

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 955

S.P. 327

In Senate, March 27, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

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

Cosponsored by Senator TUTTLE of York, Representative
BOUTILIER of Lewiston, Representative ANTHONY of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Create the Bureau of Employee
2 Assistance within the Department of
3 Administration to Promote and Expand
4 on Employee Assistance Programs in
5 Maine.
6

7 Be it enacted by the People of the State of Maine as
8 follows:

9 Sec. 1. 5 MRSA §954, first ¶, as enacted by PL
10 1985, c. 785, Pt. C, §1, is amended to read:

11 The Bureau of State Employee Health is estab-
12 lished within the Department of Administration to
13 promote the health and safety of state employees by
14 working with the Office of Employee Relations, other
15 bureaus and departments in the Executive Department,
16 and state employees and their representatives to mu-

1 tually establish policies and provide programs to
2 minimize the risk of injury to and incidence of ill-
3 ness among state employees and to provide and admin-
4 ister health insurance for state employees and con-
5 serve public funds by minimizing the direct and indi-
6 rect costs associated with injury and illness. The
7 bureau shall be responsible for the administration of
8 the State Employee Assistance Program, Title 22,
9 chapter 254-A.

10 Sec. 2. 5 MRSA §955, 3rd ¶, as enacted by PL
11 1985, c. 785, Pt. C, §1, is amended to read:

12 The director shall work with the Bureau of Em-
13 ployee Relations, the Bureau of Employee Assistance
14 and with labor-management groups created through the
15 bargaining process to maximize the involvement of
16 state employees and their representatives in the
17 planning and execution of all programs under the
18 charge of the bureau, including, but not limited to,
19 the health insurance issues, the employee assistance
20 program and the planning and use of the State Employ-
21 ee Health Internal Service Fund Account.

22 Sec. 3. 5 MRSA §1876, sub-§1, ¶¶I and J, as en-
23 acted by PL 1985, c. 785, Pt. A, §78, are amended to
24 read:

25 I. The Board of Trustees of Group Accident and
26 Sickness or Health Insurance; and

27 J. Division of administrative services, the head
28 of which shall be the Director of Administrative
29 Services; and

30 Sec. 4. 5 MRSA §1876, sub-§1, ¶K is enacted to
31 read:

32 K. The Bureau of Employee Assistance, the head
33 of which shall be the Director of Employee As-
34 istance.

35 Sec. 5. 22 MRSA c. 254-A, first 2 lines is re-
36 pealed and the following enacted in its place:

37 CHAPTER 254-A

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BUREAU OF EMPLOYEE ASSISTANCE

Sec. 6. 22 MRSA §1391, as enacted by PL 1985, c. 373, §1, is amended to read:

§1391. Legislative Intent; bureau established

The Legislature finds that employees of the State are a valued and skilled resource; that a State Employee Assistance Program, which provides services to the employees, spouses, dependents and retirees, has been operating on a limited basis; that the program has operated effectively and efficiently within the financial constraints imposed by lack of sufficient funding and official recognition; and that expansion and statutory recognition of this program as the Bureau of Employee Assistance will save the State considerable funds in terms of reduced lost time, medical costs, workers' compensation and disability costs and will promote increased efficiency in the workplace. The Legislature declares that it is consistent with public policy and sound management principles to establish and fund an expanded State Employee Assistance Program the Bureau of Employee Assistance.

The Bureau of Employee Assistance is established within the Department of Administration in order to carry out the purpose of this chapter.

Sec. 7. 22 MRSA §1392, sub-§1, as enacted by PL 1985, c. 373, §1, is amended to read:

1. Assessment and referral. Assessment and referral of employees whose work performance has been affected by behavioral or medical ~~disorders~~ disfunctions defined as, but not limited to, alcoholism and drug abuse, misuse of other drugs, emotional problems, family ~~disorders~~ disfunctions, financial, legal, marital and any other personal stresses shall be the primary purpose of the program bureau. The major elements of the State Employee Assistance Program bureau shall consist of the following:

- A. Assessment interview;
- B. Referral to appropriate treatment;

- 1 C. Follow-up;
2 D. Coordination of benefit package;
3 E. Continuous care;
4 F. Maintaining confidentiality of client
5 records;
6 G. Assessibility; and
7 H. Education of state employees.

8 Sec. 8. 22 MRSA §1393, as amended by PL 1985, c.
9 785, Pt. B, §85, is further amended to read:

10 §1393. Director; staff

11 The director shall be appointed in accordance
12 with the Civil Service Law and shall be a classified
13 employer. The director of the program may employ per-
14 sonnel to fulfill the purpose of this chapter. All
15 personnel in the program shall be subject to the Civ-
16 il Service Law.

17 Sec. 9. 22 MRSA §1394, as enacted by PL 1985, c.
18 373, §1, is amended to read:

19 §1394. Employee participation and leave

20 Employee participation in the program programs
21 offered by the bureau shall be voluntary. Employees
22 who wish to consult with a program counselor bureau
23 employee shall be granted administrative leave with-
24 out loss of pay or benefits. The employee may use
25 authorized accumulated leave, or leave without pay,
26 for assistance by an outside resource.

27 Sec. 10. 22 MRSA §1395, as enacted by PL 1985,
28 c. 373, §1, is amended to read:

29 §1395. Funds

30 The Department of Human Services Administration
31 shall receive and disburse funds made available to
32 the program bureau and the Commissioner of Human
33 Services Administration shall oversee the implementa-

1 tion and administration of the program bureau. Funds
2 made available to the department for the purposes of
3 this chapter, from any source, shall not lapse, but
4 shall be carried forward to the next fiscal year to
5 be expended for the same purpose.

6 Sec. 11. 22 MRSA §1396, as enacted by PL 1985,
7 c. 373, §1, is amended to read:

8 §1396. Confidentiality of client records

9 No records of the ~~identity~~ identity, assessment,
10 diagnosis, prognosis, referral or treatment of a cli-
11 ent of the program bureau may be maintained in the
12 personnel records of individuals who participate in
13 the any program offered by the bureau. Any such
14 records which are maintained in connection with the
15 performance of functions of the program bureau shall
16 be confidential.

17 STATEMENT OF FACT

18 The purpose of this bill is to strengthen the
19 identity, purpose and scope and to provide higher
20 levels of recognition for these unique and vital ser-
21 vices provided by the State Employee Assistance Pro-
22 gram by creating within the Department of Administra-
23 tion the Bureau of Employee Assistance.

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