

ENGROSSED SENATE  
BILL NO. 940

BY: BROWN and HORNER of the  
SENATE

and

STEIDLEY of the HOUSE

AN ACT RELATING TO STATE EMPLOYEES; CREATING THE  
STATE EMPLOYEE ASSISTANCE PROGRAM WITHIN THE OFFICE  
OF PERSONNEL MANAGEMENT; STATING PURPOSES;  
PROVIDING FOR VOLUNTARY PARTICIPATION; DIRECTING  
THE ADMINISTRATOR OF THE OFFICE OF PERSONNEL  
MANAGEMENT TO PROMULGATE RULES, CONDUCT CERTAIN  
TRAINING AND ESTABLISH CERTAIN EVALUATION METHODS;  
STATING INTENT REGARDING EXISTING EMPLOYEE  
ASSISTANCE PROGRAMS; PROVIDING FOR COMPLIANCE OF  
SUCH PROGRAMS WITH CERTAIN RULES; PROVIDING FOR  
MAINTENANCE AND CONFIDENTIALITY OF CERTAIN RECORDS;  
PROVIDING FOR EXCEPTIONS; ALLOWING PARTICIPANTS  
ACCESS TO THEIR OWN RECORDS; CONSTRUING ACT;  
PROVIDING THAT PARTICIPATION OR NONPARTICIPATION  
SHALL NOT EXCUSE AN EMPLOYEE FROM DISCIPLINE NOR  
AFFECT CERTAIN STATUS OR OPPORTUNITIES; PROVIDING  
FOR CODIFICATION; 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 7101 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a State Employee Assistance Program within the Office of Personnel Management. The program shall provide assistance to state agencies in their management of employees whose personal problems may have a negative impact on job performance. The program shall also provide for counseling and referral 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 Administrator of the Office of Personnel Management 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;

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.

C. 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 Administrator of the Office of Personnel Management to ensure equitable treatment of employees.

D. 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 not subject to subpoena unless a participant poses a threat to self or others. A participant in an employee assistance program shall have a right of access to his or her own employee assistance program records.

E. No provision of this act or the rules promulgated pursuant to this act 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.

SECTION 2. 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 5th day of March, 1992.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1992.

Speaker of the House of Representatives