

Board of County Commissioners
Leon County, Florida

Policy No. 16-2

Title: Employee Assistance Program

Date Adopted: February 9, 2016

Effective Date: March 1, 2016

Reference: Section 440.102, Florida Statutes; Personnel Policies and Procedures Manual, Section 6.11 Employee Assistance Program

Policy Superseded: N/A

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a new Policy is hereby adopted, to-wit:

The Leon County Board of County Commissioners recognize that a wide range of problems, not directly job related, can affect job performance. However, drug, alcohol, behavioral and stress related issues can be successfully treated. The Employee Assistance Program (EAP) is intended to help those employees who have personal issues, behavioral or stress problems, drug or alcohol abuse issues or other matters impacting their work performance. Those employees may be provided confidential consultation and treatment as necessary to prevent drug, alcohol, behavioral and stress related issues from progressing to a degree at which the Employee can no longer work effectively.

1. PURPOSE

The Employee Assistance Program (EAP) has been established to assist employees, who develop alcohol, drug, behavioral or stress related problems that result in or contribute to substandard job performance, by providing confidential consultation, treatment and rehabilitation. The EAP is voluntary and available to all County employees. However, an employee may be referred to the EAP by the County when the employee's situation has deteriorated to a degree that it affects job performance, under such circumstances, EAP participation may be mandatory.

2. AUTHORITY

This Policy is adopted in accordance with section 440.102, Florida Statutes, and Section 6.11, Personnel Policies and Procedures Manual.

3. DEFINITIONS

- A. **Alcohol Abuse:** shall mean the use or abuse of alcoholic beverages which interferes with job performance or in violation of the Drug and Alcohol Free Workplace Policy, No. 16-1, as amended.
- B. **Behavioral Problems:** shall mean any manner by which one conducts oneself or behaves toward coworkers, or others, which seriously and repeatedly interferes with job performance or the job performance of others.
- C. **Employee Assistance Plan:** shall mean an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee substance or alcohol abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
- D. **Stress Problems:** shall mean any adverse family situation, emotional problem, financial difficulty, legal entanglement, marital problem, grief or other personal problem which seriously and repeatedly interferes with job performance.
- E. **Substance Abuse:** shall mean the use or abuse of any drug, which interferes with job performance or in violation of the Drug and Alcohol Free Workplace Policy, No. 16-1, as amended.

4. ADMINISTRATION

- A. The County Administrator shall appoint an Employee Assistance Coordinator for the County who shall, in conjunction with the Human Resources Director:
 - 1. Promote employee awareness and supervisory understanding of the available benefits of the EAP and assure continued visibility and accessibility to the program.
 - 2. Coordinate and conduct ongoing employee and supervisory training.
 - 3. Maintain records to document employee participation and evaluate overall program effectiveness, subject to confidentiality requirements set forth herein.
 - 4. Provide reports to the County Administrator, as appropriate.
 - 5. Provide technical assistance to Division Directors.
 - 6. Function as a liaison between the County and the EAP provider.
 - 7. Maintain familiarity with designated community diagnostic and referral resources.

8. Review prospective cases and advise supervisors on appropriate handling of employees with regard to the EAP.
9. Should an employee referral to the EAP be made, the Employee Assistance Coordinator may, depending on the circumstances advise the supervisor and make recommendations to the supervisor regarding the handling of any special accommodations required during the EAP process, when appropriate.
10. Develop operational guidelines and forms, as needed.

B. Management and Supervisory Responsibilities.

1. It is the responsibility of the immediate employee supervisor to know the extent of absenteeism, tardiness, emotional and personality problems, and the deterioration of work performance which may be associated with behavioral or stress problems, alcohol or substance abuse. The supervisor shall detect and document deteriorating work performance and address same with the employee on that basis. Disciplinary actions taken must be in accordance with the Personnel Policy and Procedures Manual. Any employee exhibiting a continuing job performance problem not readily corrected by normal administrative procedures may be considered for the EAP.
2. Immediate supervisors shall recognize changes in work performance and unusual behavior and communicate same to the subject employee. Symptoms affecting job performance which indicate behavioral or stress problems, alcohol or substance abuse may include the following:
 - a. Assignment failures.
 - b. Excessive absenteeism and tardiness.
 - c. Unexcused absences.
 - d. Deteriorating personal appearance.
 - e. Verbal altercations with fellow employees.
 - f. Prolonged lunch hours.
 - g. Frequent unauthorized disappearances from work.
 - h. A marked change in behavioral activity levels.
 - i. Poor judgment.
 - j. Moodiness, depression or anxiety.
3. Immediate supervisors shall maintain documentation concerning instances in which an employee's work performance or behavior fails to meet expected standards or in which the individual's pattern of performance deteriorates.
4. Immediate supervisors may explain the assistance offered under the EAP and encourage the employee to take advantage of the program or request the Employee Assistance Coordinator meet with the employee.

5. Employee referrals to the EAP shall be made in accord with Section 5 hereof.

5. REFERRALS

Types of Referrals include:

- A. **Self-Referral.** Individual employees who recognize they have behavioral or stress, alcohol or substance abuse related problems and wish to voluntarily seek help may do so by contacting the Employee Assistance Coordinator. However, employees or members of his/her immediate family who wish to seek assistance through the EAP may also do so by contacting the EAP service provider directly. Employees need not disclose a self-referral. Such participation is encouraged and shall be handled in a confidential manner.
- B. **Formal Supervisory Referral.**
 1. Formal supervisory referral is made by the supervisor when an employee's conduct or work performance has reached a level or pattern that warrants disciplinary or administrative action.
 2. Formal supervisory referrals may be processed only upon consultation with the Employee Assistance Coordinator, Division Director and Human Resources Director.
 3. Formal supervisory referrals are voluntary and are not required to be accepted by the employee.
 4. The Employee Assistance Coordinator will send the formal supervisory referral to the EAP provider. The EAP provider will inform the Employee Assistance Coordinator whether the employee complied with or did not comply with the recommended treatment plan. However, details concerning the recommended treatment plan will not be shared with the County and shall remain confidential.
- C. **Condition of Employment Referral.**
 1. A condition of employment referral occurs when circumstances dictate that the employee may only remain employed if the employee enters the EAP as a result of problems which seriously and adversely affect work performance or employee conduct, and successfully completes a treatment plan, if any.
 2. The EAP provider will inform the Employee Assistance Coordinator only whether the employee enters EAP, and complied with or did not comply with the EAP provider recommended treatment plan. However, details concerning the recommended treatment plan will not be shared with the County and shall remain confidential.

3. If the EAP provider informs the Employee Assistance Coordinator that the employee has not complied with the EAP provider recommended treatment plan, administrative or disciplinary action may be taken, the extent of which will depend on the circumstances involved. Action will only be taken upon consultation with the Employee Assistance Coordinator, the Division Director and Human Resources Director.

D. Substance or Alcohol Abuse Referral.

1. When substance or alcohol abuse is reasonably suspected, EAP may be offered to an employee. Depending on the circumstances, a substance or alcohol abuse referral may be deemed a condition of the employment referral.
2. Substance or alcohol abuse referrals may be requested by the immediate supervisor, upon consultation with the Employee Assistance Coordinator, the Division Director and the Human Resources Director.
3. Utilization of EAP treatment plans for substance or alcohol abuse may be offered in a situation involving a violation of the Drug and Alcohol Free Workplace Policy. Any disciplinary action which may be appropriate may be held in abeyance while the employee complies with the EAP treatment plan. However, failure to complete the EAP treatment plan for substance or alcohol abuse may result in the disciplinary action being taken.

6. PARTICIPATION IN EAP.

A. Counseling Services.

The EAP provides services to assist employees resolve a wide range of problems that may arise and interfere with family, work, and other important areas of life. The EAP allows employees the opportunity to meet with a professional counselor who will assist the employee in identifying the source of the problem and develop a plan to resolve or handle it.

The EAP can help resolve a broad range of issues including: relationship problems, family difficulties, stress, anxiety, alcohol/drug dependency, grief issues, financial struggles, legal matters, workplace issues, job relationships, emotional concerns and other personal or work/life balance issues or challenges.

B. Payment for EAP Services.

There is no charge for the initial assessment and referral consultation regardless of whether the visit is the result of a self-referral, formal supervisory referral, condition of employment or substance or alcohol abuse referral. Should additional counseling be necessary, the EAP provider may take into consideration the employee's financial status and may adjust the professional fees in accordance with any available funding subsidies for which the employee may be eligible. The employee is responsible for payment for

care or counseling after the initial assessment has taken place, whether a self-referral, formal supervisory referral, condition of employment referral or substance and alcohol abuse referral.

C. Employee Responsibilities.

Employees are obligated to maintain a satisfactory work performance and to abide by County standards of conduct regardless of participation in the EAP. Employees are responsible for resolving personal problems interfering with the employee's maintenance of satisfactory work performance or interfering with the employee's compliance with standards of conduct. Nothing herein shall be deemed as an entitlement to the EAP and depending on the seriousness of any violation of County policy or circumstances, immediate disciplinary action may be warranted, up to and including dismissal.

D. Duty Status During EAP Participation.

Time used by an employee for an initial EAP evaluation, up to two (2) hours, shall be considered as time-worked. Thereafter, time used by an employee for visits to an EAP provider, including follow-up drug and alcohol testing, and all counseling sessions that follow, shall require the employee's use of annual, sick, compensatory leave or leave without pay. Approval to use such time for this purpose shall not be unreasonably denied by the supervisor.

E. Employee Rights.

1. Confidentiality. Records of EAP treatment by an employee or his immediate family will be maintained only in clinic or treatment files of the EAP provider. No record of treatment will be maintained in the employee's personnel file or in any other official departmental files. No information concerning the employee's treatment may be released by the EAP provider to any person without the express written consent of the employee. An employee cannot be compelled to provide such consent. All information shall be privileged and kept confidential.
2. Job Security. An employee's job security may not be jeopardized, nor will disciplinary action be taken solely for participation or non-participation in the EAP through a self or formal supervisory referral.
3. Right to Refuse Referral. An employee has the right to refuse referral into the EAP program and may discontinue participation at any time, except for condition of employment and substance or alcohol abuse referrals requiring mandatory EAP treatment plan compliance.