

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1362

8 S.P. 501

In Senate, April 19, 1985

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Referred to the Committee on State Government. Sent down for
concurrence and ordered printed.

Presented by Senator Bustin of Kennebec.
JOY J. O'BRIEN, Secretary of the Senate

12 Cosponsored by Representative Rolde of York, Representative Brodeur of
Auburn, and Senator Dow of Kennebec.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Establish the State Employee
19 Assistance Program.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 Sec. 1. 22 MRSA c. 254-A is enacted to read:

24 CHAPTER 254-A

25 STATE EMPLOYEE ASSISTANCE PROGRAM

26 §1391. Legislative Intent

27 The Legislature finds that employees of the State
28 are a valued and skilled resource; that a State Em-
29 ployee Assistance Program, which provides services to
30 the employees, spouses, dependents and retirees, has
31 been operating on a limited basis; that the program
32 has operated effectively and efficiently within the
33 financial constraints imposed by lack of sufficient

1 funding and official recognition; and that expansion
2 and statutory recognition of this program will save
3 the State considerable funds in terms of reduced lost
4 time, medical costs, workers' compensation and dis-
5 ability costs and will promote increased efficiency
6 in the workplace. The Legislature declares that it
7 is consistent with public policy and sound management
8 principles to establish and fund an expanded State
9 Employee Assistance Program.

10 §1392. Purposes

11 1. Assessment and referral. Assessment and re-
12 ferred of employees whose work performance has been
13 affected by behavioral or medical disorders defined
14 as, but not limited to, alcoholism and drug abuse,
15 misuse of other drugs, emotional problems, family
16 disorders, financial, legal, marital and any other
17 stresses shall be the primary purpose of the program.
18 The major elements of the State Employee Assistance
19 Program shall consist of the following:

20 A. Assessment interview;

21 B. Referral to appropriate treatment;

22 C. Follow-up;

23 D. Coordination of benefit package;

24 E. Continuous care;

25 F. Maintaining confidentiality of client
26 records;

27 G. Assessibility; and

28 H. Education of state employees.

29 §1393. Staff

30 There shall be one director of the program who
31 shall be confidential at pay range 27; one secretary
32 who shall be classified at pay range 13; and 7
33 Motivational Counselors who shall be classified at
34 pay range 23. All staff shall be subject to the Per-
35 sonnel Law.

1 §1394. Employee participation and leave

2 Employee participation in the program shall be
3 voluntary. Employees who wish to consult with a pro-
4 gram counselor shall be granted administrative leave
5 without loss of pay or benefits. The employee may
6 use authorized accumulated leave, or leave without
7 pay, for assistance by an outside resource.

8 §1395. Funds

9 The Department of Human Services shall receive
10 and disburse funds made available to the program and
11 the Commissioner of Human Services shall oversee the
12 implementation and administration of the program.
13 Funds made available to the department for the pur-
14 poses of this chapter, from any source, shall not
15 lapse, but shall be carried forward to the next fis-
16 cal year to be expended for the same purpose.

17 §1396. Confidentiality of client records

18 No records of the indentity, assessment, diagno-
19 sis, prognosis, referral or treatment of a client of
20 the program may be maintained in the personnel
21 records of individuals who participate in the pro-
22 gram. Any such records which are maintained in con-
23 nection with the performance of functions of the pro-
24 gram shall be confidential.

25 Sec. 2. Appropriation. The following funds are
26 appropriated from the General Fund to carry out the
27 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
28		
29	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
30	State Employee Assistance Program	
31	Positions - Legislative	
32	Count	(9) (9)
33	Personal Services	\$201,892 \$209,000
34	All Other	<u>78,000</u> <u>80,000</u>
35	TOTAL	\$279,892 \$289,000
36		

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STATEMENT OF FACT

2 1. Program. The State Employee Assistance Pro-
3 gram has provided services to over 34,000 state em-
4 ployees, spouses, dependents and retirees. The pro-
5 gram was developed to deal with all behavioral or
6 medical disorders. These disorders have 2 things in
7 common. They harm employees and adversely affect job
8 performance. All state employees, their dependents
9 and spouses and all retired state workers are eligi-
10 ble for assistance. When personal problems affect
11 work performance, resolution of these matters becomes
12 a vital concern of the State. It has become increas-
13 ingly clear that the State can no longer afford to
14 ignore behavioral and medical problems which directly
15 impact on an employee's performance, especially where
16 a positive program of action can be implemented to
17 restore a valuable employee to a satisfactory level
18 of job efficiency.

19 2. Objective. The obvious objective of this
20 program is habilitation of a troubled state employee
21 and his or her spouse. This ability to foster posi-
22 tive management, labor relationships, promote problem
23 resolution, maintain the employee's dignity and con-
24 fidentiality and provide a return on investment is an
25 enviable accomplishment. As a bottom line approach,
26 the State Employee Assistance Program will directly
27 impact the present loss of 5 to 6 million dollars per
28 year that these behavioral or medical disorders cre-
29 ate, a conservative estimate.

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