

MAR 1 1999

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 429
BY HUSER and WITT

(COMPANION TO SF 138
BY GRONSTAL)

Passed House, Date _____ Passed Senate, 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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HF 429

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).

10 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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