

1 ENGROSSED HOUSE
2 BILL NO. 4109

By: Vancuren and Lawson of the
House

3 and

4 Haste of the Senate

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7 [school employees - creating an Education Employee
8 Assistance Program within the Department of Mental
9 Health and Substance Abuse Services - effective
10 date -

11 emergency]

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

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

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

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

5 B. The Department of Mental Health and Substance Abuse Services
6 may enter into contracts to carry out the purposes and functions of
7 the Education Employee Assistance Program and establish standards
8 and criteria which shall be met by entities to be eligible to
9 contract with the Department.

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

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

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

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

23 E. Records related to employee participation in the Education
24 Employee Assistance Program or an employee assistance program

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

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

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

20 SECTION 2. This act shall become effective July 1, 2022.

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

1 Passed the House of Representatives the 21st day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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8 Presiding Officer of the Senate