

PART 2063 - EMPLOYEE RELATIONS AND SERVICES

Subpart F - Employee Assistance Program

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PART 2063 - EMPLOYEE RELATIONS AND SERVICES

Subpart F - Employee Assistance Program

The Office of Personnel Management (OPM) is responsible for administration of the Employee Assistance Program (EAP) by providing guidance and technical program assistance. These services are designed to offer a diagnostic assessment and therapy for employees dealing with workplace and personal issues. This policy applies to all employees however, where the RD Instruction 2063-F differs with a negotiated agreement, the negotiated agreement takes precedent.

§ 2063.251 Authorities.

The Federal Civilian EAP comes under:

- (a) Section 201 of Public Law 91-616 and Section 413 of Public Law 92-255.
- (b) 5 U.S.C. 552a, Privacy Act of 1974.
- (c) 5 U.S.C. 792, Federal Employees' Health and Counseling Programs.
- (d) 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.
- (e) The Comprehensive Alcohol Abuse, and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.
- (f) Departmental Regulation 4070-735-001 "Employee Responsibilities and Conduct" dated October 4, 2007. (Revised 06-04-18, PN 513)

§ 2063.252 Purpose.

It is the policy of Rural Development to offer all employees reasonable assistance in attaining and maintaining the highest level of job performance possible. In order to do this, Rural Development will provide a professional nationwide counseling service referred to as the EAP. Additional information: http://www.opm.gov/employment_and_benefits/worklife/healthwellness/eap/

§ 2063.253 Definitions.

- (a) Alcoholism. A chronic and progressive disease characterized by repeated and uncontrolled use of alcoholic beverages to the extent that it adversely interferes with the person's health, interpersonal relationships or work performance and/or conduct. If untreated, alcoholism may become more severe and may be fatal.
- (b) Counseling. Counseling is an interactive process which facilitates meaningful understanding of self and environment, and results in the establishment of goals and values for future behavior. The interaction is private and is of a confidential nature, unless group methods are recommended and acceptable to all parties concerned.
- (c) Counselor. The individual who provides professional diagnostic assessment and support for the employee in helping to offer options for problem solving or conflicts that are interfering with the employee's job performance and/or conduct. Usually this person is not an agency employee.
- (d) Drug abuse. A health problem characterized by the improper use of a chemical substance in a manner, or to a degree, that it interferes with the individual's health, interpersonal relationships, work performance, social standing and/or conduct.
- (e) Drug dependence. A state of psychological or physical dependence, stemming from chronic and progressive, periodic, or continuous use of chemical substances to the extent that it adversely interferes with the person's health, interpersonal relationships or work performance. If untreated, drug dependence may become more severe and may be fatal.
- (f) Emotional-Behavioral problems. A wide range of personal difficulties involving, but not limited to, family, marriage, health, death, retirement, financial, or career problems; experiencing anxiety, stress, depression, or any other mental or emotional discomfort adversely affect one's health, interpersonal relationships, work performance and/or conduct, social standing, or job.
- (g) Impaired employee. An employee whose work performance or behavior is adversely affected because of what appears to be personal problems. Excessive absences, poor work decisions, and high accident rates are often symptoms of an impaired employee. Employees can also be impaired by drug and alcohol use or abuse.

§ 2063.253 (Con.)

(h) Program Coordinator. The individual assigned to carry out EAP responsibilities for employees located within his/her jurisdiction.

(i) Rehabilitated employee. An employee previously affected by a condition who has completed treatment for an alcohol, drug, or emotional-behavioral problem, and whose subsequent job performance is determined satisfactory.

(j) Safety and Health Manager. The Safety and Health Manager is responsible for coordinating the EAP throughout the Agency.

§ 2063.254 Policy.

(a) General policy. It is recognized that persons who suffer from emotional-behavioral problems, alcoholism, or drug dependency are due the same respect, confidentiality of medical treatment and record handling as employees who suffer from any other health condition that affects job performance. Treatment and handling of medical records will be in accordance with Section 408 of Public Law 93-282, Section 333 of Public Law 91-616 and The Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act of 1970.

(b) Alcoholism policy. Alcoholism is a treatable illness that may affect the health, work performance, and conduct of some employees. When the use of alcoholic beverages directly affects job performance or creates a job-related problem, then the use of alcohol becomes a concern to the agency per RD Instruction 2063-H.

(c) Drug abuse policy. The improper or illegal use of chemical substances may impair the health or interfere with the job performance of some employees. When the use of chemical substances affects job performance or creates a job-related problem, then the use of chemical substances becomes a concern to the agency per RD Instruction 2063-H.

(d) Commitment to specific actions. It is the policy of Rural Development to:

(1) Offer professional counseling assistance to employees with emotional-behavioral problems and alcohol or chemical substance related problems.

(2) Encourage employees to use community resources and treatment facilities as necessary.

- (3) Grant the use of annual leave and/or sick leave, including advanced leave in accordance with RD Instruction 2066-A.
- (4) Encourage employees with disciplinary concerns to enter into the EAP for diagnostic evaluation.
- (5) Confidentiality is critical to the EAP counseling process, except when the employee becomes a public threat, or when limited by law, or employee actions conflict with Departmental regulation.
- (6) Extend professional counseling services to family members when there are difficulties in the home and those problems may affect the employee's job performance.

§ 2063.255 Responsibilities.

The EAP function is managed under the National Office, Human Resources Program Branch.

- (a) Designated Safety and Health Official. The Deputy Administrator, Operations and Management is the designated safety and health official and Chief Executive responsible for all aspects of the operation of the agency EAP. This authority may be further delegated to the EAP National Coordinator.
- (b) Rural Development Safety and Health Manager. The Rural Development Safety and Health Manager will serve as the EAP National Coordinator. Some of the duties and responsibilities will include: serving as liaison for professional contract service, providing promotional material and technical guidance to EAP State Coordinators, and making certain that employees and their families are receiving support and assistance from the EAP when requested.
- (c) State Director. Each State Director should designate an EAP State Coordinator. This employee should work in the State Office and should have an interest in working with sensitive and sometimes difficult situations. All State Offices should inform the National Office, Human Resources Programs Branch of who has been designated.

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(d) Chief, St. Louis Human Resources Field Servicing Branch. The Chief should designate an EAP Human Resources Field Servicing Branch Coordinator. This employee should have an interest in working with sensitive and sometimes difficult situations. The Human Resources Field Servicing Branch should inform the National Office, Human Resources Programs Branch of who has been designated.

(e) EAP State Coordinator. Due to the sensitive nature of the appointment special consideration should be taken under advisement in making a selection. An announcement will be made to all state locations introducing the EAP State Coordinator. The EAP State Coordinator designation is a collateral duty function. The duties are as follows:

- (1) Provide information and literature to managers, supervisors and employees that will assist and support the positive promotion and utilization of the EPA.
- (2) Promote the EAP services to all state employees.
- (3) Refer employees to EAP in order to assist them through diagnostic assessment and to identify needs/services that may be available through community resources.
- (4) To assist employees in seeking help for members of their immediate family, when the problems of family members begin to affect the employees' work performance or conduct.

(f) EAP National Coordinator.

- (1) Maintain an updated State Coordinator list.
- (2) Provide EAP State Coordinators with technical guidance, information and materials as needed to help them effectively manage their program.

(g) Employee Assistance Program.

- (1) The EAP will follow up within 30 days on all referral counseling cases once all sessions have concluded.
- (2) The EAP counseling service will maintain report data and documentation pertaining to official supervisory referrals.

(3) The EAP will provide nationwide professional resources for community services such as child care, elder care, specialized medical services, food banks and support groups.

§ 2063.256 Designation of EAP State Coordinators.

The designation of EAP State Coordinators who are committed to the EAP is critical to the success of the program, particularly at the beginning of the informal stage of the employee intake process.

§ 2063.257 - 2063.259 [Reserved]

§ 2063.260 Employee Benefits.

(a) Employment Security. Employee job security, or promotional opportunities, cannot be withheld because they seek professional assistance through the EAP. Employees who utilize EAP counseling services are entitled to the same legal rights to confidentiality that doctors provide under patient privileges.

(b) Confidentiality of information.

(1) Confidentiality of all records and reports concerning EAP must be strictly maintained. Information will not be divulged without the written consent of the employee. Employees who utilize EAP counseling services are entitled to the same legal rights to confidentiality that doctors provide under patient privileges. Only in critical situations such as the employee's life or others is threatened will employee records be revealed.

(2) Records and reports of the EAP shall be maintained in accordance with requirements prescribed in 5 U.S.C. 792 and Public Law 93-282 and 91-616. Employees Medical Folders shall not include references to EAP services or case information. Only when the employee is involved in a human resources action leading to disciplinary or separation procedures may EAP or case information be included in an Employee Medical Folder.

§ 2063.261 Training.

EAP information regarding policy, regulations, program purpose, procedures, program services and benefits will be provided during employee orientation, supervisor staff meetings, management briefings, supervisor and employee EAP training sessions conducted by the National Office, Human Resources Programs Branch. EAP brochures, handouts, posters, flyers, training videos, CD-ROM interactive media presentations are also available for training agency employees. Additional EAP information can be obtained by accessing http://www.opm.gov/employment_and_benefits/worklife/healthwellness/eap/index.asp.

§ 2063.262 - 2063.263 [Reserved]

§ 2063.264 EAP in support of other regulations.

The EAP supports RD Instruction 2063-H and encourages employees who are affected by alcohol or substance addiction to use EAP services in seeking professional help. Employees entering into the EAP are not relieved of their job responsibilities and must adhere to rules of conduct and behavior in the workplace.

§ 2063.265 EAP Support Services.

An effective EAP must use suitable community resources such as: Alcoholics Anonymous, Al-Anon (for employee's family members), Al-A-Teen (for employee's children), hospitals with community outreach programs, elder care support groups, National Institutes of Health, National Domestic Violence Hotline, Community Public Health Services, National Crime Victims Rights and Treatment Center, community volunteer organizations, food banks, community shelters, and American Psychological Association. These are just a few of the organizations and services available to employees and families through the EAP.

§ 2063.266 - 2063.300 [Reserved]

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