

**TABLE OF CONTENTS**

SECTION	PAGE
I. Policy	2
II. Authority	3
III. Supportive Data	3
IV. Signature Block with Effective Date	3
V. Definitions	3
VI. Protocol	4
VII. Procedures	4
A. Employee Assistance Program Coordinators' Responsibilities	4
B. Access to Employee Assistance Program	5
C. Employee Rights	6
D. Immediate Supervisor's Responsibilities	6
E. Leave for Employee Assistance Program	8
VIII. Distribution List	8
IX. History Notes	8

**I. Policy**

A. The health and well being of the department's workforce is essential to the department's mission to promote and protect the health of all people in Florida. By establishing an Employee Assistance Program (EAP), the department is committed to enhancing the service to the citizens of Florida through a healthier and more effective workforce. The goal of the EAP is to assist both the employee and the department toward maximum health and productivity.

B. Employees at times may experience behavioral or mental health disorders, substance abuse problems, or emotional difficulties that may impair their ability to perform duties. These concerns can be resolved when properly identified, assessed, and treated through referrals for counseling, therapy, or other professional treatment. Employees who need help in these areas will be given the same consideration as those with other medical illnesses.

C. The agreement or contract for EAP services is negotiated statewide by the Department of Management Services and includes assessment and referral services. The EAP shall be available to all career service, selected exempt, and senior management employees, and the agreement or contract may also include employees' immediate family members and Other Personal Services (OPS) employees. Additionally, EAP programs may include other benefits such as, but not limited to: 1) management training to target performance problems and effect early intervention to assist employees; 2) consultation to managers regarding handling of specific employee situations; 3) assessment and intervention of domestic and workplace violence and interface with these policies; 4) critical and unusual incident debriefings for normalization of the workplace after an event; 5) informal mediation of employee conflicts to reduce formal adversarial processes such as grievance, arbitration, etc.; 5) assistance with organization, transition, and layoff issues; and 6) training and assessment functions under the department's Drug Free Workplace or Violence in the Workplace policies.

D. The employee may be responsible for any co-payments required by the EAP provider; however, if management makes the referral, the employee's office may assume responsibility for payment.

E. Supervisors may approve up to two hours of work time per week for career service, selected exempt, and senior management employees (excluding OPS) to attend an EAP assessment or counseling session. OPS employees will be required to adjust their schedule with their supervisor's prior approval or schedule appointments on non-work hours.

F. Any communication relative to the employee's participation in the program shall be confidential. All records relative to that participation shall be confidential and exempt from the provisions of Section 119.07, Florida Statutes.

**II. Authority**

Section 110.1091, Florida Statutes (F.S.)

**III. Supportive Data**

Not applicable.

**IV. Signature Block with Effective Date**

(Signature on File)

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Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

3/24/2010

\_\_\_\_\_  
Date:

**V. Definitions**

- A. **Alcoholism:** Chronic condition characterized by the habitual consumption of alcoholic beverages to such an extent that it impairs physical or mental health and interferes with health and the activities of daily living such as job performance and attendance.
- B. **Assessment:** Initial interview to determine the nature of concerns, make recommendations for assistance, and provide linkage to available resources.
- C. **Behavioral Disorders:** Behavior that seriously and repeatedly interferes with job performance and health.
- D. **Confidentiality:** Maintenance of information in accordance with law and department guidelines. Information conveyed to a licensed medical or mental health professional in the capacity of conducting an EAP assessment, testing, or performing therapeutic duties is not subject to disclosure without the consent of that individual conveying the information. Disclosure under circumstances of duty to warn and judicial order is the exception. All such information will be contained in secured files and not be subject to public disclosure. Internal information from an assessed management referral will also be secured and not maintained as part of an employee's official personnel file subject to public disclosure.
- E. **Consultation:** Meeting to determine concerns and to make recommendations or to give guidance on specific issues of concern.
- F. **Coordination and Liaison:** Communications with other professionals and resources to enhance delivery and quality of services for EAP participants. All communications are to be conducted within guidelines of professional confidentiality.
- G. **Domestic Violence:** Includes, but is not limited to, stalking or other patterns of coercive behavior that are used by one person to control another by means of physical

violence, sexual, emotional and psychological violence, intimidation, verbal abuse, or economic control.

H. **Drug Abuse:** Use of any legal or illegal drugs which seriously and repeatedly interferes with job performance and health.

I. **Family Member:** Spouse or child of a career service, selected exempt, or senior management employee.

J. **Family Referral:** Family member initiating contact directly with the EAP.

K. **Management Referral:** Any referral for assessment initiated by management for job performance or behavioral concerns.

L. **Mandatory Referral:** Any referral for assessment initiated and required by management for substance abuse under the Drug Free Workplace Policy or in domestic or workplace violence situations.

M. **Psychological Issues:** Any adverse family situation, financial difficulty, legal entanglement, marital strife, vocational disenchantment or other personal problem which seriously and repeatedly interferes with job performance or health.

N. **Self Referral:** Any employee directly contacting the EAP for assessment on their own initiative.

O. **Workplace Violence:** Any behavior intended or perceived as a threat of physical harm. This may include harassment, intimidation, stalking, teasing, posturing, or any behavior that places another in fear or could provoke physical confrontation.

## VI. Protocol

A. **Expected Outcome:** Provide general guidelines and procedures to be followed for utilization of the Employee Assistance Program.

B. **Personnel:** Applies to all Department of Health employees; however, offices may have internal supplemental procedures.

C. **Competencies:** Knowledge of Section 110.1091, F.S.

D. **Area of Responsibility:** The Bureau of Human Resource Management is responsible for this policy.

## VII. Procedures

A. **Employee Assistance Program Coordinators' Responsibilities -** The responsibility for the EAP shall reside within the Bureau of Human Resource Management. Each human resource consortium or stand alone county health department may assign their

own EAP coordinator to interface with the EAP provider. Responsibilities of the EAP coordinators shall be to:

1. Coordinate the EAP with provider and monitor the provider services.
2. Coordinate employee and management orientations, and promote the EAP to assure continued visibility and accessibility.
3. Maintain all EAP communication, correspondence, or other documentation in a separate confidential medical file in a secured location.

The contracted provider will be responsible for providing utilization information to the department's EAP coordinator(s).

B. Access to Employee Assistance Program - Behavioral, substance abuse, and psychological issues can impact job performance. In most instances, the impact will be subtle and often unnoticed by management. It is in these early stages that employees are encouraged to self refer for service through the EAP. This affords the opportunity for issues to be resolved without intervention of management resources. In some instances, problems will be significant and employees will show evidence of performance problems. Examples may include, but are not limited to: absenteeism, tardiness, decreased work output or quality, increased mistakes, conflicts in the workplace, lack of attention, or failure to comprehend assignments. When work performance is affected, management may initiate referral to the EAP to determine if assistance with personal concerns can restore acceptable performance. In either situation, the purpose of the EAP is to assess and resolve employee concerns with the goal of enhanced performance for the organization.

These are the three types of referrals:

1. Self/Voluntary and Family Referrals: Employees or eligible family members may access service by contacting the department's EAP coordinator or the designated EAP provider directly. In either situation, no information will be conveyed to the department regarding personal concerns, services accessed, or participation in the program.
2. Management Referrals: All employees referred for performance based concerns must go through the department's EAP coordinator. Appropriate documentation above, and the performance or behavioral concerns will be addressed with the employee and sent to the EAP coordinator or provider. Feedback from the assessment will be routed through the EAP coordinator for conveyance to the referring manager. Only information relevant to compliance with the assessment, service recommendations, and monitoring of participation will be communicated. Additional communication may be necessary in special circumstances such as situations of workplace/domestic violence, Drug Free Workplace compliance, and rehabilitation participation as outlined under Professionals Resource Network and Impaired Practitioners Program of Florida for safety sensitive healthcare professionals.

3. **Mandatory Referrals:** Employees who present a potential threat to themselves, other persons, or property may be required to be evaluated by the EAP provider. An employee who fails to comply with the terms of a mandatory referral may be subject to disciplinary action, up to and including dismissal.

C. **Employee Rights**

1. Neither job security nor opportunity for advancement shall be jeopardized by a referral (self, management, or mandatory) to the EAP. Although referral to and participation in EAP services will not impact job security, persistent and continued performance deficiencies may result in disciplinary action, up to and including dismissal.

2. Records of non-work related problems will be maintained separate from personnel records. EAP communications will be kept in confidential medical files and are not subject to public disclosure or release.

3. An employee has the right to discontinue participation in EAP at any time. In most instances failure to comply may be documented and considered in the same manner as any factor or illness that continues to adversely impact job performance. Employees may be subject to discipline if they fail to comply with a mandatory referral.

D. **Immediate Supervisor's Responsibilities**

1. The immediate supervisor is in the best position to know the extent of work performance problems. The supervisor should detect and document deteriorating work performance and confront a problem employee on that basis. All management referrals to the EAP must be based on documented work problems. Any employee exhibiting a continuing job performance problem not readily corrected by normal administrative procedures should be considered for the EAP.

2. The following steps should be taken by the immediate supervisor:

a. Be alert to changes in work performance and unusual behavior of all personnel under his or her supervision. The following job performance observations may indicate a behavioral or medical disorder:

- (1) Assignment failures.
- (2) Excessive absenteeism and tardiness.
- (3) Unexcused absences.
- (4) Deteriorating personal appearance.

- (5) Altercations with fellow employees.
- (6) Prolonged lunch hours.
- (7) Frequent unauthorized disappearances from work.
- (8) A marked change in behavioral activity levels.
- (9) Poor judgment.
- (10) Moodiness, depression, erratic behavior or anxiety.

b. Maintain notes on all specific instances where an employee's work performance or behavior fails to meet expected standards or where the employee's pattern of performance seems to be deteriorating. Be specific about day, time, place, and nature of incident. Also maintain notes on specific positive aspects of the employee's performance.

c. Conduct a corrective counseling session with the employee when unsatisfactory job performance warrants it.

- (1) Annotate all discrepancies, infractions, and violations in appropriate supervisory records.

- (2) Question the employee about the deteriorating job performance or unacceptable behavior.

- (3) Review documentation of absences, etc., with the employee.

- (4) Remind the employee that it is the department's policy to offer assistance to an employee who has a work performance problem he or she cannot handle and encourage self referral for services.

- (5) Notify the employee that he or she will have to maintain a required work level or face disciplinary action that may include termination.

d. An employee desiring assistance should be referred to the EAP coordinator. The coordinator will then refer the employee to an appropriate resource for professional screening to help determine the nature of the problem.

e. If the employee's behavior or level of performance does not improve, the supervisor should:

(1) Consult with the EAP coordinator or the appropriate human resource/labor relations or legal staff.

(2) Initiate a corrective action plan in accordance with department policy.

(3) Confront the employee with the less than satisfactory performance and the associated documentation along with a recommendation that the employee participate in the EAP.

f. If the employee accepts the treatment for a behavioral/medical disorder, the EAP coordinator will advise the supervisor regarding prognosis and make recommendations to the supervisor regarding any special handling during the treatment process.

g. If the rehabilitation treatment fails to bring job performance or behavior to a satisfactory level, the supervisor and/or higher level supervisors may consult with the EAP coordinator. However, the final determination as to further personnel action is strictly a management decision that must be made in accordance with department policies.

E . Leave for Employee Assistance Program - Career service, selected exempt, and senior management employees (excluding OPS) may utilize up to two hours of work time per week to participate in the EAP assessment/consultation sessions or for additional treatment services referred through the EAP. When possible, employee appointments should be arranged during non-work hours or arranged at such time to minimize the impact on the work unit. This is an EAP benefit and applies to services initiated through the EAP. This time away from the office is considered as time worked and not reflected on time sheets. Employees electing to use this EAP benefit are required to submit documentation of appointments to their immediate supervisor.

### **VIII. Distribution List**

All DOH Employees.

### **IX. History Notes**

This policy replaces DOHP 60-11-00, effective August 17, 2000.