



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Program Statement

OPI:	HRM
Number:	3410.1C
Supersedes:	3410.1B (2/28/08)
Date:	September 8, 2009
Subject:	Employee Assistance Program (EAP)

1. **PURPOSE AND SCOPE.** To provide procedures for the DC Department of Corrections (DOC) Employee Assistance Program (EAP).
2. **POLICY.** It is DOC policy to participate in the DC Government Employee Assistance Program (EAP) designed to address personal problems that employees may encounter which may adversely affect their overall work performance or conduct on the job. Unless a separate program is established pursuant to the provisions of § 2050.19, participation in the EAP rather than another employee assistance program in the District government by agencies under the personnel authority of the Mayor shall be mandatory.
3. **APPLICABILITY.** This directive applies to all DOC employees, and contract employees other than a temporary employee or any employee serving a probationary period under either District Personnel Manual (DPM) Chapter 8 §813 or DPM Chapter 9 §906.7.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. To assist supervisors and managers in identifying and resolving productivity issues and personal concerns that may negatively impact upon attendance, institutional safety and security, and job performance.
 - b. Employees who participate in the program may achieve restoration of adequate performance, reduction in absenteeism and demonstration of appropriate workplace behavior.
5. **DIRECTIVES AFFECTED**
 - a. Directives Rescinded

DO 3410.1A "Employee Assistance Program (EAP)", (6/30/04)
 - b. Directives Referenced

- 1) PS 3210.2 Performance Evaluation Program
- 2) PS 3490.7 Affirmative Attendance
- 3) PS 6050.4 MEDAT

6. **AUTHORITY**

- a. D.C. Official Code § 1-620.07 (3) (2001)
- b. DC Personnel Manual Chapter 20B § 2050 Employee Assistance Programs
- c. DC Personnel Manual Chapter 16 Employee Discipline
- d. DC Personnel Manual Chapter 31A, Records Management and Privacy of Records
- e. Drug Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D)
- f. Article 25 of the Collective Bargaining Agreement between the DC Department of Corrections and Fraternal Order of Police, Department of Corrections Labor Committee, December 19, 2002

7. **NOTICE OF NON-DISCRIMINATION.** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

8. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 2nd Edition Standards for Administration of Correctional Agencies; 2-CO-1C-25.
- b. American Correctional Association (ACA) 4th Edition Performance Based Standards for Adult Local Detention Facilities: 4-ALDF-7C-01.

9. **RESPONSIBILITIES**

- a. *The Special Projects Officer* shall provide management oversight of the Employee Assistance Program.

- b. *The Employee Assistance Program (EAP) Counselor/ Coordinator* shall provide referral services consistent with this directive. The EAP Counselor, in consultation with the Warden or executive staff, shall respond at the work place to help employees adjust following line-of-duty deaths or incapacitating injury in the line-of-duty, hostage situations and other critical incidents.
- c. *Each Supervisor, Manager, Administrator or Office Chief* shall observe, communicate with and make explicit to employees, the expectations of satisfactory work performance, positive attendance and appropriate behavior. When an employees' work performance, attendance or behavior shows a decline or erratic pattern, the supervisor, manager or administrative official shall counsel the employee and document the situation.
- d. *Employees*
 - 1) Each employee is expected to consistently perform his or her work assignment in a satisfactory manner; demonstrate regular attendance and appropriate behavior for the work setting.
 - 2) An employee who is experiencing problems that adversely affect his or her work performance or conduct on the job shall be encouraged to voluntarily seek assistance to resolve the problems.

10. **GENERAL REQUIREMENTS**

- a. Participation in the EAP shall not adversely affect job security, future employment, or career advancement.
- b. Managers and supervisors are prohibited from exposing employees to punitive actions, termination, etc. for seeking treatment and/or referral.
- c. Participation in the EAP shall not preclude the taking of a disciplinary action under Chapter 16 of these regulations, if applicable, or any other appropriate administrative action, in situations where such action is deemed appropriate. This includes any violations of the agency's policies on substance abuse, domestic violence, sexual harassment, and sexual misconduct, or other criminal and civil laws.
- d. Participation in the EAP is confidential.
- e. The EAP shall be located in an area of operations and supervisory authority that will assure freedom in program operations, client service delivery and

interventions, from either a conflict of interest or ethical compromise by the agency, supervisors, and managers or the appearance of either.

11. PROGRAM OUTLINE

- a. EAP shall consist of assessment, counseling and referral services. Services are available for employees, twenty-four (24) hours per day, seven (7) days per week, including holidays.
- b. The services of the EAP are provided through COPE Incorporated. Employees may seek services from their healthcare provider, spiritual counselor, etc.
- c. The cost of the initial assessment, counseling, and referral session with the EAP contractor shall be paid in full by the District government, to the extent that the session is not covered by the employee's health insurance carrier.
- d. The EAP Counselor/Coordinator shall ensure that information about the program is disseminated to employees on a regular basis, using printed and electronic information and marketing techniques, such as: wellness events, site visits, public service television interviews, etc.

12. PROCEDURES

- a. Self-referral
 - 1) Employees may seek assistance on their own by completing the "Employee Request for Appointment Form" (Attachment A).
 - 2) Employees are encouraged to make self-referrals and schedule sessions during off-duty hours, whenever possible. This action will eliminate the need for supervisory involvement in the leave approval or referral process.
- b. Supervisory Referral
 - 1) Managers and supervisors may refer employees whose behavior and conduct may be affected by stress from a temporary crisis such as substance abuse, family crisis situations, post-traumatic stress, financial difficulties or job-related issues.
 - 2) Supervisors and managers should, in appropriate cases, consider referring to the EAP employees who are experiencing problems which adversely affect their overall work performance or conduct on the job before taking administrative action against employees.

- 3) When an employee's work performance is unsatisfactory, the supervisor, manager or administrative official shall, in accordance with DPM Chapter 14 advise the employee in writing of the deficiency.
 - a) The supervisor shall offer EAP services to assist the employee with correcting the problem.
 - b) The supervisory official shall continue to monitor and document the employee's performance and/or behavior.
 - c) The employee shall be allowed a reasonable period of adjustment; usually sixty (60) to ninety (90) days, in which to demonstrate improved work performance and behavior
 - 4) Once it is determined that improvement has not occurred, the supervisor shall discuss the situation with an EAP Counselor and provide the employee with confidential verbal and written notice of the referral to EAP. The written referral shall be made using "Supervisory Referral Form" (Attachment B).
 - 5) The EAP Counselor may assist the supervisor in preparing the written notice of referral as needed. The notice of referral shall include the following:
 - a) A description and any supportive documentation of the inadequate work performance and/or behavior;
 - b) Documentation of the supervisor's consultation with EAP counseling staff.
 - c) Documentation that an offer of EAP assistance has been given to the employee with clarification of procedures for self- referral.
- c. Use of Leave
- 1) An employee shall be entitled to up to two (2) hours Administrative Leave for the initial visit.
 - 2) The Warden, or other supervisory official may approve Administrative Leave for subsequent sessions in emergency situations or for crisis intervention.
 - 3) The employee shall provide proof of attendance if Administrative Leave was granted. Documentation shall include the date and time period of treatment and the clinicians' original signature.

- 4) Otherwise, the supervisor may authorize annual leave, sick leave, or leave without pay for subsequent sessions scheduled during duty hours.
- 5) Employees are encouraged to schedule all appointments, based upon their case management plan of action, during off duty hours or by utilizing pre-scheduled sick leave.
- 6) Employees who have been placed on Leave Abuse Status shall provide documentation of attendance as required by agency policy.
- 7) Employees may request that the EAP Counselor verify their absence when utilizing EAP services in accordance with procedures in this directive. (Attachment C) However, it is the Employee's responsibility to deliver that document to their Supervisor, Manager, Office Chief, etc."

13. CONFIDENTIALITY

- a. Supervisors, managers, and administrative officials shall respect the confidentiality of EAP referrals, client contacts, crisis interventions, and case management activities.
- b. Client contacts and case management activities shall remain private unless disclosure is required by local, state or federal regulations and statute.
- b. Referral documentation and program participation shall be maintained in confidence in accordance with Chapter 31A of the DC Office of Personnel Regulations, applicable federal and DC laws and regulations.
- c. Supervisors, managers, and other third parties involved in the EAP process shall not have access to employee EAP case management information without the employee's written consent except as allowed in section "e."
- d. If the employee signs the Consent for Release of Information form, only the specifically identified and case relevant information may be released, to the designated person(s) indicated on the form.
- e. Disclosure of program participant information without the employee's consent is allowed in the following situations:
 - 1) Legal actions. A court of legal jurisdiction, may order information deemed necessary in connection with the criminal investigation or prosecution of a serious crime, or as evidence in litigation. Legal counsel within the agency and/or the Corporation Counsel must be contacted immediately upon receipt of any court order requesting information.

- 2) Disclosure of Criminal Activity. If an EAP Counselor has information suggesting a potential crime, it must be released to intended victims and/or law enforcement agencies to prevent imminent and a potential crime, which threatens loss of life or serious bodily injury.
- 3) Child Abuse. Information regarding incidents of suspected child abuse or neglect must be reported to appropriate state or local authorities.
- 4) Treatment and Care. Information relevant to diagnosis and treatment issues may be communicated to a professional mental health, substance abuse treatment, medical treatment provider, etc. but only for purposes of peer consultation and referral. (i.e. local government EAP, Emergency Psychiatric Response Units, In-patient treatment program, etc.)
- 5) Emergency Treatment. Relevant information may be released to emergency response and medical personnel, in cases of medical emergencies.

14. **TRAINING.** The EAP Counselor shall, in conjunction with the Training Administrator:

- a. Conduct Pre-Service training on the Employee Assistance Program and Career Transition Services.
- b. Provide specialized training to assist managers and supervisors with identifying performance and behavioral issues that require intervention, referral, and guidance.
- c. Provide publications in written or electronic format to assist employees, managers and supervisors, in promoting physical health, wellness, stress management, successful career transitions, and a positive, productive work environment.

15. **PROGRAM REPORTING**

- a. The EAP Counselor/Coordinator shall submit monthly and quarterly program status reports to the Deputy Director, Special Projects Officer or his/her designee. The reports shall include statistical data on the number of employees served, types of services rendered, number of community resource referrals, Career Transition Services utilization information, community resource research contacts, and Crisis Intervention Stress Debriefing services provided.

- b. The reports shall not include employee names, details of service delivery or any other confidential demographic information.



Devon Brown
Director

Attachment

Attachment – A	EAP Employee Request for Appointment
Attachment – B	EAP Supervisory Referral Form
Attachment – C	EAP Appointment Verification
Attachment – D	EAP Consent for Release of Confidential Information Form