

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4109 By: Vancuren of the House

By: Vancuren of the House

and

Haste of the Senate

AS INTRODUCED

```
[ school employees - creating an Education Employee
```

Assistance Program within the Department of Mental

Health and Substance Abuse Services - effective

```
date - 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 5-117.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An Education Employee Assistance Program shall be created within the Department of Mental Health and Substance Abuse Services. The program may provide assistance to public school districts and the 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 school district employees and their family members
3 seeking corrective help with medical or mental health problems,
4 including alcohol or drug abuse and emotional, marital, familial,
5 financial, or other personal problems. Participation in the
6 Education Employee Assistance Program shall be voluntary.

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

12 C. The Board of Mental Health and Substance Abuse Services
13 shall:

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

17 2. Establish evaluation methods to assess the effectiveness of
18 the Education Employee Assistance Program.

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

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

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

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

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
5 03/03/2022 - DO PASS, As Amended and Coauthored.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24