

1 ENGROSSED HOUSE
2 BILL NO. 1555

By: Faught of the House

and

Quinn of the Senate

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6 An Act relating to state employees; amending 74 O.S.
7 2011, Section 840-2.10, as last amended by Section 1,
8 Chapter 14, O.S.L. 2015 (74 O.S. Supp. 2016, Section
9 840-2.10), which relates to the State Employee
10 Assistance Program; transferring administration of
11 Program to Department of Mental Health and Substance
12 Abuse Services; updating statutory language;
13 providing an effective date; and declaring an
14 emergency.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.10, as
17 last amended by Section 1, Chapter 14, O.S.L. 2015 (74 O.S. Supp.
18 2016, Section 840-2.10), is amended to read as follows:

19 Section 840-2.10 A. There is hereby created a State Employee
20 Assistance Program within the ~~Office of Management and Enterprise~~
21 ~~Services~~ Department of Mental Health and Substance Abuse Services.
22 All functions, powers, duties, funds and obligations of the Office
23 of Management and Enterprise Services in administration of the State
24 Employee Assistance Program shall be transferred to the Department.

The program may provide assistance to state agencies in their
management of employees whose personal problems may have a negative

1 impact on job performance. The program may also provide for
2 assessment, referral, consultation, and problem resolution
3 assistance to state employees and their family members seeking
4 corrective help with medical or mental health problems, including
5 alcohol or drug abuse and emotional, marital, familial, financial or
6 other personal problems. Participation in the State Employee
7 Assistance Program shall be on a voluntary basis.

8 B. ~~The Office of Management and Enterprise Services~~ Department
9 may enter into contracts which are necessary and proper to carry out
10 the purposes and functions of the State Employee Assistance Program
11 and establish standards and criteria which shall be met by entities
12 to be eligible to contract with the ~~Office of Management and~~
13 ~~Enterprise Services~~ Department.

14 C. The ~~Director~~ Commissioner of the ~~Office of Management and~~
15 ~~Enterprise Services~~ Department is hereby directed to:

16 1. Promulgate rules necessary for the administration of the
17 State Employee Assistance Program and the maintenance and release of
18 participant records; and

19 2. Establish evaluation methods to assess the effectiveness of
20 the State Employee Assistance Program.

21 D. Nothing in this act is intended to nullify any agency's
22 existing employee assistance program or to prohibit any state agency
23 from establishing its own employee assistance program; provided,
24 however, such programs established by state agencies shall be

1 subject to compliance with rules promulgated by the ~~Director~~
2 Commissioner of the ~~Office of Management and Enterprise Services~~
3 Department to ensure equitable treatment of employees.

4 E. Records that relate to participation by an individual in the
5 State Employee Assistance Program or an employee assistance program
6 established by a state agency shall be maintained separate and apart
7 from regular personnel records and shall not become part of an
8 employee's personnel file. Such records relating to an individual's
9 participation in an employee assistance program shall be
10 confidential and neither the records nor the testimony of an
11 Employee Assistance Program professional shall be subject to
12 subpoena unless a participant poses a threat to deliberately harm
13 the participant or others. Such determination shall be made by an
14 Employee Assistance Program professional. A participant in an
15 employee assistance program shall have a right of access to his or
16 her own employee assistance program records.

17 F. No provision of this section or the rules promulgated
18 pursuant to this section shall be construed to conflict with an
19 appointing authority's responsibility and authority to maintain
20 discipline or to take disciplinary measures against employees for
21 misconduct or unacceptable performance. Further, participation or
22 nonparticipation in any state employee assistance program shall not
23 excuse an employee from discipline or otherwise affect the terms and
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1 conditions of such employee's employment status or opportunities for
2 advancement with the state.

3 G. The Legislature and the judicial branch of state government
4 may utilize the services of the State Employee Assistance Program at
5 their discretion.

6 SECTION 2. This act shall become effective July 1, 2017.

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

11 Passed the House of Representatives the 14th day of March, 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2017.

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Presiding Officer of the Senate

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