

# An Act

ENROLLED SENATE  
BILL NO. 24

By: Quinn of the Senate

and

Faught of the House

An Act relating to state employees; amending 74 O.S. 2011, Section 840-2.10, as last amended by Section 3, Chapter 237, O.S.L. 2013 (74 O.S. Supp. 2014, Section 840-2.10), which relates to the State Employee Assistance Program; removing requirement for certain training program; abolishing the Employee Assistance Program Advisory Council; providing an effective date; and declaring an emergency.

SUBJECT: State Employee Assistance Program

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.10, as last amended by Section 3, Chapter 237, O.S.L. 2013 (74 O.S. Supp. 2014, Section 840-2.10), is amended to read as follows:

Section 840-2.10. A. There is hereby created a State Employee Assistance Program within the Office of Management and Enterprise Services. The program may provide assistance to state agencies in their management of employees whose personal problems may have a negative impact on job performance. The program may also provide for assessment, referral, consultation, and problem resolution assistance to state employees and their family members seeking corrective help with medical or mental health problems, including alcohol or drug abuse and emotional, marital, familial, financial or other personal problems. Participation in the State Employee Assistance Program shall be on a voluntary basis.

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

C. The Director of the Office of Management and Enterprise Services is hereby directed to:

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

~~2. Conduct training specific to the State Employee Assistance Program; and~~

~~3. Establish evaluation methods to assess the effectiveness of the State Employee Assistance Program.~~

D. Nothing in this act is intended to nullify any agency's existing employee assistance program or to prohibit any state agency from establishing its own employee assistance program; provided, however, such programs established by state agencies shall be subject to compliance with rules promulgated by the Director of the Office of Management and Enterprise Services to ensure equitable treatment of employees.

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

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

G. ~~1. There is hereby created the Employee Assistance Program Advisory Council to assist in the implementation of the state's employee assistance program. The Council shall advise the Director on policy issues and provide support to expand and improve program services that are available to state employees and their families.~~

~~2. The Employee Assistance Program Advisory Council shall consist of the current nine (9) members who shall continue to hold their current positions through June 30, 1995. Effective July 1, 1995, three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the President Pro Tempore of the Senate. All members shall serve two-year terms, unless removed prior to the expiration of a term by the respective individual making the appointment. Any vacancy in office shall be filled by the individual who made the initial appointment. The Council shall select a chair and vice-chair from among its membership. A majority of the members of the Council shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Council and every act of a majority of the members present shall be deemed the act of the Council.~~

~~3. Members of the Council shall receive no compensation for serving on the Council, but shall receive necessary travel reimbursement by the employing agency for members who are state employees or appointing authorities of agencies pursuant to the State Travel Reimbursement Act. Any member employed in state government shall receive the reimbursement from their employing entity. Members who are not employed in state government shall receive travel reimbursement from the Office of Management and Enterprise Services.~~

~~4. The Council shall not have authority to adopt rules pursuant to the Administrative Procedures Act.~~

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

SECTION 2. This act shall become effective July 1, 2015.

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

Passed the Senate the 2nd day of March, 2015.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2015.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_