

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 63

By: Montgomery of the Senate

and

Frix of the House

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9       An Act relating to state government; amending 74 O.S.  
10      2011, Section 840-2.27E, as amended by Section 886,  
11      Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2020, Section  
12      840-2.27E), which relates to the Severance Benefits  
13      Act; modifying certain requirement for separation  
14      agreement; and providing an effective date.

15   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16       SECTION 1.       AMENDATORY       74 O.S. 2011, Section 840-2.27E,  
17      as amended by Section 886, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
18      2020, Section 840-2.27E), is amended to read as follows:

19       Section 840-2.27E. Any affected employee who receives severance  
20      benefits pursuant to the State Government Reduction-in-Force and  
21      Severance Benefits Act shall execute a separation agreement with the  
22      employing agency, on forms to be prescribed by the Director of the  
23      Office of Management and Enterprise Services. The forms shall  
24      comply with applicable federal laws and may include but not be  
25      limited to the following elements:

1        1. Agreement by the affected employee that the receipt of the  
2 benefits is in lieu of continued employment with the agency or other  
3 severance benefits related to the current reduction-in-force;

4        2. Agreement by the affected employee that, to the extent  
5 allowed by federal or state law, respectively, the affected employee  
6 releases the State of Oklahoma and the agency from all claims,  
7 liabilities, demands and causes of action known or unknown, fixed or  
8 contingent, equitable, legal or administrative, except unemployment  
9 insurance;

10       3. Agreement by the affected employee that, to the extent  
11 allowed by federal or state law, respectively, the affected employee  
12 releases the State of Oklahoma and the agency from any claim or  
13 cause of action which might arise under federal or state laws  
14 governing the employment relationship; and

15       4. Agreement by the affected employee that the affected  
16 employee knows and understands that the receipt of severance  
17 benefits is in exchange, to the extent allowed by federal or state  
18 law, for any rights the affected employee may have had to:

- 19           a. continued employment with any agency, and  
20           b. future employment with the agency from which separated  
21           for a period of one (1) year from the date of the  
22           agreement, provided that nothing in this subparagraph  
23           shall prohibit an appointing authority of any agency  
24           from employing an affected employee who has received a

1           severance benefit. ~~If an affected employee is~~  
2           ~~reemployed by the agency from which separated as a~~  
3           ~~result of a reduction in force within one (1) year of~~  
4           ~~separation, the affected employee shall repay all~~  
5           ~~severance benefits received pursuant to the State~~  
6           ~~Government Reduction in Force and Severance Benefits~~  
7           ~~Act on a proportional basis. The repayment amount of~~  
8           ~~the severance benefits received by or paid on behalf~~  
9           ~~of the affected employee shall be reduced one three~~  
10          ~~hundred sixty fifths (1/365) for each day after the~~  
11          ~~separation of the affected employee, provided that any~~  
12          ~~education voucher credit benefits shall not include~~  
13          ~~agency contributions.~~

14          The provisions of this section shall not prohibit any affected  
15          employee from accepting severance benefits from more than one agency  
16          during employment with the State of Oklahoma.

17          SECTION 2. This act shall become effective November 1, 2021.

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19          COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND  
20          EFFICIENCY, dated 03/30/2021 - DO PASS.  
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