

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1424

By: Vancuren

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6 AS INTRODUCED

7 An Act relating to school employees; creating an
8 Education Employee Assistance Program within the
9 Department of Mental Health and Substance Abuse
10 Services; authorizing program to assist school
11 districts in managing certain employees; permitting
12 program to provide additional services; requiring
13 program participation to be voluntary; allowing
14 Department to contract with certain entities;
15 directing Board of Mental Health and Substance Abuse
16 Services to promulgate rules and establish evaluation
17 methods; construing provisions of section; subjecting
18 existing programs to compliance with promulgated
19 rules; mandating separate maintenance of program
20 records; prescribing records to be confidential and
21 subject to subpoena; providing exception for
22 confidentiality; requiring participant to have access
23 to his or her program records; construing provision
24 related to school district's disciplinary authority;
providing for codification; providing an effective
date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5-117.7 of Title 70, unless
there is created a duplication in numbering, reads as follows:

1 A. An Education Employee Assistance Program shall be created
2 within the Department of Mental Health and Substance Abuse Services.
3 The program may provide assistance to public school districts in the
4 management of employees whose personal problems may have a negative
5 impact on job performance. The program may also provide for
6 assessment, referral, consultation, and problem resolution
7 assistance to school district employees and their family members
8 seeking corrective help with medical or mental health problems,
9 including alcohol or drug abuse and emotional, marital, familial,
10 financial, or other personal problems. Participation in the
11 Education Employee Assistance Program shall be voluntary.

12 B. The Department of Mental Health and Substance Abuse Services
13 may contract with entities to carry out the purposes and functions
14 of the Education Employee Assistance Program and shall establish
15 standards and criteria for entities to be eligible to contract with
16 the Department.

17 C. The Board of Mental Health and Substance Abuse Services
18 shall:

19 1. Promulgate rules necessary for the administration of the
20 Education Employee Assistance Program and the maintenance and
21 release of participant records; and

22 2. Establish evaluation methods to assess the effectiveness of
23 the Education Employee Assistance Program.

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1 D. Nothing in this section shall nullify a school district's
2 existing employee assistance program or prohibit a school district
3 from establishing its own employee assistance program; provided,
4 however, programs established by school districts shall be subject
5 to compliance with rules promulgated by the Board to ensure
6 equitable treatment of employees.

7 E. Records related to employee participation in the Education
8 Employee Assistance Program or an employee assistance program
9 established by a school district shall be maintained separately from
10 regular personnel records and shall not become part of an employee's
11 personnel file. Records related to an individual's participation in
12 an employee assistance program shall be confidential and neither the
13 records nor the testimony of an Education Employee Assistance
14 Program professional shall be subject to subpoena unless a
15 participant poses a threat to deliberately harm others or engage in
16 self-harm. This determination shall be made by an Education
17 Employee Assistance Program professional. A participant in an
18 employee assistance program shall have a right to access his or her
19 own employee assistance program records.

20 F. Nothing in this section or the rules promulgated pursuant to
21 this section shall be construed to conflict with a school district's
22 responsibility and authority to maintain discipline or to take
23 disciplinary measures against employees if appropriate.
24 Participation or nonparticipation in any employee assistance program

1 shall not excuse an employee from discipline or otherwise affect the
2 terms and conditions of the employee's employment status with a
3 school district.

4 SECTION 2. This act shall become effective July 1, 2023.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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