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SENATE FILE 138

BY GRONSTAL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to employee assistance programs pursuant to an  
2 employer's drug and alcohol testing program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 138  
BUSINESS & LABOR

1 Section 1. Section 730.5, subsection 1, Code 1999, is  
2 amended by adding the following new paragraph after paragraph  
3 c:

4 NEW PARAGRAPH. cc. "Employee assistance program" means a  
5 workplace focused program, established by an employer or  
6 union, which is designed to assist employees in identifying  
7 and planning solutions for personal concerns including, but  
8 not limited to, health, marital, family, financial, alcohol,  
9 drug, legal, emotional, or other personal issues that may  
10 affect job performance and to provide training and  
11 consultation services for work organizations addressing  
12 productivity issues related to such personal concerns.

13 Sec. 2. Section 730.5, subsection 9, paragraph c,  
14 subparagraph (2), Code 1999, is amended to read as follows:

15 (2) If an employer does not have an employee assistance  
16 program, the employer must maintain a resource file of  
17 ~~employee-assistance-services-providers,~~ alcohol and other drug  
18 abuse programs certified by the Iowa department of public  
19 health, mental health providers, and other persons, entities,  
20 or organizations available to assist employees with personal  
21 or behavioral problems. The employer shall provide all  
22 employees information about the existence of the resource file  
23 and a summary of the information contained within the resource  
24 file. The summary should contain, but need not be limited to,  
25 all information necessary to access the services listed in the  
26 resource file. ~~In-addition,-the-employer-shall-post-in~~  
27 ~~conspicuous-places-a-listing-of-multiple-employee-assistance~~  
28 ~~providers-in-the-area-~~

29 Sec. 3. Section 730.5, subsection 9, paragraph h, Code  
30 1999, is amended to read as follows:

31 h. In order to conduct drug or alcohol testing under this  
32 section, an employer shall require supervisory personnel of  
33 the employer involved with drug or alcohol testing under this  
34 section to attend a minimum of two hours of initial training  
35 and to attend, on an annual basis thereafter, a minimum of one

1 hour of subsequent training. The training shall include, but  
2 is not limited to, information concerning the recognition of  
3 evidence of employee alcohol and other drug abuse, the  
4 documentation and corroboration of employee alcohol and other  
5 drug abuse, and the referral of employees who abuse alcohol or  
6 other drugs to the employee assistance program or to the  
7 resource file ~~of-employee-assistance-services-providers~~  
8 maintained by the employer pursuant to paragraph "c",  
9 subparagraph (2).

EXPLANATION

11 This bill defines an employee assistance program for  
12 purposes of private sector drug and alcohol testing. The new  
13 definition specifies the scope of such a program and that the  
14 program is established by a particular employer or union. The  
15 bill further eliminates the requirement that an employer  
16 provide employees with lists of employee assistance program  
17 providers if the employer does not have such a program.

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