

COMMENT DUE DATE: January 02, 2025

Date: December 02, 2024

**Shelia Milsap, Program Officer III
Holli Kyker, Program Administrator
Brandi Smith, Policy Specialist**

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405-982-2217
405-982-2703**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

SUBJECT:

CHAPTER 2. ADMINISTRATIVE COMPONENTS

Subchapter 1. Human Resources Management Division

Part 5. Administrative Procedures

340:2-1-55 [REVOKED]

Part 7. Recruitment, Selection, And Placement Policy And Procedures

340:2-1-75 [AMENDED]

(Reference WF 25-2A)

SUMMARY:

The proposed amendments to Chapter 2 Subchapter 1 include: (1) revocation of Oklahoma Administrative Code (OAC) 340:2-1-55; (2) better alignment with Oklahoma Human Services (OKDHS) internal policy; and (3) prevention of confusion and improvement of visibility of requirements within OKDHS internal policy.

Permanent rulemaking approval is requested.

LEGAL AUTHORITY: Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162);



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Tommi Ledoux, Director of Human Resource Management

Date: May 29, 2024

Re: CHAPTER 2. ADMINISTRATIVE COMPONENTS
Subchapter 1. Human Resources Management Division
Part 5. Administrative Procedures
340:2-1-55 [REVOKED]
Part 7. Recruitment, Selection, And Placement Policy And Procedures
340:2-1-75 [AMENDED]
(Reference WF 25-2A)

Contact: Shelia Milsap 405-522-6008

A. Brief description of the purpose of the proposed rule:

Purpose.

The proposed amendments to Chapter 2 Subchapter 1 include: (1) revocation of Oklahoma Administrative Code (OAC) 340:2-1-55; (2) better alignment with Oklahoma Human Services (OKDHS) internal policy; and (3) prevention of confusion and improvement of visibility of requirements within OKDHS internal policy.

Strategic Plan Impact

The proposed amendments achieve OKDHS goals by creating seamless alignment with Oklahoma Management and Enterprise Services (OMES) regarding policies and procedures directed by Civil Service and Human Capital Modernization Rules.

Substantive changes.

Subchapter 1. Administrative Components

Part 5. Administrative Procedures

OAC 340:2-1-55 is revoked.

Part 7. Recruitment, Selection, And Placement Policy And Procedures

OAC 340:2-1-75 is amended to better clarify OKDHS hiring process to ensure equal opportunities.

Reasons.

The revocation of OAC 340:2-1.55 aligns better with OKDHS internal policy.

The proposed amendments to OAC 340:2-1-75 provide better clarity and understanding of OKDHS equal opportunity hiring practices applicable to all OKDHS programs and divisions.

Repercussions.

Revoking OAC 340:2-1-55 will necessitate an active internal communications strategy to ensure OKDHS employees are familiar with OKDHS administrative procedures and policy guidance.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162);

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are current and future state employees within OKDHS. There are no additional costs associated with these amendments.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit from the proposed amendments are OKDHS employees who will benefit from a personnel administration program that is standardized throughout the state government.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected classes of persons.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** OKDHS includes the cost of printing and distributing the rules, which is estimated to be less than \$20.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** The proposed revocations will have no adverse impact on small businesses

- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** Less costly, non-regulatory, or less intrusive methods are not available for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** The proposed amendments affect only the administration of state government employees and will have no effect on public health, safety, and the environment.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** The proposed amendments affect only the administration of state government employees and will have no detrimental effect on public health, safety, and the environment if not implemented.
- K. The date the rule impact statement was prepared and, if modified, the date modified:**
Prepared ; May 27, 2024; modified

SUBCHAPTER 2. ADMINISTRATIVE COMPONENTS

PART 5. ADMINISTRATIVE PROCEDURES

340:2-1-55. Individual personnel records [REVOKED]

Revised 9-17-18

~~A local personnel file is set up in each office. ■ 1 & 3 Documentation in the file includes, but is not limited to, official communications, training records, performance evaluations, supervisory memoranda, and similar material relating to the employee. The divisions and units housed at Oklahoma Department of Human Services (DHS) State Office building may instead use the records maintained by Human Resource Management. The employee and any individual in the line of authority above the employee may review the employee's personnel file either in the local office or in the state office. Local administrators or selecting officials may review personnel files for employees who are seeking assignment within their offices. Other DHS officials may review an employee personnel file when there is an administrative need. Any other requests to review employee personnel files are handled per and are subject to the limitations of the Oklahoma Open Records Act and the Oklahoma Discovery Code. Section 840-2.11 of Title 74 of the Oklahoma Statutes prohibits public inspection or disclosure of state employees' home addresses, phone numbers, and Social Security numbers. ■-2~~

INSTRUCTIONS TO STAFF 340:2-1-55 [REVOKED]

Revised 9-17-18

~~1. (a) The local personnel file may include copies of materials maintained in Human Resource Management (HRM) files, such as:~~

- ~~(1) Application for Employment;~~
- ~~(2) Secretary of State (SOS) Form 100, Loyalty Oath;~~
- ~~(3) copy of Social Security card;~~
- ~~(4) Employee and Non-employee Acknowledgment of Confidentiality;~~
- ~~(5) Conditions of Employment; and~~
- ~~(6) the Personnel Action Report.~~

~~(b) The local administrator is responsible for the maintenance of local personnel files for all staff assigned to the county.~~

~~2. The items listed in this Instruction are filed and maintained in HRM according to Oklahoma Department of Human Services (DHS) records disposition schedules. Local office files include copies of forms originating within the offices. Personnel records are separated into active, current DHS employees, or inactive, when the employee separated from DHS employment.~~

~~3. Supervisory documentation. This includes informal notes on performance, corrective discipline, timekeeping, and any other documents relevant to the employee's performance or that may be considered by the supervisor in evaluation of the employee's performance. These are not open records but may be subject to review or disclosure during litigation discovery. No information is contained in such files that was not discussed with or provided to the employee.~~

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

340:2-1-75. Equal opportunity employment

Revised ~~9-17-18~~9-15-24

~~(a) The Oklahoma Department of Human Services (DHS) (OKDHS) is an equal opportunity employer. OKDHS employment policies and practices do not discriminate against employees or applicants for employment because of race, creed, color, religion, sex, age, national origin, disability, or political affiliation or opinion. and has as its employment goal the recruitment, selection, and placement of persons most likely to become productive, motivated employees. To accomplish this goal, procedures designed to meet the hiring process objectives include: The OKDHS hiring process objectives are to recruit, select, and place persons most likely to become productive, motivated employees. Procedures designed to meet the hiring process objectives include:~~

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

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

~~(c) The rules in this Part apply throughout DHS, except where a separate rule is issued, or a pilot is being tested, per Oklahoma Administrative Code 340:2-1-76(9).~~