

1 ENGROSSED HOUSE
2 BILL NO. 1424

By: Vancuren, Waldron, Alonso-
Sandoval, Ranson, Hefner
and Provenzano of the House

3
4 and

5 Garvin of the Senate
6
7

8 [school employees - Education Employee Assistance
9 Program - rules and evaluation methods - program
10 records - confidentiality - disciplinary authority
11 - codification - effective date -
12 emergency]

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

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

19 A. An Education Employee Assistance Program shall be created
20 within the Department of Mental Health and Substance Abuse Services.
21 The program may provide assistance to public school districts in the
22 management of employees whose personal problems may have a negative
23 impact on job performance. The program may also provide for
24 assessment, referral, consultation, and problem resolution

1 assistance to school district employees and their family members
2 seeking corrective help with medical or mental health problems,
3 including alcohol or drug abuse and emotional, marital, familial,
4 financial, or other personal problems. Participation in the
5 Education Employee Assistance Program shall be voluntary.

6 B. The Department of Mental Health and Substance Abuse Services
7 may contract with entities to carry out the purposes and functions
8 of the Education Employee Assistance Program and shall establish
9 standards and criteria for entities to be eligible to contract with
10 the Department.

11 C. The Board of Mental Health and Substance Abuse Services
12 shall:

13 1. Promulgate rules necessary for the administration of the
14 Education Employee Assistance Program and the maintenance and
15 release of participant records; and

16 2. Establish evaluation methods to assess the effectiveness of
17 the Education Employee Assistance Program.

18 D. Nothing in this section shall nullify a school district's
19 existing employee assistance program or prohibit a school district
20 from establishing its own employee assistance program; provided,
21 however, programs established by school districts shall be subject
22 to compliance with rules promulgated by the Board to ensure
23 equitable treatment of employees.

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

14 F. Nothing in this section or the rules promulgated pursuant to
15 this section shall be construed to conflict with a school district's
16 responsibility and authority to maintain discipline or to take
17 disciplinary measures against employees if appropriate.

18 Participation or nonparticipation in any employee assistance program
19 shall not excuse an employee from discipline or otherwise affect the
20 terms and conditions of the employee's employment status with a
21 school district.

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

