f) The employee is responsible for the actions described in (1) through (3) of this subsection.

(1) Consulting with the immediate supervisor, prior to enrollment concerning eligibility for Educational Leave, including area of study and anticipated class schedules.

(2) Submitting a written request, through appropriate supervisory channels, to the immediate supervisor requesting Educational Leave using the Request for Approval of Leave form. Such requests should be submitted at the earliest possible date, but no later than 10 working days prior to the date such leave is requested to begin. A copy of the class schedule indicating the dates and times for which Educational Leave is requested must be attached.

(3) Arranging class schedules so as to minimize the amount of Educational Leave needed to attend required classes.

(g) Educational Leave is not automatically approved. Requests are subject to the approval or disapproval of the Division Administrator or Superintendent based on the factors listed in (1) through (6) of this subsection. When all factors listed in (1) through (6) of this subsection are equal, and a decision concerning Educational leave must be made between two or more employees, the decision will be based on the order in which the requests were received.

(1) The status of the employee's work load;

(2) The staffing levels and work load situation in the office or institution to which the employee is assigned;

(3) The employee's tenure and performance evaluations;

(4) The length of time for which leave is requested;

(5) The potential benefit to the Department, including the area of study and the employee's anticipated tenure with the Department; and

(6) The employee's prior leave record.

Section History

7-1-96 PT Memo #96-3  
Internal management policy, new section

### **DRS:3-3-9. Holidays**

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

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

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

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

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

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

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

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

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

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

#### Section History

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 10-10-05 PT Memo #06-05  
Internal management policy, clarified #6.
- 9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."
- 12-9-19 Corrected outdated citations.

### **DRS:3-3-10. Military leave**

(a) An employee who is a member of the National Guard or any branch of the United States Military or its reserve when ordered by proper authority to active or inactive military duty is entitled to a leave of absence without loss of status seniority and pay during the first 30 regularly scheduled work days of such leave of absence during any federal fiscal year, October 1 through September 30.

#### **(b) Military Leave Beyond 30 Days.**

(1) If the period of military status extends beyond 30 days, the employee's absence for the period beyond 30 days is governed by applicable leave rules.

(A) Accrued compensatory leave, compensatory holidays, annual leave, or military leave without pay may be requested to cover this period of time.

(B) Accrued compensatory leave and compensatory holidays must be exhausted prior to any approval of use of annual leave, except where the annual leave would otherwise be forfeited under the provisions of Merit Rule [260:25-15-44\(c\)](#).

(2) When the status of an employee ordered to active or inactive duty extends beyond 30 days he or she may be paid an amount equal to the difference between his or her full regular state pay and his or her military pay.

(A) The employee must provide verification of military pay to the DRS Human Resources Payroll, Leave and Retirement Office.

(B) If the military pay exceeds the employee's regular rate of pay, he or she is not eligible to receive payment pursuant to this section.

#### **(c) Request for Military Leave.**

(1) An employee must provide advance notice of a need to be absent for military service. The notice may be verbal or written. The notice should be accompanied by a request for military leave (either with or without pay or a combination of the two) on the Request for Approval of Leave form, in accordance with instructions for the form. This form shall be approved by the immediate supervisor.

(2) If available, a copy of the orders or a written statement from the appropriate officer should be attached at the time the leave is requested.

(A) If a copy of the orders are not available at the time the leave is requested, the orders may be submitted as soon as received.

(B) The completed Request for Approval of Leave form should be scanned or faxed to the Human Resources Payroll, Leave and Retirement Office.

(C) A supervisor does not have the right to request an employee or the federal government to reschedule military exercises for the convenience of the agency.

#### **(d) Reemployment.**

(1) An employee who has been absent from his or her position due to military service will be eligible for reemployment under the following conditions:

- (A) The employee provided the proper advance notice under (c) above.
- (B) The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with DRS.
- (C) The employee timely returns to work or applies for reemployment.
- (D) The employee is not separated from service with a disqualifying discharge or under other than honorable conditions.

(e) Return from Military Duty.

(1) In order to exercise reemployment rights, the employee must report to work or submit a timely application for reemployment depending on the length of service, as follows:

- (A) Returning from active or inactive military duty of less than 31 days. The employee reports to DRS at the beginning of the first regular scheduled work day after release from military duty and a period of time that includes safe transportation from the place of service to the employee's residence as well as eight hours of rest. If timely reporting back to work is deemed to be unreasonable or impossible, the employee must return as soon as possible after the 8 hour period.
- (B) Returning from active or inactive military duty period of 31 to 180 days. The employee must submit discharge papers and an application for reemployment (written or verbal) to the DRS Human Resources Personnel Office no later than 14 days following the completion of military duty.
- (C) Returning from active or inactive military duty period of over 180 days. The employee must submit discharge papers and an application for reinstatement to the DRS Human Resources Personnel no later than 90 days after the completion of military duty.
- (D) Reporting and application deadlines are extended for up to two years when an employee is hospitalized or convalescing from an injury or illness incurred or aggravated by active military service.

(f) Reinstatement to Position.

(1) An employee returning from active military duty is entitled to prompt reemployment in the position the employee would have attained with reasonable certainty if not for the military service. Absent unusual circumstances, reemployment should occur no later than two weeks from the employee's application. The position to which the employee is reemployed will depend on length of service and qualifications.

(A) Military Duty 90 days or less.

- (i) The person shall be restored in the position he or she would have held if he or she remained continuously employed and is qualified for the position or can become qualified after reasonable efforts by the employer; or
- (ii) The person shall be restored in the position he or she was employed on the date his or her service began, only if the person is not qualified to perform the duties of the position in (i) after reasonable efforts by the employer to qualify the person.

(iii) If the person cannot become qualified for either position described in (i) or (ii) even after reasonable employer efforts, the employee must be reemployed in a position that is the nearest approximation to the position described in (i) or (ii) that the person is qualified to perform with full seniority.

(B) Military Duty 91 days or more.

(i) The person shall be placed in the position he or she would have held if he or she remained continuously employed or a position of similar seniority status and pay if the person is qualified for the position or can become qualified after reasonable efforts by the employer.

(ii) The person shall be restored in the position he or she was employed on the date of his or her service began, or a position of similar seniority, status and pay the duties of which the person is qualified to perform, if the person is not qualified to perform the duties of the position described in (i) after reasonable efforts by the employer to qualify the person.

(iii) If the person cannot become qualified for either position described in (i) or (ii) even after reasonable employer efforts, the person must be reemployed in a position that is the nearest approximation to the positions described in (i) or (ii) that the person is qualified to perform with full seniority.

Section History

7-1-96 PT Memo #96-3

Internal management policy, new section

9-11-17 Updated the period of military leave status and leave of absence from 20 to 30 days to be compliant with state and federal regulations. Updated information regarding military leave requests, reemployment, reinstatement rights to a position and the timelines for returning to work.

### **DRS:3-3-11. Family and Medical Leave (FMLA)**

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

(b) **Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) **Leave Entitlement.**

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

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

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

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

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

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

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

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

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

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

(5) Because of any qualifying exigency; or

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

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

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



(2) Continuing treatment by a HCP includes any one or more of the following:

(A) Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times by a HCP, within 30 days of the first day of incapacity, unless extenuating circumstances exist; or

(ii) Treatment by a HCP on at least one occasion, which results in a regimen of continuing treatment under the supervision of the HCP. i.e. Prescription Medication

(iii) Treatment by a HCP means an in-person visit to a HCP. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(3) Pregnancy or Prenatal Care - Any period of incapacity due to pregnancy for prenatal care. This includes severe morning sickness.

(4) Chronic conditions - Any period of incapacity that requires periodic visits for treatment by a HCP (or a nurse under the direct supervision of a HCP) at least twice per year.

(A) The condition continues over an extended period of time, including recurring episodes of a single underlying condition, and

(B) The condition may cause episodic rather than a continuing period of incapacity. i.e. asthma, diabetes, epilepsy, etc.

(5) Permanent or Long-Term Conditions - Any period of time, which is permanent or long term due to a condition for which treatment may not be effective. Examples include Alzheimer's, a severe stroke, or terminal stages of a disease.

(6) Conditions requiring multiple treatments for an injury or condition, such as restorative surgery after an accident or other injury or a condition that would result in an incapacity of more than three consecutive, full calendar days if not treated.

(7) **Conditions not considered a serious health condition.** Short-term conditions requiring only brief treatment and recovery are not included as serious health conditions. Unless complications arise, the common cold, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are not ordinarily serious health conditions. Routine physical, eye examinations and dental examinations are not considered treatment, although examinations to determine if a serious health condition exists and evaluations of the condition are considered treatment.

(g) **Qualifying Exigency.** Allows an eligible employee whose spouse, son, daughter or parent who has an impending call or is on covered active duty or called to covered active duty or notified of an impending deployment to a foreign country to take FMLA leave to assist the servicemembers family in managing their affairs and certain activities related to the call or deployment.

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

(2) Leave because of a qualifying exigency.

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

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

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

(D) Short-Notice deployment:

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

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

(I) Military events and related activities; and

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

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

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

(iv) Financial and legal arrangements.

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

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

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

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

(E) Certification Military Qualifying Exigency Leave.

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

(h) **Military Caregiver Leave.**

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

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

(3) **Definitions.**

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

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

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

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

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

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

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

(5) **Certification of Military Caregiver Leave.** An employee must provide certification of the family member or next-of-kin's documentation of discharge date and the

Department of Labor form (WH-385) Certification for serious Injury or Illness of a Current Servicemember.

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

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

(A) Charge to accrued annual leave;

(B) Charge to accrued sick leave;

(C) Charge to accrued compensatory time;

(D) Record as leave without pay; or

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

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

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

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

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

(j) **Employee's responsibilities.** When possible, an employee shall schedule FMLA leave to accommodate the operations of the agency. If the need for FMLA is foreseeable, the employee shall give the supervisor notice and all required leave documentation at least 30 days before leave is to begin. In any case if the FMLA is foreseeable, the employee shall provide notice to the supervisor as is reasonable and practicable. If the need for FMLA is unforeseeable, the employee shall give the supervisor as much notice as possible and request leave as soon as reasonable and practicable taking into account the individual facts and circumstances regarding the request for leave.

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

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

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

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

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

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

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

(D) If the absence is a FMLA qualifying reason and the employee has complied with DRS policy and FMLA requirements, FMLA leave cannot be denied. The supervisor may not interfere with, restrain, or deny the exercise of any right provided by FMLA. The employee must be notified whether or not the absence is FMLA designated before returning from the absence. The supervisor may not designate leave retroactively as FMLA leave after the employee has returned to work unless:

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

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

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

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

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

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

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

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

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

(1) **Applicability.** Employees returning to work after an FMLA absence due to their own serious illness must provide medical certification utilizing the Fitness for Duty (FFD) Form regarding their abilities to perform essential job functions (fitness for duty) prior to resuming job duties. The fitness-for-duty certification will be limited to the essential functions of the employee's job and the serious health condition, which necessitated the FMLA leave.

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

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

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

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

(2) Fitness for Duty Form/attachments.

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

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

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

(3) Reasonable Accommodation.

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

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

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

Section History

7-1-96 PT Memo #96-3  
Internal management policy, new section

10-1-00 POL Memo #00-11  
Revised Internal management policy

4-29-05 PT Memo #05-06  
Added Comp Time changes as required by State law

8-11-08 PT Memo #09-??  
Added FMLA Leave for servicemembers

7-8-19 Revised sections (a) – (k) and added sections (l) – (p) to be compliant with federal regulation Title 29 Part 825.

12-9-19 Updated language in section (o) (D).



### **DRS: 3-3-12. Court or jury leave**

Upon receipt of written application, a permanent, probationary, temporary, unclassified, or exempt employee shall be granted leave of absence for court or jury leave as indicated in (1) through (7) of this subsection.

(1) Attendance at court in connection with an employee's official duties, and time required in going and returning is not considered absence from duty.

(2) When, in obedience to a subpoena or direction by proper authority, an employee appears on a regular work day as a witness or a jury member for the federal government, the State of Oklahoma, or a political subdivision; as a witness before a state board, agency or commission, or as an expert witness in their capacity as a state employee, the employee shall be entitled to leave of absence for such duty with regular compensation.

(3) When an employee is subpoenaed in private litigation by some party other than the federal government, the State of Oklahoma or a political subdivision to testify, as an individual, the time absent shall be taken as annual leave or leave without pay at the employee's discretion.

(4) An FLSA non-exempt employee who is called to appear in court on a normally scheduled work day in accordance with (2) of this subsection is entitled to compensation for that time regardless of shift. For example, an employee who works an 8 hour shift from 11 p.m. to 7 a.m. and reports to court that day will be entitled to work week adjustment or compensatory time for his or her time in court. Such time shall be counted as hours worked in accordance with the Fair Labor Standards Act. (Merit rule 260:25-15-46). An employee who is called to appear in court on a normally scheduled day off is not entitled to compensation for that time. The day in which the majority of the shift is scheduled determines the work day for the purpose of this policy.

(5) When an employee is to perform jury duty, it is the responsibility of his or her supervisor to discuss the provisions of this subsection and point out his or her obligation to return to duty if he or she is dismissed during usual work hours.

(6) If leave with pay is granted, employees must submit a copy of their subpoena or order to their supervisor in order to receive witness leave with pay. Any witness fees received by the employee must be turned over to the Department.

(7) Application for Court or Jury Leave is made on the Request for Approval of Leave Form. A copy of the subpoena, summons or other such notice must be attached to the Request for Approval of Leave form. Court or jury leave is to be charged in accordance with the employee's work schedule.

#### **Section History**

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 3-15-19 Section (4). Updated Merit rule.

### **DRS:3-3-13. Leave without pay - approved and unapproved**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Instructions to Staff

(a) Extended absences refers to continuous leave greater than three (3) consecutive days.

#### Section History

|          |   |
|----------|---|
| 7-1-96   | PT Memo #96-3<br>Internal management policy, new section                                |
| 9-9-2013 | Name change: Replaced "Office of Personnel Management" with "Human Capital Management." |
| 1-23-17  | Added Instructions to Staff.  |
| 12-9-19  | Update citation. Replaced Compsource Oklahoma with Oklahoma Workers Compensation.       |

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

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

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

- (1) an "Application for First Preference" form; and
- (2) an HCM 4-B form.

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

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

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

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

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

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

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

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

Instructions to Staff

Instructions to Staff

- (a) Extended absences refers to continuous leave greater than three (3) consecutive days.

## Section History

- 7-1-96 PT Memo #96-3  
Internal management policy, new section
- 9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."
- 12-9-19 Update citations. Replaced OPM 4-B with HCM 4-B.

### **DRS:3-3-15. Shared leave Program**

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

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

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

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

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

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

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

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

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

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

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

(e) An employee may not donate excess annual or sick leave that the donor would not be able to otherwise take. Therefore, if a donating employee is retiring or resigning, the maximum amount of leave they can donate to an eligible recipient cannot exceed the number of working hours left until the time they resign or retire. Except as provided in section (p) of this policy.

(f) Donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated or financially induced into donating annual or sick leave for purposes of the leave sharing program.

(g) All forms of paid leave available for use by the recipient must be used prior to using donated leave.

(h) The employee is permitted to use shared leave to supplement worker's compensation.

(i) A medical certificate from a licensed physician or health care practitioner must be submitted to verify the severe or extraordinary nature and expected duration of the condition for which shared leave is requested.

(j) The duration of the condition must exceed 3 days. Any exception to this requirement must be approved by the Director or the Director's designee.

(k) Employees can receive no more than 261 days of donated or shared leave during their employment with the state unless the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal. In the event of such a terminal illness, the employee may receive and use up to a maximum of three hundred sixty-five (365) days of donated leave during total state employment. However, upon written request by the employee who either has reached or shall reach in the near future a maximum amount as set out in this subsection, the appointing authority or designee may approve additional donated leave as requested by the employee.

(l) The dollar value of the donated leave must be converted from the donor to the recipient, if the salary is different.

(m) Leave may be donated anonymously, however, the recipient must have an approved request on file to receive shared leave. Unused donated leave must be returned to the donor after each occurrence.

(n) Leave may be donated between different state agencies if approved by the appointing authority or designee of each agency.

(o) An employee wishing to donate leave to a DRS employee should complete the Donor portion (Part I) of the DRS-A-161 Leave Sharing Application Form and also provide any available information pertaining to the recipient in Part II. Employees desiring approval to receive shared leave from DRS employees should complete the Recipient portion (Part II) of the Leave Sharing Application Form and attach the appropriate medical certificate. Separate forms may be submitted by both the donor and the recipient or one form may be completed by both employees. Due to the fact that there may be multiple donors for a single recipient, only one Leave Sharing Application Form must be signed by the recipient. The Leave Sharing Application Form should be accompanied by a completed Request for Approval of Leave form. The receiving employee must complete and sign a Request for Approval of Leave form and include a medical certificate from a licensed physician or health care practitioner and submit them to his or her supervisor. The receiving employee's supervisor is responsible for reviewing the Request for Approval of Leave Form and the medical certificate to verify that they contain all of the required information. The supervisor is then responsible

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

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

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

#### (1) Leave of Last Resort Bank Donors

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

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

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

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

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

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

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

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

#### (2) Leave of Last Resort Bank Leave Requests

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



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

(3) The Leave of Last Resort Bank Process

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

(i) Required Forms

(I) DRS-A-153 Request for Leave

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

(III) DRS-A-161 Leave Sharing Application

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

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

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

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

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

(F) It is possible that the leave bank may not have enough hours to bring the employee up to full pay.

(G) It is possible that the leave bank hours could run out before an employee's application is processed.

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

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

Section History

|         |  |
|---------|--|
| 7-1-96  | PT Memo #96-3<br>Internal management policy, new section |
| 10-1-00 | POL Memo #00-11<br>Revised Internal management policy    |
| 11-5-01 | POL Memo #02-02<br>Revised Internal management policy    |
| 11-1-02 | POL Memo #03-02<br>Revised Internal management policy    |

- 4-29-05 PT Memo #05-06  
Provided exception to 3 day rule under (j)
- 12-9-19 Added "Program" into policy title, definitions added for "OMES" and "HCM", added new section for shared leave of last resort bank processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Charge the absence to accumulated compensatory time;

(2) Charge the absence to accumulated annual leave;

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

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

#### Section History

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|----------|--|
| 7-1-96   | PT Memo #96-3<br>Internal management policy, new section   |
| 4-2-01   | PT Memo #01-05<br>Essential Staff amended  |
| 7-1-03   | PT Memo #03-07<br>Removed reference to TLC   |
| 10-1-07  | PT Memo #08-02<br>Adopted OPM rules regarding Paid Administrative Leave  |
| 8-11-08  | PT Memo 09-08<br>Added designee may require additional help.   |
| 9-9-2013 | Name change: Replaced "Office of Personnel Management" with "Human Capital Management"                             |
| 8-27-15  | Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.            |
| 9-11-17  | Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.            |
| 3-15-19  | Updated Section (c) and (d). Updated Merit rule.   |
| 12-9-19  | Revised acronym VR/VS to VR/SBVI to reflect the new division name of Services for the Blind and Visually Impaired. |

### **DRS:3-3-17. Leave for voting**

(a) Employees, who are registered voters and whose working schedules on an election day do not permit them two hours either before or after work in which to vote, are entitled to time off from work with pay in order to vote in any election. Employees shall be given sufficient time off from work in order to ensure that they have at least two hours in which to vote while the polls are open. Employees may be required to show proof of voter registration when requesting time off to vote. Supervisors shall select the hours when such employees are to be allowed time off to vote and will notify each employee of those hours.

(b) At least one day prior to the election day, eligible employees must notify their immediate supervisor orally or in writing of their need to take time off to vote. Upon their return to work after voting, the employees must provide proof of voting upon request from the supervisor. Upon advance approval and proof of voting, employees shall not be subject to any loss of compensation or other penalty for their absence to vote.

(c) An employee is not entitled to more than two hours of paid time off for voting purposes, unless the employee's voting place is at such a distance that more than two hours is required for the employee to vote. In such a case, the supervisor shall determine the amount of time beyond two hours that the employee takes off to vote. Such time shall be adequate for the employee to vote.

(d) Employees who are scheduled to begin work at or after 10:00 a.m. or end their workday by 4:00 p.m. on an election day are not entitled to paid time off in which to vote.

#### Section History

7-1-96 PT Memo #96-3  
Internal management policy, new section  
11-05-01 PT Memo #02-02  
Internal management policy revisions

## **DRS:3-3-20. DRS Criminal Background**

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

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

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

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

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

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

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

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

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

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

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

- (A) the nature and gravity of the offense(s);
- (B) the time that has passed since the conviction and/or completion of the sentence;  
and
- (C) the nature of the job sought.

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

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

#### Section History

- 11-14-11 PT Memo, Permanent, New policy section
- 6-8-15 Added language to include the federal requirements when conducting criminal background checks on current Disability Determination Division employees.
- 8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
- 9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
- 12-9-19 Revised acronym DDD to DDS to reflect the new division name of the Disability Determination Services, revised the Visual Services Division to Services for the Blind and Visually Impaired.



### **DRS:3-3-21 Fitness for Duty**

(a) **Purpose.** This procedure is established to promote a safe and healthful working environment for the agency's employees by ensuring that employees are fit for duty, both physically and mentally, and capable of performing essential job functions in a safe, appropriate and effective manner.

(b) This policy is not intended to limit the agency's ability to discipline employees in accordance with its policies and procedures, to refer employees to an Employee Assistance Program, or to enforce policies and procedures pertaining to workplace violence, leave programs, worker's compensation and employee health evaluations.

(1) The definition of health care provider (HCP) for the purpose of this policy is the same definition used under DRS 3-3-11 Family & Medical Leave (FMLA).

(2) **Fitness for duty medical examination.** An employee whose behavior or physical condition constitutes a serious threat to themselves or others at work may be required to submit to a physical or mental health examination to determine current fitness for duty. The affected supervisor consults with the Division Administrator or Superintendent and Human Resources to make this determination.

(c) If it is determined a fitness for duty medical examination is required, the supervisor completes DRS-A-191 Request for Fitness for Duty Medical Examination form and submits to Human Resources.

(1) The employee referred for fitness for duty medical examination must sign the notification letter requesting the Fitness for Duty Medical Examination.

(2) DRS pays the costs of the fitness for duty medical examination when DRS requires the employee to be evaluated by a DRS selected psychologist or physician. With DRS approval, the employee may select the psychologist or physician and must pay all costs incurred.

(3) The examination may not include collection of family medical history. DRS will tell any contracted health care providers not to collect genetic information as part of an employment-related medical exam, and, if we find out that family medical histories are being collected, DRS will take measures within its control (including not using the services of that health care provider) to prevent this from happening in the future.

(4) Failure of the affected employee to comply with the examination or cooperate with the evaluator is deemed insubordination and grounds for disciplinary action, up to, and including termination.

#### **(d) Responsibilities.**

(1) Employees

(A) Employees will report to work fit for duty and capable of safely performing their essential job functions.

(B) Employees will respond appropriately to requests for fitness for duty examinations (FFDE) to include medical information and medical certification regarding their ability to work or statements from HCPs relevant to job accommodations.

(C) “Responding appropriately” includes: obtaining requested medical exams, information, certification or statements from health care providers with relevant information regarding the employee’s fitness, ability to work and medical condition.

(2) Supervisors

(A) Requests for employee medical information must be in accordance with this procedure and all applicable laws. Medical inquiries/examinations of employees must be job related and consistent with business necessity

(B) Employment records containing medical information are confidential and must be maintained in accordance with this procedure and applicable law.

(3) Reasonable Accommodation

(A) Employees who are unable to continue performing essential job functions due to a disability or impairment, as defined by the Amended Americans with Disabilities Act (ADAAA) and DRS administrative rule 612:1-11-16 will be provided reasonable accommodation in accordance with the ADAAA.

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

Instruction to Staff

1. See [DRS:3-3-11](#) Family & Medical Leave (FMLA).
2. See [DRS-A-191](#) Request for Fitness for Duty Medical Examination form.
3. The State office address is:

Tom Patt, Alternate Agency Grievance Manager  
Department of Rehabilitation Services  
Human Resources Unit  
3535 NW 58th Street, 2nd Floor  
Oklahoma City, OK 73112  
Telephone: (405) 951-3457  
Fax: (405) 951-3543  
Cell: (405) 496-9892

4. See [612:1-11-16](#) Providing reasonable accommodations.

Section History

9-9-19 Permanent, New policy section

**PART 3. DEPARTMENT OF REHABILITATION SERVICES - PROMOTION AND  
COMPENSATION PLAN**

- DRS:3-3-27. Department of Rehabilitation Services promotional plan
- DRS:3-3-28. The Department of Rehabilitation Services compensation plan
- DRS:3-3-29. Trial work period (classified service)
- DRS:3-3-30. Department of Rehabilitation Services Fair Labor Standards Act policy

### **DRS:3-3-27. Department of Rehabilitation Services promotional plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) unclassified appointments;

(2) temporary appointments;

(3) non-competitive appointments;

(4) details to special duty;

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

(6) voluntary or involuntary demotions within DRS;

(7) career progression promotions within a Job Family;

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

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

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

#### Section History

- 7-1-97 PT Memo #97-7  
Internal management policy, new section, moved from 612:3-3-20
- 9-1-97 PT Memo #98-1  
Added Subsection (d)
- 1-1-00 PT Memo #00-3  
Changes to reflect Class/Comp terminology changes
- 4-2-01 PT Memo #01-05  
Streamlining the process of promoting employees
- 11-1-02 POL Memo #03-02  
Change in posting requirements
- 7-1-04 PT Memo #05-01  
Added requirements for Promotional Postings.
- 9-14-18 Updated policy to conform to current Merit Rules regarding vacant positions. If an employee is applying for a supervisory level in a vacant position, the position must be posted. If an employee is advancing to a supervisory level in the position he/she currently occupies, posting is not required.
- 12-9-19 Added the Chief Financial Officer and the Chief of Operations job titles to staff that will be notified is a position is not filled within the ninety day timeframe.

### **DRS:3-3-28. The Department of Rehabilitation Services compensation plan**

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

#### Section History

- 7-1-97 PT Memo #97-7  
Internal management policy, new section
- 1-1-00 POL Memo #00-3  
Internal management policy, revised per new Class/Comp changes
- 9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."
- 12-9-19 Revised Merit Rule.

### **DRS:3-3-29. Trial work period (classified service)**

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

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

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

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

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

#### Section History

7-1-97 PT Memo #97-7  
Internal management policy, new section

1-1-00 POL Memo #00-3  
Internal management policy, revised per Class/Comp changes

11-1-02 POL Memo #03-02  
Internal management policy, clarification

3-8-10 PT Memo #10-02  
Deleted Deputy Director and replaced with Chief of Staff

12-9-19 Revised Merit Rule. Revised Chief of Staff to Chief of Operations.



### **DRS:3-3-30. Department of Rehabilitation Services Fair Labor Standards Act policy**

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

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

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

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

(e) **FLSA designation of employees.** A list of DRS job classifications indicating the FLSA exempt or non-exempt status designation of each position is noted in the DRS Fair Labor Standards Act (FLSA) Class Guide which has been posted in every DRS office. If the designation for a position seems in error, the affected employee or the employee's supervisor may request a review using the procedure outlined in Instructions to Staff. **1**

(f) **Establishment of the workweek period.** The workweek period for departmental employees is established by the Director and is found in Instructions to Staff. **2**

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

(h) **Overtime compensation, FLSA non-exempt employees.** It is the policy of the State of Oklahoma and the DRS to utilize work week adjustments whenever possible to avoid overtime work by FLSA non-exempt employees, **3** and, where work week adjustments are not possible, to grant employees compensatory time at the rate of one and one-half times the number of overtime hours worked. **4** Payment for overtime work is only made as required by the FLSA, State Law, or Merit Rules, or when authorized by the Director or designee. **5** Any delegation of authority to approve overtime payments must be made in writing.

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

hour of compensatory time or overtime pay granted for each hour of overtime worked. Compensatory time must be taken within 180 days of accruing the time. Compensatory time shall not be extended beyond 180 days for exempt employees.

#### Instructions to Staff

1. Those positions not covered by FLSA are designated as Exempt (E). Those positions covered by the act are designated as Non-exempt (N). Classifications with an asterisk (\*) under the FLSA Status column must be reviewed on an individual basis to determine whether the position is exempt or non-exempt. Employees occupying positions so designated are to submit an OPM Position Description Questionnaire form, through appropriate supervisory channels to the DRS Human Resources Unit for a decision concerning the FLSA status of the position if this has not previously been determined. A copy of the DRS FLSA Class Guide is posted in every DRS office.
2. The workweek period for all DRS employees is 12:01 a.m. Friday through 12:00 midnight Thursday. The Director may approve an alternative workweek plan. Requests for alternative workweek plans must be submitted through supervisory channels to the appropriate Division Administrator.
3. Workweek adjustment is time taken within the workweek period by an FLSA Non-Exempt employee on an hour for hour basis to avoid the accrual of overtime work. For example, an employee accrues additional work time on Friday (the first day of the workweek) due to time spent in travel status for an one-day meeting in another city. The supervisor schedules the employee time off on Thursday (the last day of the workweek) to ensure that the total number of hours worked during the workweek does not exceed 40 hours.
4. Leave hours including sick, annual, enforced, holiday, etc. are not included in the time and one half calculation rate. Hours in excess of 40 for the workweek as a result of leave hours are granted as compensatory time at an hour for hour rate. The formulas for calculation of time and one half and straight time (hour for hour) compensatory time are as follows:
  - (a) To determine compensatory time at time and one half rate, subtract 40 hours from the actual hours worked for the workweek.
  - (b) Step one: Add together the hours worked and leave hours taken for the workweek. Step two: Add the hours compensated at time and one half rate to 40 hours. Step three: Subtract the result of Step two from the result of Step one to get compensatory time at straight rate.
5. Refer to Overtime Wage Claim form where indicated.

| <b>TITLE</b>                        | <b>CLASS CODE</b> | <b>FLSA STATUS</b> |
|-------------------------------------|-------------------|--------------------|
| Accountant                          | D14A              | N                  |
| Accountant                          | D14B              | E                  |
| Accountant                          | D14C              | E                  |
| Accountant                          | D14D              | E                  |
| Accountant IV                       | 9222              | E                  |
| Accounting Technician               | 0530              | N                  |
| Accounting Technician               | D50A              | N                  |
| Accounting Technician               | D50B              | N                  |
| Accounting Technician               | D50C              | N                  |
| Administrative Assistant I          | 0148              | N                  |
| Administrative Assistant            | E17A              | N                  |
| Administrative Assistant            | E17B              | N                  |
| Administrative Hearing Officer      | E31A              | N                  |
| Administrative Hearing Officer      | E31B              | N                  |
| Administrative Librarian            | E22A              | E                  |
| Administrative Officer              | 4903              | *                  |
| Administrative Officer I            | 4913              | *                  |
| Administrative Officer II           | 4910              | E                  |
| Administrative Programs Officer     | E12A              | *                  |
| Administrative Programs Officer     | E12B              | *                  |
| Administrative Programs Officer     | E12C              | E                  |
| Administrative Programs Officer     | E12D              | E                  |
| Administrative Programs Officer III | 0731              | E                  |
| Administrative Technician           | E16A              | N                  |
| Administrative Technician           | E16B              | N                  |
| Administrative Technician           | E16C              | N                  |
| Administrative Technician           | E16D              | N                  |
| Administrative Technician II        | 0076              | E                  |
| Administrator                       | 4468              | E                  |
| Assistant Principal                 | 8617              | E                  |
| Assistant to the Superintendent     | 7041              | E                  |
| Audiologist                         | X21A              | E                  |
| Audiologist                         | X21B              | E                  |
| Audiologist                         | X21C              | E                  |
| Automotive/Engine Mechanic          | F47A              | N                  |
| Automotive/Engine Mechanic          | F47B              | N                  |
| Automotive/Engine Mechanic          | F47C              | N                  |
| BEP Operation Coordinator           | 7249              | E                  |
| Budget Analyst                      | D20A              | E                  |
| Budget Analyst                      | D20B              | E                  |
| Budget Analyst                      | D20C              | E                  |
| Budget Analyst                      | D20D              | E                  |
| Business Manager                    | D30B              | E                  |
| Carpenter                           | F44A              | N                  |
| Career Vocational Coordinator       | 1826              | E                  |

|   |      |   |
|---|------|---|
| Central Departmental Services Administrator | 7592 | E |
| Chief Financial Officer                     | 9491 | E |
| Chief of Staff                              | 8129 | E |
| Civil Rights Administrator                  | 3050 | E |
| Commission Administrative Assistant         | 8025 | E |
| Compliance Officer                          | 9505 | E |
| Construction/Maintenance Administrator      | F45A | E |
| Construction/Maintenance Operations Manager | 3836 | E |
| Construction/Maintenance Technician         | F41A | N |
| Construction/Maintenance Technician         | F41B | N |
| Construction/Maintenance Technician         | F41C | E |
| Contracting & Acquisitions Agent            | F14A | N |
| Contracting & Acquisitions Agent            | F14C | E |
| Coordinator of Assistive Technology         | 3862 | E |
| Counselor/Coordinator                       | 9072 | E |
| Customer Service Representative             | E13A | N |
| Customer Service Representative             | E13B | N |
| Customer Service Representative             | E13C | N |
| Data Processing Branch Manager              | 0974 | E |
| Dean of Students                            | 8067 | E |
| Deputy Administrator                        | 1809 | E |
| Development Officer                         | 4068 | E |
| Direct Care Specialist                      | Z12A | N |
| Direct Care Specialist                      | Z12B | N |
| Direct Care Specialist                      | Z12C | N |
| Direct Care Specialist                      | Z12D | N |
| Direct Care Specialist                      | Z12E | E |
| Director                                    | 4419 | E |
| Director of Special Projects                | 3775 | E |
| Director, Student Assessment & Development  | 1895 | E |
| Disability Determination Specialist         | K11A | N |
| Disability Determination Specialist         | K11B | N |
| Disability Determination Specialist         | K11C | N |
| Disability Determination Specialist         | K11D | N |
| Disability Determination Technician         | K12A | N |
| Disability Determination Technician         | K12B | N |
| Disability Determination Technician         | K12C | N |
| Disability Determination Technician         | K12D | N |
| Disability Determination Technician         | 3000 | N |
| Disability Medical Consultant II            | 2148 | E |
| Division Administrator                      | 4534 | E |
| Duplicating Equipment Operator              | E35A | N |

|   |      |   |
|---|------|---|
| Duplicating Equipment Operator              | E35B | N |
| Electrician                                 | F75A | N |
| Electrician                                 | F75B | N |
| Electrician                                 | F75C | N |
| Electrician                                 | F75D | N |
| Electronics Technician                      | F56A | N |
| Employment and Marketing Consultant         | 7797 | E |
| Equipment Operator                          | F78A | N |
| Executive Fellow                            | 0287 | * |
| External Relations Coordinator              | 4738 | E |
| Field Services Coordinator                  | 4728 | E |
| Financial Services Administrator            | 1440 | E |
| Fire Prevention & Security Officer          | J41A | N |
| Fire Prevention & Security Officer          | J41B | N |
| Food Service Manager                        | Z21A | E |
| Food Service Manager                        | Z21B | E |
| Food Service Specialist                     | Z20A | N |
| Food Service Specialist                     | Z20B | N |
| Food Service Specialist                     | Z20C | N |
| Food Service Specialist                     | Z20D | N |
| Groundskeeper                               | F77A | N |
| Groundskeeper                               | F77B | N |
| Help Desk Manager                           | 8318 | E |
| Housekeeping/Custodial Worker               | F50A | N |
| Housekeeping/Custodial Worker               | F50B | N |
| Human Resources Management Specialist       | C31A | N |
| Human Resources Management Specialist       | C31B | E |
| Human Resources Management Specialist       | C31C | E |
| Human Resources Management Specialist       | C31D | E |
| Human Resources Programs Director           | C33A | E |
| Human Resources Programs Manager            | C32A | E |
| Human Resources Programs Manager            | C32B | E |
| Independent Living Instructor               | Z18A | N |
| Independent Living Instructor               | Z18B | N |
| Independent Living Skills Supervisor        | 4140 | E |
| Information Services Administrator          | 4869 | E |
| Information Systems Applications Specialist | B51A | N |
| Information Systems Applications Specialist | B51B | E |
| Information Systems Applications Specialist | B51C | E |

|   |      |   |
|---|------|---|
| Information Systems Applications Specialist       | B51D | E |
| Information Systems Data Management Analyst       | B52A | N |
| Information Systems Data Management Analyst       | B52B | E |
| Information Systems Data Management Analyst       | B52C | E |
| Information Systems Data Management Analyst       | B52D | E |
| Information Systems Manager                       | B31B | E |
| Information Systems Manager                       | B31C | E |
| Information Systems Manager                       | 3563 | E |
| Information Systems Network Management Specialist | B21A | N |
| Information Systems Network Management Specialist | B21B | E |
| Information Systems Network Management Specialist | B21C | E |
| Information Systems Network Management Specialist | B21D | E |
| Information Systems Services Coordinator          | B55A | N |
| Information Systems Services Coordinator          | B55B | N |
| Information Systems Services Coordinator          | B55C | N |
| Information Systems Services Coordinator          | B55D | E |
| Information Systems Technician                    | 6809 | N |
| IS Applications Specialist III                    | 0970 | N |
| Laborer I   | 5641 | N |
| Laborer   | F79A | N |
| Lead Disability Medical Consultant                | 9667 | E |
| Legislative Information Representative            | 9945 | E |
| Librarian   | E21A | N |
| Librarian   | E21B | E |
| Librarian   | E21D | E |
| Librarian III                                     | 1449 | E |
| Library Technician                                | E20A | N |
| Library Technician                                | E20B | N |
| Licensed Practical Nurse II                       | 2603 | N |
| Licensed Practical Nurse III                      | 2604 | N |
| Manual Sign Language Specialist                   | K15A | N |
| Materiel Management Officer                       | F21A | N |
| Materiel Management Specialist                    | F20A | N |

|   |      |   |
|---|------|---|
| Materiel Management Specialist                      | F20B | N |
| Materiel Management Specialist                      | F20C | N |
| Materiel Management Specialist                      | F20D | E |
| Mechanical Systems Technician                       | F74B | N |
| Mobility and Orientation Specialist                 | 1842 | E |
| Network Administrator                               | 5182 | E |
| Nursing Service Supervisor                          | 8133 | E |
| Outreach Coordinator                                | 9518 | E |
| Physical Plant Operator                             | F49A | N |
| Physical Plant Operator                             | F49B | N |
| Plumber   | F76A | N |
| Plumber   | F76B | N |
| Plumber   | F76C | N |
| Policy Development & Program Standard Administrator | 7591 | E |
| Principal (OSB/OSD)                                 | 1854 | E |
| Program Consultant                                  | 2839 | E |
| Programs Field Representative                       | H11A | E |
| Program Manager II                                  | 8175 | E |
| Programs Manager                                    | H10A | E |
| Programs Manager                                    | H10B | E |
| Project Coordinator                                 | 5172 | E |
| Project Manager                                     | 0765 | E |
| Psychological Clinician                             | X31A | N |
| Psychological Clinician                             | X31B | N |
| Psychological Clinician                             | X31C | E |
| Psychological Clinician                             | X31D | E |
| Public Information Manager                          | E45B | E |
| Public Information Officer                          | E44A | N |
| Public Information Officer                          | E44B | N |
| Public Information Officer                          | E44C | E |
| Receptionist I                                      | 0072 | N |
| Recreational Activities Specialist                  | X35A | N |
| Recreational Activities Specialist                  | X35B | N |
| Recreational Activities Specialist                  | X35C | N |
| Registered Nurse II                                 | 2572 | E |
| Rehabilitation of the Blind Specialist              | K23A | E |
| Rehabilitation of the Blind Specialist              | K23B | E |
| Rehabilitation of the Blind Specialist              | K23C | E |
| Rehabilitation of the Blind Specialist              | K23D | E |
| Rehabilitation Technician                           | K20A | N |
| Rehabilitation Technician                           | K20B | N |
| Rehabilitation Technician                           | K20C | N |
| Rehabilitation Technician                           | 9069 | N |
| Rehabilitation Technician III                       | 5553 | N |
| School Counselor                                    | 9078 | E |

|                                      |      |   |
|--------------------------------------|------|---|
| School Psychologist                  | 2045 | E |
| School Superintendent                | 1825 | E |
| Secretary                            | E24A | N |
| Secretary                            | E24B | N |
| Secretary                            | E24C | N |
| Secretary                            | E24D | N |
| Secretary                            | E24E | N |
| Social Services Specialist           | H20A | N |
| Social Services Specialist           | H20B | E |
| Social Services Specialist           | H20C | E |
| Specialist on Deaf-Blindness         | 0439 | E |
| Specialist on Deafness               | 0440 | E |
| Speech-Language Pathologist          | X22A | E |
| Speech-Language Pathologist          | X22B | E |
| Speech/Language Pathologist          | 2313 | E |
| Speech Services Supervisor           | 2371 | E |
| Statistical Research Specialist      | E46C | E |
| Systems Manager                      | 7240 | E |
| Teacher (OSB/OSD)                    | 2083 | E |
| Teacher/Trainer                      | 1878 | E |
| Teaching Assistant                   | Z10A | N |
| Training Specialist                  | C41A | N |
| Training Specialist                  | C41B | E |
| Training Specialist                  | C41C | E |
| Training Specialist                  | 4795 | E |
| Transition Coordinator               | 0844 | E |
| Transportation Officer/Student Aide  | 5793 | N |
| Typist Clerk III                     | 0172 | N |
| Vending Facility Business Consultant | K31A | E |
| Vending Facility Business Consultant | K31B | E |
| Vending Machine Technician           | K30A | N |
| Vocational Rehabilitation Specialist | K21A | E |
| Vocational Rehabilitation Specialist | K21B | E |
| Vocational Rehabilitation Specialist | K21C | E |
| Vocational Rehabilitation Specialist | K21D | E |
| Vocational Teacher A                 | 1863 | E |
| Vocational Teacher Coordinator       | 1866 | E |

#### Section History

- 7-1-97 PT Memo #97-7  
Internal management policy, new section
- 3-22-00 POL Memo #00-05  
FLSA Class Guide revision
- 7-1-03 PT Memo #03-07  
Updated FLSA list "ITS" only
- 12-1-03 PT Memo #04-02  
Updated FLSA list "ITS" only



7-1-04 PT Memo #05-01  
Change in overtime compensation for exempt employees.

4-29-05 PT Memo #05-06  
Updated FLSA list "ITS" only

1-01-07 PT Memo #07-03  
Updated FLSA list "ITS" only

11-21-08 PT Memo #09-08  
Updated FLSA list "ITS" only

2-19-09 PT Memo #10-01  
Updated FLSA list "ITS" only

9-3-09 PT Memo 10-02  
Updated FLSA list "ITS" only

9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."

12-9-19 Updated antiquated language. Timeframes were updated when FLSA exempt employees use compensatory time.

**PART 5. DEPARTMENT OF REHABILITATION SERVICES - EMPLOYEE MEDIATION**

DRS:3-3-48.        Mediation

## **DRS:3-3-48. Mediation**

There are two mediation programs available for DRS employees: The Oklahoma Merit Protection Commission (MPC) Voluntary Mediation Program and the DRS Voluntary Mediation Program.

### **(1) The Oklahoma Merit Protection Commission (MPC) Voluntary Mediation Program**

(A) **Purpose.** The purpose of this Section is to establish responsibility and procedures to utilize the Oklahoma Merit Protection Commission (MPC) Voluntary Mediation Program. Use of the MPC Voluntary Mediation Program is subject to MPC Merit Rule 455:10-17-8.

(B) **Employee eligibility.** All employees, regardless of their status, have access to and are encouraged to use the mediation process.

(I) Classified employees are encouraged to use the mediation process as a means of resolution at any step of the Internal Agency Grievance Resolution Procedure (IAGRP) as well as a means to resolve any work related matter in dispute that cannot be resolved through standard managerial and supervisory review. **1, 2**

(II) Although unclassified employees do not have access to the IAGRP, they are encouraged to use the mediation process to resolve their concerns or disputes that cannot be resolved through standard managerial and supervisory processes.

(C) **Mediation defined.** Mediation is a structured process which allows the parties to a dispute to arrive at a resolution acceptable to all parties through the assistance of a mediator rather than having a decision imposed by a third party. Mediation results in a signed agreement. Suggested issues suitable for mediation include, but are not limited to, disputes between co-workers, certain supervisory practices, working conditions and other issues which do not directly impact DRS policies and procedures.

(D) **Participant responsibility.** Each participant shall mediate in good faith, without time constraints, and put forth their best efforts with the intention of reaching settlement, if possible. Even if the participants do not reach a complete settlement, they may reach agreement on various issues. [455:10-17-8(b)]

(E) **Time limits.** After acceptance of a request for voluntary mediation by MPC, any applicable time limits shall be tolled pending completion of the voluntary mediation process. [455:10-17-8(e)] For example, if a formal grievance has already been filed when the parties involved agree to mediation, the time limits governing the grievance process will be frozen (tolled) until the mediation effort is concluded.

(F) **Procedure for requesting mediation.** In an effort to make voluntary mediation available to the widest possible audience, the Merit Protection Commission shall accept requests for mediation from the Director of DRS, agency grievance managers, supervisors, and individual employees. Requests to MPC for mediation will be submitted on the MPC Request for Voluntary Mediation form. **3**

### **(2) DRS Voluntary Mediation Program:**

**(A) Employee Participation:** Employee participation in the DRS Voluntary Mediation Program does not prohibit use of other available dispute resolution processes, such as the DRS Employee Grievance Resolution Process or the Oklahoma Merit Protection Commission Voluntary Mediation Program. All DRS employees are urged to discuss any work-related concerns with his or her immediate supervisor.

Employee grievances concerning adverse or disciplinary action, compensation, classification and other disputes or issues directly governed by Merit Rules or DRS policies are generally not acceptable for mediation. They will continue to be addressed through the DRS Employee Grievance Resolution Procedure or referred to the Merit Protection Commission as appropriate.

Requests for the DRS Voluntary Mediation Program may be initiated by any of the parties in a dispute, or by any other individual involved in the effort to resolve a dispute. Requests must be filed with the Division Mediation Program Coordinator (DMPC) or directly with a Manager, DRS Voluntary Mediation Program (MVMP), Human Resources Management Specialist IV in the DRS Employee Relations Program within the Human Resources Unit, using the Request for DRS Voluntary Mediation Services Form. If the request is filed with the DMPC, the DMPC will notify the MVMP that a request has been received. The employee must briefly describe the circumstances that resulted in the request for mediation, and name the party or parties in the dispute. The DMPC or MVMP reviews the request for mediation to determine if the complaint is appropriate for mediation and make a written determination to the requesting party within seven working days.

If the request for mediation is granted, a written notice of acceptance will be sent to the initiating party and respondent parties within seven working days. If all parties' agree to mediation, the MVMP will set a time, date, place for the mediation session and designate a mediator.

**(B) Manager DRS Voluntary Mediation Program:** The MVMP directs the DRS Voluntary Mediation Program. The MVMP is responsible for ensuring that the program fully complies with the Oklahoma Dispute Resolution Act and rules for the mediation program established by the Administrative Director of the Courts for the State of Oklahoma. The MVMP authority and responsibility includes, but is not limited to: Decisions concerning acceptance for mediation, assignment of mediators, and approval of mediation agreements. Decisions concerning mediation and mediation agreements must be consistent with Merit Rules, DRS policies and procedures, and must be approved by Division Administrator or School Superintendent.

**(C) Initial Interviews:** An initial interview will be conducted on every dispute referred to the DRS Voluntary Mediation Program. The following are types of cases that may be handled through the DRS Voluntary Mediation Program. These are only examples and are not intended to be all inclusive.

- (1) Supervisor vs. Employee
- (2) Employee vs. Supervisor
- (3) Employee vs. Employee

**(D) Mediators:** Current DRS employees are eligible to serve as mediators in the program on a voluntary basis, subject to the recommendation and approval of appropriate supervisory staff up to and including the Division Administrator or School Superintendent. Mediators are not assigned to the Human Resources Unit in a full

time capacity. Mediators will be selected from a roster of DRS employees certified as mediators maintained by the Oklahoma Merit Protection Commission of all certified mediators statewide, including certified mediators from other state agencies, or certified mediator from the Early Settlement Mediation Program. A party has an option to request a mediator from outside DRS.

**(E) Mediator Training:** Mediators must be certified according to the Oklahoma Dispute Resolution Act. Standards for certification include a minimum of 20 hours of training conducted by the State Certified Mediation Trainer, observation of a mediation session conducted by a Certified Mediation Trainer; observation of mediation session conducted by a Certified Mediator; and conduct a mediation session under the observation of a Certified Mediator. Mediators for the program are also required to be familiar with the Oklahoma Dispute Resolution Act.

**(F) Assignment of Mediators:** Mediators will be assigned to individual cases based on impartiality, objectivity, and mediation skills as assessed by the MVMP, and the geographic location. The mediator is not a representative of any party to the mediation, and shall not attempt to force the parties into reaching a settlement, make decisions for parties, or attempt to change or influence a decision made by parties. Any mediator who believes he or she is unable to maintain objectivity and impartiality shall immediately terminate or cancel the mediation session and notify the MVMP of the need to assign another mediator and reschedule the session. Any mediator can decline to participate for personal or work related reasons.

**(G) Conducting the Voluntary Mediation Session:** The voluntary mediation session is informally structured by the mediator and not opened to the public. The session is a confidential procedure and shall not be filmed, taped or otherwise recorded. Participants and representatives shall respect and maintain the confidentiality of the session, except as specified by the Oklahoma Dispute Resolution Act. The Mediation Information for Participants form explains the role of participants and mediator. Additionally, it informs the participants what to expect in the mediation session.

(1) An Agreement to Mediate Dispute Form must be completed and signed by all parties before the beginning of mediation. The mediator informs the parties of their rights and obligations pursuant to the provision of this policy and the Dispute Resolution Act.

(2) Mediation sessions are normally conducted during the regular workweek hours from 8:00 a.m. to 5:00 p.m. Scheduling time should allow the mediation session to conclude by the end of the business day.

(3) Each party may have an attorney attend the session with the following conditions:

(I) The party requiring the attendance of his/her attorney must advise the MVMP. The MVMP will contact the other party who must consent to allow the party's attorney to attend the mediation session, or have an opportunity to secure his/her attorney. There will be no mediation session with representatives without the consent of all parties.

(II) The attorney may only advise his/her client and must speak only to the mediator or his/her client.

(III) All costs and expenses of representation are the responsibility of the initiating or respondent party.

(4) A party may bring an individual other than attorney to assist him/her in the mediation process and must be consented to by all parties. Any individual attending a mediation session at the request of a party must also sign an agreement to abide by rules listed in Rules of Conduct for Outside Parties Form.

**(H) Failure to Appear:** With the exception of illness or unforeseen circumstances, failure to appear for the scheduled mediation session by the initiating party will give cause for the mediation case to be dismissed and the respondent to be advised that no further action will be taken. When the respondent fails to appear for the scheduled mediation session, the initiating party may either request that the session be re-scheduled or that the mediation process be terminated.

**(I) Leave to Attend Mediation Sessions:** Employees participating in a mediation session in accordance with this policy are not charged leave to attend the mediation session and are eligible to receive travel reimbursement. Employees must notify their supervisor of the scheduled absence upon notification from the Manager, DRS Voluntary Mediation Program and prior to the scheduled session. Time spent in mediations shall be considered part of an employee's normal working time. Supervisors are strongly discouraged from authorizing the use of overtime for mediations. Supervisors shall make reasonable efforts to make employees available to participate in mediation.

**(J) Mediation Agreement:** Mediation agreement is a negotiated settlement that defines the future behavior of the parties to the agreement. The assigned mediator will record the agreement on the Disputing Parties Agreement Form detailing the specific behavior and actions required of each party, and ensuring that it accurately reflects the agreement by the parties. Both parties to the dispute as well as the mediator sign the mediation agreement. A copy of the signed agreement is provided to both parties. The participants must complete the Mediation User Survey Form at the end of the mediation session and return the form to the Manager, DRS Voluntary Mediation Program.

**(K) Records:** The mediator forwards all records of the mediation session to the MVMP for review and approval of the mediation agreement within seven working days of the conclusion of the mediation session. If no agreement was reached, the mediator makes a written report of the session to the MVMP and advises him or her of any further action that may be required. The parties involved still have their rights to proceed with the DRS Employee Grievance Resolution Process or the Oklahoma Merit Protection Commission Voluntary Mediation Program if they choose to do so.

The MVMP will review the agreement for compliance with DRS policy and procedures, the Merit Rules, and must be approved by Division Administrator or School Superintendent. The MVMP will notify mediator and the parties of the approval or disapproval of the mediation agreement within 30 calendar days following the conclusion of the mediation sessions, or as necessary to finalize a receipt of the agreement. Any decision to disapprove a Mediation Agreement will be explained in writing.

When the MVMP decision is to disapprove the mediation agreement, the MVMP provides the parties an opportunity to resume mediation or advises the parties of their rights, if any, to pursue the issue thorough the DRS Grievance Resolution Procedure.

The MVMP maintains records resulting from the mediation session, separate from the employee's personnel file. Access to mediation records is limited to the mediators and the parties and does not become part of the employees personnel file.

**(L) Time Limit for Continuation of Grievance:** The time limit for continuation of grievance is suspended when an agreement to mediate is obtained by the initiating party and respondents. An employee who enters mediation after filing a formal grievance may continue his or her grievance by notifying the MVMP/Agency Grievance Manager within four calendar days of the conclusion of the mediation process. The grievance is processed in accordance with the steps and time limits established by the DRS Employee Grievance Procedure and application at the time the grievance was referred to mediation.

#### INSTRUCTIONS TO STAFF

1. If the employee requests voluntary mediation during the IAGRP, the employee shall notify the Agency Grievance Manager of the request. [\[455:10-17-8\(g\)\(3\)\(C\)\]](#)
2. If during the Internal Agency Grievance Resolution Procedure (IAGRP) a decision maker involved in the grievance wishes to request voluntary mediation, the decision maker will contact the Agency Grievance Manager, Human Resources Unit, Management Services Division, to review the grievance and all options. If the decision maker and the Agency Grievance Manager concur that mediation would be productive, the Agency Grievance Manager will make a request to MPC. At that time, the Agency Grievance Manager shall notify the employee of the request. [\[455:10-17-8\(g\)\(3\)\(B\)\]](#) If an Assistant Grievance Manager originally accepted the grievance, the Agency Grievance Manager will involve that Assistant in the review process with the decision maker.
3. Individuals who are interested in voluntary mediation should be prepared to complete the MPC Request for Voluntary Mediation Services form. Once MPC has received a request for mediation, they will coordinate with the other parties identified or involved to secure their agreement to mediate.

#### Section History

- |        |   |
|--------|---|
| 7-1-97 | PT Memo #97-7<br>Internal management policy, new section, moved from 612:3-3-42 |
| 1-1-07 | PT Memo #07-03<br>Internal management policy, added internal mediation          |

## DRS:3-3-71. Definitions

The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

**"Adverse action"** means formal disciplinary actions of suspension without pay, involuntary demotion, and discharge taken against a permanent classified employee.

**"Discharge"** means the act of terminating the employment relationship of a permanent classified employee who did not voluntarily resign or otherwise forfeit his or her position according to any other statutory provision. Discharge does not include separation due to reduction-in-force.

**"Formal discipline"** means written reprimand, suspension without pay, involuntary demotion, or discharge.

**"Informal discipline"** means verbal warning, informal discussion, corrective interview or oral reprimand.

**"Involuntary demotion"** means the involuntary removal of a permanent classified employee in permanent status in a job family level to another job family level assigned a lower pay band.

**"Official personnel file"** means the employee's permanent personnel file maintained in the Personnel office of the DRS Human Resources Unit, Management Services Division, Oklahoma City.

**"Progressive discipline"** means a system designed to ensure not only the consistency, impartiality and predictability of discipline, but also the flexibility to vary penalties if justified by aggravating or mitigating conditions. Absent mitigating circumstances, repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline. Based on relevant circumstances, a single incident may justify a higher step of discipline without proceeding through lower steps of discipline.

**"Suspension with pay"** means the placement of an employee on suspension while continuing in pay status for internal investigatory purposes or pending completion of the notice and response procedures of adverse action.

**"Suspension without pay"** means a formal disciplinary action in which the employee is removed from duty and placed on time off from work without pay for a specific period of time not to exceed sixty (60) calendar days in a 12-month period.

**"Written reprimand"** means the first phase of formal discipline, but is not an adverse action.

### Section History

|         |  |
|---------|--|
| 6-26-00 | POL Memo #00-09<br>Internal management policy, new section                             |
| 1-08-01 | POL Memo #01-03<br>Internal management policy, additional clarification of definitions |



### **DRS:3-3-72. Purpose and scope**

(a) The purpose of this Section is to establish the responsibilities for managing the Progressive Discipline procedures as contained in Subchapter 11 of the Oklahoma Merit Protection Commission (MPC) Merit Rules. The procedures provide standards and guidelines for applying prompt, equitable, and suitable discipline of classified employees as a means of ensuring professional performance and conduct.

(b) The maintenance of high standards of performance, honesty, integrity, impartiality, and conduct of agency employees is essential to assure the achievement of the agency's mission and to provide services to citizens of Oklahoma.

(c) The provisions of this Section shall apply to classified employees. The provisions of this policy shall not apply to unclassified except as indicated.

(d) Progressive discipline usually advances from Informal Discipline to Formal Discipline. Unless otherwise justified, the progression of DRS Formal Discipline is: 1) written reprimand; 2) suspension without pay; 3) involuntary demotion; and 4) discharge. A single incident may justify more severe discipline without beginning with the lowest step or proceeding through lower steps. OAC 455:10-11-14 provides that any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) calendar days, or demoted for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by Human Capital Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause. A DRS employee in the classified service, upon final conviction of, or pleading guilty or nolo contendere to, any felony shall be discharged; further, a classified employee shall forfeit benefits pursuant to Section 24.1 of Title 51 of the Oklahoma Statutes if the felony is job-related.

(1) A DRS employee, in the unclassified service, who is convicted of, or enters a plea of guilty or nolo contendere (no contest) to, any felony charge shall be discharged; further, an unclassified employee shall forfeit benefits in accordance with Section 24.1 of Title 51 of the Oklahoma Statutes if the felony violates the employee's oath of office.

(2) Additionally, DRS will take the appropriate disciplinary action against any employee, supervisor, and/or manager for attempts at coercion and intimidation of or reprisal and retaliation against anyone who participates in a DRS Civil Rights Office investigation. Moreover, DRS will also take the appropriate disciplinary action against staff members who obstruct a Civil Rights Office investigation by giving false or misleading statements. The supervisor and employee should be aware that the State Employee Assistance Program (EAP) is available as a voluntary service for employees at any stage of the progressive discipline process.

#### Section History

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 01-08-01 POL Memo #01-03  
Internal management policy, Revised issue date
- 11-05-01 POL Memo #02-02  
Internal management policy, conviction of felonies added
- 11-1-02 POL Memo #03-02  
Internal management policy, clarification

9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."

### **DRS:3-3-73. Responsibilities**

(a) The Director, Chief of Staff, Division Administrators, Superintendents, Unit Administrators, managers/supervisors, employees and the Human Resources Management Specialist for DRS Employee Relations have responsibilities within the discipline process.

(b) Each supervisor shall ensure employees are informed of this policy; apply discipline when necessary that is progressive in nature, equitable and appropriate for the offense; consider relevant circumstances when determining the proper disciplinary action and to assess aggravating or mitigating circumstances; to use prompt, positive action to avoid more serious disciplinary action; and to coordinate formal discipline with the Human Resources Management Specialist for DRS Employee Relations. The supervisor is prohibited from considering incidents that occurred longer than four (4) years prior to an offense in order to move to a higher level of discipline. The prohibition shall not apply to incidents involving the following types of conduct:

1. Criminal activity;
2. Sexual misconduct and/or harassment;
3. Racially discriminatory behavior and/or harassment;
4. Threats or acts of violence against employees in the workplace; and
5. Drug and/or alcohol use or abuse on the job.

(c) The Human Resources Management Specialist for DRS Employee Relations is a source for consultation and technical assistance for supervisory staff and employees. In his/her absence, the Human Resources Programs Director of the DRS Human Resource Management Section is to be contacted.

#### Section History

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 01-08-01 POL Memo #01-03  
Internal management policy, Revised issue date
- 12-01-03 POL Memo #04-02  
Internal management policy, revised per state statute.
- 3-8-10 PT Memo #10-02  
Deleted Deputy Director and replaced with Chief of Staff

### **DRS:3-3-74. First phase - informal discipline**

(a) The objective of the beginning level of discipline is to address actions at the lowest level and to correct situations before more severe penalties become necessary. The first phase of progressive discipline shall be informal discipline and may include any of the steps of informal discipline such as informal discussion, verbal warning, corrective interview, or oral reprimand.

(b) A supervisor will be clear with the employee as to the start of informal discipline and which step of informal discipline the occasion constitutes. Documentation of informal discipline may be noted and maintained by the supervisor and employee.

(c) As a minimum, an employee shall be told:

- (1) the nature of the problem which is cause for discipline;
- (2) the steps which must be taken to correct the situation or behavior; and
- (3) the consequences of repeated offenses or continuing deficient performance or behavior.

#### Section History

|         |  |
|---------|--|
| 6-26-00 | POL Memo #00-09<br>Internal management policy, new section |
| 1-8-01  | POL Memo #01-03<br>Internal management policy, word change |

### **DRS:3-3-75. Second phase - formal discipline**

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

#### **(b) Written Reprimand.**

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

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

(A) the date of the written reprimand;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) the statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the suspension without pay;
- (ii) grounds for the action;
- (iii) a citation of the law or rule under which the action is being taken;
- (iv) effective date;
- (v) inclusive dates of the suspension without pay;
- (vi) a citation of any other informal or formal discipline which was used in the decision to administer the suspension without pay;
- (vii) consequences of repeated infractions or continuing deficient performance or behavior;
- (viii) the employee's right to file an appeal with the Merit Protection Commission, the twenty (20) calendar day time limit for the Commission's receipt of the appeal, the address of the Commission; and
- (ix) the Commission's petition for appeal form (MPC-200).

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

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

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

- (i) the statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the proposed involuntary demotion;
- (ii) the specific acts or omissions which are cause or reason for the proposed involuntary demotion;
- (iii) an explanation of the evidence which justifies the proposed involuntary demotion; and,

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

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

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

(ii) grounds for the action;

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

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

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

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

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

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

### (3) **Discharge.**

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

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

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



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

- (i) the statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the proposed action;
- (ii) all grounds for the proposed action;
- (iii) a summary of evidence or physical evidence to support each of the stated grounds for the proposed action;
- (iv) a statement of the employee's right to be represented by an attorney or other person of his or her choice at the pre-termination hearing; and
- (v) date, time and location of the pretermination hearing.

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

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

- (i) Participants in the pretermination hearing generally are the hearing official, DRS Legal Counsel, supervisor recommending the discharge, the employee and the employee's representative, if any.
- (ii) The designated hearing official will preside over the hearing. Generally, hearings may proceed on the following order:
  - (iii) introductions of all individuals present and whether they represent the Department or the employee;
  - (iv) statement of the Department's view followed by the employee or their representative's response to the statute, rule, policy, practice or procedure of work performance or behavior which was violated and cause for the hearing;
  - (v) statement of the Department's view followed by the employee or their representative's response to the summary of evidence or physical evidence to support each of the stated grounds for the proposed discharge; and,

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

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

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

- (i) the statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the discharge;
- (ii) all grounds for the discharge;
- (iii) a citation of the law or rule under which the discharge is being taken;
- (iv) effective date of the discharge;
- (v) a citation of any other informal formal discipline which was used in the decision to administer the discharge;
- (vi) a statement of the employee's right to file an appeal with the Merit Protection Commission, the 20 calendar day time limit for the Commission's receipt of the appeal and the address of the Commission; and
- (vii) a copy of the Commission's petition for appeal form.

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

#### Section History

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 01-08-01 POL Memo #01-03  
Internal management policy, additional line, word change
- 01-05-08 POL Memo #09-08  
Permanent, added consultation of legal department
- 12-9-19 Revised OAC citations.

## **DRS: 3-3-91. Definitions**

The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

**"Accept"** means a determination by the agency grievance manager or an assistant grievance manager that the issue(s) of a formal grievance meet jurisdictional requirements and will be forwarded to a decision maker.

**"Deny"** means to refuse to grant a remedy requested, to determine an issue to be without merit, or to end a grievance without further consideration.

**"Grant"** means to find an issue to have merit and to give an appropriate remedy.

**"Grievance"** means a request for relief in an employment matter made by an employee, or a group of employees, which affects them and which is subject to the control of the appointing authority.

**"Jurisdiction"** means the authority to decide an issue within the agency grievance procedure. The time limit to file a grievance, an employee's eligibility to use the agency grievance procedure, and the issues raised are general factors in determining agency jurisdiction.

**"Reject"** means a determination by the agency grievance manager or an assistant grievance manager that a grievance or an issue does not meet agency jurisdictional requirements.

**"Remedy"** means the corrective action(s) sought by an employee or offered by a decision maker or Director.

**"Toll"** means to temporarily stop or suspend applicable time limits.

### Section History

6-26-00 POL Memo #00-09  
Internal management policy, new section  
01-08-01 POL Memo #01-03  
Internal management policy, word change

### **DRS: 3-3-92. Purpose and scope**

The purpose of this section is to establish the guidelines for managing the agency grievance procedures as set forth in Subchapter 19 of the Merit Rules (455:10-19 et al). The procedures provide standards for the prompt and equitable resolution of grievances at the lowest possible level within the agency. Employees may also seek other remedy options through the Oklahoma Merit Protection Commission, U.S. Equal Employment Opportunity Commission or the Oklahoma Human Rights Commission. Time limits for these agencies should be closely followed. The filing of a formal grievance with the agency and appeal with other authorities are separate actions. The filing of one does not substitute for the filing of the other.

#### Section History

6-26-00 POL Memo #00-09  
Internal management policy, new section  
01-08-01 POL Memo #01-03  
Internal management policy, Revised issue date

### **DRS: 3-3-93. Employee eligibility**

All classified employees of the Department of Rehabilitation Services have access to the employee grievance resolution process. No employee will be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under these procedures. A copy of these procedures will be provided to each employee.

(1) All DRS employees, both classified and unclassified, have the right to file complaints of discrimination. For information regarding the processing of such complaints classified employees may refer to DRS: 3-3-95 and unclassified employees may refer to DRS: 3-3-101.

(2) All DRS employees, both classified and unclassified, have access to mediation services and are encouraged to use the mediation process through the Oklahoma Merit Protection Commission to resolve any job related dispute. Classified and unclassified employees can use the mediation process as described in DRS: 3-3-48. Classified employees may also refer to DRS:3-3-100 for information related to mediation during the grievance process.

#### Section History

6-26-00 POL Memo #00-09  
Internal management policy, new section  
01-08-01 POL Memo #01-03  
Internal management policy, Revised issue date  
7-10-02 No POL Memo  
(ONLY) Reformatted section for uniformity with OAC

### **DRS:3-3-94. Grievable and non-grievable issues**

(a) Grievable issues, may include, but are not limited to: any direct or indirect form of discipline, reduction-in-force (on basis of procedural errors), work assignments, withholding of work, classification, reclassification, promotion, leave, performance appraisal, length of service, overtime, compensatory time, transfers, or any alleged violation of the Oklahoma Personnel Act or Oklahoma Human Capital Management and Merit Protection Commission Merit Rules, including discrimination. Employees whose employment has been directly affected by unfair treatment, unsafe working conditions or erroneous interpretation or application of policy, procedure, merit rule or law have a right to file a grievance in accordance with Subchapter 19 of the Merit Rules and these procedures.

(b) Non-grievable issues include, but are not limited to: proposed disciplinary actions and furloughs.

#### Section History

6-26-00 POL Memo #00-09  
Internal management policy, new section

01-08-01 POL Memo #01-03  
Internal management policy, additional grievable issues

9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management"

### **DRS: 3-3-95. Types of grievances**

(a) **Promotion.** An employee who feels that he or she has not been treated fairly with regard to a promotional action has the right to file a formal grievance. The Merit Protection Commission will accept an appeal regarding a promotional action only after such complaint has been reviewed in the formal grievance procedure.

(b) **Classification.** An employee who believes he or she is not classified in accordance with the work assigned on a regular and consistent basis as an integral part of his or her work assignment and job family descriptor has the right to file a formal grievance. An employee who believes he or she is entitled to compensation for having performed duties on a regular and consistent basis which do not conform to the job family descriptor for the position he or she occupies or occupied has the right to file a formal grievance. For additional information regarding classification grievances, refer to Section DRS:3-3-98 (b) of these procedures and Merit Rule 455:10-19-35 (c).

(c) **Discipline.** An employee who has reason to believe that any discipline imposed was not uniform, appropriate or in compliance with the agency progressive discipline policy has the right to file a formal grievance. Except for a suspension without pay, involuntary demotion or discharge, the Merit Protection Commission will accept appeals concerning discipline only after such complaint has been reviewed in the formal grievance procedure.

(d) **Leave.** An employee who feels he or she has not been treated fairly with regard to annual, sick or any other leave accrual, accumulation, use or eligibility, including leave without pay and leave sharing has the right to file a formal grievance. The Merit Protection Commission will accept an appeal regarding leave issues only after such complaint has been reviewed in the formal grievance procedure.

(e) **Employee Performance Management Process (PMP) Appraisal.** An employee who disagrees with his or her individual performance rating has the right to file a formal grievance. The Merit Protection Commission will accept, for alternative dispute resolution only, a complaint involving disagreement with the individual performance rating only after such complaint has been reviewed in the formal grievance procedure. The Commission will accept an appeal of alleged violations of the Oklahoma Personnel Act or Merit Rules in regard to the employee performance rating system only after such complaint has been reviewed in the formal grievance procedure. Alleged violations of Title 74 O.S. Section 840-2.5 and Section 840-2.9 in regard to the employee performance rating system may be appealed directly to the Commission.

(f) **Discrimination.** Complaints of illegal discrimination, including sexual harassment, are subject to the grievance process and are filed with the designated agency grievance manager/assistant grievance manager and are handled in accordance with the special procedures outlined in DRS:3-3-101. A complaint of discrimination must describe an adverse employment condition or action which the employee believes occurred, or was directed at him or her, due to the employee's political or religious opinions or affiliations, race, creed, gender (including sexual harassment), color, age (over 40), national origin or disability. Grievances which allege retaliation for any previous discrimination complaint filed will also be processed as a complaint of discrimination. Any employee filing a grievance alleging a complaint of discrimination must indicate on the Internal Agency Grievance Resolution Form, **MPC Form 900**, the basis under which the complaint is being filed. Complaints which fail to properly identify one of the above listed reasons as the basis of any complaint of discrimination will be processed the same as grievances which do not allege discrimination. Time frames for resolving complaints of discrimination will adhere to those time frames set by merit rule and this procedure.

(g) **Pay movement mechanisms and other compensation issues.** Any employee who feels that a violation of law, rule, policy or practice has occurred with regard to pay movement mechanisms or other compensation issues has the right to file a formal grievance. The Merit Protection Commission will accept an appeal regarding pay movement mechanisms and other compensation issues only after such complaint has been reviewed in the formal grievance procedure.

Section History

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 01-08-01 POL Memo #01-03  
Internal management policy, excessive verbiage removed
- 11-05-01 POL Memo #02-02  
Internal management policy, compensation issue grievance rights added
- 3-15-15 Removal of language regarding the Civil Rights Administrator.



### **DRS: 3-3-96. General Grievance Provisions**

(a) **Records.** Grievance records will be maintained separate and apart from other individual employee personnel files. Access will be governed in accordance with the Oklahoma Open Records Act, 51 O.S. Section 24 A.1 (*et. seq.*).

(b) **Leave and travel.** The grievant may be approved for necessary and reasonable absence not to exceed sixteen (16) working hours in order to gather information in preparation to file and process a formal grievance. Requests should be made to the immediate supervisor in advance and may be approved if the absence will not cause undue hardship or upset the work place operation. Any approved absence will not result in loss of pay or leave for the employee. A grievant or witness whose attendance is required at meetings held to decide grievances will not be charged leave to attend such meetings. Employees will provide their immediate supervisors with advance notice of scheduled meetings. Approved travel and other expenses incurred to resolve a formal grievance shall be reimbursed by the employing agency in accordance with the State Travel Reimbursement Act, 74: O.S. 500 (*et. seq.*).

(c) **Employee Representation.** Grievants have the right to be represented by a person of his or her own choosing at the Step Two level of the grievance resolution procedure. The representative must be willing and available to serve and have authority to negotiate settlement. The employee is responsible for all costs and expenses of his or her representation. A representative who is a state employee will be on approved leave or leave without pay while working on the grievance during regularly scheduled work hours. Any representative working on a grievance during work hours will inform the immediate supervisor and request leave appropriately. Such requests should be made in advance and may be approved if the absence will not cause undue hardship or upset the work place operation.

(d) **Responsibilities of all staff.** All employees involved in the grievance resolution process will make every effort to work towards a prompt resolution of disputes, adhere to the rules and time frames outlined in this procedure and seek to resolve disputes at the lowest level within the appropriate chain of command. Employees may use the mediation services available when appropriate. All employees should refrain from idle talk and should treat information about formal grievances with discretion as required by rules adopted by the Administrator of Human Capital Management regarding the conduct of classified employees. Employees are encouraged to contact their designated agency grievance manager/assistant grievance manager whenever they believe their use of the formal grievance procedures is imminent or appropriate.

(e) **Supervisor responsibilities.** Supervisors are responsible for the following: informing their employees of the grievance resolution procedure; the name of the designated agency grievance manager/assistant grievance manager for their respective division/school; ensuring that applicable time limits pertaining to supervisory responsibility within the grievance procedure are met; informally discussing, addressing and resolving disputes brought to their attention; and referring matters outside of their authority to resolve to the appropriate authority.

(f) **Employee responsibilities.** An employee who has reason to believe his or her employment has been directly affected by unfair treatment, unsafe working conditions or erroneous interpretation or application of agency policy, procedure, merit rule or law, has a duty and responsibility to attempt to resolve the dispute informally. Thereafter, the employee has a right to file a formal grievance. An employee filing a formal grievance has the duty and responsibility to provide accurate, timely information to support and document the complaint and to make a good faith effort to resolve the dispute.

**(g) Agency Grievance Manager and Assistant Grievance Manager Responsibilities.**

The Director has designated the Human Resources Management Specialist for DRS Employee Relations, DRS Human Resources Unit, Management Services Division as the Agency Grievance Manager. The Alternate Agency Grievance Manager is the Human Resources Programs Director, DRS Human Resources Unit, Management Services Division. The Agency Grievance Manager is the contact for all classified employees of the agency. The Director can also designate an Assistant Grievance Manager for a particular Division or School and such a designation can be withdrawn by the Director at any time. 1

(1) The Agency Grievance Manager and the Assistant Grievance Managers are responsible for providing advice, assistance and technical direction to all levels of staff regarding the grievance resolution procedure, reviewing formal grievances and accepting or rejecting them, ensuring applicable time limits are met, facilitating the prompt, equitable and timely resolution of grievances at the lowest level possible, ensuring the formal grievance is reviewed and addressed by the appropriate step two decision maker as defined in DRS:3-3-99 (b) (8), and maintaining grievance records and statistics required by merit rule. The Assistant Grievance Managers are responsible for coordinating and consulting with the Agency Grievance Manager during all phases of grievance process.

**INSTRUCTIONS TO STAFF**

1. Mary Martin, Agency Grievance Manager  
Mailing Address: Department of Rehabilitation Services  
Human Resources Unit  
3535 N.W. 58th St., 2nd Floor  
Oklahoma City, Okla. 73112  
Telephone: (405) 951-3455, Fax: (405) 951-3543

Tom Patt, Alternate Agency Grievance Manager  
Mailing Address: Department of Rehabilitation Services  
Human Resources Unit  
3535 N.W. 58th St., 2nd Floor  
Oklahoma City, Okla. 73112  
Telephone: (405) 951-3457, Fax: (405) 951-3543,  
Cell: (405) 496-9892

Jerry Lofties, Assistant Grievance Manager, DDD  
Mailing Address: Department of Rehabilitation Services  
Disability Determination Division  
P.O. Box 24400  
Oklahoma City, Okla. 73131  
Finding Address: 9801 N. Kelley Avenue  
Telephone: (405) 419-2229, Fax: (405) 419-2785

**Section History**

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 1-8-01 POL Memo #01-03  
Internal management policy, Revised issue date
- 4-2-01 POL Memo #01-05  
Internal management policy, Employee Title correction
- 11-5-01 POL Memo #02-02  
Internal management policy, language cleanup

02-14-03 POL Memo #03-05  
Internal management policy, removed OSB Assistant Grievance Manager from ITS

01-01-07 POL Memo #07-03  
DDD address change

12-28-12 Added Alternate Agency Grievance Manager to ITS

9-9-13 Name change: Replaced "Office of Personnel Management" with "Human Capital Management."

### **DRS: 3-3-97. Time limits**

(a) **Time calculation.** For purposes of this procedure, time will be counted in terms of calendar days. If the last day of the count is a Saturday, Sunday, or legal holiday as proclaimed by the Governor, the period will continue to the next business day.

(b) **Filing a formal grievance.** A formal grievance must be filed within twenty (20) calendar days of the date of the act or incident; or twenty (20) calendar days of the date the employee becomes aware of, or with reasonable effort, should have become aware of a grievable issue. The designated agency grievance manager/assistant grievance manager of each division may extend the time limit for filing a formal grievance if the employee shows that he or she could not have otherwise timely filed.

(c) **Resolution Time.** A formal grievance must be resolved within forty-five (45) calendar days after the filing of the grievance. The designated agency grievance manager/ assistant grievance manager may extend the resolution time up to an additional fifteen (15) days for good cause and will provide the grievant written notification of the extension prior to the expiration of the forty-five (45) calendar day time limit and include the reasons for the extension. The grievant and the designated agency grievance manager/ assistant grievance manager may agree to extend the grievance time limit up to an additional thirty (30) calendar days for good cause. The extension will be made in writing and contain the reasons for the extension. Copies of the extension agreement will be provided to all parties concerned. In no case will the resolution time of a formal grievance exceed ninety (90) calendar days.

#### Section History

6-26-00 POL Memo #00-09  
Internal management policy, new section  
01-08-01 POL Memo #01-03  
Internal management policy, Revised issue date

## **DRS: 3-3-98. Special grievances**

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

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

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

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

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

Corrective actions available at Steps One and Two of the Grievance Resolution Process include modification of the duties so that the duties are consistent with the employee's classification, or in-class transfer of the employee to a position properly allocated to the job family level the employee currently holds. **2**

(2) If the dispute cannot be resolved, the Step Two decision maker will advise the employee to complete a Classification Dispute Review Request form which will be sent to the DRS Human Resources Unit, Attention: Personnel Office. **3** A classification grievance must be concluded before an employee may file a Classification Dispute Review Request form.

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

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

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

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

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

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

## INSTRUCTIONS TO STAFF

1. Step Two decision maker is identified in [DRS:3-3-99](#) (8) of these procedures.
2. Step One and Step Two of the Grievance Resolution Process is described in [DRS:3-3-99](#) of these procedures.
3. The Classification Dispute Review Request form is the [OPM-70](#).

### Section History

- |          |   |
|----------|---|
| 6-26-00  | POL Memo #00-09<br>Internal management policy, new section                              |
| 01-08-01 | POL Memo #01-03<br>Internal management policy, Revised issue date                       |
| 9-9-13   | Name change: Replaced "Office of Personnel Management" with "Human Capital Management." |
| 12-9-19  | Revised OAC citation.   |

## **DRS:3-3-99. Grievance Resolution Process**

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

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

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

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

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

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

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

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

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

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

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

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

(I) the issue is not timely filed;

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

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

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

(V) the grievance information is incomplete.

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

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

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

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

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

(I) Resolution decisions must:



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

#### Section History

|          |   |
|----------|---|
| 6/26/00  | Pol Memo #00-09<br>Internal management policy, new section                            |
| 01/08/01 | POL Memo #01-03<br>Internal management policy, removed seven day constraint           |
| 11/05/01 | Pol Memo #02-02<br>Internal management policy, clarification of supervisor's response |
| 3/8/10   | PT Memo #10-02<br>Deleted Deputy Director and replaced with Chief of Staff            |
| 7/1/11   | PT Memo #12-01<br>Removed the requirement to give copies to others not involved       |
| 12-9-19  | Updated internal policy citations.  |

### **DRS:3-3-100. Mediation during grievance process (classified employees)**

(a) Mediation services are available to resolve disputes during each step of the grievance process. Parties to a grievance issue may decide to use the services of a certified mediator to attempt resolution of their dispute. All applicable time limits will be “tolled” after receipt of a request for voluntary mediation by the Merit Protection Commission and will end upon conclusion of the voluntary mediation session or at such time that any participant withdraws from the voluntary mediation session. If the grievant wishes to pursue the grievance following completion of the mediation process, at either step, the grievance will resume as though it were the day following the date of the request for voluntary mediation.

(b) Participation in a mediation, whether or not it results in a resolution of any or all of grievance issues, will serve as completion of Step One of the grievance process. If a signed agreement is reached by the parties as a result of the mediation session(s), the grievant may elect to withdraw the grievance or proceed with Step Two.

(c) All mediated agreements which are in compliance with law, rule and procedure will also be issued as the Step Two decision. The Step Two decision maker may address issues not resolved by the mediated agreement as long as nothing in the decision conflicts with any provision of the signed agreement. If during a mediation session, the parties are unable to reach a signed agreement, the Step Two decision maker will resume jurisdiction and, within the time remaining, render a decision as though mediation had never occurred. **1**

#### **INSTRUCTIONS TO STAFF**

1. Detailed procedures for requesting mediation are described in [DRS:3-3-48](#).

#### **Section History**

6-26-00 POL Memo #00-09  
Internal management policy, new section  
01-08-01 POL Memo #01-03  
Internal management policy, time limits "tolled"

### **DRS:3-3-101. Discrimination and harassment complaint policy and procedure**

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

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

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

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

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

- (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance (may include mutually agreeable conduct between parties if the activity results in adverse working conditions for uninvolved co-workers or subordinates).

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

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

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

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

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

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

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

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

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

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

#### Instructions to Staff

1. Supervisory Guidance: Appropriate corrective action for allegations of discrimination may include, but is not limited to, speaking with the alleged offending employee and confronting them with the allegation. If the alleged offending employee denies the allegation and there are no corroborating witness accounts or documentation, the supervisor shall remind the alleged offending employee of the agency's zero tolerance policy for unlawful discrimination. If the offending employee admits the allegation or there is a corroborative witness or documentation, the supervisor shall consult with the division administrator and legal counsel before proceeding with progressive discipline. Following the meeting with alleged offender, the supervisor shall meet with the complaining employee and inform them of the action taken. If the complaining employee is not satisfied with the supervisor's corrective action, the supervisor shall make the employee aware of their grievance rights. The supervisor shall make a brief written record of their actions and a copy of the record shall be kept in the supervisory files of both the reporting and alleged offending employees. Appropriate corrective action for allegations of sexual harassment shall comply with [DRS: 1-13-1\(e\)](#). Supervisors making a report to the Division Administrator pursuant to [DRS: 1-13-1\(e\)](#), shall document such in the supervisory file of the complaining employee.

2. Employees shall use the MPC Internal Agency Grievance Form when filing a formal discrimination or harassment grievance.

3. DRS Legal Counsel  
Rick Olderbak  
Assistant Attorney General  
(405) 951-3598

#### Section History

- 7-1-97 PT Memo #97-7  
Internal management policy, new section, moved from 612:3-3-41.
- 6-26-00 POL Memo #00-09  
Internal management policy, Renumbered from DRS:3-3-51.
- 3-15-15 Removal of language regarding the Civil Rights Administrator.  
Updated language removing the Human Rights Commission and replacing with the Office of Civil Rights Enforcement.  
Updated language under (3) Filing a formal grievance. Receipt of a discrimination complaint timeframe is changed from seven (7) to three (3) business days. Additional language regarding timeframes the grievance must be resolved and final resolution letter issued pursuant to MPC Rule 455:10-19-44.

Updated Instructions to Staff removing the language regarding the Civil Rights Administrator.

12-9-19 Revised Merit Rule.

### **DRS:3-3-110. Risk Management Programs Purpose and Scope**

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

#### Section History

- 6-26-00 POL Memo #00-09  
Internal management policy, new section
- 8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
- 9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
- 12-9-19 Revised division name of the Disability Determination Division to Disability Determination Services, Visual Services to Services for the Blind and Visually Impaired.

## **DRS:3-3-111. Emergency Evacuation Plans**

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

### Instructions to Staff

#### Minimum Requirements for DRS Emergency Evacuation Plans

Each DRS office, facility and Special School will develop, implement and maintain an Emergency Evacuation Plan (Plan) to be followed in the event of a fire, bomb, severe weather or other similar emergency. Each Plan must address the needs of the specific location and contain the following components at a minimum:

1. Must be a written document and available in an accessible format.
2. A list of emergency telephone numbers. (Emergency numbers also should be distributed in a readily accessible, quick reference format.)
3. A list of staff members identified who will have primary and alternate emergency responsibilities to:
  - a. Contact emergency responders,
  - b. notify employees to evacuate,
  - c. implement Plan procedures and provide direction during emergencies,
  - d. identify employees/visitors who need assistance to evacuate.
4. A description of the duties of each DRS emergency position established in accordance with number 3 above as well as identification of the floors and areas for which the staff member will be responsible.
5. Procedures to follow during inside and outside evacuations (fire, bomb, severe weather, etc.).



6. Description of the warning alarm system for the building or area: audible, visual, etc. to include "all clear" communications signals when the emergency status has ended.
7. Floor plan(s) designating the routes to follow during evacuations, the locations of inside designated areas of refuge (areas where persons needing assistance should wait for emergency responders), stairwells, exits, etc. Floor plan(s) must be posted in prominent locations throughout the building and work place.
8. Designation of inside and outside reassembly areas upon evacuation. (Consult with local emergency responders concerning appropriate outside distance from building.)
9. A person from each office location to be designated who will have responsibility to account for all employees and visitors after evacuations and the method to be utilized.
10. A written statement for individual employees to sign indicating they have volunteered to assist a specific employee who needs assistance to evacuate because of mobility concerns. (Refer to Sample Volunteer Agreement.)
11. A statement notifying employees of the minimum training requirements. Supervisors are responsible to ensure that current employees are trained in the Plan procedures within 60 days after completion of the Plan and that new employees are trained within two weeks of employment. (Refer to Sample New Employee Training Checklist.) The Plan must contain mechanisms to verify initial and ongoing training to include attendance rosters and evaluations of evacuations and drills. The DRS Risk Manager can provide technical assistance in the development of the forms. The Plan should contain a checklist to train new employees that includes the training content. A sample checklist is provided with these Requirements. All verifications will show the date of training, subject or material covered during training and signatures of attendees and trainer. The verifications must be kept on file at the locations. Each location must conduct two (2) evacuation drills per year, one of which must be a full evacuation to the designated reassembly area. The Special Schools must conduct four (4) drills per year.
12. A written process to document and evaluate each evacuation and drill.
13. A statement to inform employees that willful failure to follow the Plan or to comply with related training may result in disciplinary action.
14. A statement notifying employees that inquiries received from the news media regarding an emergency at their DRS location must be referred to the DRS Public Information Administrator at the State Office in Oklahoma City.

In addition to the above, there are other requirements that specifically apply to the Special Schools. Those requirements include:

1. Person(s) designated to communicate with parents inquiring about students.
2. Person(s) designated to communicate with visitors while in evacuation status and to seal off the campus to prevent entrance by unauthorized persons.
3. Facilities operating 24 hours should include instructions for both day and night procedures.
4. Procedures to follow while transporting clients/students off campus or to work.

## SAMPLE NEW EMPLOYEE TRAINING CHECKLIST

### New Employee Training

Training for this employee in the Emergency Evacuation Plan (Plan) procedures included the following:

Copy of Plan

Overview of the Plan

How to use the Plan

Location of exits, emergency equipment, supplies, etc.

Review floor plans, areas of refuge, reassembly map, etc.

Fire-Outside evacuation procedures, etc.

Bomb threats-phone call procedures, bomb threat checklist, outside evacuation, etc.

Review Severe Storm/Tornado Alert, inside evacuation

Other Emergencies

Description of Warning Alarm System; visual, audio, and voice message

Other (Please explain)

I, \_\_\_\_\_, have received a copy of the DRS Emergency Evacuation Plan and training as indicated above. I understand that failure to comply with the required training may result in disciplinary action.

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Employee Signature and date

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Trainer Signature and date  
(Original to Supervisor's evacuation plan training file)

### Section History

|         |  |
|---------|--|
| 6-26-00 | POL Memo #00-09<br>Internal management policy, new section     |
| 7-1-03  | PT Memo #04-01<br>Permanent, removed reference to TLC in ITS   |
| 1-12-09 | PT Memo #10-01<br>Permanent, removed Deputy Director reference |

12-9-19 Revised the division name to DDS and SBVI. Added language for the Project Coordinator for the Executive Division.

## **DRS:3-3-112. Disaster Response and Recovery**

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

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

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

(A) the Chief of Operations for the State Office;

(B) the Superintendents at the Special Schools; and

(C) the Division Administrators for the Disability Determination Services, Vocational Rehabilitation Division and the Division of Services for the Blind and Visually Impaired.

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

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

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

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

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

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

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

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

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

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

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

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

#### Section History

|         |   |
|---------|---|
| 6-26-00 | POL Memo #00-09<br>Internal management policy, new section  |
| 7-10-02 | No POL Memo<br>(ONLY) Reformatted for uniformity with OAC   |
| 7-1-03  | PT Memo #04-01<br>Removed reference to TLC  |
| 1-12-09 | PT Memo #10-01<br>Permanent, removed Deputy Director reference  |
| 8-27-15 | Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. |
| 9-11-17 | Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services. |
| 12-9-19 | Revised the DDD and VS division names and updated to reflect the Chief of Operations job title.         |

### **DRS:3-3-113. Violence-free work place policy**

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

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

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

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

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

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

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

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

#### Section History

7-1-97 PT Memo #97-7  
Internal management policy, new section  
6-26-00 POL Memo #00-09  
Internal management policy, Renumbered from DRS:3-3-50  
12/08/08 POL Memo #09-08  
Internal management policy, Modified to call authorities first

### **DRS:3-3-121. Drug-free work place**

(a) It is the policy of the Department of Rehabilitation Services (DRS) to provide a safe and productive work environment free of alcohol and "controlled substance" abuse. It is our goal not to jeopardize the safety of employees, clients, or students because an employee is impaired due to substance abuse in the work place.

(b) All employees are expected and required to report to work unimpaired by the effects of alcohol abuse or any controlled substance. The term "controlled substance" means any drug listed in the Federal Schedules of Controlled Substances. Generally, these are drugs, which have a high potential for abuse. Such drugs include, but are not limited to, heroin, crack\cocaine, PCP, marijuana and amphetamines and various derivative compounds of these drugs. This may also include legal prescription drugs, which are not prescribed for the employee's personal use by a licensed physician.

(c) The abuse of alcohol or unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on agency premises or while conducting agency business is absolutely prohibited. Such activities shall be grounds for disciplinary action up to and including discharge, even for the first offense.

(d) Any DRS employee convicted under a criminal drug statute for violations occurring on agency property or while conducting agency business will be subject to the appropriate disciplinary action. The convicted employee must report such conviction in writing to the appropriate Division Administrator\Superintendent within five (5) days of said conviction.

(e) Each Division Administrator\Superintendent, operating programs funded in whole or in part by a federal program or agency, who receives a report of a work-place related drug conviction shall, within ten (10) days of receiving such notice, notify the appropriate federal funding agency in writing of the conviction and the actions taken against the employee. Copies of the notice shall be provided to the Director and the Administrator of Human Resources.

(f) In compliance with the Federal Drug-Free Work Place Act of 1988 the Department of Rehabilitation Services, in cooperation with Human Capital Management, will offer to all employees drug-free awareness training.

(g) Employees whose violation of this policy did not result in discharge or forfeiture of position may be required to successfully complete a recognized drug treatment or rehabilitation program. Failure of an employee to successfully complete a drug abuse treatment or rehabilitation program as required by this policy shall be cause for disciplinary action.

(h) All DRS employees with a drug or alcohol related problem are encouraged to contact the DRS Employee Relations Office for referral or use the EAP offered by the State Human Capital Management (HCM). Human Capital Management's EAP provides confidential assessment, referral, and limited short term counseling at no cost to employees and their families whose personal or health problems are interfering with the employee's job performance. The decision to participate in the EAP is completely voluntary and will not affect an employee's status nor will it be grounds for any disciplinary action. However, participation will not protect the employee from disciplinary action for violation of this policy.

(i) When an employee reports for or is on duty in an apparent impaired condition from the abuse of alcohol or use of controlled substance, the supervisor shall notify the Employee Relations Office and the next person in the chain of command in order to determine

appropriate course of action. The employee shall be advised of the reasons why such action is being taken and that disciplinary action may result in addition to referral to the EAP office.

(j) It is the duty of every employee to report any knowledge of a violation of this policy to the immediate supervisor, or when such knowledge relates to the immediate supervisor, report the same to the next highest supervisor. Failure to do so is a violation of this policy.

(k) Supervisors are to ensure that current and new employees receive a copy of this policy. A copy of this policy and any updates shall be posted in a prominent area accessible to all employees.

#### Section History

|          |   |
|----------|---|
| 6-26-00  | POL Memo #00-09<br>Internal management policy, Renumbered from section DRS:3-3-49       |
| 11-05-01 | POL Memo #02-02<br>Internal management policy, replaces plea with conviction            |
| 9-9-13   | Name change: Replaced "Office of Personnel Management" with "Human Capital Management." |



## **SUBCHAPTER 9. CENTRAL/DEPARTMENTAL SERVICES UNIT**

### **PART 1. GENERAL PROVISIONS**

#### **Section**

- DRS:3-9-1. Purpose
- DRS:3-9-2. Organization of the Central/Departmental Services Unit
- DRS:3-9-3. Definitions
- DRS:3-9-4. Division of Capital Assets Management
- DRS:3-9-6. Change Orders
- DRS:3-9-7. Payment against purchase orders/contracts
- DRS:3-9-8. Purchases for Vocational Rehabilitation and Visual Services Divisions' Clients
- DRS:3-9-9. Agency Internal Purchasing Procedures
- DRS:3-9-10. Purchase of educational programs or educational materials for the Oklahoma School for the Blind and/or Oklahoma School for the Deaf
- DRS:3-9-11. Telephone calling (credit) cards, Cellular phones, Pagers
- DRS:3-9-12. Postage, postage equipment, post office box rental
- DRS:3-9-13. Archives and records management

### **PART 3. CONTRACTS SECTION**

#### **Section**

- DRS:3-9-15. Purpose of the Contracts Section
- DRS:3-9-16. Central Departmental Services Unit responsibilities are, but not limited to the following:
- DRS:3-9-17. General contracting procedures
- DRS:3-9-18. Methods of contracting
- DRS:3-9-19. Competitive bid procedures
- DRS:3-9-20. Sole source contracts
- DRS:3-9-21. Professional services contracts
- DRS:3-9-22. Contracts and agreements with other governmental entities

- DRS:3-9-23. Professional services exempt from competitive bid requirement
- DRS:3-9-24. Fixed rate contracts
- DRS:3-9-25. Local projects
- DRS:3-9-26. Contract clauses

## **PART 5. PURCHASING SECTION**

### **Section**

- DRS:3-9-35. General purchasing procedures
- DRS:3-9-36. Purpose of the Purchasing Section
- DRS:3-9-37. Purchasing Section responsibilities
- DRS:3-9-38. Methods of purchasing
- DRS:3-9-39. Emergency purchases
- DRS:3-9-40. Additional coordination, reviews and/or approvals
- DRS:3-9-41. Inspection and rejection of products and services

## **PART 7. PROPERTY MANAGEMENT SECTION**

### **Section**

- DRS:3-9-53. Purpose of the Property Management Section
- DRS:3-9-54. Property Management Section responsibilities
- DRS:3-9-55. Space requests standards
- DRS:3-9-56. Leasing
- DRS:3-9-57. Lease renewals
- DRS:3-9-58. Construction and/or remodeling of DRS facilities
- DRS:3-9-59. Telecommunications equipment and services, excluding data services lines and equipment

## **PART 9. MATERIEL MANAGEMENT SECTION**

### **Section**

- DRS:3-9-73. Purpose of the Materiel Management Section

- DRS:3-9-75. Responsibility for equipment
- DRS:3-9-76. Equipment control
- DRS:3-9-77. Equipment maintenance and repair
- DRS:3-9-78. Returned equipment purchased for clients
- DRS:3-9-80. Fleet management
- DRS:3-9-81. Recycling program
- DRS:3-9-82. State office support services

#### Section History

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 9-9-13 Name change: Dept. Central Services to Division of Capital Assets Management
- 8-27-15 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
- 9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

## **PART 1. GENERAL PROVISIONS**

### **Section**

- DRS:3-9-1. Purpose
- DRS:3-9-2. Organization of the Central/Departmental Services Unit
- DRS:3-9-3. Definitions
- DRS:3-9-4. Division of Capital Assets Management
- DRS:3-9-6. Change Orders
- DRS:3-9-7. Payment against purchase orders/contracts
- DRS:3-9-8. Purchases for Vocational Rehabilitation and Visual Services Divisions' Clients
- DRS:3-9-9. Agency Internal Purchasing Procedures
- DRS:3-9-10. Purchase of educational programs or educational materials for the Oklahoma School for the Blind and/or Oklahoma School for the Deaf
- DRS:3-9-11. Telephone calling (credit) cards, Cellular phones, Pagers
- DRS:3-9-12. Postage, postage equipment, post office box rental
- DRS:3-9-13. Archives and records management

### **DRS:3-9-1. Purpose**

The purpose of this Subsection is to describe the functions of the Central/ Departmental Services Unit and to provide uniform rules and procedures for contracts, purchasing, property management and materiel management for the Department of Rehabilitation Services. Authority for these rules derives from legislation for the Department in Title 74 O.S., Sections 166.1 et seq. Rules presented in this section are also based upon Title 74 O.S., Section 85, Title 61 O.S., Section 208, Title 62 O.S., Section 41, Title 56 O.S., Section 189, Title 74 O.S., Sections 63.1 and 94, Title 61 O.S., Section 206D, Title 73 O.S., Section 564, Title 67 O.S., Section 201, Title 47 O.S., Section 8-103, Title 47 O.S., Section 10-102, Title 47 O.S., Section 153, and Title 47 O.S., Section 156. These policies are also based upon regulations published by the Division of Capital Assets Management, OAC Title 580.

#### Section History

|        |  |
|--------|--|
| 1/8/01 | Pol Memo 01-03<br>Internal Procedures, NEW   |
| 9-9-13 | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management." |

## **DRS:3-9-2. Organization of the Central/Departmental Services Unit**

The unit is under the direction of the Central/Departmental Services Administrator who answers directly to the Division Administrator of the Management Services Division. The Central/Departmental Services Unit consists of the Contracts Section, Purchasing Section, Property Management Section and the Materiel Management Section.

### Section History

|        |  |
|--------|--|
| 1-8-01 | Pol Memo 01-03<br>Internal Procedures, NEW |
| 1-9-06 | Pol Memo 07-01<br>Updated language         |

### **DRS:3-9-3. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**“Administrative purchases”** means products and services required for the operation of the department excluding direct client service acquisitions and acquisitions for educational programs and materials.

**“Change order”** means a request to make a change against an existing purchase order for goods or services.

**“Client service acquisitions”** means specifically prescribed nonmedical adaptive technology related acquisitions or other client acquisitions.

**“Contracts Section”** means the Central/Departmental Services section responsible for developing contracts, grants and agreements for all professional services, except for medical services, or interagency agreements. Professional services means provider agreements.

**“County owned space”** means space provided by County Commissioners as stated in Oklahoma Statutes.

**“C/DS”** means Central/Departmental Services Unit of the Department of Rehabilitation Services.

**“CPD”** means Central Purchasing Division of the Division of Capital Assets Management.

**“CPO”** means Certified Procurement Officer as defined in Title 74 O.S., Chapter 85.

**“DCAM”** means Division of Capital Assets Management (formerly Office of Public Affairs) which is the state agency authorized by Title 74 O.S., Chapter 85, Central Purchasing Act, as procurement agency for state government.

**“Designated CPO”** means a CPO designated to act on behalf of the Department.

**“Director”** means the Director of the Department of Rehabilitation Services.

**“Division, office, and unit”** means organizational titles for specific programs and staff within the Department of Rehabilitation Services.

**“DRS”** means Department of Rehabilitation Services.

**“Educational programs or materials”** means instructional activities or goods pertaining to or characteristic of academic, technical, or vocational training and studies.

**“Equipment”** means equipment used repeatedly without material impairment of its physical condition. Included are such items as furniture, calculators, cameras, automobiles, trucks, etc.

**“EIC”** means Equipment Inventory Control number.

**“ETC”** means Equipment Transfer Control number.

**“Exempt professional services contracts”** means contracts for persons in certain professions which do not have to be competitively bid.

**“Fair rental value”** means the monetary amount reasonably expected to be paid for the right to the agreed use of real property as established by competition in the rental market. Fair rental value may be obtained by comparing the rental value of the property under consideration with that of comparable properties in the area in which the subject property is located, taking into consideration such things as location, relative condition of the property(s), type of construction, age, services and any other factor which may have an influence on the rental value of the space.

**“FEI”** means Federal Employers’ Identification number.

**“ITB”** means Invitation to Bid. This is the document submitted to Division of Capital Assets Management by DRS to solicit competitive bids containing all contractual requirements and specifications.

**“Maintenance”** means the repair or preventive upkeep of equipment, machinery, and building features or fixtures.

**“Materials and supplies”** means all other items purchased or acquired by the Department, that is not equipment or real property.

**“Materiel Management Section”** means the Central/Departmental Services Section responsible for state office mail and supplies, warehousing and other programs.

**“Minimal or no value”** means surplus property having a value of less than any costs incurred in the sale, trade or disposal of the property.

**“Net usable square feet”** means the space in non-state owned facilities for which the State will pay a square foot rate.

**“Office space”** means space used as a work area for personnel, conference and reception areas, hearing rooms, interview rooms, etc. Minor areas used for storage or miscellaneous supplies and file cabinets within a private office or adjacent to clerical personnel are also included in office space.

**“OMES”** means Office of Management and Enterprise Services. This is the state agency authorized by Title 62 O.S., Section 41, that is responsible for the encumbrance and disbursement of agency funds.

**“Personnel”** means the number of persons to be located in the space. Personnel includes DRS permanent, temporary and contractual employees as well as budgeted vacancies.

**“PO”** means Purchase Order.

**“Professional services”** means services which are predominantly mental or intellectual in character, rather than physical or manual and which do not involve the supplying of products.

**“Property Management Section”** means that section of the Central/Departmental Services Unit responsible for insuring the agency complies with statutes, policies and procedures in the acquisition of leasing space.



**“Purchasing Section”** means that section of the Central/Departmental Services responsible for insuring the agency complies with statutes, policies and procedures in the acquisition of supplies, equipment, construction and non-professional services.

**“RAC”** means Records and Archives Commission.

**“Record”** means document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video record or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business, the expenditure of public funds, or the administration of public property. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes and stocks of publications are not included within the definition of records as used in this text.

**“Sale”** includes, but is not limited to, authorization for Division of Capital Assets Management to sell by sealed bids or auction.

**“Surplus property program”** means any program which may be established by the Department for the purchase, sale, and disposal of surplus property.

**“Surplus property”** means any item, commodity, material, supplies or equipment owned by the state agency and determined to be excess, obsolete, antiquated, unused or not needed.

#### Section History

|        |   |
|--------|---|
| 1/8/01 | Pol Memo 01-03<br>Internal Procedures, NEW  |
| 1-9-06 | Pol Memo 07-01<br>Updated language  |
| 9-9-13 | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management" and "Office of State Finance" with " Office of Management and Enterprise Services." |

#### **DRS:3-9-4. Division of Capital Assets Management contacts**

All communication, either written or verbal, by DRS staff directed to the Division of Capital Assets Management concerning the purchase or contracting of goods and services, the acquisition of space, and/or disposition of equipment and the acquisition of motor vehicles will be coordinated via the Central/ Departmental Services staff.

##### Section History

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 1-9-06 Pol Memo 07-01  
Updated language
- 9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."

## **DRS:3-9-6. Change orders**

A change order is a request to make a change against an existing purchase order. Examples of instances when a change order may be necessary include product price changes, cancellation of total purchase order or portion of a purchase order, correction of vendor information and adding line items, such as freight costs. The division/unit requesting the change contacts the Purchasing Section if the contract was initiated by the Purchasing Section or the Contracts Section if the contract was initiated by the Contracts Section, when it is determined that a change order is necessary. Initial contact may be made by telephone. The Purchasing Section (Contracts Section) may request written documentation providing an explanation of the situation requiring a change. The Purchasing Section (Contracts Section) will review the request and initiate the change process. 1

### **INSTRUCTIONS TO STAFF**

1. (a) The Oklahoma School for the Blind, Oklahoma School for the Deaf and the Disability Determination Division are responsible for completion of change order forms and data entry of funding changes to the electronic finance system related to their respective orders. When total cumulative dollar amount exceeds \$2,500.00 the entity submits a change order form and supporting documentation to Contracts and Purchasing.
- (b) Authorized approval. Upon receiving the request for changes to the existing purchase order, the Purchasing or Contracts Section, will prepare the necessary documents, obtain required approvals and initiate the processing.
- (c) Revision of DRS files. Upon notification from the Division of Capital Assets Management, the Purchasing Unit will revise the DRS Requisition file records to reflect the change. No funds can be released until receipt of enacted change order from the Division of Capital Assets Management.
- (e) Bulk purchases. Purchases of bulk items such as meat, poultry, fuels, and printed material do not require a change order to allow for an over shipment of less than 10 percent of the purchase order. OMES/DCAM has provided individual commodity code classifications that do not require change orders. For clarification, contact the Purchasing Section. The claim for payment may be submitted to the DRS Budget and Finance Unit without the requirement for a change order to increase the purchase order.

#### **Section History**

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 1-9-06 Pol Memo 07-01  
Updated ITS Only
- 12-13-10 Pol Memo #11.01  
Substituted "approval" for signature.
- 9-9-13 Name change: DCS to DCAM/ OSF to OMES

### **DRS:3-9-7. Payment against purchase orders/contracts**

Payment for products or services pursuant to a purchase order or contract shall be made only after products have been provided or services rendered. **1**

#### **INSTRUCTIONS TO STAFF**

1. The receiving division/unit is responsible for reviewing and approving invoices. The individual responsible for approving the invoice forwards it to the DRS Financial Services Division for payment.

#### **Section History**

- |          |   |
|----------|---|
| 1-8-01   | Pol Memo 01-03<br>Internal Procedures, NEW      |
| 12-13-10 | Pol Memo 11-01<br>Removed signature requirement |

## **DRS:3-9-8. Purchases for Vocational Rehabilitation and Services for the Blind and Visually Impaired Clients**

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

(b) **Purchases for special equipment for motor vehicles and home modifications.** The purchase of special equipment for motor vehicles and home modifications projected to cost more than \$5,000.00 are required to be submitted to the Purchasing Section for processing. **2** The rehabilitation professional shall also provide the Purchasing Section a copy of the evaluation report as required in OAC 612:10-7-220 (b) for vehicle modifications and OAC 612:10-7-221 for home modifications. **3**

### **INSTRUCTIONS TO STAFF**

1. The rehabilitation professional prepares a DRS requisition form (DRS-A-450), approves the form and submits it to the Purchasing Section. As an original signature is not required for the DRS-A-450, in order to expedite processing, the requesting division/unit may elect to fax or email the purchase requisition documents to the Purchasing Section.
2. The Purchasing Section will review the purchase request for correctness. If the purchase is estimated to be in excess of \$5,000.00, the Purchasing Section shall obtain at least three bids for the goods or services utilizing the Vendor Bid Documentation Form, DRS-C-70. The rehabilitation professional may elect to conduct the bid process and submit the completed DRS-C-70 along with the completed DRS-A-450 for review and necessary approvals; or submit additional suggested vendors for the Purchasing Section to contact in the bid process. The information for additional suggested vendors should include the vendor name, address, contact person, telephone number and Federal Employer Identification number (FEI #). Vendor requirements to consider when developing bid specifications include warranty of work and materials, business liability and compensation insurance, estimated date of completion of work, manufacturer certification of installation of equipment, and inspection of work before approval of payment. Also, if any of the work is being subcontracted, ensuring that the subcontractor meets the same standards as the vendor. The rehabilitation professional may contact the Purchasing Section for assistance in developing bid specifications.
3. The Purchasing Section shall obtain any necessary approvals and forward the results to the rehabilitation professional for a final determination and authorization of the purchase.
4. Purchasing will submit the documents to FSD for submission to RSA for approval. RSA allows 45 days to approve a request. Most approvals are not taking the full allotment of time, but expect this step to delay the issuance of the award. Once the Purchase Order is received by the counselor, the vendor can be notified. If the scope of work increases the cost of the modification, documentation for the additional costs will need to be resubmitted to RSA for additional approvals.

## Section History

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 7-10-02 No POL Memo  
Inserted missing footnote #3
- 3-6-06 POL Memo 07-01  
Corrected home modifications cite.
- 12-13-10 POL Memo 12-01  
Doubled the amount before bidding is required.
- 8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
- 9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
- 9-30-19 Added ITS #4.
- 12-9-19 Revised the rule title to the Services for the Blind and Visually Impaired and acronym to SBVI.

### **DRS:3-9-9. Agency Internal Purchasing Procedures**

The contracting and purchasing rules and regulations have been developed in compliance with Title 74 O.S., Section 85.39, Agency Internal Purchasing procedures and are in keeping with the agency's Internal Purchasing Procedures as approved by the Central Purchasing Director, DCS. These procedures for all acquisitions include, but are not limited to, needs assessment, funding, routing, review, audits, monitoring and evaluations.

#### Section History

1-8-01      Pol Memo 01-03  
              Internal Procedures, NEW

**DRS:3-9-10. Purchase of educational programs or educational materials for the Oklahoma School for the Blind and Oklahoma School for the Deaf.**

Purchases of educational programs or materials include products or services which will provide a direct benefit to students in the educational process. These types of purchases are not included within the purview of the Oklahoma Central Purchasing Act as outlined in Title 74 O.S., Section 85.12.16 (Act not to Affect Non-conflicting Procedures – Acquisitions Excluded) except the procedures in Title 74 O.S., Section 85.39 (Agency Internal Purchasing Procedures) will apply.

Section History

1-8-01 Pol Memo 01-03  
Internal Procedures, NEW



### **DRS:3-9-11. Telephone calling (credit) cards, Cellular phones, Pagers**

(a) Telephone calling (credit) cards and cellular phones are issued to DRS employees with appropriate approval. The Division Administrator, School Superintendent, Program Managers, business managers or levels of higher authority requesting telephone calling cards and/or cellular phones should submit a request to the C/DS Unit. **1**

(b) The C/DS Unit is responsible for issuing and monitoring telephone calling (credit) cards and issuing and assuring maintenance and repair of cellular phones.

(c) Upon an employee's separation from the Department, the employee's supervisor shall be responsible for returning the calling card and/or cellular phone to the C/DS Unit.

(d) Requests for maintenance and repair of cellular phones shall be coordinated through the C/DS Unit.

#### **INSTRUCTIONS TO STAFF**

1. Requests for telephone calling (credit) cards should include the names of the employees, DRS locations, telephone numbers and funding information for the individuals who require telephone calling (credit) cards. The C/DS Unit will issue the calling (credit) card.

#### **Section History**

- |          |  |
|----------|--|
| 1/9/06   | Pol Memo 07-01<br>Updating policy. Combined from later policy sections |
| 12/13/10 | Pol Memo #12-01<br>Removed PDA and Pagers.                             |

**DRS:3-9-12. Postage, postage equipment, post office box rental**

(a) No money shall be expended for postage stamps or post office box rent except by a notarized claim form made payable to the United States Post Office and the warrant or check shall be endorsed by the Postmaster from where the purchase was made.

(b) A postage meter is required when an office has expenditures for postage of \$1,000.00 or more during any one fiscal year and all purchases of postage shall be recorded on that postage meter. The C/DS Unit is responsible for monitoring postage. Postage meters will be assigned or removed based on historical usage by each office.

(c) Offices having postage meters will electronically add funding to their meter based on the office's monthly allotment of postage.

(d) Each meter must have an annual inspection by the local Postmaster. Notification will be sent from the postage meter vendor or local post office when the annual inspection is due. Each office is responsible for completing the annual inspection.

Section History

3-6-06 POL Memo 07-01  
Permanent, replaces DRS:3-9-63

### **DRS:3-9-13. Archives and records management**

(a) Records Management Coordination. The Records Management Coordinator (RMC) has primary responsibility for the management of the Agency's archives and records program. The RMC is responsible for coordinating the Agency's record schedule with the State Records Administrator; coordinating the transfer, retention, inventory, storage (including determining the medium of storage), retrieval, and destruction of Agency records. 1

(1) The designated Records Management Coordinator's activities include:

(A) acting as a liaison between DRS and the Archives and Records Commission to ensure compliance with Archives and Records Commission rules, OAC 50:10, and state laws regarding records management;

(B) establishing guidelines, coordinating schedules, and maintaining an accurate inventory of Agency records;

(C) serving as the liaison between divisions and the State Department of Libraries in establishing retention periods for Agency records;

(D) obtaining approval for disposal of records in approved retention schedules from the State Records Administrator;

(E) ensuring processing, storage, and preservation of all records of the agency is accomplished in an efficient and economical manner;

(F) making site visits to field offices, institutions, or other agency locations to advise or assist staff in fulfilling requirements of this function.

(2) Each location should designate a records custodian who shall:

(A) act as a liaison between the administrative unit and the Records Management coordinator to ensure compliance with state laws regarding records management;

(B) coordinate scheduling and maintenance of an accurate inventory of all records of the administrative unit;

(C) coordinate with Records Management Coordinator in establishing retention periods for all records of the administrative unit;

(D) request and receive approval for disposal of records from the Records Management Coordinator prior to their destruction;

(E) ensure processing, storing, and preservation of all records of the administrative unit is completed in an efficient and economical manner; and

(F) notify the Records Management Coordinator upon appointment or replacement.

(b) Record Disposition Schedules. The Archives and Records Commission shall have final authority for the approval or disapproval of Records Disposition Schedules submitted by the Agency. An approved Records Disposition Schedule is the Agency's continuing legal authority to dispose of records in the Records Disposition Schedule in the manner the Schedule provides. Any deletions, additions, or changes in retention periods or methods of disposition for records in the schedule must be approved by the Archives and Records

Commission. There are two types of records disposition schedules, (1) General Records Disposition Schedule and (2) Consolidated Records Disposition Schedule.

(c) General Records Disposition Schedule. The General Records Disposition Schedule provides uniform disposition for records common to multiple agencies. Unless an agency must retain records listed on this schedule longer than the minimum retention period specified to meet mandated legal, audit, or other requirements, it need not survey them or incorporate them into its agency's consolidated records schedule. The General Records Disposition Schedule covers administrative, financial, personnel, and certain machine-readable records which apply to all agencies except those who are responsible for maintaining the office of records' copy.

(d) Consolidated Records Disposition Schedule. The DRS Consolidated Records Disposition Schedule provides uniform disposition for records specific to administrative units within the Department of Rehabilitation Services. The Consolidated Records Disposition Schedule provides legal authorization to delete records in a prescribed way and a records management guide for Agency personnel. The Records Custodian reviews the schedules annually to make sure they reflect current needs, and initiates amendments to the schedules if the review indicates: (1) new records are not included on the schedule; (2) various records that are listed are no longer being created or received; (3) responsibility for maintaining records has administratively changed; or, (4) certain retention periods do not reflect changes in the law or agency needs.

(e) Notification of intent to destroy records. The State Records Administrator must approve destruction of records that have an approved Records Disposition Schedule. The notice shall be submitted thirty (30) days in advance of the destruction.

(f) Continuing destruction authorization. The State Records Administrator may authorize, (each July for the current fiscal year) and schedule a records destruction in accordance with approved Records Disposition Schedules for quarterly, monthly, weekly, or daily records without requiring an agency to notify him/her of the intent to destroy these records thirty (30) days in advance, as provided by (e) of this section. Agencies shall notify the State Records Administrator in June of each year of the volume of records destroyed under this authorization and may request authorization for the next fiscal year.

(g) Exemption. Item (e) of this Subsection shall not apply to records that have an approved disposition of "Retain in office and destroy after primary use;" "Retain in office until no longer required for administrative purposes, then destroy;" "Retain in office and destroy upon verification;" or "Retain in office until superseded, then destroy."

(h) Records transferred to the State Archives. Public records, archives, and records and papers of permanent value deemed by DRS to be unnecessary for the transaction of business may be deposited in the State Archives. The Archives and Records Commission has authority to restrict access to the records for a specified time period. Records and archives transferred to the State Archives will never be returned to the Agency; except by order of the Commission and written consent of the State Librarian.

(i) Security destruction of confidential materials:

All DRS records on approved schedules shall have written approval by the Records and Archives Commission thirty (30) days prior to destruction. A Notice of Intent to Destroy form is used for this purpose. The completed Notice of Intent to Destroy form shall be routed to the Records Management Coordinator who will submit the request to the Records and Archives Commission to obtain the necessary approval for destruction. The designated

records will be destroyed only after receipt of the approved Notice of Intent to Destroy form. **Confidential materials in the State Office will be picked up monthly for destruction.**

## INSTRUCTIONS TO STAFF

1.

(A) To add records to the schedule, the following procedures must be followed:

- (1) Complete Inventory Form RMD-1 in duplicate, submit the original to the agency Records Management Coordinator (RMC) and retain a copy for your files.
- (2) The RMD-1 form will be reviewed by the RMC, posted in the official DRS Records Inventory and forwarded to the State Department of Libraries.
- (3) After review of inventoried records by the Department of Libraries, a Draft Records Disposition form is prepared and routed to the DRS Records Management Coordinator.
- (4) A copy of the Draft Records Disposition form is filed in the official records inventory and a copy routed to the originating unit/division/school for final approval or change of recommendations. After final approval or change of recommendation, the Draft Records Disposition is returned to the Records Management Coordinator.
- (5) After the recommendation and/or change process is completed, and the Draft Records Disposition has been approved by the DRS originating unit/division/school and the Department of Libraries, the disposition schedules are submitted to the State Archives Commission for final approval.
- (6) If approved by the State Archives Commission, a copy of the approved schedule is sent to the DRS Records Management Coordinator for distribution and entry into the official Records Inventory with a copy sent to the originating unit/division/school.

(B) Procedures for destruction of records is as follows:

- (1) The Archives and Records Commission has no prescribed method for the physical destruction of state records. However, confidential Agency records shall be shredded or disposed of appropriately. Other Agency records shall be recycled whenever possible.
- (2) No scheduled records will be destroyed without prior approval of the Agency's RMC and the State Records Administrator. Requests for records destruction will be submitted to the RMC, who will provide notification of intent to destroy records to the State Records Administrator.
- (3) Permission to destroy records must be requested at least forty (40) days in advance of destruction. The request should include the schedule number, the names of the records to be destroyed, inclusive dates, and the volume of records in cubic feet, reels of microfilm, or other applicable quantity.
- (4) For confidential materials, a memorandum requesting pick up should be forwarded to the Records Management Coordinator. Only confidential materials that are on the approved Records Disposition Schedule will be picked up.

(C) Storage of Records.

(1) Records may be stored temporarily in any secure space controlled by the Agency. Access to records should be restricted to authorized personnel. Records no longer required at a location should be transferred to the DRS Warehouse for storage. All records and papers of permanent value shall be transferred to the State Archives for deposit two (2) years after creation.

(2) Locally generated records may be stored on site with approval of the RMC.

(3) Refer to paragraph 5 (C) below in reference to record storage boxes.

(D) Records inventory.

(1) All locations will maintain a current inventory of records on hand. The inventory describes the title, content, function, volume, and provides other information about a file or records.

(2) The inventory should consist of a description of the records, series number, statutory retention period, the office of record, type (microfilm, microfiche, computer output microfiche, etc.), and whether the record is confidential, essential, or auditable.

(E) Transfer of materials.

(1) Requests to have the DRS Warehouse staff pick up records should be submitted to the RMC on a Receiving/Transfer Document (DRS Form A-490), e-mail, or memo.

(2) The MMS Warehouse Supervisor will schedule the record pick up.

(3) All records shipped to the warehouse should be in die cut boxes with the appropriate information attached. MMS will provide the die cut boxes. The pre-attached label on the box should contain the information listed in 4 (B) above.

(F) Preservation medium. The Agency will use the most efficient and economical method for records preservation. The method selected may include microfilm or optical imaging. The method(s) selected will be coordinated with the record managers at the appropriate schools, divisions or units.

(G) Security destruction of confidential materials. Notice of Intent to Destroy, ARC-4, shall be used to identify materials ready for security destruction. The printed cover form shall be taped to all boxed materials scheduled for destruction.

#### Section History

1-9-06 Pol Memo 07-01  
Updating and combining policy sections

## **PART 3. CONTRACTS SECTION**

### **Section**

- DRS:3-9-15. Purpose of the Contracts Section
- DRS:3-9-16. Central Departmental Services Unit responsibilities are, but not limited to the following:
- DRS:3-9-17. General contracting procedures
- DRS:3-9-18. Methods of contracting
- DRS:3-9-19. Competitive bid procedures
- DRS:3-9-20. Sole source contracts
- DRS:3-9-21. Professional services contracts
- DRS:3-9-22. Contracts and agreements with other governmental entities
- DRS:3-9-23. Professional services exempt from competitive bid requirement
- DRS:3-9-24. Fixed rate contracts
- DRS:3-9-25. Local projects
- DRS:3-9-26. Contract clauses

### **DRS:3-9-15. Purpose of the Contracts Section**

The purpose of the Contracts Section is to assure the Department of Rehabilitation Services follows uniform policies and procedures relating to the procurement of professional services required by the Department for the effective discharge of its responsibilities, to secure beneficial and efficient contracts and agreements and improved provider performance for the Department, to maximize the purchasing value of public funds, to obtain the benefits of competition to the maximum practicable extent, to ensure the fair and equitable treatment of providers and potential providers, and to ensure that DRS acts within state and federal laws, maintaining ethical standards concerning the contracting process.

#### Section History

1-8-01 Pol Memo 01-03  
Internal Procedures, NEW



**DRS:3-9-16. Central Departmental Services Unit responsibilities are, but not limited to the following:**

- (1) develop contracts, grants and agreements for the provision of client and administrative professional services;
- (2) develop and update policies and procedures for DRS contracts, grants and agreements;
- (3) provide a format for standard contract provisions;
- (4) review proposed contracts for compliance with DRS policies and procedures;
- (5) monitor progress of contracts through the system (Department of Rehabilitation Services, Division of Capital Assets Management, Office of Management and Enterprise Services);
- (6) receive and review, as appropriate, copies of financial audits and program evaluations of vendors;
- (7) spot check contract monitoring and enforcement activity by divisions;
- (8) participate, when requested, in contract negotiations,
- (9) monitor compliance with contract terms and other aspects of the Department's dealings with contractors and grantees,
- (10) provide technical assistance in the development of ITB documents procuring professional services;
- (11) assure the Department of Rehabilitation Services (DRS) follows uniform policies and procedures relating to the procurement of professional services required by the department for the effective discharge of its responsibilities.;
- (12) advise and provide assistance to agency staff in the preparation of purchase requisitions for administrative products and services:
- (13) provide consultation and support to agency professional staff responsible for the acquisition of client goods and services and educational programs and materials;
- (14) analyze and edit purchase requisitions and determine appropriate methods of acquisitions;
- (15) prepare necessary documents for issuance of purchase orders or submission of requisitions to the Division of Capital Assets Management for competitive bidding;
- (16) provide liaison responsibilities to the Division of Capital Assets Management and Office of Management and Enterprise Services and other state entities;
- (17) conduct field purchasing audits to ensure compliance with state and agency purchasing policies and procedures;
- (18) maintain official agency administrative purchasing files;
- (19) obtain adequate space to satisfy the program needs;

- (20) coordinate the relocation of offices;
- (21) coordinate requests for construction and remodeling of DRS facilities;
- (22) coordinate the telecommunication services including planning development, acquisition, installation and maintenance of equipment and services, excluding information data lines and equipment;
- (23) coordinate pager services;
- (24) coordinate cellular phone services;
- (25) coordinate acquisition, installation and maintenance of postage equipment and postage-by-phone services;
- (26) develop policy and procedures for the management of DRS equipment, vehicles, records, supplies, reproduction (copy/print), recycling, and the State Office support services programs; which include mail, reproduction, and office supply services;
- (27) manage and coordinate the DRS equipment management program;
- (28) manage the agency's warehouse for the storage of records and office and/or client equipment; establish transportation schedules and routes for the orderly flow of materiel and records to/from the warehouse and field offices;
- (29) manage the DRS fleet management program; coordinate vehicle activities with the DCAM Motor Pool Division;
- (30) manage the Agency's archives and records program; coordinate the transfer, retention, storage (includes determining and coordinating the medium of storage), retrieval, and destruction of records;
- (31) manage the Agency's Reproduction (copy/print) Services program;
- (32) provide office supplies to the State Office and selected items to field offices;
- (33) manage the State Office postal services program, and
- (34) manage the Agency's recycling program.

Section History

- 1/9/06 Pol Memo 07-01  
Updating and combining policy sections
- 9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management" and "Office of State Finance" with " Office of Management and Enterprise Services"

### **DRS:3-9-17. General contracting procedures**

(a) **General requirements.** The contract must contain terms and conditions consistent with DRS policy. The originating division is responsible for assuring that the content of all contracts has been reviewed and found acceptable by the Contracts Section and/or General Counsel. The Contracts Section may give prior approval for an entire group of specified contracts for which the format has been previously approved. However, when the Contracts Section has given prior approval for signing of a form contract, the division or unit must nonetheless furnish a copy of the contract with original signatures to Contracts. In the case of provider contracts and other frequently awarded contracts, the originating division is responsible for assuring that the basic contract format and any departures from it are cleared by General Counsel and Contracts Section staff. If an addendum is developed pertaining to a contract/agreement, three originals are required with original signatures and notary seals. Notary seals are not required on contracts/agreements between governmental entities. As the Department engages in many types of contracts, the originating division should consult the Contracts Section for guidance. Requirements generic to most contracts are:

- (1) Three original signed copies of the contract or agreement;
- (2) Contract Work Plan; **1**
- (3) Contract Requisition Justification form; **2**
- (4) Requisition form, indicating funding, coordination and clearance with all affected units and/or divisions; **3**
- (5) Three original Non-Collusion Affidavits (to include the non-kickback clause and assurance that the contractor will not employ state employees who participated in development of the contract);
- (6) Advance acquisition approval document from federal grantor agency if required;
- (7) Applicable clauses.

(b) **Coordination and clearance.** The individuals originating contracts, agreements and grants are responsible for coordinating contractual documents with those who have responsibilities related to the subject matter addressed. The Requisition Form is the vehicle used by the Contracts Section to ensure that proper coordination and clearance of a professional service contract has occurred. Contracts, agreements or grants reaching the Contracts Section without appropriate review will be returned to the originator for completion.

(c) **Use Of Contracts Section files and records.** The Contracts Section is the official repository for professional service contracts and agreements. All records shall be considered public records in accordance with the Open Records Act (Title 51 O.S., Section 24A.1 et seq.). Divisions and units must forward to the Contracts Section any contracts or agreements in their files. A standardized format of the agreement will be on file and any changes will be coordinated with the Contracts Section. Any correspondence affecting the contract must also be copied to the Contracts Section. Staff in the Contracts Section will provide copies of any documents desired from the files. The Contracts Section Central File will contain:

- (1) Official record copy;
- (2) amendments;

- (3) compliance audits or reviews;
- (4) historical vendor performance;
- (5) DRS Requisition form; and
- (6) other related documents.

(d) **Contract restrictions-former state employees.** Ex-employees of the Department of Rehabilitation Services may not enter into a professional services contract for at least one year after the termination date of the employee from the agency, unless specifically exempted by statute.

(e) **Performance evaluations.** An annual performance evaluation is required of the services provided under a professional service contract. Unsatisfactory performance includes, but is not limited to, failure to comply with terms or conditions of the contract or lack of supporting documentation regarding reports, claims, etc. An example of a problem that may be encountered is evidence of financial instability of the vendor such as the vendor's inability to pay incurred debts. **4**

(1) Annual evaluations will address the performance of the vendor during the contractual period. Evaluations will be completed within 90 days after the end of each contract year or the end of the term of the contract by the division or unit responsible for initiating the contract. A copy of the completed evaluation will be submitted to the Contracts Section.

(2) The designated contract monitor will review vendor performance on a regular basis as appropriate to the individual contract. Pertinent issues will be addressed as discovered, rather than at year's end. The designated contract monitor will document any confirmed performance deficiencies in writing and forward the written documentation with any extenuating circumstances cited, to the Contracts Section for inclusion in the vendor's files.

(f) **Report.** If the final product of a contract is a report, two copies of the report are delivered to the Contracts Section, one of which will be filed with the State Librarian and Archivist.

(g) **Needs assessment justification.** Prior to the contract process, the requesting unit must complete a needs assessment justification and developed the requirements/work plans to determine the appropriate procurement method.

(h) **Contract revisions.** Contracts must not be revised after printing. The use of correction fluid is prohibited in the contract or agreement. Any revisions must be initialed and dated by all parties, with one line drawn through the original information, on all contract originals.

(i) **Coordination with Division of Capital Assets Management.** All contact, either written or verbal, by DRS staff directed to the Division of Capital Assets Management regarding contractual issues will be coordinated via the Contracts Section.

(j) **Payments against service contracts.** All requests for payment for contracted services will be diligently audited by the program division to assure that the claim strictly adheres to the terms and conditions of the contract. Claims are to correspond with the line item budgets submitted by the provider with the original contract. Any claim submitted for a Cost Reimbursement contract must include proper receipts for equipment or as otherwise required by the DRS. In the event that a revision of the contract becomes necessary, a claim is not to be processed reflecting that revision prior to final approval of the revision by all appropriate entities, including DCAM if applicable. If the services are similar and consistent, a contract

may not be executed for professional services providing for non-uniform payments throughout the duration of the contract without specific authorization and written justification by the Director of Central Purchasing, DCAM. Payment for services pursuant to a contract will be made only after services have been rendered.

**(k) Material and/or equipment furnished contractually.** It is unlawful to enter into a contract in which DRS furnishes material and/or equipment to be used by the vendor or provider in the performance of the contract if the contract allows the vendor or provider to acquire ownership of the material and/or equipment during or after the term of the contract in any manner other than through competitive bidding or a public sale procedure.

#### Instructions to Staff

1. There are two different Work Plans; one for Client Service Contracts and one for Administrative Contracts.
  - (1) The Administrative Contracts Work Plan provides for the assignment of specific agency personnel to:
    - (i) a monitoring of the services provided through the contract;
    - (ii) receiving, reviewing and approving claims and submitting to DRS State Office for payment;
    - (iii) the periodic review of interim reports, or other indications of past performance; and
    - (iv) monitoring vendor compliance to the requirements and specifications of the contract.
  - (1) The Client Service Contracts Work Plan includes the following two points in addition to the above four points and provides for the assignment of specific agency personnel to:
    - (a) pre-authorizing all services; and
    - (b) monitoring the client's progress.
2. The Contract Requisition Justification form is the DRS-A-487.
3. The Requisition Form will become part of each official contract file. The Division Administrator, the person coordinating contracts within that division, as well as all divisions affected by the proposed contract, should indicate approval prior to submission of the contract packet to the Contracts Section. Signature delegation is authorized in DRS Administrative Rule [612:1-3-10](#). Final signature authority. Prior to specific written delegation, only the Director is authorized to obligate the agency contractually.
4. Two copies of each evaluation, contract award, and contractual agreement are to be forwarded to the Contracts Section with a transmittal letter addressed to the Central Purchasing Director, Division of Capital Assets Management.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

6/11/01 Pol Memo 01-08  
Internal Procedures, Exemption request no longer required

1/9/06 Pol Memo 07-01  
Updating policy sections

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management".

### **DRS:3-9-18. Methods of contracting**

The Contracts Section reviews methods or procedures used in procuring services of a professional nature. Formal solicitation as authorized by statutes is the preferred method of procurement when offers of service must be considered. Situations in which non-competitive awards may be appropriate and requirements relating to selection of procedure methods are defined by Oklahoma's Central Purchasing Act, Title 74 O.S., Section 85, and briefly defined in (1) through (4) of this Subsection.

(1) **Exempt professional services contracts.** Professions which are exempt from competitive bid are specified in Title 18 O.S., Section 803.

(2) **Fixed rate contracts.** As specified in the Central Purchasing Act, fixed rate contracts are limited to those services furnished to persons directly benefiting from such services and shall not be used to employ consultants or purchase products. Fixed rates must be approved by the Oklahoma Commission for Rehabilitation Services, sitting as the Rates and Standards Committee, and the Division of Capital Assets Management.

(3) **Governmental contracts.** These are contracts in which both parties are governmental (city, county, state or federal) entities.

(4) **Sole source contracts.** This type of contract is utilized only for a particular service or item which by the specifications for the item or qualifications needed by an agency restricts the bidders to one person, to one business entity or to one brand name.

#### Section History

1/8/01 Pol Memo 01-03

Internal Procedures, NEW

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management"

## **DRS:3-9-19. Competitive bid procedures**

Bid specifications and Statements of Work for professional service contracts are originated within the requesting unit or division and subsequently reviewed by the Contracts Section. The requesting unit or division must be as specific as possible in describing contractual goals and requirements as the Invitation to Bid (ITB), in conjunction with the successful bid, will serve as the contract upon award. DRS Contracts Section will prepare the ITB. No underlying agreements will be entered into by the Agency with the vendor or bidder. Underlying agreements are held by DCAM to be illegal contracts; therefore, all contractual requirements and conditions of the requesting unit or division must be inserted into the ITB and not addressed by a separate agreement after the successful bidder is selected. Initial coordination with the Contracts Section and DCAM ensures timely processing and alleviates future problems. If the requesting unit or division wishes to evaluate bids and recommend awards of contract, the request must be indicated on the Requisition Form. If the value of the ITB is \$50,000.00 or more, DCAM will have sole authority. If the value of the ITB is under \$50,000.00, DRS has the authorization as granted in Title 74, Section 85, to issue all purchasing documentation.

(1) **Written request and contract justification.** The requesting unit or division initiates the contract packet which consists of a request for the contract in the form of:

(A) Requisition form;

(B) a detailed work plan;

(C) suggested prospective bidders, including full name, address and employer identification number; and

(D) if the final product of the contract is a study or a written proposal, the requesting unit or division is to complete a Professional Services Contract Certificate. 1

(2) **Advertising of Invitations to Bid.** Requesting unit or division may wish to advertise an Invitation to Bid in order to obtain bids from all sources. By coordinating with the Contracts Section, the advertisement providing the bid subject, name and telephone number of the appropriate DCAM or DRS procurement staff, and deadline date may then be placed by the Contracts Section.

(3) **Pre-bid conference.** The requesting unit or division may determine the Invitation to Bid warrants a Pre-Bid Conference with all prospective bidders. The request must be noted within the ITB. The DCAM or DRS procurement staff will coordinate the conference, and indicate the date, time and location when processing the ITB form. This is a formal hearing in which prospective bidders may request clarification of issues specified in the ITB. An agency representative familiar with contracting procedures as well as an individual familiar with the ITB should be in attendance. Information provided by the Agency must only involve issues addressed in the original ITB in order to maintain the integrity of the competitive bid process. The ITB may be amended if the DCAM /DRS agent determines the information requires notification of all prospective bidders. The bid deadline date may be extended to allow sufficient preparation time. Attendance at pre-bid conferences is mandatory for all bidders. DCAM serves as the authorized agent in the entire bid process if the bid is awarded by DCAM and DRS serves as the authorized agent if the bid is awarded by DRS. Any bidder inquiries must be referred to DCAM or Contracts Section, as appropriate, so that all bidders are provided the same information to assure a competitive process.



(4) **Evaluation of bids.** The State Purchasing Director may authorize any agency to complete part or all of the evaluation process, but the DCAM is the sole authority determining any such recommendation. When requesting this authorization, the ITB must contain objective evaluation criteria. The evaluation tool to be utilized by the Agency must be attached for review by DCAM.

(5) **Transmission of bids.** After the bids are reviewed by the DCAM agent, the Contracts Section will coordinate the transmittal of bid copies to the requesting unit or division.

(6) **Scoring of bids.** Each evaluator should review the bids independently and score each item listed on the tool appropriately. The committee may request that staff of the Budget and Finance Unit evaluate the financial portion of the bids and provide that information to all members of the committee prior to review of the bids. After reviewing and scoring all bids, the committee members should convene and compute the average score for each bid. Alternate bids provided by the same bidder are to be reviewed and scored separately.

(7) **Committee recommendations.** The committee should discuss only those bids in which there is a wide variance among members. Committee members may then explain the reasoning for their score. If clarification warrants, a committee member may then revise his/her score, avoiding any influence from other committee members. If it becomes apparent that some additional clarification from a specific bidder is required, the committee may request that the bidder be contacted. If the bid contains mathematical errors or other omissions, the committee must evaluate the bid as originally submitted.

(8) **Submission of recommendations to Contracts Section.** Final scores are calculated and submitted through the appropriate division administrator to Contracts Section. **2**

(9) **Contracts Section review.** All information will be reviewed by the Contracts Section and routed for appropriate approval. If the total award or awards exceed the original estimate significantly, the packet may be submitted to the Director for approval, or a decision is made to reject the bids and start the process again.

(10) **Bidder inquiries.** Any inquiries from bidders must be directed to DCAM during this period as final approval is pending DCAM review.

(11) **Awards of contract.** If recommendations are approved by DCAM, awards will be distributed by DCAM to the successful bidders and DRS Contracts Section. **3**

(12) **Renewal process.** If specified in the original ITB, the contract may be renewed annually by DCAM Change Order Form. **4** The original P.O. number will be maintained throughout the life of the agreement. The following information must be included on the form:

(A) renewal period (first year, second year, etc);

(B) contract period; and

(C) funding for the renewal period.

1. Upon approval of all documents, the Contracts Section will encode all pertinent information in the Requisition File System, then transmit the packet to the Division of Capital Assets Management if the value is \$50,000.00 or more. If the value is under \$50,000.00, the issuance of all purchasing documentation will be done within the agency.
2. An original and one copy of all evaluation scoring sheets and a summary of the bids, as well as proper justification for deviating from the lowest bid that meets the ITB specifications, is submitted to the Contracts Section, with a memorandum of approval from the appropriate division administrator attached.
3. The Contracts Section will distribute copies to affected units or divisions.
4. Form #CP-CO-1

Section History

|          |  |
|----------|--|
| 1/8/01   | Pol Memo 01-03<br>Internal Procedures, NEW   |
| 06/11/01 | Pol Memo 01-08<br>Internal Procedures, Exemption request no longer required                          |
| 12/13/10 | Pol Memo #12-01<br>Updated values  |
| 9-9-13   | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management." |

## **DRS:3-9-20. Sole source contracts**

(a) **Utilization of sole source contracts.** Sole source contracts are utilized only when the services are very specialized or for which great-acquired expertise is needed and only one person or entity is singularly and peculiarly qualified to provide such services. If any doubt exists regarding the unique nature of the contractor, competitive bids must be sought. A court order requiring the purchase of certain products or services, but which does not specify specific vendors or providers will not be acceptable as a substitute for the sole source affidavit, or otherwise invalidate the requirement for competitive bid procedures.

(b) **Contract and affidavit.** The requesting unit or division initiates the contract packet which consists of the forms specified in (1) through (5) of this Subsection.

(1) A standardized Contract form, suitable for “most” professional services, may be used and is available from the Contracts Section. To ensure that the ordering unit or division has completed the proper coordination and clearance, a PeopleSoft Requisition form or (DRS-A-450) is attached to the contract.

(2) A detailed work plan, which includes the designation of the individual responsible for monitoring contractor performance, is submitted.

(3) If the final product of the contract is a study or a written proposal, the ordering unit or division is to complete a Professional Service Contract Certificate. The purpose of this form is to ensure the vendor has not previously entered into a contract with DRS or any other state agency which could result in a substantial duplication of the final product required by the proposed contract.

(4) Sole Source Certificate. **1**

(5) Professional and Personal Services Contract Exception Request, if applicable.

(c) **Contracts Section actions.** The Contracts Section reviews the packet and takes the following action:

(1) The Sole Source Certificate is reviewed by the appropriate Contracts Section staff and forwarded for the Director’s review and approval. **2** All attempts to obtain alternate sources will be documented by the ordering unit or division. The appropriate administrator will approve the Sole Source Certificate prior to submission to the Contracts Section. The Contracts Section will extensively review each sole source certificate, and return the packet to the requesting unit or division if sufficient justification and documentation has not been provided, prior to submission to the Director.

(2) Upon receipt of approved contract packet from the Director and if the value of the contract is **\$50,000 or more**, Contracts Section will submit the packet to the DCAM. **3** The State Purchasing Director will review the contract and return it to the Contracts Section if inappropriate.

(3) Upon approval by the State Purchasing Director, the DCAM will award the contract and distribute it to the vendor and DRS Contracts Section. **4**

(4) Upon receipt of approved contract packet from the Director and if the value of the contract is **under \$50,000**, Contracts Section will process the packet within the agency as authorized in Title 74, Section 85.

(5) The Division of Capital Assets Management will generate a monthly listing of all sole source contracts using data in the DCAM/OMES computer system in accordance with state statutes.

#### Instructions to Staff

1. The Division of Capital Assets Management has issued guidelines for submission of sole source certificates. The reason for the sole source is listed first and the requirements for the certificate are listed in italics.
2. The Director reviews the information, approves appropriate forms dealing with the Sole Source contracts and returns the packet to the Contracts Section.
3. The Contracts Section will insure proper completion of all forms, verify funding, update the Requisition File system, and print a DCAM Central Purchasing requisition.
4. The Contracts Section will distribute to all affected units/divisions.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

12/13/10 Pol Memo #12-01  
Updated values

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management" and "Office of State Finance" with " Office of Management and Enterprise Services"

## **DRS:3-9-21. Professional services contracts**

(a) **Purpose.** Professional services contracts are utilized when the services needed are predominantly advisory or intellectual in character or involve client support rather than manual work or the supplying of equipment, supplies or other merchandise. Professional services include those services requiring special, usually advanced education and skill. The two types of professional services contracts utilized by the Agency are exempt and non-exempt.

(b) **Exempt professional services contracts.** Professions which are exempt from competitive bid are specified in Title 18 O.S., Section 803. **1**

(c) **Bidding.** The requirement for competitive bidding may not be avoided by the expedient choice of one of the professional categories. **2**

(d) **Professional services contract-exempt procedures.** In order to process this type of contract through the system, the requesting unit or division initiates the contract packet which consists of the following forms:

(1) A standardized Contract form, suitable for "most" professional services, may be used and is available from the Contracts Section. To ensure that the ordering unit or division has completed the proper coordination or clearance, a Requisition form is attached to the contract.

(2) The Contract Requisition Justification form, is completed to justify the contract. A detailed work plan, which includes the designation of the individual responsible for monitoring contractor performance, is attached to this form.

(3) A copy of a current license or certification must be attached for the particular profession the contract is requesting.

(4) Professional Service Contract affidavit form is used if the final product of the contract is a study or a written proposal to ensure that the vendor has not previously entered into a contract with DRS or any other state agency which would result in a substantial duplication of the final product.

(5) Professional and Personal Services Contract Exception Request form, if applicable.

(e) **Non-exempt professional services contracts.** Non-exempt professional services contracts are processed via the competitive bid method. In order to process these contracts, the steps described in Section DRS:3-9-19. Competitive bid procedures, will be followed.

### **Instructions to Staff**

1. The professions which are exempt from competitive bid are as follows:

1. physician, surgeon or doctor of medicine;
2. osteopathic physician or surgeon;
3. chiropractor;
4. chiropodist-podiatrist;
5. optometrist;

6. veterinarian;
  7. architect;
  8. attorney;
  9. dentist;
  10. public accountant;
  11. psychologist;
  12. physical therapist;
  13. registered nurse;
  14. professional engineer;
  15. land surveyor;
  16. registered pharmacist;
  17. speech pathologist or speech therapist;
  18. audiologist; and
  19. occupational therapist.
2. For example, a lawyer may not be given a contract to serve as an investment counselor. Such a contract would still be for investment counseling services rather than any defined professional service. The fact that someone engaged to perform non-exempt services may also be licensed to perform exempt professional services is immaterial.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

## **DRS:3-9-22. Contracts and agreements with other governmental entities**

(a) **Governmental entity contracts and agreements.** A contract or agreement with another governmental entity, such as a state agency, state university or county, is exempt from the competitive bidding requirement. The agreement will be specific as to the method of service delivery and will describe in detail the specifications required for successful performance. Contracts which provide for payment of indirect costs will be limited to eight percent (8%) of the contract budget unless specifically authorized by the Director. DRS will approve the method of selection regarding subcontractors utilized by the governmental entity. Utilization of this contract method solely to procure the services of a specific subcontractor circumvents competitive bidding requirements and is prohibited. Coordination with the Contracts Section is suggested as state statutory exemptions from competitive bid requirements may be superseded by specific federal requirements. **1**

(b) **Contract.** The requesting unit or division initiates the contract packet, which consists of the following documents:

- (1) Two original sets of the contract or agreement, with original signatures affixed by the other governmental party; and
- (2) Requisition form, is attached to ensure that the requesting unit or division has completed the proper coordination and clearance.

(c) **Contract exceptions.** Non-collusion certificates are not required when contracting with another governmental subdivision.

(d) **Non-financial agreements.** All agreements with governmental entities, whether financial or non-financial, must be submitted to the Contracts Section prior to approval by the Director or designee. The Contracts Section will review for appropriateness and submit to the Director or designee for signature. The agreement will be returned to the Contracts Section for distribution, and the original will be maintained in the Contracts Section master file.

### Instructions to Staff

1. The Contracts Section reviews, approves and encodes pertinent data in the Requisition File System. Funding is verified. A State of Oklahoma Purchase Order is printed and held, pending receipt of approved contract from the Director or designee. Upon approval by the Director or designee, the Contracts Section will transmit the Contract (Purchase Order Form). The encumbrance form will refer to the contractual agreement on file in the DRS Contracts Section. No contracts with other governmental entities are submitted to DCAM. Upon receipt of an initialed copy from OMES, the Contracts Section will distribute the encumbrance Contract (Purchase Order) Form and corresponding agreement to all DRS affected units or divisions and the vendor.

### Section History

- |          |  |
|----------|--|
| 1/8/01   | Pol Memo 01-03<br>Internal Procedures, NEW |
| 12/13/10 | Pol Memo #12-01<br>Updated language        |
| 9/9/13   | Name Change: OSF to OMES/DCS to DCAM       |

### **DRS:3-9-23. Professional services exempt from competitive bid requirement**

(a) **Services costing \$5000 or less (Authority Order).** Acquisitions in which the services are not available from an organization of the severely disabled, and the cost is \$5000 or less, are not required to be competitively bid pursuant to the Oklahoma Central Purchasing Act. Authority orders are normally for one-time acquisitions. Purchases will be made pursuant to OAC 612:10-1-7, OAC 612:10-1-8, and DRS:3-9-36.

Note: Separate purchases for individual components of a total project, services, or split purchasing for the purpose of evading the competitive bid requirement constitutes a felony.

(b) **Service acquisitions exceeding \$5,000 and not exceeding \$ 10,000.** Acquisitions exceeding \$5,000.00 and not exceeding \$10,000 shall be acquired by Agency's designated Certified Procurement Officers (CPO).

(1) The designated CPO will obtain pricing from qualified vendors. After determination of the lowest and best price, the CPO will make the award decision. The CPO will be responsible for obtaining all necessary documentation according to statute and forwarding the information to the Contracts Section.

(2) The Contracts Section will create the Purchase Order/Contract and will provide a copy to the ordering unit/division and vendor/contractor.

(c) **Service acquisitions exceeding \$10,000 and not exceeding \$25,000.** Acquisitions exceeding \$10,000 and not exceeding \$25,000 shall be acquired by Agency's designated Certified Procurement Officers (CPO).

(1) The CPO will obtain pricing from at least ten vendors. One or more of the vendors must be a certified minority business if any are registered for the services required. Contact the Minority Assistance Program Office, Division of Capital Assets Management, to ascertain if any minority vendors are registered for the service being procured. Vendors must be afforded at least a minimum of 24 hours in which to prepare and provide a quotation.

(2) The CPO will secure price quotations from the vendor. The CPO shall secure the vendor's price quotation in writing. (Facsimiles are acceptable) After determination of the lowest and best price the CPO will make the award decision. The CPO will be responsible for obtaining all necessary documentation according to statute and forwarding the information to the Contracts Section.

(3) The Contracts Section will create the Purchase Order/Contract and will provide a copy to the ordering unit/division and vendor/contractor.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

7-10-02 No POL Memo  
Removed "OAC" reference to DRS:3-9-36

12/13/10 Pol Memo #12-01  
Updated language

9-9-2013 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management".



### **DRS:3-9-24. Fixed rate contracts**

(a) A contract for a service furnished to persons directly benefiting from that service may be qualified for a fixed and uniform rate and shall not be subject to competitive bid procedures. This exception to competitive bid procedures shall not be used to employ consultants or to purchase products.

(b) The requesting unit initiates the contract packet, which consists of the forms in (1) through (5) of this Subsection.

(1) A contract document previously approved by Contracts Section and General Counsel is completed.

(2) A requisition form, indicating funding, coordination and clearance with all affected units and/or divisions.

(3) The Contract Requisition Justification form, is completed to justify the contract.

(4) A detailed work plan, which includes the designation of the individual responsible for monitoring contractor performance, is attached to this form.

(5) A Fixed Rate Affidavit form is attached stating that the rate for this service has been established at a uniform rate and is not subject to the competitive bid process. **1**

#### **Instructions to Staff**

1. The Contracts Section reviews, approves and encodes pertinent data to the Requisition System, verifies funding and prints the Purchase Order. The packet is then submitted for signature according to current signature delegation policies. Upon receipt of signed contract, the Contracts Section issues the award of contract. The Contracts Section copies and distributes to the vendor and appropriate units or divisions.

#### **Section History**

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

### **DRS:3-9-25. Local projects**

Local Projects are performed in accordance with OMES Procedures Manual, Section 200, pg. 25/26.

#### Section History

|          |  |
|----------|--|
| 1/8/01   | Pol Memo 01-03<br>Internal Procedures, NEW |
| 12/13/10 | Pol Memo #12-01<br>Updated                 |
| 9-9-2013 | Name change: Replaced "OSF" with "OMES"    |

### **DRS:3-9-26. Contract clauses**

Contract clauses vary according to the type and nature of the contract. Coordination with Contracts Section staff is suggested prior to developing a contract.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

## **PART 5. PURCHASING SECTION**

### **Section**

- DRS:3-9-35. General purchasing procedures
- DRS:3-9-36. Purpose of the Purchasing Section
- DRS:3-9-37. Purchasing Section responsibilities
- DRS:3-9-38. Methods of purchasing
- DRS:3-9-39. Emergency purchases
- DRS:3-9-40. Additional coordination, reviews and/or approvals
- DRS:3-9-41. Inspection and rejection of products and services

### **DRS:3-9-35. General purchasing procedures**

All purchases which are required to be made through the Central/Departmental Services Purchasing Section must have a completed Department of Rehabilitation Services Requisition form submitted to the Purchasing Section with the proper approvals (Division Administrator, School Superintendent, Unit Administrator, Supervisor, etc.) as required by each program area. The Department of Rehabilitation Services Requisition form is used to initiate the requisitioning of services, equipment and supplies. Explicit instructions for completion of the form are on the back of the form. The item(s) being procured and the estimated price will determine the type of purchase.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

### **DRS:3-9-36. Purpose of the Purchasing Section**

The purpose of the Purchasing Section is to:

(1) ensure the agency complies with uniform policies and procedures in the acquisition of supplies, equipment, construction and non-professional services in accordance with the Oklahoma Central Purchasing Act, 74 O.S. Sections 85.1 et seq. and 74 O.S. Sections 3001 through 3010 (State Use), 57 O.S. Section 5459.1 (Oklahoma Correctional Industries) and rules promulgated from the Division of Capital Assets Management; and,

(2) obtain supplies and services in a timely manner, at the most advantageous cost possible, price and other factors considered.

#### Section History

1/8/01 Pol Memo 01-03

Internal Procedures, NEW

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."

### **DRS:3-9-37. Purchasing Section responsibilities**

The Purchasing Section responsibilities are to:

- (1) advise and provide assistance to agency staff in the preparation of purchase requisitions for administrative products and services;
- (2) provide consultation and support to agency professional staff responsible for the acquisition of client goods and services and educational programs and materials;
- (3) analyze and edit purchase requisitions and determine appropriate methods of acquisitions;
- (4) prepare necessary documents for issuance of purchase orders or submission of requisitions to the Division of Capital Assets Management for competitive bidding;
- (5) provide liaison responsibilities to the Division of Capital Assets Management and Office of Management and Enterprise Services and other state entities;
- (6) conduct field purchasing audits to ensure compliance with state and agency purchasing policies and procedures; and
- (7) maintain official agency administrative purchasing files.

#### Section History

- |        |   |
|--------|---|
| 1/8/01 | Pol Memo 01-03<br>Internal Procedures, NEW  |
| 9-9-13 | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management" and "Office of State Finance" with " Office of Management and Enterprise Services." |

### **DRS:3-9-38. Methods of purchasing**

(a) **Statewide contracts.** Unless specifically exempted by statute or the State Purchasing Director, Division of Capital Assets Management, all products available from Statewide Contracts must be purchased under the procedures in this Section.

(1) To requisition products available from statewide contracts, the ordering unit submits the requisition form to the CPO in the Purchasing Section.

(2) The CPO will review the requisition for adequacy and completeness. After approval by the CPO, a release against the appropriate statewide contract will be issued.

(3) The CPO will be responsible for determining if the item being procured is available from a mandatory statewide contract.

(4) The Purchasing Section will provide the vendor/contractor, the ordering unit/division, and C/DS Materiel Management Section with a copy of the PO. The official file will be maintained in the Purchasing Section.

(b) **Oklahoma Corrections Industries (OCI).** State entities shall make purchases from OCI pursuant to 57 O.S. section 549.1 if the vendor is deemed lowest and best.

(c) **Scheduled acquisitions.** If the Division of Capital Assets Management schedules acquisitions from suppliers for a state agency (e.g. Scheduled Buys), the state agency shall not make open market purchases or acquisitions.

(d) **Open Market Acquisitions not exceeding \$5,000.00 (Authority Orders).** Certified procurement officers shall determine if the acquisition is available from a mandatory statewide contract, State Use Committee procurement schedule, scheduled acquisition or non-encumbered contract. If the acquisition is available using one of these methods, the agency shall make the acquisition from the identified supplier. If the acquisition is not available from these sources, the agency shall make an open market acquisition. The total cost of the products, including shipping and handling must be less than \$5,000.00. Separate purchases for individual components of a total project, services, or split purchasing for the purpose of evading the competitive bid requirement constitutes a felony under the laws of the State of Oklahoma. 1

(e) **Open Market Acquisitions exceeding \$5,000.00 and not exceeding \$10,000.00.** Purchases in excess of \$5,000.00 and not exceeding \$10,000 shall be acquired by an Agency designated Certified Procurement Officer (CPO).

(1) The designated CPO will obtain pricing from at least three qualified vendors. After determination of the lowest and best price the CPO will make the award decision. The CPO will be responsible for obtaining all necessary documentation according to statute and forward the information to the Purchasing Section.

(2) The Purchasing Section will create the Purchase Order/Contract and will provide a copy to the ordering unit/division and vendor/contractor.



**(f) Service acquisitions exceeding \$10,000 and not exceeding \$25,000.** Acquisitions exceeding \$10,000 and not exceeding \$25,000 shall be acquired by Agency's designated Certified Procurement Officers (CPO).

(1) The CPO will obtain pricing from at least ten qualified vendors. Vendors must be afforded at least a minimum of 24 hours in which to prepare and provide a quotation.

(2) The CPO will secure price quotations from the vendor. The CPO shall secure the vendor's price quotation. After determination of the lowest and best price the CPO will make the award decision. The CPO will be responsible for obtaining all necessary documentation according to statute and forward the information to the Purchasing Section.

(3) The Purchasing Section will create the Purchase Order/Contract and will provide a copy to the ordering unit/division and vendor/contractor. **2**

**(g) Service acquisitions exceeding \$25,000 and not exceeding \$50,000.** Acquisitions exceeding \$25,000 and not exceeding \$50,000 shall be acquired by Agency's designated Certified Procurement Officers (CPO).

(1) The CPO will obtain pricing from all qualified vendors. Vendors must be afforded at least a minimum of 24 hours in which to prepare and provide a quotation.

(2) The CPO will secure price quotations from the vendor. The CPO shall secure the vendor's price quotation in writing. After determination of the lowest and best price the CPO will make the award decision. The CPO will be responsible for obtaining all necessary documentation according to statute and forward the information to the Purchasing Section.

(3) The Purchasing Section will create the Purchase Order/Contract and will provide a copy to the ordering unit/division and vendor/contractor. **2**

**(h) Sole source/brand name products.** Sole source/brand name contracts are utilized when needs can only be satisfied by one particular brand or product or supplied by only one source. Contracts to be awarded under this authority must be supported by a determination justifying this method of purchase. If there is any doubt that there might be more than one supplier or brand which will fulfill the needs, competitive bids should be sought. A court order requiring the purchase of certain products/services, but which does not specify specific vendors shall not be acceptable as a substitute for the sole source affidavit or otherwise invalidate the requirement for competitive bidding procedures. If a sole source brand name or sole source vendor is required, a sole source affidavit shall be prepared and submitted with the requisition. **3**

**(i) Non-professional services.** The procedures in this Subsection are followed when the ordering unit/division determines that a requirement exists for non-professional services, i.e.; custodial, pest control, maintenance and repair, etc.

(1) The ordering unit/division completes and submits a complete requisition form and contract requisition justification form with typed specifications to the Purchasing Section. If requirement is for construction services, including housing modifications, a set of the detailed plans and specifications must accompany the request. For assistance in preparing adequate plans and specifications contact the Purchasing Section.

(2) The Purchasing Section reviews the requisition form and the contract requisition justification form for completeness, obtains the necessary approvals and makes determination for appropriate processing.

## Instructions to Staff

1.

- (a) The Oklahoma School for the Blind, Oklahoma School for the Deaf, and the Disability Determination Division will process their own orders through the Designated CPO. They must submit a copy of all orders under \$5,000.00 to the CPO for review. If found incorrect, the CPO will provide guidelines, documentation and instruction on the proper methods that must be followed according to statutes, administrative code and agency procedures. Files with records of these purchases for the OSB, OSD, and DDD will be maintained at the facility.
- (i) The Division of Vocational Rehabilitation (VR), Division of Visual Services (VS), Management Services Division (MS) and the Executive Staff shall process their requisitions through the Purchasing or Contracts Section.
  - (1) To requisition the purchase, the ordering unit submits a completed requisition form and justification form to the CPO in Purchasing Section.
  - (2) Upon approval, the CPO will issue an Authority Order or Purchase Order as appropriate.
  - (3) The C/DS Purchasing Section will provide a copy of the purchase order to the ordering unit/division, vendor/contractor, and C/DS Materiel Management Section. Files with records of these purchases for VR, VS, MS and Executive Staff will be maintained in the Purchasing Section.
- (i) These purchase methods may be utilized by ordering units/divisions as delegated by administrators down through division levels except for the acquisition of equipment, rent, lease, telephone system repairs or line services. Units/divisions not delegated to accomplish purchase actions may submit their requirements to the Purchasing Section for processing according to paragraphs (1) through (3) of this Subsection. Units/divisions delegated authority to accomplish purchases in accordance with rules in this Subsection will process the acquisitions according to paragraphs (4) through (5) of this Subsection.
  - (1) To requisition the purchase, the ordering unit submits a completed requisition form to the Purchasing Section.
  - (2) The Purchasing Section reviews the requisition for adequacy of the description of the requirement, prepares and issues Authority Order to purchase or a Central Purchasing Purchase Order form as appropriate.
  - (3) The Purchasing Section forwards a copy to the ordering unit/division, vendor/contractor, Materiel Management and maintains an official file copy in the Purchasing Section.
  - (4) Purchases of \$5000 or less accomplished by ordering units/divisions will be processed as required by the Department of Rehabilitation Services, Budget and Finance Unit.

- (5) Files with records of these purchases will be maintained at the initiating facility.
2. Ordering Unit/Divisions shall adhere to the instructions in (A) through (C) of this Subsection.
  - (a) The ordering unit/division must submit the requisition form and justification for the Purchasing Section for processing.
  - (b) The purchase must be made from the solicited vendor providing the lowest and best quotation. If the purchase is being made from other than the vendor offering the lowest price, the best value determination must be fully documented.
  - (c) The Purchasing Section is the official repository for the records and documentation required by this Subsection and all records/documentation shall be made available to the Director of Capital Assets Management or his/her designee, and/or to the State Auditor and Inspector, upon request. Further, all records shall be considered public records in accordance with the Open Records Act (Title 51 O.S., Section 24A.1 et seq.).
3. In order to process sole source/brand name contracts through the system, the steps in paragraphs (1) through (5) of this Subsection must be taken.
  - (a) The ordering unit/division must submit a completed requisition, justification and sole source affidavit to the Purchasing Section.
  - (b) The Sole Source Affidavit must have the approval of the administrator prior to being submitted to the Purchasing Section. Further delegations of signature authority are not permitted.
  - (c) When a Brand Sole Source is required, the vendor information on the affidavit is left blank, but information justifying the singular brand is necessary.
  - (d) The Purchasing Section reviews the packet of documents for accuracy and adequacy and prepares them for the Director's approval.
  - (e) After the Director's approval, the documents are returned to the Purchasing Section for completion of the process.

#### Section History

- |          |   |
|----------|---|
| 1/8/01   | Pol Memo 01-03<br>Internal Procedures, NEW  |
| 1/9/06   | Pol Memo 07-01<br>Updating policy   |
| 12/13/10 | Pol Memo #12-01<br>Updating language  |
| 9-9-2013 | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management".  |
| 8-27-15  | Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.<br>Updated language in the Instructions to Staff. |

### **DRS:3-9-39. Emergency purchases**

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

(1) Title 74 Emergency:

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

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

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

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

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

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

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

(2) Title 61 Emergency:

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

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

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

title shall be reported to the State Construction Administrator of the Division of Capital Assets Management pursuant to 61 O.S. § 130.F

#### Section History

|         |  |
|---------|--|
| 1/8/01  | Pol Memo 01-03<br>Internal Procedures, NEW   |
| 2/9/09  | Pol Memo 10-01<br>Commission delegation of authority to Director to declare emergency.               |
| 9-9-13  | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management." |
| 12-9-19 | Revised DCS to OMES.   |

**DRS:3-9-40. Additional coordination, reviews and/or approvals**

(a) **Data processing requisitions.** Requisitions for all computer software/hardware require review and approval of the ordering Division Administrator and Information Services Unit Administrator prior to processing by the Purchasing Section. All requisitions for computer software/hardware require the appropriate OMES forms. **1**

Instructions to Staff

1. The OMES Form 115 for hardware and software will be attached to the requisition.

Section History

|        |  |
|--------|--|
| 1/8/01 | Pol Memo 01-03<br>Internal Procedures, NEW |
| 1/9/06 | Pol Memo 07-01<br>Updating policy          |
| 9-9-13 | Name change: Replaced "OSF" with "OMES"    |

### **DRS:3-9-41. Inspection and rejection of products and service**

The receiving unit/division will inspect all goods at the time of delivery. Any goods which are damaged, fail to meet contract specifications or contain latent defects shall not be accepted if detected while delivery is being made. 1

#### Instructions to Staff

1.

- (A) When the requesting unit/division receives or rejects goods or services that do not fulfill the requirements of the contract, the requesting unit will contact the vendor to resolve the matter. It is the responsibility of the vendor to remove the defective goods and replace them with conforming products within a reasonable time after notice of rejection, and all related costs are the responsibility of the vendor.
- (B) If the matter cannot be resolved between the receiving unit/division and the vendor, the Purchasing Section shall be notified in writing. All pertinent facts should be provided, specifically the discrepancy in the goods or services ordered and the goods or services received, the name and telephone number of the person/vendor contacted concerning the discrepancy and a concise statement of facts.
- (C) The Purchasing Section will make every effort to rectify problems and receiving units/ divisions will be notified of the results. The Purchasing Section will review documentation on problems encountered with vendors issued contracts by the Central Purchasing Division, Division of Capital Assets Management. The ordering unit will prepare a Vendor Complaint Form, and forward to the Purchasing Section. The Purchasing Section will forward the vendor complaint form to DCAM and keep a file copy.
- (D) The Purchasing Section will maintain a record of all vendor complaints received. Agency staff may contact the Purchasing Section for information to determine if a complaint has been filed by an agency division or unit related to a specific vendor.

#### Section History

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 9-9-13 Name Change: DCS to DCAM

## **PART 7. PROPERTY MANAGEMENT SECTION**

### **Section**

- DRS:3-9-53. Purpose of the Property Management Section
- DRS:3-9-54. Property Management Section responsibilities
- DRS:3-9-55. Space requests standards
- DRS:3-9-56. Leasing
- DRS:3-9-57. Lease renewals
- DRS:3-9-58. Construction and/or remodeling of DRS facilities
- DRS:3-9-59. Telecommunications equipment and services, excluding data services lines and equipment



### **DRS:3-9-53. Purpose of the Property Management Section**

The purpose of the Property Management Section is to ensure the agency complies with uniform policies and procedures in the acquisition of property, construction and/or remodeling of facilities. Activities of the Property Management Section are governed by 74 O.S., Section 85.1, et. seq., 61 O.S. Section.101, et. seq., and others as applicable.

#### Section History

|        |  |
|--------|--|
| 1-8-01 | Pol Memo 01-03<br>Internal Procedures, NEW |
| 1-9-06 | Pol Memo 07-01<br>Updating policy          |

### **DRS:3-9-54. Property Management Section responsibilities**

The principle responsibilities of Property Management Section are to:

- (1) obtain adequate space to satisfy the program needs;
- (2) coordinate the relocation of offices;
- (3) coordinate requests for construction and remodeling of DRS facilities;
- (4) coordinate the telecommunication services including planning, development, acquisition, installation and maintenance of equipment and services, excluding information data lines and equipment;
- (5) coordinate pager services;
- (6) coordinate cellular phone services; and
- (7) coordinate acquisition, installation and maintenance of postage equipment and postage-by-phone services.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

### **DRS:3-9-55. Space requests standards**

(a) The purpose of space request standards is to provide uniform and consistent guidelines of assigning space that is required to support the Department of Rehabilitation Services.

(b) General Provisions for space requests are given in (1) through (4) of this Subsection.

(1) Requests for space will be coordinated through the Division Administrators or School Superintendents and forwarded to the Property Management Section. **1**

(2) When possible, DRS, in coordination with Division of Capital Assets Management (DCAM) State Leasing Office, may satisfy new space requests through the assignment of vacant space available in state and county owned facilities.

(3) The DRS space standards are based upon the procedures established by the DCAM State Leasing Office rules. The final decision concerning the allowable amount of square footages for a given space request will be made by the DCAM State Leasing Administrator. **2**

(4) Special Space Standards are the guidelines for estimating a unit's/division's requirements as established by the DCAM State Leasing Office. Special space may be allowed for conference rooms; reception/client areas; classroom and training rooms; libraries; file/central storage areas; mail rooms; copier and printing areas; equipment dominated areas; and other areas of documented need.

#### Instructions to Staff

1. Upon written approval and justification by the appropriate Division Administrator or School Superintendent, the Property Management Section will prepare the DCAM Standard Space Request and documentation. The Property Management Section will obtain final approval from the Division Administrator or School Superintendent on the space request to be submitted. Documentation will include a complete justification and information needed to complete a space request. The information will be forwarded to the DCAM State Leasing Office for final approval and DCAM shall authorize action taken on the request. The Standard Space Request is required and should be submitted to the DCAM State Leasing Administrator 180 days prior to the anticipated occupancy date.
2. The space standard will ordinarily not exceed the product of 150 square feet times the number of full time employees. This standard is not to be interpreted as an entitlement per individual employee, but rather entitlement of space allocated to the division or unit as a whole. The allocation for those employees, who are in the office less than 60 percent of the time, will be 70 square feet per position.

#### Section History

- |         |  |
|---------|--|
| 1-8-01  | Pol Memo 01-03<br>Internal Procedures, NEW   |
| 1-9-06  | Pol Memo 07-01<br>Updating policy  |
| 12-3-10 | Pol Memo #11-01<br>Updating policy   |
| 9-9-13  | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management." |

## **DRS:3-9-56. Leasing**

General provisions for leasing of office space are indicated in (1) through (4) of this Subsection.

(1) The Property Management Section, in coordination with the Division of Capital Assets Management, has the responsibility as the leasing agent for all DRS space. Division and unit staff are not authorized directly or indirectly to contact potential lessors for the purpose of making oral or written representation, commitments or agreements. Potential lessors or their agents will be referred to the Property Management Section. The Property Management Section will represent the Department in all negotiations with the lessor.

(2) The acquisition of leased space will be obtained using the rules and regulations established by the DCAM State Leasing Office. 1

(3) When it is determined that advertisement for space is in the best interest of the agency or required by the DCAM State Leasing Office, advertisement will be consistent with the rules and regulations established by the DCAM State Leasing Office. The cost of advertisement will be charged to the division or unit requesting the space.

(4) The Property Management Section will review the proposed sites and consult with the DCAM State Leasing Office regarding the proposed property.

### **Instructions to Staff**

1. The Property Management Section will prepare all required lease documents, obtain funding, signatures, and forward all leases to the DCS State Leasing Administrator for final approval.

### **Section History**

- |        |  |
|--------|--|
| 1/8/01 | Pol Memo 01-03<br>Internal Procedures, NEW   |
| 9-9-13 | Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management." |

**DRS:3-9-57. Lease renewals**

(a) DRS will begin to evaluate its space needs no less than three months prior to the expiration of a lease term. If the Department intends to exercise a renewal option at the same terms and conditions set forth in the existing lease, the appropriate documentation will be processed.

(b) DRS Property Management Section, with the approval of the DCAM State Leasing Office, shall review and authorize all increases in rental rates.

Section History

1/8/01 Pol Memo 01-03

Internal Procedures, NEW

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."

### **DRS:3-9-58. Construction and/or remodeling of DRS facilities**

(a) The Purchasing Section will assist in the development of the requests, coordination and monitoring of construction and/or remodeling projects for DRS facilities. All requests for construction and/or remodeling must be approved in accordance with signature authority established by the Department. **1**

(b) All DRS construction and/or remodeling projects, excluding client services, will be processed by the Purchasing Section.

(c) Construction and/or remodeling shall be in compliance with Oklahoma Statutes Public Competitive Bid Act; and the DCAM State Construction Oklahoma Administrative Code.

#### Instructions to Staff

##### 1. See 612:1-3-10 Signature Authority

- (a) The Division of Capital Assets Management requirements for the manner in which bids are solicited shall be determined by the estimated cost of the project. Bids are solicited for projects over the amount established by 61 O.S., Section 102(4). DRS will also follow the procedures outlined in 580:20-1-3., " Bid solicitations".
  - (a) Construction and/or remodeling projects over the amount established by 61 O.S. shall be bid through the Division of Capital Assets Management Construction Unit.
  - (b) For construction and/or remodeling projects costing under the amount established by 61 O.S., DRS may develop bid specifications and handle the bid process. Direct mail, facsimile or telephone solicitations are made by the agency to three or more contractors whose place of business is preferably located in the general vicinity of the proposed construction. The DCAM Construction and Properties Administrator shall assess the ability of DRS to solicit, award and issue construction contracts for projects under the statutory amount.
  - (c) All construction projects costing over the amount established by DCAM Construction and Properties are required to have plans certified by a registered architect licensed to do business in the State of Oklahoma. All engineering projects regardless of costs are required to have plans certified by a registered engineer licensed to do business in the State of Oklahoma.
- (b) Construction and/or remodeling projects must be coordinated through the Purchasing Section. All costs for construction and/or remodeling will be charged to the requesting division or unit. All construction and/or remodeling projects, except emergency repairs, must have a purchase order prior to starting work.
- (c) When an emergency situation is declared to exist by the DRS Director, the DCAM Construction and Properties may award a contract without competitive bids to correct the emergency condition.

#### Section History

1-8-01 Pol Memo 01-03  
Internal Procedures, NEW

12-13-10 Pol Memo #12-01  
Updated language

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."

**DRS:3-9-59. Telecommunications equipment and services excluding data services lines and equipment**

(a) Requests for new telecommunication equipment and/or lines will be coordinated through the appropriate levels and must have approval from a level of authority in accordance with signature authority established by the Department. **1** Requests should be forwarded by memorandum to the Property Management Section. All costs for new equipment and/or lines will be charged to the requesting division or unit.

(b) Requests for repair and maintenance of communications equipment should be submitted to the Property Management Section. All repair costs will be charged to the requesting division or unit.

**INSTRUCTIONS TO STAFF**

1. See [612:1-3-10](#). Signature Authority

Section History

|          |  |
|----------|--|
| 1-8-01   | Pol Memo 01-03<br>Internal Procedures, NEW |
| 1-9-06   | Pol Memo 07-01<br>Updating policy          |
| 12-13-10 | Pol Memo #12-01<br>Updated language        |



## **PART 9. MATERIEL MANAGEMENT SECTION**

### **Section**

- DRS:3-9-73. Purpose of the Materiel Management Section
- DRS:3-9-75. Responsibility for equipment
- DRS:3-9-76. Equipment control
- DRS:3-9-77. Equipment maintenance and repair
- DRS:3-9-78. Returned equipment purchased for clients
- DRS:3-9-80. Fleet management
- DRS:3-9-81. Recycling program
- DRS:3-9-82. State office support services

### **DRS:3-9-73. Purpose of the Materiel Management Section**

The purpose of the Materiel Management Section (MMS) is to provide timely and professional services to its customers; manage assigned Agency programs in an efficient and effective manner; and assure the Department of Rehabilitation Services is in compliance with all applicable statutes, policies, and procedures relating to the programs assigned to the Materiel Management Section of the Central/Departmental Services Unit.

#### Section History

1/8/01      Pol Memo 01-03  
              Internal Procedures, NEW

### **DRS:3-9-75. Responsibility for equipment**

(a) The Division of Capital Assets Management, by statute, has the responsibility for maintaining current inventory records for all state agencies, boards and commissions, with the authority to delegate this responsibility to the agencies. Further, the federal government holds each agency accountable for equipment purchased with federal funds. The DRS requires accountability of all equipment under its control regardless of the funding source.

(b) Materiel Management Section is responsible for oversight of the agency equipment inventory.

(c) A physical inventory of all facilities and locations is to be completed annually. This shall be performed by the person who is appointed as the local office manager or equipment custodian by his/her school superintendent or division administrator.

(d) All DRS personnel at each location are responsible for all equipment under their control, regardless of the funding used to purchase the equipment, and shall give support to the inventory and identification of such equipment.

(e) Each location shall maintain a record of its inventory, and the Materiel Management Section will maintain the master inventory for agency equipment and documents for disposition of equipment (i.e. deletions, transfers), in accordance with Title 74.

(f) It shall be the responsibility of each division administrator or school superintendent within DRS to take whatever steps necessary to safeguard state owned equipment and supplies under his/her supervision. This shall include responsibility for properly maintaining security at a reasonable level for the location and type of facility where the state property is housed, stored, or dispensed.

#### Section History

1/8/01 Pol Memo 01-03

Internal Procedures, NEW

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."

## **DRS:3-9-76. Equipment control**

(a) State agencies, in accordance with Title 74, are charged by statute to maintain a current inventory of state owned property. All such articles shall be properly coded, tagged, or marked in such a manner that they may be readily identified as property of the State of Oklahoma. **1**

### Instructions to Staff

1. Audit requirements: Refer to procedure manual distributed by Materiel Management Section.

### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

### **DRS:3-9-77. Equipment maintenance and repair**

Contracts may be awarded annually for maintenance agreements and/or per call repair for items such as fax machines, typewriters, calculators, recorders, and shredders. Items excluded are copiers, cell phones, telephones, and pagers. 1

#### Instructions to Staff

1.

- (a) Requests for repair/maintenance of equipment should be coordinated through the MMS; excluding data equipment. The requester should provide his/her name, phone number, a point of contact, physical location of the equipment, the brand name and/or model number, serial number, and the inventory number.
- (b) After MMS has determined if the equipment should be repaired or replaced, the requesting unit will be provided instructions on how to proceed.
- (c) Equipment transfers for repair/maintenance involving the MMS staff shall be documented on a Receiving/Transfer document ([DRS-A-490](#)). The document will be prepared by the MMS staff and a copy given to the losing location when the equipment is picked up. The location shall retain the copy in a suspense file until the equipment is returned and then destroy the suspense copy.
- (d) After the equipment is repaired, MMS shall coordinate the movement of the repaired equipment back to the originating location.
- (e) If it is determined the equipment is beyond economical repair, MMS shall process the equipment for disposal and notify the location to initiate action to replace the equipment.
- (f) When MMS personnel are not involved in the transfer of equipment for repair, the requesting location is responsible for obtaining a receipt from an authorized agent of the repair/maintenance facility.
- (g) Leased copy machine maintenance/repair and supply requests are made directly to the copy machine vendor; excluding paper and staples.

#### Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

### **DRS:3-9-78. Returned equipment purchased for clients**

Client equipment returned to the agency may be stored in the DRS warehouse. Field counselors should coordinate the pick up of surplus client equipment with the client and the MMS. Counselor should reissue client's equipment whenever possible. **1**

#### Instructions to Staff

1.

- (a) MMS will determine if the equipment is beyond economical repair once the equipment is returned to the warehouse. If the equipment can be refurbished, MMS will take the necessary steps to process the equipment to the repair vendor.
- (b) If the equipment is beyond economical repair, it will be disposed of using the same procedures as other surplus equipment.
- (c) The equipment will be returned to the warehouse if refurbished and placed in stock for reissue. MMS will maintain a current listing on Lotus Notes of all client equipment in stock available for reissue.
- (d) Client equipment that has not been reissued after eighteen (18) months will be disposed of using the same procedures as other surplus equipment. See Materiel Management Inventory Instruction Manual, Item 6a(1).

#### Section History

|         |  |
|---------|--|
| 1/8/01  | Pol Memo 01-03<br>Internal Procedures, NEW                                       |
| 7-10-02 | No POL Memo<br>Corrected ITS 1(d) to reference Item "6a(1)" instead of Item "61" |

### **DRS:3-9-80. Fleet management**

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

- (1) liaison between the Agency and the Division of Capital Assets Management Fleet Management Division;
- (2) ensuring compliance with state statutes, Executive orders, and any other regulations regarding vehicles;
- (3) maintaining compliance of DRS fleet management policies and procedures;
- (4) maintaining an accurate inventory of all vehicles within the Agency;
- (5) coordinating the purchase of all vehicles with the DCAM Fleet Management Division and DRS Purchasing Section;
- (6) coordinating the disposal of all vehicles with the DCAM Fleet Management Division;
- (7) coordinating any/all vehicle requests with the DCAM Motor Pool Division;
- (8) monitoring the Agency's vehicle Risk Management Program; and
- (9) monitoring Pike Pass use, fuel consumption, and vehicle operating and repair/maintenance records for the Agency's vehicle fleet.

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

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

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

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

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

(g) Transportation of non-State employees in state owned vehicles. When transportation of individuals who are not employees of the State of Oklahoma is necessary to conduct state business, those individuals may be transported in state vehicles under the following circumstances:

- (1) approval must be obtained in advance by one of the following:
  - (A) Program Managers in the Divisions of Vocational Rehabilitation and Services for the Blind and Visually Impaired,
  - (B) Superintendents at the Oklahoma School for the Blind and the Oklahoma School for the Deaf
  - (C) the Division Administrator or Deputy Administrator for the Disability Determination Services
  - (D) Chief of Operations, Executive and Unit Administrators for the Executive and Management Services Divisions.
- (2) only state employees or officials are authorized to drive state vehicles.
- (3) non-employee passengers are advised that there is no liability coverage for non-employees.

#### Instructions to Staff

1.

- (a) Vehicle acquisition. The Fleet Manager shall notify the DCAM Fleet Management Division not less than thirty (30) days prior to the proposed purchase of any vehicle. The notice shall include a copy of the purchase order or request. The Fleet Manager will notify the DCAM Fleet Management Division of any vehicle purchase within ten (10) days of delivery on a [Form-FMD-1](#).
- (b) Purchase order. A purchase order shall be submitted with the following information:
  - (1) Intended use of the vehicle;
  - (2) Whether the vehicle is a replacement or an additional vehicle, etc.;
  - (3) If a replacement vehicle, whether the mission for the vehicle has changed since the last replacement; and
  - (4) Options selected above the standard equipped vehicle with justification.
- (c) Vehicle disposal. No vehicle shall be disposed of unless it has been in use for a minimum of 60,000 miles; or at least twenty-four (24) months have elapsed since the day the new vehicle was put into service; or written permission to dispose of the vehicle is given by the DCAM Fleet Management Division.
  - (1) The Fleet Manager shall notify DCAM Fleet Management Division not less than thirty (30) days prior to proposed disposal of any state owned vehicle. The request shall include:
    - (A) Agency vehicle number;
    - (B) Reason for selling: age, mileage, or other;
    - (C) Estimated vehicle value;



- (D) Type of sale: public auction, sealed bid, etc.; and
  - (E) Proposed date of sale.
- (2) The final outcome of the disposal shall be given to Fleet Management within fourteen (14) days after disposition on Form-FMD-1 and include:
- (A) Agency vehicle number;
  - (B) Selling price of vehicle;
  - (C) Any changes in method of disposal; and
  - (D) A list of any vehicles not disposed of.
- (d) Requests for rental vehicles:
- (1) All requests for vehicles shall be submitted to the Agency's Fleet Manager. The requests can be oral or written and should be made as far in advance as possible. All requests for the use of a vehicle for two (2) weeks or more must be made in writing.
  - (2) The Fleet Manager shall fill the request with an Agency vehicle if available. If no Agency vehicle is available, the Fleet Manager will request support from the State Motor Pool. If the request is granted, the Fleet Manager will complete a Vehicle Requisition Form and forward it to the State Motor Pool. The person requesting the vehicle will pick up the vehicle at the State Motor Pool.
  - (3) All vehicle cancellations will be reported as early as possible. If the State Motor Pool is providing the vehicle and the reservation is not cancelled prior to the vehicle pick up time, the Agency is billed the minimum daily rate for that vehicle class.
  - (4) The Fleet Manager will ensure that all personnel operating a state vehicle have access, in each vehicle, to the Division of Capital Assets Management/Motor Pool rules.
- (e) Vehicle Cost Management: Division administrators and/or school superintendents with assigned vehicles shall report the annual projected cost of maintaining these vehicles to the Fleet Manager no later than June 1 of each year. The report may include, but is not limited to, the projected costs for regular unleaded gasoline; No. 2 diesel; miscellaneous vehicle maintenance including accessories, repair, and inspection; bulk purchases including antifreeze, oil, and fuel card fees; and fuel management reports and summaries.

#### Section History

- 1-8-01 Pol Memo 01-03  
Internal Procedures, NEW
- 4-29-05 Pol Memo 05-06  
Internal Procedures, added to policy the ability of transporting non-employees in state vehicles
- 12-13-10 Pol memo #11-01  
Updated Language ITS Only

- 9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management."
- 8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
- 9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
- 12-9-19 Revised the VS and DDD division name. Added the Chief of Operations job title.

### **DRS:3-9-81. Recycling program**

(a) Recycling Coordinator. The MMS has primary responsibility for management of the Agency's recycling program and coordinates the program with the Oklahoma Division of Capital Assets Management and monitors the recycling activities of the Agency.

(b) Reporting. DRS participates in the Oklahoma Division of Capital Assets Management recycling program and is exempt from reporting the total amount of paper and other recyclable materials sold during the fiscal year.

#### Section History

1/8/01 Pol Memo 01-03

Internal Procedures, NEW

9-9-13 Name change: Replaced "Department of Central Services" with "Division of Capital Assets Management"

**DRS:3-9-82. State office support services**

(a) Mail Services. The MMS provides mail support services to the State Office for staff.

(b) Reproduction (copy/print) services. The MMS provides reproduction and copy support services to the State Office staff and a limited amount of support to DRS field offices.

(c) Office supplies. The MMS provides office supply services to the State Office staff and selected office supply items to the DRS field offices.

Section History

1/8/01 Pol Memo 01-03  
Internal Procedures, NEW

## **SUBCHAPTER 11. INFORMATION SERVICES UNIT**

### **Section**

DRS:3-11-30. Use and monitoring of electronic communications systems

DRS:3-11-31. Information Technology Security

### Section History

11-13-98 PT Memo #99-3

Table of contents for Subchapter 11

6-12-17 EDC Memo #2017-2, New policy DRS:3-11-31

### **DRS:3-11-30. Use and monitoring of electronic communications systems**

(a) This Section describes DRS policy on the use and monitoring of electronic communications systems, including e-mail. This policy also presents the basic premises for use of such equipment, systems, and software.

(b) All business equipment, computer systems, software, related telephone equipment, other electronic communications systems, and information transmitted, received, and stored in the information systems are the property of the Department of Rehabilitation Services. No employee has a private property interest in any such equipment, software, or information.

(c) The Department of Rehabilitation Services restricts use of its software and business equipment, including but not limited to facsimiles, modems, printers, copy machines, computers, and computer networks to job-related purposes. Staff are not to use such equipment and software for personal use, outside business ventures, solicitation that is not related to the Department's business whether for profit or not for profit, or for other ventures or activities not related to the Department's business.

(d) Access of confidential information that is not essential to job performance, and to which the individual does not have approved access is strictly prohibited. Unauthorized use of the Internet or abuse of e-mail is also strictly prohibited.

(e) The Department strictly prohibits use of its equipment and software for the acquisition, access, storage, or distribution of offensive or illegal information, such as pornography or other obscene materials. Department software and equipment will not be used to create inappropriate messages, such as comments which offensively address someone's race, sex, age, religious, or political beliefs, national origin, or disability. Use of the Department's equipment for harassment of others (including racial or sexual harassment) is strictly forbidden.

(f) The Department will monitor use of these systems and equipment periodically. Monitoring may include the review, audit, and disclosure to appropriate administrators of data that is created, received, transmitted, or stored on the Department's equipment or systems. All employees are hereby put on notice that system security features, such as passwords and data deletion, may not take away the Department's ability to archive and access any information, at any time, for future use and/or analysis.

(g) Employees are prohibited from accessing files, or retrieving stored communications and/or information other than where authorized, without prior clearance from an authorized representative of the Information Services Administrator. **1**

(h) Employees are prohibited from loading software or data from any diskette, CD-ROM, or other storage media originating from a source outside DRS. Employees are also prohibited from downloading software or data from an outside source, such as the Internet, without prior clearance from an authorized representative of the Information Services Administrator. **1**

(i) Violations of this policy are to be reported to the Information Services Administrator.

(j) Every employee will complete and sign an Electronic Communications Systems Policy Acknowledgment form.

(k) Employees who violate this policy are subject to discipline, up to and including termination of employment.

Instructions to Staff

1. The Administrator for Information Services is:  
Jonathan Woodward, Administrator  
Department of Rehabilitation Services  
Information Services Unit  
3535 NW 58, Suite 500  
Oklahoma City, Oklahoma 73112  
405-951-3428

Section History

- 11-13-98 PT Memo #99-3  
New Section
- 04-29-05 PT Memo #05-06  
Corrected Administrator name and phone
- 05-18-16 Corrected Administrator name and phone

## **DRS:3-11-31. Information Technology Security**

All Agency information technology security will follow the rules as established in the OMES IT Standards and Policies, Information Security Policy, Procedures and Guidelines.

### Instructions to Staff

1. Reference to the OMES IT Standards and Policies, [Information Security Policies, Procedures, and Guidelines](#).
2. The Administrator for Information Services is:

Jonathan Woodward, Administrator  
Department of Rehabilitation Services  
Information Services Unit  
3535 NW 58, Suite 500  
Oklahoma City, Oklahoma 73112  
405-951-3428

### Section History

6-12-17 EDC Memo #2017-2, New policy



## DRS POLICY

### CHAPTER 5. FINANCIAL SERVICES DIVISION

| <b>Subchapter</b>         | <b>Section</b>                   |
|---------------------------|----------------------------------|
| 1. General Provisions     | DRS:5-1-1                        |
| 3. Regulatory Structures  | DRS:5-3-1 [Reserved]             |
| 5. Agency Encumbrances    | DRS:5-5-1 [Reserved].            |
| 7. Agency Expenditures    | DRS:5-7-1 [Reserved].            |
| 9. Agency Budget Activity | DRS:5-9-1 [Reserved].            |
| 11. Special Accounts      | DRS:5-11-1 [Reserved].           |
| 13. Miscellaneous         | DRS:5-13-1 [Reserved].           |
| Section History           |                                  |
| 7-1-10                    | PT Memo #10-02<br>Permanent, New |

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **SECTION**

DRS:5-1-1: RESERVED

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **SUBCHAPTER 3. REGULATORY STRUCTURES**

### **Section**

DRS:5-3-1. Chapter 100 — Financial Services Regulatory Structures

#### Section History

7-1-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-3-1. Chapter 100 – Financial Services Regulatory Structures**

The fiscal activity for the Agency has a number of ruling documents from both Federal and State sources that guide the policy and procedures for the Division. The following listing is intended to capture all relevant sources. Omission should not be interpreted to mean other rules may not apply.

Oklahoma Constitution

Oklahoma Statutes Title 74

Oklahoma Purchasing Act

Office of Management and Enterprise Services (OMES) Policy and Procedures

Rehabilitation Act of 1973 Amended 1998

EDGAR

CFR 225 (OMB A-87)

Cash Management Improvement Act (CMIA)

Section History

3-8-10 PT Memo #10-02

New. Moved from MSD

9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services."

## **SUBCHAPTER 5. AGENCY ENCUMBRANCES**

### **Section**

DRS:5-5-1. Chapter 200 — Financial Services Agency Encumbrances

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-5-1. Chapter 200 – Financial Services Agency Encumbrances**

All Agency encumbrances will follow the rules as established in Chapter 200 of the OMES Policy & Procedures Manual.

### Section History

- 3-8-10 PT Memo #10-02  
Permanent, moved from MSD to FSD
- 9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services."

## **SUBCHAPTER 7. AGENCY EXPENDITURES**

### **Section**

DRS:5-7-1. Chapter 300 — Financial Services Agency Expenditures

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-7-1. Chapter 300 – Financial Services Agency Expenditures**

All Agency expenditures will follow the rules as established in Chapter 300 of the OMES Policy & Procedures Manual.

### Section History

- 3-8-10 PT Memo #10-02  
Permanent, moved from MSD to FSD
- 9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services"



## **SUBCHAPTER 9. AGENCY BUDGET ACTIVITY**

### **Section**

DRS:5-9-1. Chapter 400 — Financial Services Agency Budget Activity

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-9-1. Chapter 400 - Financial Services Agency Budget Activity**

All Agency Budget Activity will follow the rules as established in Chapter 400 of the OMES Policy & Procedures Manual.

### Section History

- 3-8-10 PT Memo #10-02  
Permanent, moved from MSD to FSD
- 9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services."

## **SUBCHAPTER 11. SPECIAL ACCOUNTS**

### **Section**

DRS:5-11-1. Chapter 500 — Financial Services Agency Special Accounts

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-11-1. Chapter 500 – Financial Services Agency Special Accounts**

All Agency Special Accounts will follow the rules as established in Chapter 500 of the OMES Policy & Procedures Manual.

### Section History

- 3-8-10 PT Memo #10-02  
Permanent, moved from MSD to FSD
- 9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services."

## **SUBCHAPTER 13. MISCELLANEOUS**

### **Section**

DRS:5-13-1. Chapter 600 — Financial Services Miscellaneous

#### Section History

3-8-10 PT Memo #10-02  
Permanent, NEW

## **DRS:5-13-1. Chapter 600 – Financial Services Miscellaneous**

All Agency Miscellaneous Activities will follow the rules as established in Chapter 600 of the OMES Policy & Procedures Manual.

### Section History

- 3-8-10 PT Memo #10-02  
Permanent, moved from MSD to FSD
- 9-9-13 Name change: Replaced "Office of State Finance" with " Office of Management and Enterprise Services."

## **CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES**

## **DRS:10-1-1. SSA Reimbursement Incentive for Placement**

**SSA Reimbursement Incentive.** Oklahoma Statutes, Title 74, Section 166.8.B, authorizes the Commission for Rehabilitation Services to use SSA reimbursements as an incentive program for direct service delivery staff if case service costs are reimbursed for job placement of SSI or SSDI recipients.

(1) These funds from the Social Security reimbursement program shall be used for incentive payments to counselors and technicians when casework results in nine consecutive months of substantial gainful activity level employment for clients who were receiving SSI or SSDI benefits. The incentive payments shall be in the amount of \$500.00 per instance for counselors and \$100.00 per instance for technicians subject to the requirements of paragraph (2).

(2) The payments will go to the counselor and technician who have been designated by the Program Manager as having done the majority of work on the case. Each employee must be employed by DRS at the time the SSA Reimbursement Program Coordinator receives the deposit notice from the Social Security Administration. Cases in which the SSA Reimbursement Program Coordinator has decided to function as an Employment Network are not eligible for the incentive award. All traditional reimbursements received after November 1, 2007 will be eligible for the incentive award. Payments will be provided once per year and are subject to tax and payroll regulations. There is no limit on how many incentive payments a counselor and technician can qualify for.

### Section History

- 1-14-08 Pol Memo #09-01  
Permanent, New, Implementing Senate bill 485
- 3/14/11 Pol Memo #12-01  
Permanent, Changed the receiver from the person assigned to the case, to the person who has done the majority of the work on the case.  
Deleted Instructions to Staff



### **DRS:10-1-8. Criminal background checks required of vendors**

(a) **Purpose.** To protect the safety of individuals while receiving DRS services, the agency requires Employment Contractors to obtain national criminal background checks for any employees, supervisors, independent contractors or agents working under a contract with DRS. The agency further requires Employment Contractors to ensure that any of their employees, supervisors, independent contractors or agents who have criminal convictions that suggest they could pose a threat to the health and safety of DRS clients will not be assigned to work under a DRS contract if such assignment would involve access to or interaction with DRS clients.

(b) **Application.** The contract provision established by this rule shall apply to DRS Employment Support Services (ESS) Unit contracts with Employment Contractors who provide pre-employment and employment services directly to clients.

(c) **Authority.** DRS has determined that prudent exercise of its powers, duties and responsibilities under 74 OS 166.1 et seq shall include responsible steps to protect client safety and safeguard clients from abuse or exploitation while receiving DRS employment services. As demonstrated by other state programs serving disabled children, youth and adults, such steps may include the requirement of criminal background checks for personnel engaged in direct care and services to this population.

(d) **Criteria for criminal background checks.** The criminal background checks required by this rule shall be national in scope.

(e) **Contract monitoring.** DRS contracts with Employment Contractors shall require the Contractor to assure that the criminal background checks required by paragraph (a) may be viewed by authorized DRS personnel in the contract monitoring process or upon request.

Section History

8-8-16 Permanent, new policy

## **DRS:10-1-10. Ethics**

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

- (1) **Autonomy**, or fostering the right to control the direction of one's life;
- (2) **Nonmaleficence**, or avoiding actions that cause harm;
- (3) **Beneficence**, or working for the good of the individual and society by promoting mental health and well-being;
- (4) **Justice**, or treating individuals equitably and fostering fairness and equality;
- (5) **Fidelity**, or honoring commitments and keeping promises, including fulfilling one's responsibilities of trust in professional relationships; and
- (6) **Veracity**, or dealing truthfully with individuals with whom counselors come into professional contact.

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

- (1) All VR/SBVI staff will not condone or engage in activities which exploit consumers for personal gain, expect or demand receipt of any benefit or otherwise impose demands which compromise the delivery of professional services.
- (2) VR/SBVI staff will not request a consumer perform work activity, whether paid or unpaid, or any other favors such as personal babysitting for the benefit of that staff member.
- (3) VR/SBVI staff will not take a consumer to his/her home or visit the consumer's home unless for a reason directly related to the consumer's OKDRS case.
- (4) If a face to face meeting is not feasible VR/SBVI will only communicate with a consumer through OKDRS approved methods, such as, the US Postal Service, agency provided cell phone or OKDRS secured internet to ensure confidentiality.
- (5) VR/SBVI staff will not condone or engage in any form of sexual harassment as define in the OKDRS Policy Statement on the Prevention of Harassment.
- (6) VR/SBVI staff will inform consumers of their legal representatives of their rights to consent to participation in programs and receipt of services under the counselor's authority. After informing consumers of such rights, VR/SBVI staff must obtain the consumer's consent in a written format.
- (7) VR/SBVI staff will not require a consumer to sign a blank or in any way incomplete form for the counselor to complete at a later time.
- (8) VR/SBVI will insure that programmatic information is provided in the consumer's requested assessable format.
- (9) VR/SBVI staff will not condone, participate in or engage in discrimination based upon a consumer's race, religion, color, place of national origin, culture, disability, gender and/or age.

(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.

Section History

12-9-19 New internal policy implemented to provide an ethical code of behavior for VR/SBVI staff.

## **DRS:10-7-20 Digital case scanning/filing**

All case documentation is to be entered into AWARE and scanned into KnowledgeLake as set forth by approved agency protocol 1 and should be handled in such a manner as to assure the contents are kept confidential in accordance with agency policy. 2

### Instructions to Staff

#### 1. Case scanning/filing protocol:

To facilitate audits, case reviews and case management, each case must stand alone with its own supporting documents. If documents are used from a previous case they are to be uploaded into the new case.

Each client is identified by a Participant Identification number (PID). Each individual case for that client is identified by a Case Identification number (CID). The client's PID number will never change; however, the client's CID number will be different and specific to each case opened with DRS.

Each case record should contain all required information related to the case. All documents scanned into KnowledgeLake are to be scanned using the CID number to assure correct case file location.

All documents scanned into KnowledgeLake are to be scanned under the appropriate Document Category and/or Document Type to assure accurate location.

All documents scanned into KnowledgeLake are to have the appropriate entry in the Case Comments area to assist with location and identification of the document\_content.

Any document that requires the client's signature must be scanned into KnowledgeLake.

Any document that requires the Counselor, Programs Manager, or Field Coordinator approval will be printed, signed, and scanned into KnowledgeLake. This includes Application, Eligibility, Plans, Closures, Authorizations and other relevant documents.

All letters should be generated in AWARE using the Letters menu and will not require scanning. If a letter is generated outside of AWARE, it will require scanning; such as a letter requiring a preferred reading format not available in AWARE, or a letter requiring a signature other than that of the DRS Staff Member responsible for the assigned caseload.

Documents that do not require scanning:

- Case notes.
- Initial interview.
- Letters generated in AWARE.
- Voter registration statement.

### KNOWLEDGELAKE KIOSK AND DESKTOP SCANNING PROTOCOL

Application (C1, C1(a), C2/OB1, OB1(a), OB2) – enter the application signed date and the received date in the case comment section. \*Note the application date stamp must be on the front page at the bottom of the C-1. The application date is the date the application is received in the DVR/DVS office.

Authorization – All authorizations (non-medical, direct, medical, pharmacy, direct tuition) along with cost supporting documentation (invoice, estimate, bid, prescription, time sheet, pay warrant, etc.) must be scanned after a qualified Rehabilitation Counselor/Teacher has signed them. After creating a non-medical authorization, the counselor/teacher signs the “signature authorization signature” and it is scanned into KnowledgeLake with clear description in the case comment listing the vendor/provider name first, then any relevant information regarding the scan.

Once documents come in to release non-medical payment, sign the “payment authorization signature” and scan into KnowledgeLake once payment has been entered. Each time a line is released for payment (i.e. Work Adjustment Training/WAT, School Work Study/SWS, milestones) the authorization must have a payment authorization signature and date that corresponds with the payment being entered, and scanned again. For non-medical authorizations, original signed authorization should be held after initial scanning to wait for payment(s) to be made. Do NOT shred non-medical authorizations after initial scanning, only to have to reprint them at a later time.

Scan documents relating to the authorization together under the particular authorization (i.e. milestone invoices, WAT or SWS time sheets, details for calculating transportation, invoices, medical record invoices, tuition/fees/books statements, fax confirmations pertaining to the particular authorization, etc.). Any reports related to the authorization should be scanned in their appropriate location in AWARE.

Under case comments clearly indicate what the particular authorization is for and completion date. For example, a Supported Employment (SE) assessment milestone - type in “Vendor name, SE-AS completed 4/2/12.” For Work Adjustment or School Work Study type in “Vendor name, WAT Nov 2011” or “SWS Jan 2012”. For college indicate Vendor name, term/year/number of hours, etc.

Keep in mind you must have the authorization open to scan\_from AWARE so it will show up in search under the authorization number.

Business Plan – self-employment business plan and all related documents. (Case Management>Business Plan)

Client Employment Information (C-65) – must be scanned with client’s signature. (Case Management>Client Employment Info (C-65))

Closure – must be signed by the counselor/teacher, and supervisor where required, and scanned. (Case Management>Closure signed by PM)

Correspondence – upload emails and scan written correspondence\_pertaining to the client’s case. (Case Management>Correspondence)

Eligibility Extension (C-13) – must be scanned with signature. (Intake&Elig>EligibilityDeterminationExtend (C-13))

Exclusive Use Affidavit (C-28) – must be scanned with signature. (Intake&Elig>Exclusive Use Affidavit (C-28))

Financial Status Determination (C-25) – must be signed by the client and scanned into the case file with the original plan and plan amendments. In case comments

section, note signature date and list all other documents included in the scan (such as C-25 and proof of income documents. (Plan>IPE C-29) When a client is receiving SSI or SSDI, or all services are exempt from financial participation, a C-25 will be completed stating financial participation is not required at this time and the reason. If the client or services are exempt from financial participation, client signature on the C-25 is still required.

A C-25 completed due to change in client's income or completed at the time of Annual/Plan Review is scanned under Case Management>Financial Status Determination (C-25). In case comments section, note signature date, purpose for C-25 (ex. Annual Review dated...), and list all other documents included in the scan, such as proof of income.

IEP - for Transition students scan in the Psychological Educational Report with date of report (Case Management>IEP). If the IEP is used as supporting documentation for eligibility, it should be scanned into the Eligibility section (Intake&Eligibility>EligibilityDate).

Letters – Any letters generated in AWARE do not have to be scanned into KnowledgeLake. If the letter is generated outside of AWARE, indicate in case comments briefly what the letter pertains to and the date (e.g. older letters on DRS letterhead, letter received from the client, etc.). (Case Management>Letters)

OLBPH application (L-1). (Case Management>OLBPH Application (L-1))

Medical Documentation - In case comment, clearly indicate the doctor/facility name, type of report and date of report. These are medical reports that are NOT being used to determine eligibility. Release to return to work must be scanned into medical reports with a clear return to work date.

Medical reports used to determine eligibility need to be scanned under Intake&Eligibility>EligibilityDate. In case comment, clearly indicate the doctor/facility name, type of report and date of report.

Miscellaneous – scan documentation from the Department of Corrections, Tech Instructions (if your office uses them), OKDRS Job Readiness Checklist, SDS results sheet, OWL and NHL screen shots, and any other documentation that does NOT fit under a listed document type. (Case Management>MISC)

Personal Documents – scan insurance cards, state driver's licenses or state ID's, Medicare/Medicaid cards, Tribal cards, military ID's, etc. (Case Management>Personal Information)

Plan (IPE C-29) – it is a requirement for the counselor and client or client's representative to sign the Individualized Plan for Employment. The IPE C-29 is scanned with the corresponding C-25 and supporting cost documentation under Plan>IPE C-29.

Plan (OB ONLY) - it is a requirement for the rehabilitation teacher and client or client's representative to sign the Individualized Rehabilitation Plan. Plan is scanned under Plan>Plan (OB ONLY).

Plan Extension (C-14) – must be scanned and clearly identified in case comments with dates. (Intake&Elig>Plan/IPE C-29 Extension (C-14))

Professional Disclosure Form. (Intake&Elig>Professional Disclosure Form)

Responsibilities for Clients Attending Higher Education (C-50).  
(Plan>ResponsibilityHigherEd (C-50))

Receipt for Equipment Title Agreement (C-57). If associated with an authorization, scan under Authorization>Receipt Equipment Title Agreement (C-57)). If NOT associated with an authorization, scan under Case Management>ReceiptEquipmentTitleAgreement (C-57).

Release of Information (C-5). In case comments note name of individual/facility and signature date. Include fax confirmation, if applicable, with the scan. If sent prior to eligibility determination, scan under Intake&Elig>Release of Information (C-5). If sent AFTER eligibility has been determined, scan under Case Management>Release of Information (C-5).

Release or Receipt for Tools and/or Other Equipment (C-59). If associated with an authorization, scan under Authorization>Receipt/ReleaseToolsorOtherEquip(C-59). If NOT associated with an authorization, scan under Case Management>Receipt/ReleaseToolsorOtherEquip(C-59).

SSA-3288 Consent Release Information. In case comments note signature date.  
(Intake&Elig>SSA-3288ConsentRelease)

SSI/SSDI Documentation – includes SDX/BENDEX forms and Ticket To Work documents. (Intake&Elig>SSI/SSDI Documentation)

Training – progress reports, grade reports, job training reports (SE, ER, JP), referrals, certificates, any training documentation. In case comments, note name of facility, date of report and details of all contents of the scan. (Case Management>Training)

2. Confidentiality policy: [612:10-1-5](#).

Section History

|         |   |
|---------|---|
| 7-1-04  | PT Memo 05-01<br>Permanent, placed internal procedures for chapter 10 in new internal section |
| 4-29-05 | PT Memo #05-06<br>Added Letter of Eligibility to Case file                                    |
| 1-18-07 | PT Memo #08-01<br>Removed case folder order to ITS  |
| 7-1-08  | PT Memo #09-01<br>Modified ITS to improve case folder documentation                           |
| 6-28-13 | Permanent, replace hard copy instructions with scanning instructions                          |
| 9-9-13  | Modified to reflect record keeping of digital copies instead of hard copies.                  |
| 7-20-16 | Updated the scanning protocol language for clarity to the entire section of ITS #1.           |

**DRS POLICY**  
**CHAPTER 20. SPECIAL SCHOOLS**  
**SUBCHAPTER 1. GENERAL PROVISIONS**

**Section**

DRS:20-1-1. Fund Raising



## **DRS:20-1-1. Fund-raising**

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

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

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

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

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

### Section History

6-12-06 POL Memo 07-01  
Permanent, NEW

12-9-19 Updated to reflect the Chief Operations Officer title.