


Memorandum

subject: Employee Assistance Program

date: September 22, 2016

to: All Employees

from: Vicki Arpin 
Agency Human Resources Administrator

PERSONNEL MEMORANDUM NO. 86-2 (Revised)

This memorandum is an update and reissue of Personnel Memoranda 86-2, "Employee Assistance Program"; last issued January 3, 2014, and replaces Policy F&A-13 of the same name.

Employee Assistance Program

The Department of Transportation, through The Lexington Group, offers confidential assistance to employees seeking help in dealing with personal, alcohol and drug abuse problems, stress and anxiety, relationship/family issues, grief and loss, financial/legal problems, emotional difficulties/depression, career/life planning, and a host of other problems that may negatively affect an employee's personal life and job performance. The objective of the program is to restore the employee to full job efficiency and well-being through recognized counseling, treatment and rehabilitation sources.

While many employees refer themselves, a supervisor may be the first one to notice declining job performance and suggest participation in the program. The objective is to restore the employee to full job efficiency and well-being through recognized counseling, treatment, and rehabilitation sources. Key program personnel are DOT Supervisors and the DOT Human Resources Assistant Administrator.

Participation in a recommended treatment program and/or placement on paid or unpaid leave as described in this memorandum is a matter separate and distinct and does not mitigate or in any way constitute disciplinary action which may still result from violations of Department work rules and policies.

Questions concerning this policy may be directed to your appropriate District and/or Newington Human Resource Liaison.

Role of the Manager or Supervisor

If you suspect an employee has a personal, alcohol or drug problem which is negatively affecting job performance as demonstrated by observed displays of inappropriate behavior or deterioration of interpersonal relationships:

- Observe and document the employee's behaviors and job deficiencies.
- Advise your supervisor and the Lexington Group of your concerns and discuss a plan of action if the behavior continues. You may also wish to advise your Human Resource Liaison.
- Advise the employee of performance deficiencies and state what needs to be changed. Document this in a memo to the employee.
- Offer confidential help through the Employee Assistance Program and encourage the employee's participation.
- Continue to monitor the employee's job performance, take appropriate administrative action or conduct a fact-finding to consider disciplinary action if no improvement is made.

Role of the Lexington Group

- Coordinate the Employee Assistance Program.
- Provide supervisors with information that enables them to recognize the behavioral patterns of alcohol and drug abusers.
- Assist supervisors in dealing with employees suspected of alcohol/drug abuse and/or a host of other problems that may affect an employee's personal life and job performance.
- Counsel employees regarding personal, alcohol and drug abuse, and related problems in complete confidence and refer employees to special counseling or treatment as appropriate.
- Motivate employees to seek assistance/treatment and improve behavior.
- Coordinate treatment through recognized community resources.
- Communicate with treating providers, if authorized, concerning an employee's work situation, evaluation, prognosis, treatment program, progress and ability to return to work, provided the employee has signed a release for the EAP Coordinator.
- Provide follow-up services as necessary.

Role of Human Resources Assistant Administrator

- Oversee the DOT Employee Assistance Program.
- Establish, implement and interpret various policies and procedures for managers and supervisors and provide advice on specific problems.

Program Structure

A. Voluntary (self) Referrals:

*Employees are encouraged to seek **confidential** assistance through EAP before problems begin to affect personal life and job performance.*

EAP services are available through a contracted provider, The Lexington Group. Employees may visit their website at: <http://www.the-lexington-group.com/> or contact them directly at **1-800-676-4357**. The focus of the initial assessment is identification of the problem and a course of action to help resolve it. Referrals to other resources, community agencies, and professionals, may be made, as appropriate.

This is a voluntary program that offers up to three (3) free assessment sessions with a professional counselor. Full-time and part-time permanent employees and their immediate family members are eligible for these expanded EAP services. Employees who are unable to schedule counseling appointments outside their work day will be allowed to use any appropriate accrued leave time for this purpose. Participation in this program is strictly **confidential**.

B. Supervisory/Management Referrals:

When an employee has been referred to the Employee Assistance Program by DOT Supervisory/Management personnel, a Lexington professional will discuss his/her problem and provide information on assistance available through the DOT Employee Assistance Program.

The Lexington Group may recommend a treatment program consistent with the nature of the employee's problem and insurance plan or recommend that he/she enter an appropriate rehabilitation facility to successfully complete a rehabilitation program. The employee may agree to be evaluated, follow any

recommended treatment program through to its completion, and may permit the treating providers to communicate with each other concerning the employee's work situation, evaluation, prognosis, treatment program, progress, and recommendation for return to work. The employee may use his/her accrued leave time, including sick leave, to participate in a recommended treatment if such treatment appointments cannot be made outside of the employee's normal workday and the Department receives written confirmation of the requirement for such absences. The Department does not receive confidential diagnosis or medical information as a part of the confirming documentation from the Lexington Group.

If an employee refuses to participate in the recommended treatment or fails to complete a recommended treatment program, he/she will be informed that performance deficiencies will be documented and may result in disciplinary action. If an employee enters treatment and fails to complete a recommended treatment program he/she will be informed that future deficiencies in their job performance and/or attendance will result in disciplinary action up to and including termination from State service. If deemed necessary by the Department, this employee may also be placed on a 90 day leave of absence without pay to afford the employee a final opportunity to deal effectively with his/her problem.

Refer to Section D, "Ninety (90) day Leave of Absence without Pay".

C. Fitness for Duty Referrals:

When an employee's behavior, gestures or remarks create a threatening situation to him/herself, co-workers, or the general public, or is found to have repeatedly caused confrontations or disruptions or exhibited other unacceptable behavior in the workplace, the Department will immediately remove the employee from the workplace and place him/her on Administrative Leave With pay pending the outcome of a Departmental investigation of the situation/incident.

If the Department concludes that the employee's behavior should be evaluated by a professional prior to return to duty, the Department may seek the employee's voluntary cooperation in submitting to a Fitness for Duty evaluation by professional treatment providers to determine if and when the employee can return to work without constituting a danger to him/herself or others, or causing disruption/confrontation or repeating other unacceptable behavior. Such cooperation would have to include the employee agreeing to be evaluated, following any recommended treatment program through its completion, and permitting the treating providers and the DOT Employee Assistance Coordinator to communicate with each other concerning the employee's work situation, evaluation, prognosis, treatment program, progress, and recommendation for return to work.

The employee may use his/her accrued leave time, including sick leave, during the process of evaluation and treatment. If the accrued leave is exhausted a subsequent period of leave without pay would be considered as a medical leave, in accordance with State and Federal regulations and collective bargaining provisions. The employee would be permitted to return to duty when the professional treatment provider reports to the Department's satisfaction that the employee may return to work without constituting a danger to him/herself or to others, or causing disruption/confrontation or repeating other unacceptable behavior. Failure to cooperate and/or any subsequent threatening offense, disruption/confrontation, or repeated unacceptable behavior by the employee may result in termination from State service or placement on a 90 day leave of absence without pay to afford the employee a final opportunity to cooperate with the Department and deal effectively with his/her problem.

Refer to Section D, "Ninety (90) day Leave of Absence without Pay".

D. Ninety (90) day Leave of Absence without Pay:

An employee who fails to continue acceptable participation in, or complete, a recommended treatment program following a return to duty may be placed on a 90 day leave of absence without pay at the recommendation of the EAP Coordinator in order to avail him/herself of the opportunity to resume

treatment. An employee who has been placed on a 90 day leave of absence without pay, who has been deemed to be non-compliant with their recommended treatment, may be subject to termination from State service.

An employee who has been placed on a 90 day leave of absence without pay may be allowed to return to work prior to the end of the 90 day period when the professional treatment provider reports to the Department that the employee has successfully resumed treatment recommendations, is compliant with those treatment recommendations and/or has successfully completed the recommended treatment program.

An employee, who resumes and/or completes a recommended treatment program and is allowed to return to work, may be subject to termination of employment should a subsequent discontinuation of treatment occur.

The placement of an employee on paid or unpaid leave as described in the above paragraphs is a matter which is separate and distinct from the issue of disciplinary action for creating a hostile work environment, a serious threatening situation, making a threat, disrupting the workplace or behaving in an unacceptable manner. Appropriate disciplinary action up to and including dismissal may still be imposed before, during or after the period of paid or unpaid leave.