

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 1. GENERAL PROVISIONS
SUBCHAPTER 3. RECORDS AND INSPECTIONS**

240:1-3-4. Copies

Any person wishing to obtain a copy of any record must follow the procedures in rules 240:1-3-2 or 240:1-3-3 and include a request for copies in the writing, administrative subpoena, court order or waiver of confidentiality. The document requesting the records must allow at least twenty (20) days from the date of service for production of the documents. Pursuant to 51 O.S. §24A.5(6), if a records request would cause an excessive disruption of the essential functions of the Commission, production of records may be delayed to prevent the disruption.

240:1-3-5. Copying and reproduction fees

(a) The Commission shall charge for copies of records, as set out in this rule, and a search fee for staff time spent in obtaining the records, pursuant to 240:1-3-6, except no charge will be made for requests in furtherance of a claim for unemployment benefits or if disallowed by the provisions of 51 O.S. §24A.5.

(b) The document copying fee is twenty-five cents (\$0.25) per page or One Dollar (\$1.00) per page for a certified copy. This fee is to be paid prior to the release of the requested records.

(c) The reproduction fee for copying any electronic file to a CD, DVD, flash drive, or other portable electronic storage device provided by the requester shall be Ten Dollars (\$10.00) for each portable electronic storage device used.

(d) The reproduction fee for an audio recording of a hearing shall be Ten Dollars (\$10.00).

(e) Pursuant to 51 O.S. §24A.5(4)(b), if a records request would clearly cause an excessive disruption of the essential functions of the Commission, the agency may charge the requestor a reasonable fee for the cost of copying the records that will be sufficient to cover all costs of copying and reproduction, including the costs of the use of private vendors in the process of copying and reproduction.

240:1-3-6. Search fees

(a) The search fee shall be applicable to all confidential records requested for commercial purposes, unless it is determined by the Director, in his or her discretion, that the public interest is served to such an extent that no charge should be applicable. The search fee will be \$10.00 for each account or claimant record requested. No search fee will be charged for the production of non-confidential records.

(b) Pursuant to 51 O.S. §24A.5(4)(b), if a records request would clearly cause an excessive disruption of the essential functions of the Commission, the agency may charge the requestor a reasonable fee for the cost of the records search in addition to the search fee set out in subsection (a) of this rule. If the Commission is required to use a private vendor in the records search process, the record requestor shall be required to pay all costs associated with the records search conducted by the private vendor.

SUBCHAPTER 5. LOCAL PROJECT FUNDING [REVOKED]

240:1-5-1. Purpose [REVOKED]

~~These rules set out the procedures and criteria that will be used to award local project funding contracts by the Oklahoma Employment Security Commission.~~

240:1-5-2. Definitions [REVOKED]

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

~~"Commission" means the Oklahoma Employment Security Commission.~~

~~"Local project funding contract" means an agreement made pursuant to Executive Order 98-37, not subject to statutory competitive bidding requirements, between a state agency and a local governmental entity or a private entity, or both, in which the state agency agrees to provide funding to accomplish a public purpose. The direct benefits of a local project funding contract shall accrue primarily to a local population rather than the state as a whole.~~

~~"Local Project Administrator" means the person employed by an entity that is awarded a local project funding contract, or the person employed by an entity that will be the fiscal agent acting on behalf of a group of entities that have collaborated to obtain a local project funding contract. The local project administrator will:~~

- ~~(A) Serve as the point of contact with the Commission;~~
- ~~(B) Submit and attest to the accuracy of all reports; and~~
- ~~(C) Receive payment of all funds and manage the funds.~~

~~"LPF Auditor" means the employee of the Commission designated by the Executive Director to be responsible for monitoring all local project funding contracts after an award of the contract has been made.~~

~~"LPF Officer" means the employee of the Commission designated by the Executive Director to be responsible for reviewing all local project funding contract proposals, and who will award contracts to the successful applicants.~~

240:1-5-3. Local project funding announcement [REVOKED]

~~Each local project funding contract will be announced by press release submitted to 25 newspapers in both metropolitan and rural areas. A paid advertisement will be placed in a newspaper that serves the geographic area where the local project will be located. An announcement will also be printed in the Oklahoma Register. All announcements will be submitted at least 20 days before the deadline for making application to obtain a local project funding contract. Each announcement submitted for publication shall contain the following information:~~

- ~~(1) The Oklahoma Employment Security Commission will be the contracting agency;~~
- ~~(2) A description of the type of projects eligible for local project funding contracts;~~
- ~~(3) A description of the type of persons or entities who are eligible or qualified for the local project funding contract;~~
- ~~(4) A total amount of money available from the agency for the local project funding contract;~~
- ~~(5) The closing date and time for receipt of applications; and~~

~~(6) The name, business address, telephone number, fax number, and e-mail address of the person who interested parties may contact for additional information and the name and business address of the person to whom applications must be submitted.~~

240:1-5-4. Evaluation of local project funding contract applications [REVOKED]

~~(a) The LPF officer will be responsible for evaluating all local project funding contract applications and to award contracts to the successful applicants~~

~~(b) Each local project funding contract application will be evaluated on the following criteria, if relevant:~~

- ~~(1) The lowest unit price or overall cost;~~
- ~~(2) The best value;~~
- ~~(3) The experience of the person or entity applying for the contract;~~
- ~~(4) The licenses, certifications, or academic achievement possessed by the applicant;~~
- ~~(5) The past contractual experience between the Commission and the applicant;~~
- ~~(6) The number of employees and the amount of resources the applicant will devote to the project;~~
- ~~(7) The financial condition or capitalization of the person or entity applying for the contract;~~
- ~~(8) Demonstrated ability to complete the project and meet all reporting requirements; and~~
- ~~(9) That the applicant is an equal opportunity employer.~~

240:1-5-5. Affidavit of LPF officer [REVOKED]

~~The LPF officer shall be responsible for submitting an affidavit to the Director of the Office of Management and Enterprise Services certifying that the award of the local project funding contract met all criteria set forth in these rules, as well as filing all other documentation required for the Office of Management and Enterprise Services to encumber the necessary funds and pay the local project funding contract.~~

240:1-5-6. Serial numbering of local project funding contracts [REVOKED]

~~Each local project funding contract shall be identified by a serial number that will be cited in all correspondence to the contracting parties and the Office of Management and Enterprise Services concerning the local project funding contract. The number shall begin with the agency number for the Commission, followed by the last two digits of the year in which the contract is made, then followed by the number assigned to the contract. The agency number, year, and contract number will be separated by dashes.~~

240:1-5-7. Monitoring of local project funding contracts [REVOKED]

~~The Commission will be responsible for monitoring all local project funding contracts awarded under these rules. The Commission will have the right to require the local project administrator to submit any reports deemed necessary for the award and administration of the contract, and the local project administrator will allow the LPF Auditor to audit any of its books and records that the auditor deems necessary in order to ensure that the purposes of the contract are being fulfilled and that all laws and rules are being adhered to. The LPF auditor will also have the right to conduct a physical~~

~~inspection of any facilities or programs that are benefited or impacted by the local project funding contract.~~

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM
SUBCHAPTER 3. BENEFITS
PART 5. ELIGIBILITY**

240:10-3-20. Instructions to secure work [AMENDED]

(a) **Able and available to accept employment.** When a claimant files an initial claim for benefits, the Commission shall instruct the claimant that, in addition to registering for work in the Oklahoma labor exchange system or the system in the state in which the claimant resides, the claimant must diligently search for suitable employment.

(b) **Seek and accept work.** The Commission shall direct and require that in diligently searching for work the claimant must do those things that a reasonably prudent individual would be expected to do to secure work using any means that are appropriate and customary each week. A diligent work search requires that a claimant make two (2) work search efforts each week and consists of some combination of the following elements:

- (1) Union members must be registered with the hiring hall or placement facility of their labor union and be a member in good standing.
- (2) ~~Participation in all reemployment services offered to the claimant by the Commission or any other State Employment Service.~~
- (3) ~~Submit applications for work with employers.~~
- (4) Register with the placement service of any professional organization the claimant is a member of.
- ~~(5)~~(3) Register with the placement service of any school, college, university, or training institution from which the claimant graduated.
- (6) ~~Take examinations for work with governmental agencies.~~
- (4) Creating a reemployment plan;
- (5) Creating a resume;
- (6) Uploading his or her resume to online job boards;
- (7) Registering for work with the state's labor exchange system, placement firm, temporary work agencies, or educational institution with job placement offices;
- (8) Using online career tools;
- (9) Logging on and looking for work in the state's labor exchange or other online job matching system;
- (10) Using reemployment services in Workforce Oklahoma Centers or completing similar online or self-service activities (e.g. obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment (RESEA) activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities);
- (11) Completing job applications for employers that have (or are reasonably expected to have) job openings, or following through on job referrals or job development attempts, as directed by state workforce or UI staff;
- (12) Applying for or participating in employment and training services provided by partner programs in Workforce Oklahoma Centers;
- (13) Creating a personal user profile on a professional networking site;
- (14) Participating in work-related networking events (e.g. job clubs, job fairs, industry association events, networking groups, etc.);

(15) Making contacts or in-person visits to employers that have, or are reasonably expected to have, job openings;

(17) Taking a civil service exam or examinations for work in a governmental agency;

(17) Going on interviews with employers (virtually or in-person); or

(18) Any other work search activities prescribed by the Commission.

(c) **Increase of work search requirements.** The number of work search efforts described in subsection (b) may be increased at the discretion of the Commission based on the circumstances of each claimant.

(d) **Activity log.** The claimant is required to maintain a work search activity log and make it available for review by Commission representatives, when requested.

(e) **Referrals.** A claimant who receives referrals from the Commission to a job or jobs considered to be suitable, as otherwise defined in state law, must apply for the job within one week of receiving the referral, and the claimant must accept employment if suitable work is offered.

~~(d)~~ (f) **Waiver of work registration and work search requirement.** If an employee is involved in a temporary layoff, a temporary layoff-federal, or is receiving supplemental unemployment benefit payments through an approved plan, the work search requirement is met if the employee maintains an attachment to the employer and remains available to return to work for the employer.

The work registration requirement of 40 O.S. §2-204 and work search requirement of 40 O.S. §2-417 may be waived by the Executive Director in consultation with ~~the Deputy Director, the General Counsel, and a designated Division Director~~ members of the Senior Staff if it is found that claimants in a specific geographic area or region of the state are prevented from making a reasonable work search as a direct result of natural disaster, pandemic, fire, flood, or explosion.

PART 11. FILING CLAIMS – NOTICE

240:10-3-54. Electronic notification for employer in unemployment benefit claims [AMENDED]

- (a) An employer may request that all notices concerning an unemployment benefit claim, in which the employer is involved, be delivered through electronic means pursuant to 40 O.S. Section 2-507. Once the request is processed, all notices in all unemployment insurance cases currently pending and that arise in the future may be delivered through electronic means by utilizing the employer portal.
- (b) It will be the responsibility of the employer to access its account through the employer portal on a regular basis to check for notices concerning unemployment benefit claims that are posted there.
- (c) All time deadlines shall be computed from the date of the electronic notification sent by the Commission.

240:10-3-55. Electronic notification for claimants in unemployment benefit claims [NEW]

- (a) A claimant may request that all notices concerning his or her unemployment benefit claim be delivered through electronic means, pursuant to 40 O.S. Section 2-507. Once the request is processed, all notices in the claimant's unemployment claim shall be delivered through electronic means by utilizing the claimant portal.
- (b) It will be the responsibility of the claimant to access his or her account through the claimant portal on a regular basis to check for notices concerning his or her unemployment benefit claim.
- (c). All time deadlines shall be computed from the date of the electronic notification sent by the Commission.

SUBCHAPTER 5. CONTRIBUTIONS PART 3. RATES

240:10-5-17. Relief from benefit wage charges – disasters [AMENDED]

In order for an employer to remove a benefit wage charge from his or her account because of a separation of employees from employment that occurred due to a natural disaster, pandemic, fire, flood, or explosion pursuant to 40 O.S. Section 3-106.1, the following requirements must be met:

- (1) The affected employer must request in writing that the benefit wage charge be removed and shall state in this writing:
- (A) date of the occurrence of the disaster;
 - (B) type of disaster;
 - (C) name of the business;
 - (D) physical location of the building, office, or plant involved in the disaster;
- and
- (E) nature of the business conducted by this employer at the location that was damaged.
- (2) The disaster must be reported to the Commission within one year and four months of the date of occurrence.