



08. 420

Employee Assistance Program

Authority: Chancellor

History Revised February 2012; Revised February 1, 2007;
Original policy established April, 1989. Supersedes former
Policy No. HR4.20

Responsible Office: Human Resources

I. Purpose

It is the policy of The University of North Carolina Wilmington to provide an Employee Assistance Program (EAP) as a benefit to assist employees with personal matters that may adversely affect job performance.

The purpose of the EAP is to combine sound management principles with a humanitarian approach to assist employees in handling certain personal issues. This program seeks to restore individual health and productivity, improve efficiency, and retain experienced employees.

II. Coverage

Full time, part time, probationary, trainee, time-limited or permanent SPA employees; permanent EPA, and permanent or temporary faculty may utilize this program. Since family problems also impact job performance, family members may also utilize the services of the EAP.

III. Program Access

The EAP can be accessed at 1-877-274-7342. The EAP is available 24 hours a day, seven days a week to assist management and employees.

IV. Leave Time

An employee will not be charged leave time for the initial EAP appointment if the supervisor is notified of the scheduled appointment. The employee must use appropriate leave credits or flex time with supervisory approval to attend any subsequent treatment that may be recommended.

V. Program Cost

There is no cost to the employee for the services provided by the EAP. However, 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.

The cost of the fitness-for duty/risk evaluation is the responsibility of the university.

VI. Confidentiality

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

Federal and State statutes do require the disclosure of information in certain circumstances. These circumstances include the following situations:

A. 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.

B. 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.

C. Court Order

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

D. Medical Necessity

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

VII. Types of Referral (s)

A. Self Referral

A Self Referral is a voluntary referral initiated by the employee to obtain assistance for personal and medical matters. The employee may contact the EAP directly and select face-to-face or a telephone assessment. This referral is strictly confidential.

Management should encourage the use of EAP if they have knowledge that the employee is experiencing personal or medical matters. The encouragement to utilize EAP services will be considered a self referral and feedback from the EAP will not be provided.

The action on the part of the employee to seek help for personal matters shall be viewed as a responsible action, and shall be supported by management.

B. Supervisory Referral

The Supervisory Referral is designed to provide a management tool for addressing unsatisfactory job performance or personal conduct. This referral should be used if disciplinary action is in process. If the employee accepts the offer of help, the supervisor should 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.

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.

Unlike self referrals, which are strictly confidential, limited information from supervisory referrals can be released to the agency with the written consent of the employee. This information is limited to:

1. whether or not the employee kept the initial EAP appointment
2. whether or not the employee agreed or disagreed to follow recommendations
3. continuing compliance updates
4. closure of services

Disciplinary action may be continued, regardless of the employee's active involvement in EAP should performance or conduct issues not be resolved. However, 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

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 should not be allowed to remain in the workplace until the matter 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:

1. behavior which is determined to present a potential or present health/safety danger to himself and/or others
2. impairment on the job (misuse of alcohol or use of controlled substances)
3. testing positive for alcohol or controlled substances

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 will 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 will likely occur.

Disciplinary action that will occur in each of the following events should be defined for the employee in advance of the employee's choice:

1. if the employee refuses to accept EAP services and relies solely on the disciplinary process
2. if the employee agrees to accept EAP services and complies with the recommended course of treatment
3. if the employee agrees to accept EAP services but fails to comply with the recommended course of treatment

The employee always has the right to accept or refuse the EAP services. However, in maintaining that right, refusal by the employee to participate in EAP is not the grounds for disciplinary action but rather the job performance or conduct issue that prompted the referral.

If the employee accepts the offer of help, the supervisor should 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.

Limited information from the management directed referral will be released to the university with the written consent of the employee. This information is limited to:

1. whether or not the employee kept the initial EAP appointment
2. whether or not the employee agreed or disagreed to follow recommendations
3. continuing compliance updates
4. closure of services

VIII. Fitness-for-Duty/Risk Evaluation

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.

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. When considering a fitness-for-duty evaluation, management must first consult Human Resources.

The following information must be provided to the EAP in advance of the referral.

- 1). precipitating event(s)
- 2). documented performance and/or behavioral concerns
- 3). pending or previous disciplinary action
- 4). employee's job description and essential job functions

Management must communicate the following information to the employee: (Human Resources staff are available to be part of this upon request.)

- 1). specific reason(s) for the Fitness-for-Duty/Risk Evaluation
- 2). expectations for compliance in resolving the concern(s)
- 3). consequences for failure to accept all conditions of the referral which includes:
 - a. compliance with the directive to undergo a Fitness-for-Duty/Risk Evaluation
 - b. compliance with EAP recommendations or any other conditions of the evaluation, or
 - c. make the required improvements in performance or conduct

The evaluative summary findings will recommend one of the following courses of action:

1. 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.
2. 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. However, the evaluative findings recommend that the employee should undergo treatment as a condition of employment.

3. 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 should 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.

Employees will be directed to Human Resources for assistance with leave options including: Family Medical Leave, Voluntary Shared Leave, or Short Term Disability.

The cost of the fitness-for duty/risk evaluation is the responsibility of the requesting department/division. However, the *university* is considered the client, therefore; the evaluative summary will be provided directly to Human Resources for confidential reasons. The cost associated with recommended treatment will be the employee's responsibility.

The EAP will recommend and monitor the employee's compliance with treatment recommendations and progress toward fitness for duty and will maintain ongoing communication with the *university* until closure.

Certain situations may occur which would support Investigatory Leave with Pay when Management and Human Resources are determining whether an employee should remain on the worksite. This decision should consider the best interests of the *university* and the employee in deciding to use the Investigatory Placement with Pay provisions. These provisions may be appropriate to:

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