



**Civil Services Division
State Employee Rights**

In accordance with the Civil Service and Human Capital Modernization Act (62§34.301 C), employees have five business days to file a complaint with the Civil Service Division after receiving a disciplinary action or alleged punitive transfer. The entire process, including mediation, prehearing conference and hearing, shall take place within 25 business days of the action.

Employees 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 shall 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. Mediation is the only means by which CSD can address the complaint. 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 Written Reprimand stands, and the complaint process is complete.

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.

Suspension Without Pay, Involuntary Demotion and Termination complaints have 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/omes/services/human-capital-management/civil-service.html.
