

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS
Employee Assistance Program Policy
Policy #607

Source of Authority: *Office of State Personnel Manual* § 8 pp. 11-19.1

Revision Authority: Chancellor

History: **First Issued:** February 17, 2011

Related Policies: *Office of State Personnel Manual* § 8 pp. 11-19.1;
Alcohol Policy #102;
Illegal Drugs Policy #702;
Threat Assessment Policy #704

Responsible Offices: Human Resources Department

Effective Date: February 17, 2011

I. Purpose

UNCSA provides an Employee Assistance Program (EAP) as a benefit to assist employees with personal problems 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 personal problems.

II. Scope

All permanent employees and their immediate family members are covered by this policy.

III. Definitions

- A. “**Fitness-for-Duty/Risk Evaluation**” means a referral to address situations where an employee poses an immediate hazard or risk to themselves or others in the workplace or to determine an employee’s medical or psychological fitness to perform their essential job functions.
- B. “**Management Directed Referral**” means a 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 problem is solved.
- C. “**Self Referral**” means a voluntary referral initiated by the employee to obtain assistance for personal and medical problems
- D. “**Supervisory Referral**” means a referral initiated by a supervisor after the employee has accepted an offer of help from the supervisor to address unsatisfactory job performance or personal conduct.

IV. Policy**A. Generally**

1. The employee always has the right to accept or refuse the EAP services.
2. Refusal by the employee to participate in EAP is not grounds for disciplinary action. However, unacceptable job performance or conduct is grounds for disciplinary action.
3. Disciplinary investigation and action may occur regardless of the employee's active involvement in EAP. However, should circumstances permit, supervisors are encouraged to provide for a reasonable time after an initial referral before taking additional disciplinary action to provide the employee an opportunity to address personal or medical concerns.

B. Leave Time

1. An employee will not be charged leave time for the initial EAP appointment if the supervisor is notified at least 24 hours in advance of the scheduled appointment.
2. The employee must use appropriate leave credits to attend any subsequent treatment that may be recommended.

C. Program Cost

1. There is no cost to the employee for the services provided by the EAP.
2. The employee is responsible for any cost(s) for outside professional resources recommended by the EAP counselor.
3. The cost of the fitness-for duty/risk evaluation is the responsibility of UNCSA.

D. Confidentiality & Release of Information to the Employer

1. UNCSA may disclose information to the EAP counselor in the course of making a referral or receiving information following a consultation.
2. Absent circumstances set forth in the D.3 below, the EAP may only disclose client information to the employer with the written consent of the employee, outlining the specific information that will be disclosed. This information may include:
 - a. whether or not the employee kept the initial EAP appointment;
 - b. whether or not the employee agreed to follow recommendations;
 - c. information concerning continuing compliance updates; AND
 - d. closure/termination/conclusion of services.
3. The law and ethics require the disclosure of information in the following circumstances:
 - a. when there is imminent danger to the health and safety of the client or an identifiable victim.
 - b. when there is reason to suspect that a child or a "vulnerable handicapped adult" is being abused or neglected.
 - c. when specified information must be released in order to comply with a court order

- d. to medical personnel in a medical emergency.

E. Referrals

1. Self Referral
 - a. This referral is strictly confidential.
 - b. If a supervisor encourages an employee to utilize EAP services, the employee's use of EAP remains a self referral: UNCSA will receive no feedback from the EAP
2. **Supervisory Referral.** This referral remains strictly confidential; however the employee may consent to the release of information by the EAP to UNCSA.
3. Management Directed Referrals
 - a. This referral may be used when an employee has:
 - i. engaged in behavior which is determined to present a potential or present health/safety danger to himself and/or others
 - ii. exhibited signs of episodic mental, physical, or emotional impairment on the job
 - iii. has tested positive for alcohol or controlled substances
 - b. The supervisor must explain the ramifications of the management directed referral to the employee pursuant to the applicable procedures.
4. Fitness-for-Duty/Risk Evaluation
 - a. Management will receive an evaluative summary from the evaluating resource regarding the employee's fitness-for-duty.
 - b. UNCSA may provide the evaluator (EAP or other) with relevant information prior to the examination.
 - c. The cost of the fitness-for duty/risk evaluation is the responsibility of UNCSA.
 - d. UNCSA is considered the client; therefore, the evaluative summary will be provided directly to the Office of Human Resources and to General Counsel.
 - e. The cost associated with recommended treatment shall be the employee's responsibility.
 - f. 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 UNCSA until closure.
 - g. In certain rare circumstances, if an employee refuses to submit to a "fitness-for-duty/risk evaluation," the employee may be placed on investigatory leave with or without pay until concerns may be resolved through investigations or other activities. The CAO or COO will make this decision in conjunction with the Director of Human Resources and the General Counsel.

F. Investigatory Status with Pay

1. Certain situations may occur which would support the Investigatory Leave with Pay policy when determining whether an employee should remain on the worksite. Management's decision should consider the best interests of UNCSA and the employee in deciding to use the Investigatory Placement with Pay provisions.
2. These provisions may be appropriate to:
 - a. 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)
 - b. 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)
 - c. Provide time to schedule and conduct a pre-disciplinary conference

V. Revision History

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCSA Policy Manual

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS
Employee Assistance Program Procedures
Procedure #607

I. Program Access

- A. The EAP can be accessed at 1-877-EAP-SOLV (327-7658). The EAP is available 24 hours a day, seven days a week to assist management and employees.
- B. The EAP will utilize services that are covered by the State Health Plan, whenever possible.

II. Referrals

A. Self Referrals

The employee may contact the EAP directly and select a face-to-face or a telephone assessment. Management should encourage the use of EAP if they have knowledge that the employee is experiencing personal or medical problems.

B. Supervisor Referrals

- 1. 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.
- 2. 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.

C. Management Directed Referrals

- 1. 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.
- 2. Management must explain to the employee that disciplinary actions up to and including termination are possible.
- 3. 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.

D. Fitness-for-Duty/Risk Evaluation

- 1. When considering a Fitness-for-Duty/Risk Evaluation, management must first consult with the Office of Human Resources and General Counsel.
- 2. The EAP or other provider will facilitate this referral to a resource qualified to conduct the fitness for duty/risk evaluation.
- 3. The following information must be provided to the EAP in advance of the referral.
 - a. precipitating event(s)
 - b. documented performance and/or behavioral concerns

- c. pending or previous disciplinary action
 - d. employee's job description and essential job functions
 4. The Department of Police & Public Safety may independently refer department employees to a qualified resource directly without first consulting with the EAP.
 5. Management must communicate the following information to the employee:
 - a. specific reason(s) for the Fitness-for-Duty/Risk Evaluation
 - b. expectations for compliance in resolving the concern(s)
 - c. consequences for failure to accept all conditions of the referral which includes:
 - i. compliance with the directive to undergo a Fitness-for-Duty/Risk Evaluation
 - ii. compliance with EAP recommendations or any other conditions of the evaluation, or
 - iii. make the required improvements in performance or conduct
 6. The evaluative summary findings will recommend one of the following courses of action:
 - a. **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.
 - b. **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.
 - c. **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.
 7. UNCSA shall advise the employee of their leave options should an evaluative summary recommend that an employee not return to work.