

## §957. State Employee Assistance Program

The State Employee Assistance Program is a division of the Bureau of Human Resources and is established to promote increased efficiency in the workplace by providing assessment and referral service to those state employees, spouses and dependents of state employees and state retirees whose work performance has been affected by the disorders specified in subsection 1. [PL 1991, c. 528, Pt. III, §9 (RPR); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. III, §9 (RPR).]

**1. Assessment and referral.** The program shall provide assessment and referral services to employees whose work performance has been affected by behavioral or medical disorders including, but not limited to, substance use disorder, misuse of drugs, emotional problems, family disorders and financial, legal, marital and any other stresses. The major elements of the program consist of the following:

- A. An assessment interview; [PL 1989, c. 857, §19 (NEW).]
  - B. Referral to appropriate treatment; [PL 1989, c. 857, §19 (NEW).]
  - C. Follow-up; [PL 1989, c. 857, §19 (NEW).]
  - D. Coordination of a benefit package; [PL 1989, c. 857, §19 (NEW).]
  - E. Continuous care; [PL 1989, c. 857, §19 (NEW).]
  - F. Maintenance of confidentiality of client records; and [PL 1989, c. 857, §19 (NEW).]
  - G. Education of state employees. [PL 1989, c. 857, §19 (NEW).]
- [PL 2017, c. 407, Pt. A, §5 (AMD).]

**2. Contract services.** The State Human Resources Officer shall contract with a private company or companies to fulfill the purpose of this section. Any contracts for employee assistance services must be awarded on the basis of a competitive bid process. [PL 1991, c. 528, Pt. MM, §1 (RPR); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. MM, §1 (RPR); PL 2023, c. 412, Pt. D, §3 (REV).]

**3. Employee participation and leave.** Employee participation in the program is voluntary. Employees who wish to consult with a program counselor must be granted administrative leave without loss of pay or benefits. Employees may use authorized accumulated leave, or leave without pay, for assistance by an outside resource. [PL 1989, c. 857, §19 (NEW).]

**4. Funds.** The Department of Administrative and Financial Services shall receive and disburse funds made available to the program through the provisions of section 286-A. The State Human Resources Officer shall oversee the implementation and administration of the program. Funds made available to the department for the purposes of this section, from any source, may not lapse, but must be carried forward to the next fiscal year to be expended for the same purpose. [PL 2005, c. 683, Pt. A, §5 (AMD); PL 2023, c. 412, Pt. D, §3 (REV).]

**5. Confidentiality of client records.** No records of the identity, assessment, diagnosis, prognosis, referral or treatment of a client of the program may be maintained in the personnel records of individuals who participate in the program. Any such records are confidential. [PL 1989, c. 857, §19 (NEW).]

### SECTION HISTORY

PL 1989, c. 857, §19 (NEW). PL 1991, c. 528, §§MM1,III9, 10 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§MM1,III9, 10 (AMD). PL 2005, c. 683, §A5 (AMD). PL 2017, c. 407, Pt. A, §5 (AMD). PL 2023, c. 412, Pt. D, §3 (REV).

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