

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

590:1-1-5. Retirement Coordinators

- (a) **Appointment.** Retirement Coordinators shall be appointed for each participating county, city, town or county hospital and each State agency to serve as a representative between the Retirement Board and the participating Employer.
- (b) **Responsibilities.** These Retirement Coordinators shall be responsible for the enrollment, assistance of the completion of forms, and instructions to the members on behalf of the participating employer relating to the Oklahoma Public Employees Retirement System.
- (c) **Notice to members; Plan information.** The Retirement Coordinator shall be responsible for ensuring that each participating member of the System is provided ~~a copy~~ basic Plan information in the form of the most current Member Handbook or other similar publications from the System, and all other official notices from the System. The member shall also be directed to the website of the System, www.opers.ok.gov, for more specific Plan information. Each Retirement Coordinator shall establish and maintain sufficient documentation to verify compliance with this rule, and shall furnish ~~said~~ the verification upon request by the System.
- (d) **Employment; training; liability.** The Retirement Coordinator is employed by and under the authority of each participating county, city, town or county hospital and each State agency and is not an employee of the System. The System will make available information and training opportunities, however, it is the responsibility of the Coordinator to become familiar with the Plan provisions and keep abreast of all changes and amendments. Neither the System nor the Board will be liable for or bound by any mistakes, errors or misrepresentations of the Retirement Coordinators.

SUBCHAPTER 3. ADMINSTRATIVE REVIEW AND HEARINGS

590:1-3-8. Hearing procedure

- (a) **Purpose and process.** The hearing provides each party the opportunity to present witnesses and evidence in support of his or her respective case. Hearings shall be conducted in accordance with the Administrative Procedures Act and the rules in this Subchapter. The hearing shall be structured by the Hearing Examiner and open to the public. The Hearing Examiner may order parts of the proceedings closed when evidence of a confidential nature is to be introduced or where to do so would be in the best interests of a party, witness, the public or other affected persons.
- (b) **Party responsibility.** Each party shall be present, on time, and prepared. Failure to do so may result in dismissal of the appeal unless good cause is shown.
- (c) **Hearing Examiner responsibility.** The Hearing Examiner will convene the hearing, note appearances, and consider any motions or preliminary matters. The Hearing Examiner shall administer oaths or affirmations of the witnesses. The Hearing Examiner may also:
- (1) question any party or any witness;
 - (2) establish a scheduling order for the hearing to include time lines for further filings and the date of the hearing before the Board of Trustees;

- (3) rule on any request for an extension of time, or on any other motions or other procedural matters;
 - (4) regulate the course of the hearing, rule on admissibility of all evidence, and regulate the conduct of the participants;
 - (5) request additional briefs on issues or law as may be reasonably necessary;
 - (6) take official notice of any material fact not appearing as evidence in the record if the fact is among traditional matters of judicial notice;
 - (7) recess and reconvene the hearing; or
 - (8) order the proceedings to be expedited in the event of severe financial hardship, upon good cause shown, in accordance with 590:1-3-17.
- (d) **Transcript of hearing.** The System shall cause a full stenographic record of the hearing to be made by a competent court reporter. A copy of the stenographic record shall be provided to any party to the proceeding at the request and expense of such party.
- (e) **Arguments; witnesses; evidence.** The party requesting the hearing shall be heard first and has, unless otherwise provided by law, the burden of proof to show in what respect the action or proposed action of the System is incorrect. Each party shall have the opportunity to present its case, to make opening statements, to call and examine witnesses, to offer documentary evidence into the record and to make closing arguments. Each party shall also have the opportunity to cross-examine opposing witnesses on matter covered in direct examination and, in the discretion of the Hearing Examiner, upon matter relevant to the issues even though not covered in direct examination. Any objection to testimony or evidentiary offers should be made, and the basis of the objection stated on the record.
- (f) **Scheduling order.** Prior to the closing of the record, each party shall agree to a proposed scheduling order which shall include deadlines for submitting a proposed final order, filing objections to the Hearing Examiner's Proposed Final Order, rebuttals to any objections, requesting a rehearing, and the date of the hearing before the Board of Trustees. The Hearing Examiner shall sign the agreed scheduling order and each party shall receive a copy.
- (g) **Closing the record.** The record shall be closed when each party has had an opportunity to be heard and present evidence. Once the record is closed, no additional evidence or arguments shall be considered. The Hearing Examiner may grant a rehearing, reopening or reconsideration of the hearing upon a showing of good cause by either party prior to the date of the scheduled hearing before the Board of Trustees.