



Civil Service Division Law Enforcement Party Employee Rights (Complaints)

Pursuant to proposed Oklahoma Administrative Code rule 260:130-5-2(b), Law Enforcement Parties shall file their complaints with the Civil Service Division within thirty (30) business days of the disciplinary action. The Civil Service Division will have complaint-related mediations involving Law Enforcement Parties completed within forty-five (45) business days of submission. The Civil Service Division will hear complaint-related hearings involving Law Enforcement Parties within ninety (90) business days of submission. The Civil Service Division may grant one thirty (30)-day extension for mediation for Law Enforcement Parties upon request of one of the parties.

Law Enforcement Parties filing a complaint with CSD shall prove there was no reasonable basis for the disciplinary action taken by the state agency. Review of the complaint merits may be limited to the employee disciplinary file directly at hand.

Below is an outline of the process for each action CSD will review:

Written Reprimand complaints will be set for a mediation session. Law Enforcement Parties employed to perform duties as outlined in paragraph 6 of subsection E of §3311 of Title 70 and §2-105 of Title 47 of the Oklahoma Statutes shall be permitted to proceed to a hearing if mediation is unsuccessful.

Alleged Punitive Transfer complaints will be set for a required mediation session. Each party is expected to negotiate in good faith, without time constraints, and put forth his or her best efforts with the intention to settle. If resolution is reached, all parties will carry out the terms of their agreement and the complaint process is complete. If an agreement is not reached, the complaint will be set for hearing and an administrative law judge will rule on the merits of the complaint.

An alleged punitive transfer is defined as a transfer that is directed at and affects only one employee employed by the Appointing Authority. The punitive transfer must relocate the affected employee to a new worksite that is fifty (50) or more miles from the employee's previous worksite. A transfer that results from a closure of a worksite location or building, or affects two or more employees, does not qualify as a punitive transfer. Further, employees who were offered a relocation incentive as set forth in administrative rule shall not be deemed as being subject to a punitive transfer.

Suspension Without Pay, Involuntary Demotion and Termination complaints give the option to mediate through an employee request, but the mediation step is not required. If mediation is not requested, the complaint will be set for hearing and an administrative law judge will rule on the merits of the complaint. If mediated and a resolution agreement is reached, all parties will carry out the terms of their agreement and the complaint process is complete. If an agreement is not reached through mediation, the complaint will be set for hearing.

If you have any questions regarding the complaint process, email CivilServiceDivision@omes.ok.gov. To file a complaint, please visit Oklahoma.gov/csd.