

CHAPTER 211

GOVERNMENT - STATE

HOUSE BILL 02-1226

BY REPRESENTATIVE(S) Williams T., Coleman, Scott, Vigil, Alexander, Daniel, Groff, Grossman, Hoppe, Lee, Ragsdale, Romanoff, Sanchez, Weddig, and Williams S.;
also SENATOR(S) Takis, Anderson, Taylor, Tupa, Hagedorn, Hanna, Isgar, Tate, and Teck.

AN ACT

CONCERNING THE AUTHORITY OF THE STATE PERSONNEL DIRECTOR TO CREATE A STATE EMPLOYEE ASSISTANCE PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-50-604 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-50-604. Powers and duties of the director. (1) The director shall administer and manage the state employees group benefit plans and, subject to the provisions of this part 6, has the following powers and duties:

(k) (I) THE AUTHORITY TO ESTABLISH AND OPERATE AN EMPLOYEE ASSISTANCE PROGRAM INTENDED TO ADDRESS PERSONAL PROBLEMS AND WORKPLACE ISSUES FACED BY STATE EMPLOYEES AND EMPLOYERS BEFORE THE PROBLEMS AND ISSUES SEVERELY IMPACT THE PRODUCTIVITY, SAFETY, WORK RELATIONSHIPS, ABSENTEEISM, AND ACCIDENT RATES OF STATE EMPLOYEES IN THE WORKPLACE. THE PROGRAM MAY PROVIDE SERVICES TO STATE EMPLOYEES AND THEIR EMPLOYERS, WHICH MAY INCLUDE, WITHOUT LIMITATION:

- (A) CONFLICT RESOLUTION;
- (B) CRISIS INTERVENTION;
- (C) ANGER MANAGEMENT CLASSES;
- (D) EMPLOYER AND EMPLOYEE MEDIATION;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(E) CONSULTATIONS WITH SUPERVISORS AND MANAGERS REGARDING PROBLEM EMPLOYEES;

(F) VIOLENCE IN THE WORKPLACE TRAINING;

(G) SEXUAL HARASSMENT TRAINING; AND

(H) ANY OTHER FACILITATED GROUPS AND WORKSHOPS ADDRESSING WORKPLACE ISSUES.

(II) ANY STATE AGENCY OR INSTITUTION THAT DOES NOT MAKE CONTRIBUTIONS FOR PARTICIPATION IN ANY EMPLOYEE ASSISTANCE PROGRAM ESTABLISHED AND OPERATED PURSUANT TO THIS PARAGRAPH (k) SHALL NOT BE ALLOWED TO PARTICIPATE IN THE PROGRAM. HOWEVER, NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO LIMIT THE ABILITY OF:

(A) ANY STATE EMPLOYEE TO PARTICIPATE IN THE PROGRAM REGARDLESS OF WHETHER THE STATE AGENCY OR INSTITUTION THAT EMPLOYS THE STATE EMPLOYEE MAKES CONTRIBUTIONS TO PARTICIPATE IN THE PROGRAM; AND

(B) ANY STATE AGENCY OR INSTITUTION TO PARTICIPATE IN THE PROGRAM IN THE EVENT OF A CRISIS OR EMERGENCY SITUATION IN THE WORKPLACE REGARDLESS OF WHETHER THE STATE AGENCY OR INSTITUTION MAKES CONTRIBUTIONS TO PARTICIPATE IN THE PROGRAM.

(III) DEPENDENTS OF A STATE EMPLOYEE ARE NOT ELIGIBLE TO PARTICIPATE IN ANY EMPLOYEE ASSISTANCE PROGRAM ESTABLISHED AND OPERATED PURSUANT TO THIS PARAGRAPH (k).

(IV) ANY EMPLOYEE ASSISTANCE PROGRAM ESTABLISHED AND OPERATED PURSUANT TO THIS PARAGRAPH (k) SHALL BE SET FORTH IN PROCEDURES ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF THIS TITLE, AND SUCH PROCEDURES SHALL SPECIFY, WITHOUT LIMITATION, THE SERVICES TO BE OFFERED BY THE PROGRAM, THE ELIGIBILITY GUIDELINES FOR PARTICIPATION IN THE PROGRAM, AND THE SOURCES OF FUNDING FOR THE PROGRAM, WHICH, FOR THE 2003-04 FISCAL YEAR AND ANY FISCAL YEAR THEREAFTER, MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE GROUP BENEFIT PLANS RESERVE FUND CREATED IN SECTION 24-50-613, THE RISK MANAGEMENT FUND CREATED IN SECTION 24-30-1510, AND INTEREST DERIVED FROM THE INVESTMENT OF SAID FUNDS.

(V) FOR THE 2002-03 FISCAL YEAR, ANY EMPLOYEE ASSISTANCE PROGRAM ESTABLISHED AND OPERATED PURSUANT TO THIS PARAGRAPH (k) SHALL BE FUNDED THROUGH A COMBINATION OF THE FOLLOWING RESOURCES AS DETERMINED BY THE DIRECTOR:

(A) VOLUNTARY ASSESSMENTS AGAINST EACH STATE AGENCY OR INSTITUTION BASED ON THE AGENCY OR INSTITUTION'S FULL-TIME EQUIVALENCY COUNT AS OF AUGUST 1, 2002, WITH THE AMOUNT OF THE ASSESSMENT TO BE DETERMINED BY THE DIRECTOR AND SUCH AMOUNT TO BE IDENTICAL FOR EACH AGENCY AND INSTITUTION;

(B) UNTIL NOVEMBER 30, 2003, MANDATORY ASSESSMENTS AGAINST AN

EMPLOYEE'S SHARE OF THE MEDICAL BENEFITS PREMIUM FOR EMPLOYEES ENROLLED IN GROUP BENEFIT PLANS THAT INCLUDE ENROLLMENT IN MEDICAL BENEFITS, WITH THE AMOUNT OF THE ASSESSMENT TO BE DETERMINED BY THE DIRECTOR AND SUCH AMOUNT TO BE IDENTICAL FOR EACH EMPLOYEE; AND

(C) IF NECESSARY, MONEYS FROM THE GROUP BENEFIT PLANS RESERVE FUND CREATED IN SECTION 24-50-613.

SECTION 2. 24-30-1510 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-1510. Risk management fund - creation - authorized and unauthorized payments. (3) Expenditures shall be made out of the risk management fund in accordance with subsection (1) of this section only for the following purposes:

(g) TO FUND AN EMPLOYEE ASSISTANCE PROGRAM ESTABLISHED AND OPERATED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 24-50-604 (1) (k).

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of personnel, for allocation to the human resource services division, for the employee assistance program, for the fiscal year beginning July 1, 2002, the sum of three hundred sixty-four thousand sixty dollars (\$364,060) and 4.5 FTE, or so much thereof as may be necessary for the implementation of this act. Said sum shall be cash funds exempt from moneys collected pursuant to section 24-50-604 (1) (k) (V), Colorado Revised Statutes, and shall be allocated as follows:

(a) Two hundred sixty-three thousand nine hundred forty-three dollars (\$263,943) and 4.5 FTE for personal services;

(b) Thirty-seven thousand two hundred thirty-three dollars (\$37,233) for operating expenses; and

(c) Sixty-two thousand eight hundred eighty-four dollars (\$62,884) for indirect cost recoveries.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The general fund appropriation to the department of personnel, division of human resource services, human resource services, state agency services, for personal services, is decreased by sixty-two thousand eight hundred eighty-four dollars (\$62,884).

(b) The cash funds exempt appropriation to the department of personnel, division of human resource services, human resource services, state agency services, for personal services, is increased by sixty-two thousand eight hundred eighty-four dollars (\$62,884). Said sum shall be from the appropriation made in subsection (1) (c) of this section.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2002