

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 63

By: Montgomery

AS INTRODUCED

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

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

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

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