



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.38, **Employee Assistance Program**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish procedures governing the use of and referral to the Employee Assistance Program (EAP).

REVIEW: This HSCEP OP will be reviewed on November 1 of each even-numbered year (ENY) by the Executive Director for Human Resources or designee, with recommendations for revisions submitted to the Chief Financial Officer or designee by November 15.

POLICY/PROCEDURE:

1. General.

- a. TTUHSCEP recognizes that personal problems can have a direct and adverse impact on an individual's ability to function effectively on the job.
- b. TTUHSCEP seeks to retain valuable employees and maintain productivity by identifying personal problems at early stages and motivating employees to seek help with problems. However, no part of this policy, or any of the procedures within, is intended to affect the authority of TTUHSCEP to manage its workplace or discipline its employees. Nor is this policy a guarantee of employment, continued employment, or terms or conditions of employment. Exceptions to this policy may be made in unusual or extenuating circumstances, but only with the approval of the President.
- c. TTUHSCEP has made available a confidential, on-site counseling service called the Employee Assistance Program (EAP). The EAP is a professional assessment referral and/or short term counseling service offered to employees with personal problems that may be affecting their jobs. The program provides up to five (5) sessions with EAP counselors at no cost to the individual. No information is released to the employer or a supervisor concerning the nature of the problem, and it does not become a part of the employee's personnel record. Confidentiality is regulated by federal guidelines.

2. Eligibility.

- a. All full-time, part-time, and temporary employees will be able to obtain the services of the EAP at any time. Members of employees' immediate families, living in their households, are also eligible.
- b. The EAP is intended for situations when an employee experiences problems that are beyond his/her ability to manage and the problems affect performance or behavior on the job. The EAP aims at prevention and early intervention. The employee is encouraged to seek assistance before job performance is severely impaired.
- c. The EAP is intended to help with a wide range of personal problems, including relationship, family, emotional and behavioral, alcohol and drug abuse, financial and legal concerns. Employees should discuss job-related problems with the supervisor or follow the procedures outlined in HSCEP OP 70.10, Non-faculty Employee Complaint Procedure.

3. **Referral to the Employee Assistance Program.**

- a. **Self-Referral.** An employee who is experiencing personal problems or whose job performance is affected by personal problems is encouraged to voluntarily request help from the EAP. No employee will have job security jeopardized by such a good faith request.

An employee may volunteer for assistance either by requesting help from a supervisor, the Human Resources Department, or by contacting the EAP directly. If an employee contacts a supervisor for assistance, the supervisor should assist the employee in contacting the Human Resources Department or the EAP but should not attempt to diagnose the problem or counsel the employee.

An employee may seek assistance by contacting the EAP directly at (915)215-5865 or (915) 215-5861. The EAP is headquartered in the TTUHSCEP Department of Psychiatry,

- b. **Supervisory Referral (Formal Referral).** In situations in which an employee's performance has deteriorated for reasons other than identifiable job-related circumstances, a supervisor should follow these procedures:

- (1) If an individual has a problem which is interfering with job performance, under a Formal Referral, the employee may be mandated to seek qualified professional assistance from the EAP. The supervisor should not offer medical advice or attempt to diagnose the problem. The supervisor should always complete and forward the EAP Supervisory Referral Form (Attachment A) for all supervisory referrals.
- (2) The supervisor should thoroughly document any discussions or meetings with the employee to correct the performance problems. It should be pointed out to the employee that he/she remains responsible for making the required improvement in performance whether or not he/she agrees to participate in the EAP.
- (3) The supervisor should prepare and maintain an accurate record of the employee's lateness, absences, as well as a record of all instances in which work performance was marginal.
- (4) If it becomes necessary to place the employee on progressive discipline because job performance is not acceptable, the counseling forms in HSCEP OP 70.31 should be used to document job-related problems. References to health or personal problems are to be avoided. However, seeking assistance from the EAP can be made a condition of continued employment under the progressive discipline process.
- (5) Unless there is an improvement in job performance following suspension or final warning, the employee should be considered for termination.
- (6) In the case of a Formal Referral by a supervisor, confidentiality must be maintained, the supervisor will be able to receive a report of EAP participation **only** in the case of referral to the EAP by the supervisor and **only** when a written, signed consent form is completed by the employee. With written signed consent, the following feedback can be provided to the supervisor:
 - (a) whether the initial appointment was kept;
 - (b) whether the employee is cooperative with the therapist;
 - (c) whether the employee is cooperative with the treatment plan; and

- (d) whether additional sessions requiring time away from work will be necessary.

If no consent is given, the EAP Therapist will be unable to release any information. In such cases, the supervisor must proceed as if the employee has not sought assistance and must base any decision regarding employee discipline solely on job performance.

- (7) Except for the reports mentioned in Section (6) above, all contacts with the EAP will be treated in strict confidence. All records kept by participating agencies will be for the exclusive use of those agencies, and no TTUHSCEP employee will have access to those records.

4. Failure of Employee to Cooperate.

Employees who continue working while undergoing counseling or rehabilitation will be required to meet all established standards of conduct, discipline, and job performance. Employees who have been referred for EAP services under this policy will be required to fully cooperate and participate in the recommendations of the EAP counselors. If the employee fails to cooperate under the terms of this policy, the employee should be suspended without pay until an investigation is conducted and a decision on appropriate disciplinary action is made.

5. Time Off for Counseling/Rehabilitation.

Work time lost for counseling or rehabilitation will be charged to accrued sick leave, vacation leave, and/or leave without pay. In the case of a Formal Referral by a supervisor, however, the first counseling/rehabilitation session that results in time lost will not be charged to the employee's accrued leave time or as leave without pay.

6. Medical Benefits for Counseling/Rehabilitation Services.

The EAP offers up to five (5) counseling sessions per household per year, at no cost to the employee. Any counseling or treatment beyond these five sessions will be referred to another provider, and the charges assessed by that provider are the responsibility of the individual. In many cases, further counseling by another provider can come under the benefits of the employee's health plan. (Please refer to the plan booklet.)

7. Transportation of Impaired Employees.

If TTUHSCEP believes that an employee may be impaired by drugs or alcohol and appears to be unable to drive safely, arrangements shall be made for transportation provided by TTUHSCEP. If the employee refuses to accept transportation provided or arranged by TTUHSCEP, and insists upon driving, he or she should be strongly discouraged from doing so, but not forcibly restrained. If appropriate, TTUHSCEP may take disciplinary action, up to and including termination of employment, against the employee who insists on operating a motor vehicle. Finally, the employee should be advised that TTUHSCEP will notify law enforcement authorities if the employee still attempts to drive. If the employee does attempt to drive, the Texas Tech Police Department should be notified immediately and all actions taken to persuade the employee not to drive should be documented.

8. Americans with Disabilities Act (ADA)

The ADA prohibits restricting the employment opportunities of qualified individuals who are participating in a supervised drug rehabilitation program and who are no longer engaging in such use and individuals erroneously regarded as being current drug users.

An individual who has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has been otherwise rehabilitated successfully and is no longer engaging in such use, is protected from discrimination in employment under the ADA.

Alcoholism, which substantially limits major life activities, may be regarded as an ADA-covered disability.

9. **Posters**

Each TTUHSCEP department is encouraged to post the name and telephone number of the EAP in a location where all employees may see it.

10. **Confidentiality.**

All information involving counseling, rehabilitation, or treatment through the EAP will be treated as confidential medical information and is maintained in the EAP Office. All such information will be accessible only to those TTUHSCEP officials and designated medical or professional persons as have been approved on a valid need-to-know basis. It will not be provided to any other party without the written consent of the employee except pursuant to the administrative or legal procedure or process. Any employee who willfully discloses such information in violation of TTUHSCEP policy will be subject to disciplinary action.

11. **Wellness Workshops**

In addition to confidential counseling services, the EAP will also provide approximately eight to ten wellness workshops per year on a variety of topics such as stress management, communication, and conflict resolution.

12. **Evaluation of EAP Services**

Evaluation of EAP services will be conducted annually by the EAP director and the Assistant Vice President for Human Resources

13. **Right to Change Policy**

TTUHSCEP reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees.