

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

§2063.251 Authority.

The Federal Civilian Employee Assistance Program comes under Section 201 of Public Law 91-616 and Section 413 of Public Law 92-255. The Office of Personnel Management (OPM) is responsible for developing and maintaining, in cooperation with the President and other Federal agencies, the Employee Assistance Program (EAP). The designated Safety and Health Official is delegated the authority to ensure that Rural Development EAP is implemented in accordance with the Department's regulations and this Subpart. This authority may be further delegated to the Agency Safety and Health Manager.

§2063.252 Purpose.

This Subpart sets forth the Rural Development requirements for establishing and operating an effective EAP. The program prescribes policies, responsibilities, standards, and procedures to identify and assist employees whose drinking habits, use of drugs or personal/emotional, financial, family, legal, or career problems cause or contribute to poor job performance or reflects discredit on the Agency.

§2063.253 Definitions.

- (a) Alcoholism. A chronic disease characterized by repeated and uncontrolled use of alcoholic beverages to an extent that adversely interferes with the person's health, interpersonal relations, or economic functioning. If untreated, alcoholism becomes more severe and may be fatal. It may take several years to reach the chronic phase.
- (b) Counseling. Counseling is a communicative and interactive process which facilitates meaningful understanding of self and environment and results in the establishment or classification of goals and values for future behavior. The interaction is usually private and is of a confidential nature, unless group methods are recommended and acceptable to all concerned.

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- (c) Counselor. The individual who provides counseling and support for the employee in helping to resolve problems or conflicts that are interfering with the employee's job performance. In most cases, 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 relations, economic functioning, or social standing.
- (e) Drug dependence. A state of psychological or physical dependence, or both. The result of which stems from chronic, periodic, or continuous use of chemical substances.
- (f) Emotional-Behavioral problem. A wide range of personal difficulties involving, but not limited to, family, marriage, health, death, retirement, financial, or career problems; the experiencing of anxiety, stress, depression, or any other mental or emotional discomfort - any of which adversely affect one's health, interpersonal relations, economic functioning, social standing, or job performance.
- (g) Problem drinker. A problem drinker is any employee whose use of alcohol frequently affects his/her work adversely.
- (h) Program Coordinator. The individual assigned to carry out EAP responsibility for employees located within his/her jurisdiction.
- (i) Rehabilitated employee. A previously troubled employee who has completed treatment for an alcohol, drug, or emotional/behavioral problem, and whose subsequent job performance is considered adequate.
- (j) Safety and Health Manager. The Safety and Health Manager is responsible for administering the EAP throughout the Agency.
- (k) Troubled employee. An employee whose work performance or behavior is frequently adversely affected because of what appears to be personal problems. Excessive absences, poor work decisions, and high accident rates are often symptoms of a troubled employee.

§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 and Section 333 of Public Law 91-616 (The Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970).

(b) Alcoholism policy. Alcoholism is a treatable illness that may affect, now or at some future time, the health, work performance, and conduct of some employees. As an employer, Rural Development is not concerned with the personal decision of an employee to use or not to use alcoholic beverages. However, when the use of alcoholic beverages directly affects job performance or creates a job-related problem, than the use of alcohol becomes a concern to Rural Development.

(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 employer establishes that an employee is abusing chemical substances, action will be taken to prevent that employee from becoming endangered, or endangering other employees, or bringing discredit to the Agency. Whether the employee can effectively and safely carry out all of his/her duties is the concern of Rural Development.

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

- (1) Offer assistance, or where available, counseling assistance to employees with emotional-behavioral problems and alcohol/chemical substance related problems.
- (2) Encourage employees to use community resources and treatment facilities.
- (3) Grant the use of annual leave and/or sick leave, including advanced leave in accordance with RD Instruction 2066-A and Federal Personnel Manual (FPM) 792, for the purpose of treatment or rehabilitation.

(4) Not use disciplinary procedures against an employee for refusing assistance. Disciplinary procedures can, however, be instituted when, after a reasonable time, the employee does not return to an acceptable level of performance or behavior, whether the result of treatment or self-change.

(5) Confidentially encourage employees showing signs of having an emotional-behavioral problem, even in the early stages, to voluntarily seek assistance, except when limited by law or conflicting with Departmental regulation.

(6) When feasible, and when it will enhance the performance of the employee, counseling services may be extended to families of employees where either the employee or the family member is experiencing alcohol, drug, or other emotional-behavioral problems which affect the employee's job performance.

§2063.255 Responsibilities.

(a) The Designated Safety and Health Official is the Deputy Administrator for Management. This person is responsible for overall development, implementation, and review of the Agency's EAP.

(b) The Rural Development Safety and Health Manager shall assist the Personnel Director in the overall development, implementation, evaluation, and review of the Agency's EAP, and will serve as Program Coordinator for the Washington, D.C. metropolitan area.

(c) Each State Director and the Assistant Administrator, Finance Office, shall designate a Program Coordinator. The individual designated by the State Director shall be at the State Office level. Initial designation of Program Coordinators and any changes in designation will be reported to the Rural Development Safety and Health Manager within 15 days. Each Program Coordinator shall obtain a current copy of their State Human Resource Services Directory. To obtain a copy of this directory, contact your State Office of Human Resources. Program Coordinators shall:

- (1) Provide supervisors and employees with information on the identification and treatment of alcoholism, drug abuse, and emotional-behavior programs.
 - (2) Assist supervisors to arrive at the best method of approaching an employee who shows signs of drinking, drug or emotional-behavioral problem. When appropriate, the Program Coordinator will refer employees to outside treatment facilities. If available, the U.S. Department of Agriculture (USDA) medical staff should be used as a resource when the case warrants, to assist supervisors in developing necessary documentation to initiate employee assistance procedures.
 - (3) Encourage support and help employees to obtain assistance from treatment facilities, and communicate with supervisors of troubled employees concerning treatment progress. This dialogue must always be within the confines of confidentiality regulations (FPM-792).
 - (4) 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 behavior.
 - (5) Maintain followup on all cases.
 - (6) Assist and direct willing employees to a suitable source of rehabilitative assistance, taking into consideration the nature and extent of the employee's problem, the type and cost of the rehabilitative facilities available, and the employee's financial situation.
 - (7) Maintain a system of records and documents as defined by the Department regulation.
- (d) Supervisors shall:
- (1) Be alert to changes in work performance and behavior; refer employees to the Program Coordinator after consultation with the employee, and inform the employee of non-acceptable work performance.

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(2) Document discussions with the employee and other actions taken to motivate the employee to correct deficiencies.

(3) Document deficiencies or improvements which occurred after the discussion with the employee or after rehabilitative assistance was provided.

(4) Contact the Program Coordinator to obtain guidance as to how to deal with the troubled employee. Supervisors should not attempt to determine or diagnose the specific problem nor make reference about the potential problem to the employee.

(5) Recommend and grant leave for treatment and rehabilitation on the same basis that is granted for any other illness.

(6) Be supportive of an employee who has entered a treatment program.

(e) Employees shall:

(1) Be permitted a reasonable amount of duty-time for communications with Program Coordinator(s). Obtain permission from their supervisor prior to leaving the worksite and notify the supervisor upon return.

(2) Assume the costs associated with treatment.

(3) Take appropriate personal actions to correct job performance problems.

§2063.256 Selection of Program Coordinators.

The designation of Program Coordinators is critical to the successful operation of this program particularly at the informal stage of the employee being referred or requesting assistance. It is incumbent upon the designating officials to seek out employees with the following:

(a) Characteristics. Personal characteristics of empathy, objectivity, perceptiveness, resourcefulness, flexibility, stability, maturity, honesty, and a personal commitment to promote the EAP for all employees.

(b) Knowledge. General knowledge of the basic goals of the EAP in accordance with Departmental Regulations 4430 Series and FPM Supplement 792.

(c) Abilities. Demonstrated ability to communicate effectively with employees of different races, sexes, national origins, ages, physical conditions, and economic, cultural and educational backgrounds; ability to communicate with managers and supervisors; ability to gather and analyze pertinent facts; and the ability to prepare a written summary of action taken and advice given to management and the employee.

§§2063.257 - 2063.258 [Reserved]

§2063.259 Organization/location of EAP functions.

The EAP function is located within the Personnel Division.

§2063.260 Employee rights.

(a) Employment security. Employees, or prospective employees, shall not be denied employment or deprived of job security or promotional opportunities solely on the grounds of prior alcohol, drug or emotional problems, nor when or because an employee requests counseling and/or referral assistance.

(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 concerned, other than the exceptions below:

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§2063.260 (b) (1) (Con.)

(i) Communication of information within a program between personnel having a need for such information in connection with their duties (such as communication for medical or health personnel, program administrators, and Program Coordinators and counselors of the Rural Development and Department's EAP).

(ii) Communication between personnel assigned to the EAP and staff members of a qualified service organization to perform needed services to the EAP. Examples of such organizations are: referral facilities within the community that are involved in the diagnosis, treatment or rehabilitation, for employees experiencing emotional, alcohol, or drug problems; laboratories for blood work or other medical tests, or procedures, the Public Health Service; or contract personnel retained by the Agency specifically for the purpose of conducting EAP.

(iii) Communication of statistical information without employee identification; annual reports to the Department and OPM, management audits, financial audits, or program evaluations.

(2) Records and reports of the EAP shall be maintained in accordance with requirements prescribed in FPM 792. Official Personnel Folders shall not include references to EAP services, except when such information is part of specific charges leading to disciplinary or separation actions.

§2063.261 Training.

As training courses and programs are developed, the Personnel Division will inform State Directors, Assistant Administrator, Finance Office, and Program Coordinators of the availability of these courses.

§§2063.262 - 2063.263 [Reserved]

§2063.264 Annual report on Employee Assistance Program.

See Forms Manual Insert for instructions on completing OPM Form 1210.

§2063.265 Relationship to other regulations.

This supplements, but does not replace, existing regulations and procedures concerning the use of intoxicants and chemical substances. While it is the Department's and Rural Development's policy to try to assist employees to overcome improper use of alcohol or chemical substances, this does not in any way relieve the Department or Rural Development of the responsibility to promote the integrity and efficiency of the service and protect the interest of national security.

§2063.266 Rehabilitative resources.

An effective alcoholism and drug program must use suitable community resources; Alcoholics Anonymous groups, Al-Anon for employee's family members, Al-A-Teen for employee's children, hospitals which accept alcoholics, alcoholism information centers of the National Council on Alcoholism and other organizations, doctors specializing in alcoholism, State and local governments clinics, and the like.

§§2063.267 - 2063.300 [Reserved]

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