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ELIZABETH CITY STATE UNIVERSITY Employee Assistance Program Policy

Preamble

It is the policy of Elizabeth City State University (ECSU) to provide an Employee Assistance Program (EAP) as a benefit to assist employees with personal problems that may adversely affect job performance.

The purpose of the EAP is to combine sound management principles with a humanitarian approach to assist troubled employees in handling personal problems. This program seeks to restore individual health and productivity, improve efficiency, and retain experienced employees. Since family problems also impact job performance, family members may also utilize the services of the EAP.

1. Eligibility

Under this program, the following eligibility criteria shall apply:

- A. Employees eligible to utilize the Employee Assistance Program
 - 1. Permanent full-time or part-time (half-time or more) SHRA and EHRA
 - 2. Time-limited permanent
 - 3. Probationary and trainee after satisfactory performance for a period of not less than three months, as determined by management
 - 4. Dependents of eligible employees
- B. Employees ineligible to utilize the Employee Assistance Program
 - 1. Temporary
 - 2. Part-time (less than half-time)
 - 3. Intermittent

2. Program Administration and Access

- A. The Elizabeth City State University EAP is sponsored and maintained by Human Resources. The Director of Human Resources is responsible for the implementation of the program and shall name the Employee Relations Coordinator to serve as Program Coordinator. Questions and concerns about the EAP shall be referred to Human Resources for resolution.
- B. ECSU shall utilize a third party, contract service provider for employee assistance program and work-life services as established by the annual competitive bid process conducted by the UNC System. Human Resources shall announce to the university community the selected service provider and specific EAP program guidelines and services at the start of a new contract. Regular program

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communication of available services will be managed through email notices and web page announcements.

3. Leave Time

An employee shall not be charged leave time for the initial EAP appointment if the supervisor is notified of the scheduled appointment. The employee shall use appropriate leave credits to attend any subsequent treatment that may be recommended.

4. Program Cost

- A. There is no cost to the employee for the services provided by the EAP. Any cost associated with recommended treatment with a professional resource is the employee's responsibility. The EAP will utilize services that are covered by the State Health Plan, whenever possible.
- B. The cost of the fitness-for-duty/risk evaluation is the responsibility of ECSU (requestor of the evaluation).

5. Confidentiality

- A. Federal and State statutes, along with professional ethics, require that the EAP exercise the highest standards concerning client confidentiality. An ECSU representative may disclose information to EAP in the course of receiving consultation or in making a referral.
- B. 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.
- C. Federal and State statutes 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.
 - 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.

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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.

6. **Types of Referrals**

The EAP recognizes four types of referrals:

A. **Self-Referral**

1. A Self-Referral is a voluntary referral initiated by the employee to obtain assistance for personal and medical problems. The employee may contact the EAP directly and select a face-to-face or a telephone assessment. This referral is strictly confidential.
2. Management should encourage the use of EAP if they have knowledge that the employee is experiencing personal or medical problems. The encouragement to utilize EAP services shall be considered a self-referral and feedback from the EAP shall not be provided.
3. The action on the part of the employee to seek help for personal problems shall be viewed as a responsible action, and shall be supported by management.

B. **Supervisory Referral**

1. The Supervisory Referral is designed to provide a management tool for addressing unsatisfactory job performance or personal conduct. This referral shall be used if disciplinary action is in process. If the employee accepts the offer of help, the supervisor shall contact the EAP in advance of the appointment to provide background information about the employee and details of the job performance or personal conduct that are of concern.
2. Although an employee might decline the offer of help, this option can be repeated any time the supervisor feels the employee may have become more receptive.
3. Unlike self-referrals, which are strictly confidential, limited information from supervisory referrals can be released to ECSU with the written consent of the employee. This information is limited to the following:
 - a. To confirm whether or not the employee kept the initial EAP appointment;

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- b. To determine whether or not the employee agreed or disagreed to follow recommendations;
 - c. To communicate continuing compliance updates;
 - d. To communicate closure of services.
4. Disciplinary action may be continued, regardless of the employee's active involvement in EAP should performance or conduct issues not be resolved. Supervisors are encouraged to provide for a reasonable length of time after an initial referral before taking additional disciplinary action to provide the employee an opportunity to address personal or medical concerns.

C. Management Directed Referral

1. The Management Directed Referral is defined as an EAP referral that is used to address employee situations that require immediate attention and for which an employee shall not be allowed to remain in the workplace until the problem is resolved. The purpose of the referral is to protect the work setting from disruption and to develop a plan of action to resolve the situation. This referral may be used when an employee has demonstrated:
 - a. behavior which is determined to present a potential or present health/safety danger to himself and/or others;
 - b. impairment on the job (misuse of alcohol or use of controlled substances);
 - c. testing positive for alcohol or controlled substances.
2. Management must present the employee with a choice between accepting EAP services, prior to returning to work, or relying solely on the disciplinary process to resolve the matter. Management shall have an obligation to explain to the employees the options that are being considered in a manner that helps the employee understand both what is expected and what action shall likely occur.
3. Disciplinary action that will occur in each of the following events shall be defined for the employee in advance of the employee's choice:
 - a. if the employee refuses to accept EAP services and relies solely on the disciplinary process;
 - b. if the employee agrees to accept EAP services and complies with the recommended course of treatment;
 - c. if the employee agrees to accept EAP services but fails to comply with the recommended course of treatment.
4. The employee always has the right to accept or refuse the EAP services. In maintaining that right, refusal by the employee to participate in EAP is

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not the grounds for disciplinary action but rather the job performance or conduct issue that prompted the referral.

5. If the employee accepts the offer of help, the supervisor shall contact the EAP in advance of the appointment to provide background information about the employee and details of the job performance or personal conduct that are of concern.
6. Limited information from the management directed referral shall be released to ECSU with the written consent of the employee. This information is limited to:
 - a. whether or not the employee kept the initial EAP appointment;
 - b. whether or not the employee agreed or disagreed to follow recommendations;
 - c. continuing compliance updates;
 - d. closure of services.

D. Fitness-for-Duty/Risk Evaluation

1. The Fitness-for-Duty/Risk Evaluation is defined as a referral to address extraordinary situations where an employee poses an immediate hazard or risk to themselves or others in the workplace. It may also be used to determine an employee's medical or psychological fitness to perform their essential job functions.
2. Unlike the Management Directed Referral, management will receive an evaluative summary from the evaluating resource regarding the employee's fitness-for-duty. The EAP will facilitate this referral to a qualified medical resource to conduct the fitness- for-duty/risk evaluation.
3. When considering a Fitness-for-Duty/Risk Evaluation, management must first consult with Human Resources.
4. The following information must be provided to the EAP in advance of the referral:
 - a. precipitating event(s);
 - b. documented performance and/or behavior concerns;
 - c. pending or previous disciplinary action;
 - d. employee's job description and essential job functions.
5. Management must communicate the following information to the employee:
 - a. specific reason(s) for the Fitness-for-Duty/Risk Evaluation;
 - b. expectations for compliance in resolving the concern(s);

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- c. consequences for failure to accept all conditions of the referral which includes compliance with the directive to undergo a Fitness-for-Duty/Risk Evaluation; compliance with EAP recommendations or any other conditions of the evaluation; or make the required improvements in performance or conduct.
6. The evaluative summary findings will recommend one of the following courses of action:
 - a. Fit to return to duty without specific recommendations.
The evaluator has determined that the employee is fit for duty and does not pose a hazard or risk to self or others.
 - b. Fit to return to duty with specific recommendations.
The evaluator has determined that the employee is fit for duty and does not pose an immediate hazard or risk to self or others. The evaluative findings recommend that the employee should undergo treatment as a condition of employment.
 - c. Not fit to return to duty until specific recommendations have been met.
The evaluator has determined that the employee is *not* fit for duty and may pose a hazard or risk to themselves or others. Management shall consider the recommendations in the evaluative summary and should state the terms and conditions that must be met before the employee is allowed to return to work.
7. ECSU shall advise the employee of their leave options should an evaluative summary recommend that an employee not return to work. Based on the recommended action, leave options could include:
 - a. Family Medical Leave
 - b. Voluntary Shared Leave
 - c. Short Term Disability
8. The cost of the fitness-for-duty/risk evaluation is the responsibility of ECSU, the requestor of the evaluation. ECSU is considered the client; the evaluative summary will be provided directly to the Human Resources office. The cost associated with recommended treatment shall be the employee's responsibility.
9. The EAP shall recommend and monitor the employee's compliance with treatment recommendations and progress toward fitness for duty and shall maintain ongoing communication with ECSU until closure.

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7. Investigatory Placement With Pay

Certain situations may occur which would support the Investigatory Leave with Pay policy when determining whether an employee should remain on the worksite. Management's decision shall consider the best interests of ECSU and the employee in deciding to use the Investigatory Placement with Pay provisions. Provisions of the Investigatory Placement with Pay may be appropriate to:

- A. Investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action. (Example: an employee may pose a hazard or risk to himself or others in the workplace pending the results of an alcohol or drug test);
- B. Avoid disruption of the workplace and to protect the safety of persons or property. (Example: when medical and/or psychological information is needed pending the results of an alcohol or drug test);
- C. Provide time to schedule and conduct a pre-disciplinary conference.