## Procedure No.: II.D.PR.024 Issue Date: November 1, 2012

#### **Subject:** Employee Assistance Program (EAP) **Effective Date**: Upon release

**Section:** Human Resources **Revised:** October 10, 2018

**Revised:** December 15, 2022

**Approved:**/s/Jordan A. Scheff/ET

# Policy Statement

It is the policy of the Department of Developmental Services (DDS) to provide an Employee Assistance Program (EAP) as a benefit to assist employees with personal problems that may adversely affect job performance.

# Purpose

The purpose of this procedure is to implement the steps to follow when referring or mandating employees to the Employee Assistance Program, or informing employees, their immediate family members or individuals living in the same household about the EAP.

# Applicability

This procedure covers all DDS employees, their immediate family members, their children up to age 26, and any person living in the household of a DDS employee.

# Definitions

The following definitions apply to this and all associated policies, procedures and attachments.

1. “Informal Referral” means a suggested referral made by a supervisor or manager. The manager would encourage an employee to talk with staff from the EAP to address possible concerns affecting the employee’s (1) work performance, (2) behavior in the workplace or (3) violation of DDS policy. Informal or suggested referrals do not require any follow-up by the supervisor or human resources personnel.
2. “Administrative Referral” means a referral of an employee to the Employee Assistance Program by a manager or supervisor within the context of a disciplinary action. It is essential that the EAP is notified in advance of a manager or supervisor referral. EAP counselors will need background information about the employee and details of his or her job performance. Supervisors or managers provide onsite support for the employee’s efforts to seek help.
3. “Voluntary Referral” means when an employee or his or her family member privately refers himself or herself for help with a problem.

# Implementation

1. **Program Access**

The Employee Assistance Program is provided by Solutions EAP and may be accessed at **1-800-526-3485** or at [**www.solutions-eap.com**](http://www.solutions-eap.com). The EAP is available to assist employees and management 24-hours-a-day, 7-days-a-week. Solutions EAP is a program of Behavior Health Connecticut, LLC, a subsidiary of Advanced Behavioral Health, Inc.

1. **Leave Time**

The employee is required to use appropriate leave credits to attend the initial EAP appointment and any subsequent treatment that may be recommended, if appointments or treatment is scheduled during the employee’s regular work hours. Because the EAP has provided ample opportunities for an employee to schedule an appointment outside of regular work hours, appointments during regular work hours should be charged to the employee’s sick leave. If an employee does not have appropriate leave credits available, time off for appointments scheduled during regular work hours may be taken as Authorized Unpaid Leave.

1. **Program Cost**

There is no cost to the employee for the services provided by the Employee Assistance Program; however, any cost associated with recommended treatment with a professional resource is the employee's responsibility. The EAP will recommend treatment services that are covered by the State Health Plan, whenever possible.

1. **Fitness-for-Duty/Risk Evaluation**

The cost of a Fitness-for-Duty/Risk Evaluation is the responsibility of DDS.

1. **Confidentiality**
2. Federal and state statutes, along with professional ethics, require that the Employee Assistance Program exercise the highest standards concerning employee, and family or household member confidentiality. DDSmay disclose information to the EAP in the course of receiving consultation or in making a referral. The EAP may only disclose employee or family or household member information to the employer with the written consent of the employee or household member accessing EAP services. Any written consent shall outline the specific information that may be disclosed to the employer.
3. Federal and state statutes do require the disclosure of information in certain circumstances. These circumstances include the following situations:
4. Employees Deemed Potentially Harmful to Self or Others

Confidentiality laws require the Employee Assistance Program to disclose confidential information when there is imminent danger to the health or safety of the client. If a client is deemed to pose an imminent threat of harm to others, the EAP is legally obligated to disclose confidential information to avoid risk or harm to the safety of any identifiable person or group of persons.

1. Abuse of a Child or an Adult with a Disability

The EAP has a “duty to report” to appropriate authorities when there is reason to suspect that a child or a “vulnerable adult with a disability” is being abused or neglected.

1. Court Order

A court may request specific information be released by the EAP as required by a court order.

1. Medical Necessity

The EAP is permitted to disclose appropriate information to medical personnel in a medical emergency.

1. **Employer/Employee Responsibility-Supervisor Responsibilities**

An employee’s supervisor has an affirmative duty to deal appropriately with the employee’s performance, conduct deficiencies, and fitness for duty issues, and may use the department’s disciplinary process when necessary and appropriate. The supervisor, in concert with staff of the Human Resources Generalist Unit and the Labor Relations Unit, shall apply the appropriate DDS disciplinary action, if necessary, to encourage an acceptable level of job performance and appropriate personal conduct even if the employee is an active participant in the EAP. Participation in the EAP does not necessarily shield an employee from further disciplinary action, up to and including dismissal, if unacceptable job performance or personal misconduct persists. When a supervisor, in concert with staff of the Human Resources Generalist Unit and the Labor Relations Unit, makes a direct Administrative Referral to the Employee Assistance Program, the employee shall be informed that refusal to accept the EAP referral and any subsequent recommendations leaves the department with no other course of action than reliance on department and state employee disciplinary policies and procedures. When a supervisor, in concert with staff of the Human Resources Generalist Unit and the Labor Relations Unit, requires a Fitness-for-Duty Risk Evaluation, the employee is required to be informed that refusal to submit to the evaluation may result in disciplinary action, up to and including dismissal.

1. **Employee Responsibility**

Employees are responsible for performing assigned job duties satisfactorily, conducting themselves appropriately, and availing themselves of resources designed to facilitate the resolution of workplace issues and concerns.

Employees are encouraged to accept referrals to the EAP so as to demonstrate their commitment to resolving workplace problems that may have a negative impact on their job performance, personal conduct, or cause disruption in the workplace.

In the case of a mandatory Administrative Referral to the Employee Assistance Program, the employee shall be responsible for the following:

1. Maintaining timely and appropriate communication with the EAP;
2. Completing the recommended course of professional care;
3. Demonstrating improvement in job performance or personal conduct that has been deemed unacceptable and identified by a supervisor as a basis for the referral; and
4. Understanding that non-compliance shall be deemed insubordination and the employee may be subject to disciplinary action, up to and including dismissal.
5. **Department Responsibilities**

As part of the ongoing development and support of the EAP within the department, DAS Human Resources Business Partners assigned to support DDS, shall provide assistance for supervisors and managers on the appropriate use of the EAP services in compliance with this procedure and other applicable policies and procedures.

##### **References**

##### None

##### **Attachments**

None