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AS AMENDED

By: Faught of the House

Quinn of the Senate

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[ state employees - State Employee Assistance Program
- administration of Program - effective date -
                                emergency ]
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~~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 1, Chapter 14, O.S.L. 2015 (74 O.S. Supp. 2016, 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~~ Department of Mental Health and Substance Abuse Services. All functions, powers, duties, funds and obligations of the Office of Management and Enterprise Services in administration of the State 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 impact on job performance. The program may also provide for

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

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

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

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

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

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

1 Commissioner of the ~~Office of Management and Enterprise Services~~
2 Department to ensure equitable treatment of employees.

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

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

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

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

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.~~

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
10 April 5, 2017 - DO PASS AS AMENDED
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