

**CITY OF CHESAPEAKE, VIRGINIA**

**NUMBER: 2.43**

**ADMINISTRATIVE REGULATION**

**EFFECTIVE DATE: 10/1/2018**

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES  
EMPLOYEE ASSISTANCE PROGRAM  
POLICY**

**SUPERCEDES: 4/20/2015**

## **I. GENERAL**

The City of Chesapeake is committed to investing in the well-being of its employees. Management recognizes that an employee's well-being directly affects job satisfaction and productivity, and that employee concerns may result in a decline in work performance that, in turn, may adversely affect City operations and jeopardize the employee's career. Concerns may include, but are not limited to, family, marital, substance abuse, occupational, psychological, legal, health, or financial issues. While it is neither the role nor the desire of City management to become directly involved in the personal issues of employees, management does want to provide a way in which employees can obtain assistance for personal issues at the earliest stage possible.

The Employee Assistance Program (EAP) has been established to provide employees and their immediate family members with a confidential resource to seek and obtain help for personal issues before these issues affect their personal and/or professional lives. Immediate family members are defined as the employee's spouse and children under the age of twenty-six. The EAP can also be utilized by supervisors, in conjunction with employees, when performance problems or misconduct at work indicate that an employee needs help.

This program is not a substitute for, or alternative to, disciplinary action for poor performance or misconduct. It does, however, provide a means for addressing issues that may be affecting performance.

## **II. PROGRAM ADMINISTRATION**

The EAP is administered by the Department of Human Resources through a contractor selected by a procurement process. The EAP is operated both as an employee benefit and a performance management tool. Participation in the EAP can be through a self-referral; an informal supervisory referral; a mandated management referral; or for departmental internal teambuilding, conflict resolution and facilitating communication. Professional staff with the contractor will provide confidential assessments and referrals to appropriate service providers and facilities, as necessary.

## **III. CONFIDENTIALITY**

While an employee is participating in the EAP, any and all records shall be confidentially maintained by the EAP contractor. Only in cases of a mandated management referral will the City receive documentation, and that will simply be in the form of an employee's compliance with the contractor's plan of care.

Voluntary participation in the EAP will remain in the strictest confidence unless the EAP contractor determines the employee poses a threat to himself/herself and/or the safety of the public or other employees. In such case, Human Resources and the employee's supervisor or someone within his/her chain of command will be immediately notified by the EAP contractor and the employee will be referred to a health care provider designated by the City for a determination of fitness for duty.

#### **IV. PROCEDURES**

Employees or immediate family members of employees may access the services of the EAP in any of the following ways:

##### **A. Self-Referral**

1. A self-referral is made by the employee or immediate family member of the employee seeking EAP services.
2. All communication between the employee or immediate family member of the employee and the EAP contractor will be held in confidence except as specified in Section III above. Information will be released only with written permission of the employee, and only to individuals designated by the employee.

##### **B. Informal Supervisory Referral**

An informal supervisory referral occurs when the supervisor is made aware of an employee's personal issue, his/her work performance declines, or when the employee is involved in a job-related incident which may indicate the presence of a personal issue. An informal supervisory referral may also occur when a situation occurs on the job that impacts the employee, but does not affect the employee's performance. The supervisor may suggest to the employee that he/she contact the EAP.

##### **C. Mandated Management Referral**

1. A mandated management referral to the EAP may be used in instances where the supervisor has reason to believe that a personal issue may be contributing to the employee's poor job performance. A supervisor may use a mandated management referral in any of the following situations:
  - Continued documented decline in job performance;
  - Continued job-related incidents after disciplinary action;
  - A single serious job-related incident; or
  - Circumstance where an employee's actions are deemed to be a risk to the welfare of the employee, other employees, or to the public.

2. The EAP is to be used as a tool to assist the supervisor and the employee in taking steps to improve the employee's work performance and/or conduct. Therefore, the employee's immediate supervisor or a supervisor within the employee's chain of command will accompany the employee to the initial assessment appointment. A mandated management referral to the EAP is not disciplinary action, but may be used in conjunction with disciplinary action, in management's sole discretion. Mandated management referrals are not grievable.
  3. Documentation of a mandated management referral must be maintained in the employee's official personnel file to demonstrate an offer of assistance was made.
  4. In order to initiate a mandated management referral, the supervisor must contact the Department of Human Resources for approval of the referral, and will be given the mandated management referral form. The supervisor will provide the original form to the EAP at the initial appointment. The following information will be made available to the supervisor and the Department of Human Resources on an on-going basis regarding the status of an employee's progress following a mandated management referral:
    - The employee did or did not keep the appointment with the EAP;
    - Consultation/treatment was or was not necessary at that time;
    - A referral for treatment and/or assistance was made by the EAP and was accepted or rejected by the employee;
    - An employee's recommended treatment as it relates to job performance; and
    - An indication as to whether the employee did or did not complete the EAP recommended treatment and/or assistance.
- D. Departmental internal teambuilding, conflict resolution and facilitating communication.

A Department Head can contact the EAP for departmental team building, conflict resolution or communications. Any fees charged by the EAP for these services will be paid by the requesting department.

## V. USE OF LEAVE

### A. Self and Informal Supervisory Referrals

With management approval, leave or leave without pay may be used for appointments with the EAP as well as treatment and assistance services when such appointments occur during normal working hours. If an Informal Supervisory Referral occurs as a result of an on the job incident which impacted the employee, with the approval of the Director of Human Resources or designee, attending EAP appointments may be considered a job assignment. As such, the employee would be compensated for attending EAP appointments during normal work hours.

**B. Mandated Management Referrals**

A mandated management referral to the EAP will be considered as a job assignment. The employee will be compensated for attending EAP appointments.

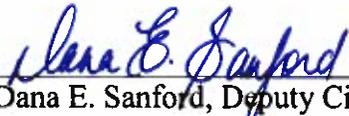
**VI. SUPERVISORY RESPONSIBILITY**

It is the responsibility of all supervisors to adhere to this Policy. Procedures shall be followed to ensure confidentiality.

**VII. COST OF SERVICES**

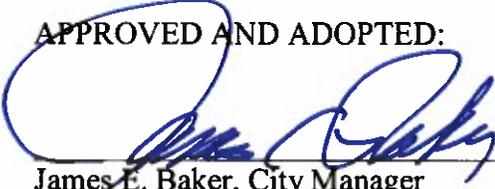
Cost for the assessment appointment and follow-up appointments with the EAP will be paid by the City of Chesapeake up to the maximum number of visits allowed per the EAP contract. In the event an employee is referred for treatment services outside of the EAP, the cost must be filed with the employee's health insurance and/or paid by the employee.

APPROVED AS TO FORM AND CONTENT:

  
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Dana E. Sanford, Deputy City Attorney

10-1-2018  
\_\_\_\_\_  
Date

APPROVED AND ADOPTED:

  
\_\_\_\_\_  
James E. Baker, City Manager

9/26/18  
\_\_\_\_\_  
Date