

Dear members of the House Judiciary Committee:

Today, you are hearing HB 2806 that provides prison workers some additional protection against discipline for seeking help with mental health or chemical dependency issues. DRO has not planned to testify because this protection seems appropriate and consistent with existing law.

However, I just became aware of a -1 amendment that would limit this protection. It says, in part, "This subsection applies only to the first request by the corrections officer for such help."

I believe this amendment would create a problem in that, on its face, it would allow discipline for matters that are not related to a person's performance of the essential functions of their job. Regardless of how many time an officer requests help, if the officer's job performance remains adequate, a desertification based solely on a request for assistance would appear to constitute disability discrimination.

In addition, creating a fear of job loss based upon seeking needed treatment merely because one has sought treatment in the past, will result in more untreated officers on the job. This most certainly is not a good outcome.

Thanks for considering these concerns,

Bob Joondeph
Executive Director
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