

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1856

By: Stewart

AS INTRODUCED

An Act relating to the Oklahoma Personnel Act; amending 74 O.S. 2021, Section 840-2.27C, as amended by Section 20, Chapter 243, O.S.L. 2022 (74 O.S. Supp. 2023, Section 840-2.27C), which relates to reduction-in-force plan; allowing for certain factors to be considered; repealing 74 O.S. 2021, Sections 840-2.28, 840-2.28A, and 840-2.28B, which relate to voluntary buyout benefits; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 840-2.27C, as amended by Section 20, Chapter 243, O.S.L. 2022 (74 O.S. Supp. 2023, Section 840-2.27C), is amended to read as follows:

Section 840-2.27C. A. At least thirty (30) days before the scheduled beginning of reduction-in-force separations or as otherwise provided by law, the appointing authority shall post in each office of executive branch agencies affected by the proposed reduction-in-force notice that a reduction-in-force will be conducted. The reduction-in-force implementation plan shall be provided to the Director of the Office of Management and Enterprise

1 Services and any state employee association representing state  
2 employees at such time. The notice shall not be posted unless  
3 approved by the cabinet secretary for the agency conducting the  
4 reduction-in-force. If there is no incumbent cabinet secretary for  
5 the agency, the cabinet-secretary-notice-approval requirement shall  
6 not be applicable. If the appointing authority is governed by an  
7 elected official, the cabinet-secretary-notice-approval requirement  
8 shall not be applicable. The approved notice shall be posted in  
9 each office affected by the proposed plan for five (5) days. The  
10 appointing authority shall provide a copy of the notice to the  
11 Administrator. A reduction-in-force shall not be used as a  
12 disciplinary action; provided, that a low job performance evaluation  
13 may be a factor considered by the appointing authority during a  
14 reduction-in-force.

15 B. The reduction-in-force implementation plan shall:

16 1. Provide for the appointing authority to determine the  
17 specific position or positions to be abolished within specified  
18 units, divisions, facilities, agency-wide or any parts thereof; and

19 2. Provide outplacement assistance and employment counseling  
20 from the Oklahoma Employment Security Commission and any other  
21 outplacement assistance and employment counseling made available by  
22 the agency to affected employees regarding the options available  
23 pursuant to the State Government Reduction-in-Force and Severance  
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1 Benefits Act prior to the date that a reduction-in-force is  
2 implemented.

3 C. The Director of the Office of Management and Enterprise  
4 Services shall review the fiscal components of the reduction-in-  
5 force implementation plan and within five (5) business days of  
6 receipt reject any plan that does not:

- 7 1. Demonstrate that funds are available to cover projected  
8 costs; and
- 9 2. Contain an estimate of the cost savings or reduced  
10 expenditures likely to be achieved by the agency.

11 If the reduction-in-force is conducted pursuant to a  
12 reorganization, the fiscal components of the reduction-in-force  
13 implementation plan shall contain reasons for the reorganization,  
14 which may include, but not be limited to, increased efficiency,  
15 improved service delivery, or enhanced quality of service.

16 D. When the Legislature is not in session, the Contingency  
17 Review Board may, upon the request of the Governor, direct agencies,  
18 boards and commissions to reduce the number of employees working for  
19 the agency, board or commission whenever it is deemed necessary and  
20 proper. Such reduction shall be made pursuant to reduction-in-force  
21 plans as provided in this section.

22 E. 1. When the Legislature is not in session, the Contingency  
23 Review Board may, upon the request of the Governor, direct and  
24 require mandatory furloughs for all state employees whenever it is

1 deemed necessary and proper. The Contingency Review Board shall  
2 specify the effective dates for furloughs and shall note any  
3 exceptions to state employees affected by same. All employees,  
4 including those employees of agencies or offices established by  
5 statute or the Constitution, shall be affected by such actions.

6 2. Mandatory furlough means the involuntary temporary reduction  
7 of work hours or the placement of an employee on involuntary leave  
8 without pay. Rules governing leave, longevity pay and participation  
9 in the State Employees Group Health, Dental, Disability, and Life  
10 Insurance program shall not be affected by mandatory furloughs.  
11 Furlough, as provided for in this section or by rules adopted by the  
12 Director of the Office of Management and Enterprise Services, shall  
13 not be appealable under the provisions of this act.

14 3. Notwithstanding existing laws or provisions to the contrary,  
15 members of state boards and commissions shall not receive per diem  
16 expenses during periods of mandatory furlough. The Contingency  
17 Review Board shall additionally call upon elected officials, members  
18 of the judiciary, and other public officers whose salary or  
19 emoluments cannot be altered during current terms of office, to  
20 voluntarily donate to the General Revenue Fund any portion of their  
21 salary which would otherwise have been affected by a mandatory  
22 furlough.

23 F. All agencies directed by the Contingency Review Board to  
24 terminate or furlough employees, shall report the cumulative cost  
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1 savings achieved by the reductions-in-force or furloughs to the  
2 Governor, President Pro Tempore of the Senate and Speaker of the  
3 House of Representatives on a quarterly basis for one (1) year  
4 following the effective date of the action.

5 G. The appointing authority of an agency which has an approved  
6 reduction-in-force plan pursuant to the State Government Reduction-  
7 in-Force and Severance Benefits Act may request the Director of the  
8 Office of Management and Enterprise Services to appoint an  
9 interagency advisory task force for the purpose of assisting the  
10 agency and its employees with the implementation of the reduction-  
11 in-force. The appointing authority of state agencies requested by  
12 the Administrator to participate on a task force shall assign  
13 appropriate administrative personnel necessary to facilitate the  
14 necessary assistance required for the efficient implementation of  
15 the approved reduction-in-force.

16 SECTION 2. REPEALER 74 O.S. 2021, Sections 840-2.28,  
17 840-2.28A, and 840-2.28B, are hereby repealed.

18 SECTION 3. This act shall become effective November 1, 2024.

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