

Approved by: _____
Joseph E. Gray, Jr., City Manager

Date: _____

ADMINISTRATIVE REGULATION NO. 32
Employee Assistance Program

I. Regulations and Policy

1. Purpose:

To establish policies and procedures for the administration of the Employee Assistance Program, which is designed to:

- a. Directly assist employees with the resolution of alcohol and other personal problems;
- b. Reduce fiscal costs associated with work force performance problems created by unresolved personal problems;
- c. Increase the productivity and performance of that portion of the City work force whose work is affected by personal problems.

2. Scope:

This program is available to all City employees covered under the City Health Plan. Spouses/partners of covered employees are also eligible for EAP services. Child and family counseling is not provided by the EAP. However referrals, case management and collateral agency communication is available to assist employees who are in need of counseling for their children.

3. Definition:

- a. Employee Assistance Program (EAP) is a confidential, in-house counseling program available to all City employees who are covered under the health plan. The EAP provides individual and couples counseling, assessment, referral, and case management services, supervisory consultation regarding "troubled employees", critical incident stress debriefings, and training and prevention programs.
- b. A "troubled employee" is any employee who exhibits a change in behavior, appearance, working habits, or personal distress in the workplace. These changes may indicate that the employee is dealing

with some kind of personal problem that is adversely affecting the employee's work, family and social life.

- c. "Personal problems" mean any problem of a personal nature that interferes with an employee's work or personal life. These problems can be related to addiction, marital/relationship, legal, financial, family, occupational, medical, or emotional problems.
- d. A "relapse" is a re-occurrence of symptoms of a disease after a period of improvement, usually the resumed usage of drugs or alcohol after a period of abstinence and treatment, or the engagement in behaviors that insidiously leads to the initiation of substance use. If a relapse occurs, the length of the relapse and its effects upon job performance should be a matter of discussion between the EAP Coordinator, the employee, and the supervisor. The overriding consideration should be "what action would be consistent with the way the City would handle the situation if there were some other chronic illness affecting performance and attendance to a similar degree."
- e. "Critical Incident Stress Debriefings" are one-time group interventions for emergency services personnel, designed to reduce stress and trauma following a critical event. The EAP is available to provide debriefings for small groups and can coordinate larger-scale debriefings in conjunction with Southern Maine EMS>
- f. "Self-referral" is a referral in which an employee who is having a personal problem initiates contact with the Employee Assistance counselor directly to schedule an appointment. The employee has the option of communicating with his or her supervisor about the referral.
- g. An "Informal Supervisory Referral" is a referral in which a supervisor verbally suggests to the employee that s/he seek consultation with the EAP. There is no documentation, follow-up or discipline associated with this suggestion. It is a freely given suggestion based on a supervisor's concern for an employee and is left to the employee to follow through.
- h. A "Formal Supervisory Referral" is a referral in which the supervisor recommends to the employee that s/he seek consultation from the EAP regarding job performance and work-related behaviors. This type of referral is made in writing and is followed up by contact with the EAP and possible additional disciplinary procedures.
- i. The "Employee Assistance Coordinator" is a City employee who has a Master's Degree in counseling, human services or social work who assists employees by providing counseling or referring employees to counseling provided by outside providers.

II. Policy Statement

1. The City respects an employee's private life but recognizes the potential impact of personal problems on performance in the work place.
2. The City further recognizes that the identification and resolution of personal problems is the most effective method of correcting job performance problems which result from personal or family problems.
3. The City of Portland recognizes alcoholism, drug addiction and mental disorders as illnesses for which there is effective treatment and rehabilitation. Employee Assistance is designed as a means of helping employees seek the most appropriate treatment to alleviate problems affecting job performance.
4. Supervisors may refer employees to Employee Assistance when deteriorating skills or job performance do not respond to normal supervisory actions. It is the employee's decision to comply with a supervisor's recommendation to seek help for personal problems impacting on job performance (See Section III, Protocol for Supervisors).
5. Employees participating in Employee Assistance are expected to meet existing job performance standards and established work rules, and are subject to discipline for failing to do so.
6. Self-referral by an employee is encouraged and will remain confidential.
7. The employee can call and make an appointment with the Employee Assistance Counselor at any time.
8. The contact is kept strictly confidential between the Counselor and the employee.
9. Persons who seeks help through Employee Assistance will be evaluated by an Employee Assistance Counselor and provided with short-term counseling or referred on for further diagnosis and treatment.
10. Employee Assistance records are confidential and maintained separately from other personnel records. Records will be protected from disclosure to the fullest extent possible under existing State and Federal regulations. Employees will receive information regarding confidentiality and their rights of privacy.
11. Nothing in this policy is to be interpreted as constituting a waiver of the City's responsibility to maintain discipline, or of the City's right to take disciplinary action within the framework of any labor agreement. **Example:** The use of illegal drugs on the job or the use of legal drugs, including alcohol, which impairs the performance of an employee or threatens the safety of the public or co-workers is prohibited on City premises or during work hours. Violations of these expectations will result in disciplinary action. (See Administrative Regulation 25).
12. To consult with the EAP Counselor, the employee may use accumulated leave or leave without pay, in accord with normal procedures. With approval by the

employee's supervisor and EAP Coordinator, an employee may be entitled to paid administrative leave for a limited number of EAP counseling sessions.

13. An employee is financially responsible for the payment of outside assistance in cooperation with his/her benefit package.

III. Protocol for Formal Supervisory Referral

1. Contact EAP Coordinator for consultation regarding the situation.
2. Discuss the situation with your supervisor or Department Head.
3. Fill out the Formal Referral form to EAP – indicate reasons for referral and previous steps taken to resolve the problem.
4. Arrange a face-to-face private meeting with the employee and the supervisor.
5. Explain the nature of your concerns to the employee.
6. Inform the employee that you are making a FORMAL referral to EAP. Explain the program and ask the employee to read and sign the Referral Form. Explain that normal disciplinary procedures will be followed if the employee chooses not to use EAP.
7. State the consequences you intend to take if the work-related behavior or performance does not change. Remind the employee that he/she has already been warned and has had the opportunity to resolve the problem.
8. Allow time for the employee to seek assistance. Make arrangements for the employee to go to EAP on work time.
9. The EAP Coordinator will contact the supervisor after receiving the Referral Form and convey the following information:
 - a) whether employee did/did not make and keep appointment with EAP;
 - b) whether or not the EAP assesses a problem that could be corrected with the appropriate counseling. No specific diagnostic information will be given to the supervisor;
 - c) whether employee is/is not agreeable to treatment guidelines suggested by the EAP.

The supervisor, who is not bound by the same confidentiality guidelines as the EAP, may give any pertinent information regarding employee behavior to the EAP.

10. Any information other than what is outlined in #9 can only be related to the supervisor with the expressed written consent of the employee. Whenever

possible, the EAP Coordinator will obtain a written release of information from the employee.

11. If an employee is hospitalized, the EAP Coordinator will maintain contact with both the supervisor and the employee and coordinate the return-to-work process.
12. When and if the employee's performance or attendance shows no improvement within a mutually established time line, follow the disciplinary steps already established and involve the employee's union representative.
13. The EAP does not establish nor enforce disciplinary procedures or performance evaluations, but is available to "coach" supervisors when faced with a "troubled employee".
14. In very limited situations, if an employee upon seeking EAP assistance is judged to be in acute distress and unable to perform in the workplace, the EAP Coordinator will contact the supervisor and make arrangements for the employee to be excused from work for the remainder of the date. Longer absences from work will require documentation from the employee's physician.

Note: The employee remains responsible for work performance and attendance regardless of whether or not he/she uses the EAP. The EAP is designed to assist employees with personal and/or work related problems, but cannot replace appropriate and necessary disciplinary procedures.