

Prepared by the Office of Human Resources.  
This is a NEW Procedure.

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SAFETY WELFARE AND BENEFITS

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A9.775 Employee Assistance Program

1. Purposes

- a. To promulgate procedures for employees to participate in the University's Employee Assistance Program (EAP).
- b. To define the services provided by the EAP as voluntary, confidential, short-term professional counseling services to employees who may be experiencing personal problems that are affecting job performance. Personal problems may include family concerns, physical illness, work related issues, and alcohol or drug dependency. Many of these problems can be successfully dealt with, provided assistance is offered at an early stage and referral is made to an appropriate form of care.
- c. To outline EAP services that will be made available to employees:
  - 1) Diagnostic assessment
  - 2) Information
  - 3) Referral and
  - 4) Short-term counseling
- d. To assure that participation in the University EAP, in and of itself, shall not jeopardize an employee's job security or consideration for job advancement.

2. References

- a. Chapters 76, 78, 378 and 396, Hawai'i Revised Statutes

- b. Federal Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D
- c. University of Hawai'i Executive Policy E11.201, Illegal Drugs and Substance Abuse
- d. University of Hawai'i Executive Policy E11.203, Illegal Drugs and Alcohol Abuse
- e. Drug-Free Workplace Policy issued by the Department of Human Resources Development

3. Definitions

- a. "Counselor" means an individual(s) employed by an organization contracted by the University to provide EAP counseling services to University employees.
- b. "Employee" means any regular, temporary, exempt, casual and 89-day employee of the University. Student assistants and non-compensated employees shall be excluded from this definition for purposes of this administrative procedure.
- c. "Family Member" means the employee's immediate family (e.g., spouse, civil union partner, domestic partner, child, parent, in-law, grandparent and sibling) or significant other.

4. Responsibilities

- a. The System Director of Human Resources shall:
  - 1) Develop, implement and administer the EAP
  - 2) Contract for EAP services providers
  - 3) Publicize EAP services
  - 4) Oversee the program and monitor utilization/effectiveness of services

- 5) Ensure the program's compliance with federal and state laws

b. The Counselor shall:

- 1) Provide initial diagnostic assessment services to employee; information; short-term counseling, if deemed appropriate; and referral to other appropriate care-giving resources when such referral is necessary.
- 2) Inform the employee, in advance, if it is expected that the employee will incur any expenses, such as for counseling fees incurred beyond the maximum hours covered by the employer and for fees incurred by other care-giving resources (See also Section 5.b., Expenses Not Covered).
- 3) Provide consulting services to supervisors, as may be authorized by contract.
- 4) Provide supervisory and employee training programs on how to utilize the EAP, as may be authorized by contract.
- 5) Protect the confidentiality of the client/employee, as provided for by federal and state laws.
- 6) Comply with other terms of the applicable contract with the University.

c. The Vice President/Chancellor/Dean/Director shall:

- 1) Ensure that the EAP and publicity/promotional materials are made available within the campus/school/program.
- 2) Fund any management consultation, group counseling, training and orientation session.

- d. The Supervisor shall:
  - 1) Ensure that the EAP and publicity/promotional materials are made available to all employees under their supervision.
  - 2) Ensure confidentiality for employees who are referred to and who utilize EAP services.
- e. The Employee shall:
  - 1) Keep appointments scheduled with the EAP counselor and notify supervisor, in advance, when an appointment will involve time-off from work.
  - 2) Assume responsibility for any fees incurred which are not covered by the employer under the EAP (See also Section 5.b., Expenses Not Covered).
  - 3) Comply with the existing requirements regarding sick leave when such leave is utilized.
  - 4) Provide confirmation of attendance for the first counseling session, if scheduled during work hours (See also Section 5.c.1., Time Off from Work for First Visit).

5. General Provisions

a. Expenses Covered

Each eligible employee may receive up to three (3) counseling sessions per fiscal year, as determined by contract, at no cost to the employee. Services provided to family member(s) who are party to the employee's problem may also be allowed and may be charged against the employee's maximum number of counseling sessions.

b. Expenses Not Covered

Some of the expenses that are not covered by the employer are as follows (See also Section 4.e., Employee Responsibilities):

- 1) Fees may be charged by the EAP counselor for services in excess of the maximum allowable under Section 5.a., Expenses Covered.
- 2) Fees may be charged by another care-giving resource referred by the EAP counselor for follow-up services. NOTE: The employee may explore whether his/her medical plan carrier will cover such additional fees.
- 3) Transportation, meals, lodging and other expenses which may be incurred by the employee, such as where services are sought or performed on another island from the employee's residence.

c. Time Off from Work

1) First Visit

An employee will be granted time off with pay up to one (1) hour for the first counseling session, plus a reasonable additional amount of travel time, if the visit is scheduled during working hours, has prior supervisory approval, and the employee provides confirmation of attendance. Such time off shall not be charged to any leave.

2) Follow-Up Visits

Subsequent appointments shall be scheduled for non-work hours unless otherwise authorized by the employee's supervisor. If scheduled during work hours, time off shall be charged to the employee's accumulated sick, vacation, or compensatory time off, as appropriate. If the employee has no accumulated paid leave credits,

such time off shall be charged to leave without pay.

3) Non-Work Hours Appointments

Prior supervisory authorization is not necessary for appointments scheduled during non-work hours. Such visits by the employee will not be subject to compensation nor will the University be liable for reimbursing the employee for his/her time.

d. Confidentiality

In order to protect the employee's right to privacy and provide protection against discriminatory practices and the fear of discrimination, all information, data, reports, records, summaries, tables or studies given to or prepared/assembled by the counselor containing personally identifiable information, shall be kept strictly confidential and not be made available to any individual or organization without the prior written approval of the employee and the University. In no event shall any employee's case records be incorporated into or be considered part of the employee's official personnel file. The contractor, however, may provide utilization reports containing aggregate statistical data to the University. Such reports shall not include any personally identifiable employee information.

e. Severability

If any part of this procedure is rendered or declared invalid by reason of any existing administrative rule, bargaining unit agreement, or state or federal law, such invalidation of such part or portion of this procedure shall not invalidate the remaining portions thereof, and they shall remain in full force and effect.

6. Guidelines

Referrals to the EAP are to be made as follows:

a. Self-Referral

- 1) Employee calls the EAP directly for confidential assistance with personal problems affecting job performance.
- 2) The EAP arranges an appointment for a counseling session. On the initial counseling session, the employee shall bring a copy of his/her current pay stub. If the employee is deemed ineligible for services, the EAP shall inform the employee that he/she shall be responsible for payment of services.
- 3) Employee requests prior approval from his/her supervisor where time off from work is necessary for any appointment. Such time off shall be approved by the supervisor if it will not cause undue hardship on office operations and if the appointment cannot be scheduled during non-work hours.
- 4) The EAP counselor advises employee when the maximum number of hours of covered service time is reached. If additional services are necessary and the employee wishes to continue visits, the counselor shall notify the employee in advance that he/she will be responsible for payment of additional services.

b. Supervisor Referral

- 1) When a supervisor wishes to refer an employee for counseling, the supervisor completes the "Formal Supervisory Referral Form" (see Attachment 775.1) and consults with the human resources representative as to appropriate course of action to take and whether EAP referral is appropriate.

- 2) If the decision is to offer EAP services, the supervisor shall:
  - a) Share the completed "Formal Supervisory Referral Form" in a private setting with the employee.
  - b) Inform the employee about the noticeable change in behavior, decline in the employee's work performance and/or attendance, or about a particular on-the-job incident. NOTE: The discussion should only focus on the specific work performance or incident. The supervisor should not speculate as to the cause of the performance decline with the employee, nor initiate discussion with the employee about the specific nature or circumstances of the personal problem.
  - c) Inform employee of the availability of free EAP services, and that such service shall be treated on a strictly confidential basis, and that employee may accept or reject the services.
  - d) Provide the employee an informational flyer and the phone number of the EAP.
  - e) Have the employee sign the "Formal Supervisory Referral Form" certifying the meeting took place.
  - f) Provide a copy of the completed and signed "Formal Supervisory Referral Form" to the employee.
  - g) Fax the form to the EAP prior to the employee scheduling his/her appointment.
- 3) Employee makes decision whether to accept or reject EAP services. If the employee chooses to accept EAP services:

- a) Employee calls the EAP to schedule an appointment.
- b) The EAP counselor shall advise the supervisor as to whether:
  - (1) Employee kept the appointment as arranged.
  - (2) There is or is not a personal or health problem for which the counselor can provide help (but the nature of the problem will not be disclosed).
  - (3) Employee has accepted or rejected the offer of help.
  - (4) Employee will or will not require extended leave from work. If extended leave is required, the EAP counselor shall provide the supervisor with informal periodic updates, with the employee's written consent. The employee shall be required to provide a licensed physician's verification for all absences due to illness of five (5) or more consecutive working days, in accordance with the collective bargaining agreement.

c. Reports

The EAP shall provide utilization reports on a regular basis.