HOUSE BILL 1424

By: Vancuren, Waldron, and Alonso-Sandoval

AS INTRODUCED

[ school employees - Education Employee Assistance Program - rules and evaluation methods - program records - confidentiality - disciplinary authority - codification - 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 in the 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 school district 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
Education Employee Assistance Program shall be voluntary.

B. The Department of Mental Health and Substance Abuse Services
may contract with entities to carry out the purposes and functions
of the Education Employee Assistance Program and shall establish
standards and criteria for entities to be eligible to contract with
the Department.

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

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

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

D. Nothing in this section shall nullify a school district's
existing employee assistance program or prohibit a school district
from establishing its own employee assistance program; provided,
however, programs established by school districts shall be subject
to compliance with rules promulgated by the Board to ensure
equitable treatment of employees.
E. Records related to employee participation in the Education Employee Assistance Program or an employee assistance program established by a school district shall be maintained separately from regular personnel records and shall not become part of an employee's personnel file. Records related to an individual's participation in an employee assistance program shall be confidential and neither the records nor the testimony of an Education Employee Assistance Program professional shall be subject to subpoena unless a participant poses a threat to deliberately harm others or engage in self-harm. This determination shall be made by an Education Employee Assistance Program professional. A participant in an employee assistance program shall have a right to access his or her own employee assistance program records.

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

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

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or 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.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 03/02/2023 - DO PASS, As Amended and Coauthored.