

MS 658 PEACE CORPS EMPLOYEE ASSISTANCE PROGRAM

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1.0 PURPOSE

This Manual Section prescribes procedures for the Agency's Employee Assistance Program (EAP).

Background and Authority

- Sec. 201 of Public Law 91-616, 84 Stat. 1849, as amended and transferred to Sec. 520 of the Public Health Services Act by Sec. 2(b)(13) of Public Law 98-24 (42 U.S.C. §290dd-1),
- Sec. 413 of Public Law 92-255, 88 Stat. 84, as amended and transferred to Sec. 525 of the Public Health Services Act by Sec. 2(b)(16)(a) of Public Law 96-24 (42 U.S.C. §290ee-1), and Sec. 7361 and Sec. 7362 of Public Law 99-570.

- • Public Law 99-570 (5 U.S.C. §§7361 and 7362), The Federal Employee Substance Abuse Education and Treatment Act of 1986, and 5 CFR Part 792, requires Federal agencies to establish appropriate prevention, treatment, and rehabilitative programs and services for alcohol and drug abuse problems for Federal civilian employees.
- • Public Laws 96-180 and 96-181 authorize agencies to extend counseling services, to the extent feasible, to family members of employees who have alcohol and drug problems, and to employees with family members who have substance abuse problems.
- • Public Law 79-658 authorizes the head of agency to establish health services programs for employees, also forms the basis for expanding counseling programs from those dealing solely with substance abuse to broad range programs which provide counseling for other personal problems, e.g., family, financial, marital, etc.
- • Executive Order 12564 requires your agency to establish a drug-free Federal workplace program, including an EAP as an essential element in achieving a drug-free workforce. Your agency must refer all employees found to use illegal drugs to the EAP for assessment, counseling, and referral for appropriate 'treatment or rehabilitation.

2.0 SCOPE

The Program covers all Peace Corps employees, both permanent and temporary, and part-time, with the exception of Foreign Service Nationals and Personal Service Contractors. Overseas staff, especially in emergency situations, will rely on available local and embassy resources in addition to Agency EAP staff. Field staff of the Office of Recruitment, Placement and Staging will be referred by EAP staff to local counseling and rehabilitation services when possible.

3.0 POLICY

The policy of the Peace Corps is to assist its employees in maintaining satisfactory work performance. Therefore, when an employee's work performance, attendance, conduct, or reliability is impaired because of alcohol, drugs, emotional or behavioral problems, appropriate action must be taken to restore the employee to optimal job performance by encouraging and enabling the employee to seek and pursue assistance and treatment through the EAP.

3.1 Alcohol and Drug Abuse

The Agency recognizes alcoholism and drug abuse as treatable health problems. For the purposes of this policy, alcoholism and drug abuse are defined as illnesses in which the employee's job performance is impaired as a consequence of the abuse of alcohol or drugs.

Employees experiencing alcohol related problems, other drug abuse or drug dependency, or serious emotional or behavioral problems which adversely affect job performance will receive the same careful consideration and offer of assistance that is presently extended to employees having other illnesses or health problems.

The Agency is not concerned with an employee's use of alcohol except as it may affect his or her job performance or the efficiency of the service, or reflects discredit on the Agency because of off-duty conduct.

The Agency does not condone employee drug activity which is contrary to the law. When management has good reason to believe criminal conduct is directed towards or is potentially harmful to the person or

property of others, management's first obligation is to those persons or properties; management's next obligation is to the employee involved.

3.2 Job Security

No employee will have his or her job security or promotion opportunities jeopardized as a consequence of seeking assistance through the EAP; nor will an employee who refuses the service of the EAP be dismissed for that reason alone. However, a request for EAP assistance will not shelter an employee from administrative or disciplinary action if that employee's job performance or conduct is unacceptable.

3.3 Leave

Employees will be permitted a reasonable amount of official time for visits or communication with EAP personnel. Employees will be authorized the use of a reasonable amount of sick leave, credit hours, annual leave, or, lacking these, leave without pay, for the purpose of seeking assistance or participating in a rehabilitation program.

3.4 Confidentiality

The confidential nature of medical records of employees with alcohol abuse problems will be preserved in accordance with Section 333 of Public Law 91-616, as amended by Section 122 of Public Law 93-282 (42 U. S. C § 4582), and the implementing regulations. Records of employees with drug abuse problems will be maintained in accordance with Section 408 of Public Law 92-255, as amended by Section 303 of Public Law 93-282 (21 U. S. C § 1175), and the implementing regulations.

3.5 Self-referral

Employees who suspect they may have an alcohol or drug abuse problem, even in the early stages, or other problems of a personal nature which affects their performance, are encouraged to seek counseling and information on an entirely confidential basis. They may contact the EAP coordinator and/or Agency-contracted counseling services.

3.6 Supervisory Action

In those cases where an employee has a serious job-related problem resulting directly or indirectly from alcoholism, drug abuse or a Problem of a personal nature, managers and supervisors will take action in the form of (1) nondisciplinary procedures under which the employee is offered rehabilitative assistance, and (2) failing a response which results in acceptable work performance, regular disciplinary procedures.

3.7 Expenses Incurred

The Agency offers the EAP counseling services involving problem identification and referral, whether by EAP officials or Agency-contracted services, at no cost to employees. Any further expense incurred for treatment or rehabilitation is at the expense of the individual employee. The employee may qualify for financial help from his or her Federal Employees Health Benefits plan if enrolled.

4.0 PROGRAM ELEMENTS

The Employee Assistance Program shall, as a minimum, provide the following:

- Counseling and referral services to employees who seek assistance in dealing with personal problems, such as alcohol or drug abuse, financial, marital, family or legal matters which the employee and/or his or her supervisor considers to be adversely affecting the employee's job performance.

- Consultation with managers and supervisors regarding the supervision of employees with Problems affecting their job performance and how to utilize the Program to assist the employees.
- Training for managers, supervisors and EAP staff to develop skills in identification and referral of employees with work performance problems.
- Continuing education and prevention programs for employees directed toward developing an awareness of alcoholism, drug abuse, and emotional or behavioral problems.
- A Promotional campaign to inform employees of the services available through the Program.
- Procedures to ensure the confidentiality of employees who are referred to the EAP or who seek assistance on their own.

5.0 RESPONSIBILITIES

5.1 Director of Personnel

The Director of Personnel Management has been designated by the Peace Corps Director as the EAP Administrator. He or she is responsible for the development, implementation, and on-going administration of the Program. The Director of Personnel Management shall:

- Ensure the allocation of staffing, financial material and informational resources adequate to provide for an effective program.
- Provide guidance for implementing the EAP consistent with the provisions of all applicable laws and regulations.
- Secure the support of other Agency officials required for the implementation of an effective program.
- Designate an EAP Coordinator/Counselor(s) and otherwise assign responsibilities for the administration of the Program.

5.2. EAP Coordinator/Counselor

The EAP Coordinator is responsible for the day-to-day administration of the program and is accountable to the Director of Personnel Management.

- Generate publicity to promote better understanding of the Program among employees and to encourage self-referrals.
- Provide initial counseling to employees seeking assistance. Advise on the Agency's contracted counseling services, or other private or public resources for referral or treatment when appropriate, and make whatever arrangements are necessary.
- Maintain ongoing contact to assist the employee in effective readjustment on the job during and after referral, rehabilitation or treatment.
- Participate in supervisory training and advise managers and supervisors on the manner of dealing with specific cases involving troubled employees.
- Act as contract manager for any contracted counseling and referral services.
- Develop and maintain liaison with qualified community education, treatment, and rehabilitation services.

- Provide educational and informational material to employees and supervisors regarding alcohol and drug abuse and other behavioral problems which adversely affect job performance.
- Maintain the EAP's counseling and referral records in strict conformance with the confidentiality requirements of applicable regulations.
- Maintain appropriate statistics to be incorporated into Program reports.
- Prepare the annual report on Program activities required by the U. S. Office of Personnel Management.
- Based on an evaluation of Program activities and results, make appropriate recommendations for changes in the Program.

5.3 Training Officer

The Training officer shall:

- Include adequate coverage of EAP provisions and training in their application during supervisory training.
- Include adequate coverage of the EAP services during all employee orientation sessions.

5.4 Supervisors

The immediate supervisor plays a key role in making this Program effective. Poor work performance may be indicative of serious underlying health, emotional or behavioral problems. When alcohol or drug abuse problems are the underlying factors in Poor work performance, timely intervention is especially critical. The supervisor shall:

- Be alert to changes in job performance, behavior or attendance of employees under his or her supervision. When an employee fails to Perform satisfactorily, a supervisor has both the right and the duty to discuss the deficiencies with the employee and to Provide him or her with opportunities to correct the problems, regardless of their origin. Dealing with poor performance is a basic supervisory responsibility. Early intervention will generally be most helpful in returning an employee to productivity. When alcohol or drug problems are underlying factors in poor performance, timely intervention may also lead to early, even life-saving, identification and treatment of the health problem.
- Keep a record of the employee's work performance --good points as well as bad --and document specific occasions when an employee's work performance fails to meet minimum standards or where the employee's pattern of performance appears to be deteriorating.
- Consult with the EAP Coordinator for advice on how to proceed with an employee who is not responding to ordinary supervisory methods. Supervisor's must be able to describe behavior to EAP staff, but should not attempt to diagnose or draw conclusions.
- Conduct interviews with the employee, focusing on poor work performance and his or her responsibility to correct it. Inform the employee of available EAP counseling and referral services if performance appears to be caused by any personal or health problem, although not normally discussing the possibility of a drug or alcohol problem with the employee.
- If an employee does not appear to be in full control of his or her faculties, immediately inquire about the employee's physical condition while keeping in mind that symptoms usually related to alcohol or drug use can also result from other health problems. After inquiring about the employee's condition, the Program Coordinator should escort the employee to Public Health service Unit or to a private

physician. The supervisor or Coordinator, as appropriate, should be prepared to describe the employee's behavior and/or symptoms to the person providing the diagnosis and treatment. Where indicated, the employee should be further referred to a private physician, community health service or Agency-contracted counseling services.

6.0 CONFIDENTIALITY

6.1 Legal Basis

21 U. S. C § 1175 and 42 U. S. C § 4585 provide specific requirements for maintaining the confidentiality of patient information. All persons performing an alcohol or drug abuse prevention function are subject to these provisions and to the stated penalties for violating them. All personnel designated or expected to perform an alcohol or drug abuse prevention function should be familiar with these legal provisions.

6.2 Other Counselor

If a counselor in another program --such as Equal Employment Opportunity or Upward Mobility --is advised by an employee of his or her drug problem, that counselor shall:

- Immediately refer the employee to designated EAP personnel for counseling regarding his or her drug problem;
- Adhere to the above-referenced confidentiality requirements, which include protection of even the employee's identity; and
- Release drug-related information on the employee only upon his or her written Permission and only in accordance with the provisions of the law and regulations.

6.3 Illegal Activities

Counseling persons with drug problems may sometimes involve discussion of their illegal activities. Personnel performing a drug abuse prevention function shall not disclose such information to law enforcement authorities unless so directed by a specific court order (not a subpoena), and should not seek to elicit information relating to crimes or criminal conduct from their clients.

No counselor is bound to accept as a client an individual who persists in discussing illegal activities. Therefore, if information is disclosed on planned illegal activity against others, or specificity and detail of past illegal activity against others, the counselor should consult legal counsel regarding his or her responsibility, and should advise the employee that continued disclosure will result in termination of counseling services. Should termination of services occur, the counselor shall, if the employee was referred by management, advise management of the termination of services.

6.4 Records

Federal Personnel Manual (FPM) Chapter 792, "Federal Employee Health and Counseling Programs" provides that medical records of employees with alcohol related Problems be accorded the same confidentiality as all other medical records. However, the use, maintenance and disclosure of medical/counseling records which include information on drug abuse are governed by the requirements of the previously referenced law and regulations.

7.0 FAMILY CONSIDERATIONS

Often employees who are not alcoholics, drug abusers, or experiencing any serious psychological Problem are, nevertheless, "troubled" by family members who suffer from any of the above conditions. Family

members who are alcoholic, for example, can cause employees acute emotional stress and sometimes even Physical harm (e. g., the “battered Person” syndrome). These conditions may impact upon an employee’s job Performance in much the same way that they would if the employee had an alcohol, drug, or other problem. Such an employee needs assistance at least as much as does the family member with the alcohol, drug, or emotional or behavioral problem.

Referral of an employee whose performance is affected by the alcoholism, drug abuse, or emotional or behavioral problem of a family member shall be handled in the same way as any other client referral. The employee is responsible for correcting the unacceptable job performance as in any other case.

8.0 RELATIONSHIP TO DISCIPLINARY ACTION

The EAP supplements but does not replace other methods of dealing with problem employees. In relating the EAP to disciplinary policies and procedures, the Program will be carried out as a nondisciplinary procedure aimed at rehabilitation. The Purpose of the EAP is to correct unsatisfactory performance or conduct, hopefully before disciplinary action becomes necessary. The purpose of discipline is to correct behavior and to maintain efficiency and morale. Referral of an employee to the EAP for assistance is not, however, a bar to disciplinary action. Once the employee has been referred and if the employee refuses to participate, or if there is no acceptable improvement in performance and conduct, appropriate disciplinary action may be taken. In certain instances, it may be appropriate and necessary to take immediate action where the employee is dangerous or disruptive to the work setting.

Shielding problem employees by tolerating poor performance or conduct contributes to the progression of the problem by delaying entry into a rehabilitative program. Failure on the part of the employee to correct deficiencies should be dealt with through disciplinary procedures.

9.0 REASONABLE ACCOMMODATION

Recent decisions by the Merit Systems Protection Board (MSPB) indicate clearly that supervisors have an obligation to at least consider whether or not a conduct problem derives from an employee’s health or other personal problem. If the supervisor believes that such a problem may be a partial cause, the supervisor is obligated to (1) tell the employee that he or she believes that a personal problem may be negatively impacting on the employee’s performance and/or conduct, and thus is having detrimental effects on the Agency’s ability to carry out its mission; and (2) strongly urge that the employee avail himself or herself of the Agency’s EAP. MSPB is saying plainly that an Agency must reasonably accommodate an employee with a serious emotionally or physically handicapping condition (including alcoholism and drug abuse) by offering counseling to that person before taking disciplinary action. In addition, if the employee’s performance can be considerably improved by a change in assignment or in working conditions, the supervisor or other management official shall make every reasonable accommodation to assist the employee.

10.0 EFFECTIVE DATE

This section shall take effect on the date of issuance.