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EMPLOYEE ASSISTANCE PROGRAM – INTERIM POLICY

POLICY

The Department of Public Safety provides an Employee Assistance Program (EAP) as a benefit to assist employees that may be experiencing personal problems. The EAP is an employer-sponsored program designed to assist agencies in addressing productivity issues by supporting employees in identifying and resolving personal problems that may adversely affect job performance or personal conduct.

The purpose of the EAP is to combine sound management principles with supportive intervention techniques to provide information and treatment opportunities for employees needing assistance. The program seeks to maintain and restore individual health and well-being, improve productivity and retain valued and experienced employees.

COVERAGE

Employees with a full-time or part-time permanent, probationary, trainee or time-limited appointment are eligible to use the EAP services.

Family members residing in the home are covered and eligible to use EAP services.

PROGRAM ADMINISTRATION AND ACCESS

The Department of Public Safety EAP Program is a pay per-employee-per-year (Assessment and Referral) with the option to purchase EAP and related training topics. The cost amount includes the following services:

- Self-Referral (Assessment and Referral only)
- Supervisory and Management Directed Referral (Assessment and Referral only)
- Facilitation for Fitness-for-Duty Evaluation/Risk Assessment
- Case Monitoring and Follow-up
- Management Consultations
- Critical Incident Stress Management
- Multi-media Informational Campaigns and Workplace Events
- Referral Information for Substance Abuse Professional (SAP) Assessments

The option to purchase EAP and Related Training topics is at a rate of 100.00 per hour.

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The EAP is sponsored and maintained by the Department of Public Safety, Division of Human Resources Management. McLaughlin Young Group EAP Services is the third party contract services provider for the EAP.

COSTS

There is no fee for the services provided by the EAP. However, any cost associated with recommended treatment with a professional resource is the employee's responsibility. Whenever possible, the EAP will recommend treatment services covered by the State Health Plan. All costs associated with a fitness for duty/risk evaluation are the responsibility of the Department of Public Safety. The cost associated with any subsequent recommended treatment is the responsibility of the employee.

CONFIDENTIALITY

The Department of Public Safety may disclose information regarding a situation concerning an employee and the workplace in the course of receiving a consultation or in making a referral. Federal and state law, along with professional ethics, requires that the EAP exercise the highest standards concerning client confidentiality. The specific nature of a participant's problem will not be reported by the EAP or professional resource(s). The EAP may only disclose client information to the employer with the written consent of the employee. The written consent will outline specific information that will be disclosed to management.

Notwithstanding professional standards of confidentiality, federal and state law does require the disclosure of information in certain circumstances. These circumstances include the following situations:

1. Employees Deemed Potentially Harmful to Self or Others

Confidentiality laws require EAP to disclose confidential information when there is imminent danger to the health and safety of the client. If a client is deemed imminently harmful to others, EAP is legally obligated to disclose confidential information to avoid risk or harm to the safety of any identifiable victim.

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2. Child or Disabled Adult Abuse

EAP has a “duty to report” to appropriate authorities when there is reason to suspect that a child or a “vulnerable handicapped adult” is being abused or neglected.

3. Court Order

Specified information may be released to a court as required by a court order.

4. Medical Necessity

Disclosure of appropriate information to medical personnel is permissible in a medical emergency.

BASIC EAP SERVICES

McLaughlin Young Group provides confidential services and support to employees and their dependents 24 hours a day, 7 days a week and 365 days a year. These services are available via a dedicated toll-free telephone number, and employees and their dependents have access to unlimited telephonic self-referrals. The telephone number is 704 -717-5295 or 1-888-298-3907 and the website address is; <http://www.mygroup.com>. The website login is NCDPS and the password is guest.

The basic services provided include:

Telephonic and Face-to Face Assessments: A confidential and professional evaluation of the personal problem with the employee, including assistance with resolution of the problem.

Referrals: Coordinated referrals to Health Plan providers, community agencies, legal and financial assistance resources, childcare and eldercare resources.

Management Consultant: Serve as a resource to management in assisting in determining when personal problems may be impacting an employee’s job performance or conduct.

Prevention and Education : Information and programs available on-line to address health, parenting, legal, financial and work/life issues.

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Critical Incident Stress Management Services: Services are designed to offer support and guidance to management and employees in the event of a traumatic or extraordinarily stressful event. The EAP Consultants are trained to provide services to help an organization and employees cope with the loss, trauma and stress of a traumatic incident. EAP Consultants are available to provide support and coping skills assistance to management in dealing with a traumatic event. Services are designed to help restore the workplace to normal functioning as soon as possible and increase recovery for all concerned.

Critical Incidents may include, but are not limited to:

Any life threatening experience
Threat or incident of workplace violence
Suicide
Line of duty injury or death
Death of a co-worker
Serious physical injury or death
Domestic Violence
Terrorism
Natural disasters

Many of the above may also include offenders, for example the suicide of an offender

In the event of a traumatic incident within the work unit or facility, the manager through the appropriate chain of command, may contact the EAP to arrange for CISM services. It is recommended that the contact be made as soon as possible following an incident to enable a team to be quickly assembled and begin organizing service delivery.

TYPES OF REFERRALS

The EAP recognizes four types of referrals:

- Self Referral
- Supervisory Referral
- Management Directed Referral
- Fitness-for-duty/Risk Evaluation

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1. Self-Referral

A Self Referral is a voluntary referral initiated by the employee to obtain confidential assistance for personal problems. The employee may contact EAP directly and select a face-to-face or a telephone assessment. This referral is strictly confidential, the EAP will not notify the agency of an employee's self-referral.

Management should encourage the use of EAP if they have knowledge that the employee is experiencing personal or family problems. Using the EAP should be viewed as a responsible action and should be supported by management.

2. Supervisory Referral, Management Directed or Fitness for Duty/Risk Evaluation

These referrals are designed to provide management tools for addressing unsatisfactory job performance or personal conduct. However, since these referrals often include performance or conduct issues that may warrant disciplinary action, a consultation with the Division of Human Resources Management, Employee Relations Section shall be required.

DISCIPLINARY PROCESS

Management has a responsibility to deal appropriately with employee performance or conduct deficiencies and to use the disciplinary process as appropriate. The EAP will not be used as a substitute for such management decisions and will also not be used in a punitive manner. Rather, the EAP will assist in addressing the personal problem(s) that may be the primary source of the performance or conduct issue. Thus, the EAP, in addressing employee performance or conduct related problems, is intended to work hand in hand with the Department's Disciplinary Policy & Procedures.

Employees will not have their job security or career opportunities jeopardized or guaranteed by active participation in this program. There are no requirements, special regulations, privileges, or exemptions from standard administrative practices related to job performance or personal conduct expectations based upon an employee's participation in EAP.

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LEAVE

The employee is responsible for submitting requests for leave. The absence from work will be accounted for as follows:

Initial Assessment

In order to ensure complete confidentiality, the employee may choose not to notify the supervisor of the intention to use EAP. In this case the employee may use vacation, bonus or sick leave to cover an absence from work. However, in accordance with the policy governing use of sick leave, should the employee have a history of sick leave abuse, the supervisor may require a medical statement from the employee to verify the use of sick leave.

If the employee chooses to notify the supervisor of an EAP appointment, or if the appointment is a result of a Supervisory Referral, the supervisor will authorize 1 hour for appointment and reasonable travel time to and from the appointment. The absence will be recorded on the Employee Time Report as Other Management Approved Leave, code 9540.

Subsequent Absences

The employee must use appropriate leave credits to attend any subsequent treatment. Follow-up appointments require the use of vacation, bonus, sick leave, or leave without pay (LWOP), whichever is appropriate. Approval for leave may require written documentation from the EAP or professional provider to which the EAP has referred the employee.

Depending on the reason for the leave and the length of the absence, the employee may be eligible for Family/Medical Leave. (Refer to the Family/Medical Leave Policy)

RECORDS AND REPORTING

Personnel Records

Personnel files are confidential under state law. All information regarding an employee's referral to EAP and participation in the program will be treated in strict confidence. The only records maintained will be those records related to disciplinary action(s) in which supervisory, management directed or fitness for duty referrals were made. Records related to participation will not be maintained by the Department except as part of the employee's medical file.

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Additional Services

At an additional fee, McLaughlin Young Group provides some services not covered by our current contractual arrangement (i.e. training, Fitness for Duty Evaluations, etc.). Any request for services provided by McLaughlin Young Group requiring the allocation of additional funds shall be forwarded to the Division of Human Resources Management.

All records concerning participation in the program will be handled separately by the EAP. The agency personnel record will only reflect the offer of EAP or the established appointment with EAP by the supervisor.

Any other EAP information will be treated as medical information and will be protected in accordance with established medical records policy and procedures.

Where disciplinary action is involved, and a supervisory referral is made, the fact that an employee was given the option of EAP should be reflected in the personnel file. However, records about the employee's agreement to a referral, or other related material will not be kept in the personnel file.

SPECIAL PROVISIONS FOR SAP REFERRALS TO EAP UNDER THE USDOT REGULATIONS

In accordance with USDOT regulations, employees that produce a positive drug or alcohol test, administered under the Department of Public Safety CDL (Commercial Driver's License) Alcohol and Drug Testing Policy, must be provided information regarding how to seek an evaluation by a Substance Abuse Professional (SAP). At the time an employee receives notice of a positive test result; two SAP evaluators must be provided to the employee. The EAP will provide the referral information and identify resources within reasonable travel distance for the employee. In order to perform the duties of any position that requires a Commercial Driver's License, with any employer, the individual must complete the SAP evaluation and any return to duty requirements as determined by the SAP.

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EMPLOYEE/EMPLOYER RESPONSIBILITIES

Employee Responsibilities

Employees are always responsible for performing assigned job duties satisfactorily, conducting themselves appropriately, and availing themselves of resources designed to facilitate the resolution of workplace concerns. Employees are encouraged to accept referrals to EAP to demonstrate their commitment to resolving personal or workplace problems that may have a negative impact on job performance or personal conduct that causes disruption in the workplace.

Management Responsibilities

Management has an affirmative duty to manage employee performance, conduct deficiencies and fitness-for-duty issues, and to use the disciplinary process when necessary and appropriate. Management, in consultation with human resources, shall utilize the services of EAP for consultation and refer employees for EAP services as appropriate.

Agency Responsibilities

As part of the development and support of EAP within the organization, the Department of Public Safety shall provide information to employees, supervisors and managers on the use of EAP services in compliance with this policy. The Department of Public Safety has designated an EAP coordinator who has primary responsibility for the administration and communication of EAP services.