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**Subject: Employee Assistance Program**

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## **1. Purpose**

Virginia Tech recognizes the broad range of human problems such as depression, persistent anxiety, stress or other emotional problems; family or marital difficulties; alcoholism and/or drug abuse; financial stress; legal problems; and other concerns that may affect an employee’s job performance. The Employee Assistance Program (EAP) is a counseling and referral service available to employees to aid them in dealing with the range of problems which might have an impact on their working as well as their personal lives. As a self-referral and management tool, the Employee Assistance Program is intended to increase employee productivity, reduce absenteeism and turnover, and positively impact the learning and work environment. The program reflects the university’s concern for the well-being of its employees as well as its dedication to the effective accomplishment of university goals.

## **2. Policy**

The Employee Assistance Program provides confidential short-term intervention, assessment, and referral services for benefitted employees. Employees may self-refer to the Employee Assistance Program, or a referral may be made by a supervisor or manager as an informal recommendation or as a mandatory requirement.

The Employee Assistance Program is part of the health benefits program provided by the Commonwealth of Virginia, which contracts with a provider of mental health and behavioral management services. The contract provides employees with several free counseling sessions with a mental health professional certified by the approved EAP contractor; the cost of additional services, beyond the specified number of free sessions, is the responsibility of the employee.

### **2.1 Eligible Participants**

EAP services are available to all employees and their dependents who are enrolled in the state’s health insurance plan.

### **2.2 EAP and Disciplinary Action**

Managers have an affirmative duty (an obligation to take specific action) to deal appropriately with employee performance, conduct deficiencies, risk assessment and fitness for duty issues, and to utilize the disciplinary process when necessary and appropriate. Managers shall apply appropriate disciplinary policy and procedure if

necessary to encourage acceptable levels of job performance and personal conduct even if the employee is an active participant in EAP. Participation in EAP does not necessarily shield an employee from further disciplinary action up to and including dismissal if unacceptable job performance or personal conduct warrants immediate dismissal or persists. Referral to the EAP shall not be considered a substitute for nor a formal step in any disciplinary action imposed for commission of an offense.

### **3. Procedures**

All referrals other than self-referrals must be made in consultation with Employee Relations.

#### **3.1 Employee Self-Referral**

Employees who elect to use the Employee Assistance Program at their own initiative may contact the EAP directly. An EAP counselor will work with the employee confidentially to assist in identifying the cause of the problem, resolving the problem or, when appropriate, securing other treatment or counseling. The EAP mental health professional may refer the employee to community resources for the treatment of problems which are beyond the scope of the EAP. No aspect of the referral or treatment is shared with Virginia Tech unless authorized by the employee.

#### **3.2 Supervisory Referral**

A supervisory referral can be made when a work performance or work site problem exists. The supervisor is expected to discuss performance problems or work place behavior with the employee. It is not the supervisor's job to attempt to diagnose personal problems that the employee may be having. However, a reminder of the availability of the EAP and encouragement to take advantage of the services may be appropriate. Supervisors must consult in advance with Employee Relations in Human Resources on appropriate ways to address the issue with the employee. A supervisory referral is a strong recommendation that the employee should utilize all available means to correct his/her performance, but the final decision to use the services of the EAP remains with the employee. No aspect of the referral or treatment is shared with Virginia Tech unless authorized by the employee.

#### **3.3 Mandatory Referral**

In extreme cases of deteriorating job performance or unacceptable personal conduct, a referral to the Employee Assistance Program may be a condition of continued employment. A mandatory referral may also be made when employees have tested positive for alcohol or controlled substances in violation of University Policy 4061, Drug, Alcohol, and Medical Testing Guidelines for Commercial Driver's License Holders and Other Identified Positions, (<http://www.policies.vt.edu/4061.pdf>), or when the supervisor suspects that the employee may be impaired by alcohol or a controlled substance. A mandatory referral to the Employee Assistance Program can be made for *any* employee, even when that employee is not enrolled in the state's health insurance program.

A mandatory referral should be made only when the process of progressive, corrective discipline has been used and thus far proven unsuccessful, or when the presenting problem is of an urgent or emergency nature. All mandatory referrals for employees must be approved in advance by the associate vice president for human resources or designee, and by the relevant vice president or designee for faculty.

The EAP is a resource for resolving the underlying factors which may result in some on-the-job problems; it is not a formal step in the disciplinary process. In the event that an employee's job performance continues to decline, the supervisor has the full range of progressive discipline available. Progressive discipline may always be considered in addition to an EAP referral for an employee with performance or conduct difficulties.

A supervisor considering a mandatory EAP referral must first consult with Employee Relations in Human Resources to determine an appropriate course of action up to and including mandatory referral to the Employee

Assistance Program. Consultation with the EAP provider may be helpful in making such a determination. Information on the reason for the referral, documented performance and/or behavioral concerns, current and prior disciplinary action(s), and appropriate background information will be provided to the EAP. The employee will be asked to sign a HIPAA-compliant form authorizing the use or disclosure of personal health information so that the counselor can communicate back to the university whether the employee is in compliance or not in compliance with the terms of the mandatory referral and the subsequent treatment plan outlined for the employee, and whether recommended treatment will interfere with reporting to work. That information is retained in Human Resources in a file separate from the employee's personnel file. No private information discussed in the actual counseling sessions will be shared with Virginia Tech unless the employee expressly indicates on the HIPAA release form his or her permission for the counselor (or any staff member) to do so, or unless the employee makes a threat to harm a person at or property of Virginia Tech.

The specific reason for the referral shall be conveyed to the employee. The employee must also be informed that refusal to accept the referral and comply with any subsequent recommendations made by the EAP mental health provider will result in application of disciplinary policies and procedures, up to and including dismissal.

### **3.4 Fitness-for-Duty / Risk Evaluation**

The Fitness-for-Duty/Risk Evaluation is a means to address extraordinary situations where an employee may pose a hazard or risk to self or others in the workplace. It may also be used to determine an employee's medical or psychological fitness to perform his/her essential job functions. The EAP will facilitate the evaluation and consult with medical or psychological professionals to determine an appropriate course of action.

This type of referral may be considered when an employee:

- is unable to perform essential duties of the job,
- displays behavior that may pose a hazard or risk to themselves or others,
- exhibits emotional or psychological behavior that has the potential to endanger the safety and security of persons or property, and/or
- creates serious disruption in the workplace.

Consultation with Employee Relations in Human Resources concerning a possible fitness-for-duty evaluation is required; Human Resources may also consult with the EAP provider to discuss options appropriate to the case. A fitness-for-duty evaluation must be approved in advance by the associate vice president for human resources or designee for staff, and by the relevant vice president for faculty.

If the situation is critical, dangerous, or so severe that immediate action is necessary, the supervisor must immediately contact the Virginia Tech Police Department and Employee Relations in Human Resources. Where circumstances warrant, the case/situation will be immediately referred to the university Threat Assessment Team, which may require a fitness-for-duty/risk evaluation.

The employee shall be informed of the specific reasons for the required evaluation, expectations for compliance in resolving the concern(s), and the consequences for failure to undergo the evaluation, failure to comply with recommendations or conditions of the evaluation, or failure to make the required improvements in performance or conduct. Disciplinary action up to and including dismissal may be taken for such failures.

In the case of a fitness-for-duty evaluation, the cost of the evaluation shall be the responsibility of the university, and the university is considered the client. The evaluative summary is provided to the university. The report shall be retained as part of the medical records files in Human Resources, not as part of the employee's personnel file.

The cost associated with treatment recommended as a result of the evaluation shall be the employee's responsibility.

### **3.5 Time Off**

The university will grant the employee a maximum of two hours for each free visit for the EAP. This leave must be approved by the supervisor. Should the supervisor have concerns or questions about approving leave for EAP, the supervisor should contact Employee Relations. Employees may use sick leave, personal leave, or annual leave for additional visits.

Should an employee be referred for extended service beyond EAP counseling, working hours spent away from work may also be handled as sick leave or personal leave and in some circumstances a consultation with ADA and Accessibility Services may be needed.

If a salaried employee is required to be out of the workplace pending a mandatory evaluation, the employee will be placed on administrative leave.

## **4. Definitions**

## **5. References**

Virginia Department of Human Resource Management, Policy 1.60, Standards of Conduct  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2)

Virginia Department of Human Resource Management, Policy 1.05, Alcohol and Other Drugs  
[http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1\\_05.html](http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1_05.html)

Virginia Tech, Policy 4061, Drug, Alcohol, and Medical Testing Guidelines for Commercial Driver's License Holders and Other Identified Positions  
<http://www.policies.vt.edu/4061.pdf>

Virginia Tech, Policy 1020, Policy on a Drug-Free University  
<http://www.policies.vt.edu/1020.pdf>

## **6. Approval and Revisions**

Approved March 31, 2008 by the Virginia Tech Board of Visitors

Reviewed – no changes required. Approved March 3, 2010 by Vice President for Administrative Services, Sherwood G. Wilson.

- Revision 1
  - Modified language to require supervisors to consult with Employee Relations in Human Resources when referring employees to EAP and to reflect potential consultations with ADA and Accessibility Services.
  - Updated and clarified leave information in section 3.5.
  - Technical updates to hyperlinks and references.

Approved February 13, 2017 by Vice President for Administration, Sherwood G. Wilson.