

1 **Article 35**

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3 **Employee Assistance and Counseling**

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6 **Section 1. Policy Statement**

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8 A. The Administration and the Union jointly recognize that treatable illnesses and
9 disorders occur in the work force as a result of alcohol, drug and dangerous
10 substance abuse. The parties further recognize that whenever such
11 conditions adversely impact on an employee's work performance, attendance,
12 reliability or conduct, the employee should constructively address these
13 problems through participation in counseling and treatment where appropriate.

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15 B. Therefore, the Employer and the Union will work together to encourage
16 troubled employees whose work performance is adversely affected to pursue
17 counseling help or treatment.

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19 **C. Employee assistance program services (i.e., counseling) are available to**
20 **both employees and employee family members. Employees and**
21 **employee family members can independently contact the SSA EAP and**
22 **initiate counseling with licensed counselors who provide in-person,**
23 **one-on-one, short term counseling in subjects such as, but not limited**

24 **to, crisis management, addictions, relationship issues, legal concerns,**
25 **financial issues, health promotion matters, etc. Such services will be**
26 **provided at no cost to the employee or employee family member.**

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28 **Section 2. Referrals/Community Resources**

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30 The Administration agrees to assist employees in securing counseling services
31 when work performance, attendance, reliability or conduct are adversely affected
32 as a result of alcohol, drug or dangerous substance abuse. This may be
33 accomplished through providing information and encouragement to the employee
34 to use any of the following types of services where available:

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36 A. Referrals to available counseling services in the local community.

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38 B. Counseling services provided by the Administration either onsite or on an as-
39 needed basis.

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41 C. Counseling services provided through joint efforts with other Federal
42 Agencies.

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45 **Section 3. Voluntary Participation and Employee Responsibility**

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47 Although the existence and functions of counseling and referral programs will be
48 publicized to employees, no employee will be required to participate or be
49 penalized for merely declining referral to a counseling service. Should any
50 counseling appointment or treatment require an absence from duty, the
51 employee must get sick leave approval or make other appropriate arrangements
52 with his/her supervisor.
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54 **Section 4. Confidentiality/Relationship to Disciplinary and Adverse Action**

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56 A. The parties recognize that all confidential information and records concerning
57 employee counseling and treatment will be maintained in accordance with
58 applicable laws, rules and regulations.

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60 B. Without an employee's specific written consent, the supervisor may not obtain
61 information about the substance of the employee's involvement with a
62 counseling program. Information obtained with the employee's authorization
63 from such counseling programs may not serve as the basis for disciplinary or
64 adverse actions ~~unless required to enforce the law or terms of last chance~~
65 ~~agreements.~~ Disciplinary actions should be based on job behavior or
66 performance problems, not progress in a counseling program. In evaluating
67 an employee's work performance and job-related conduct, the supervisor may
68 take into account whether an employee referred to counseling is cooperating
69 with a recommended plan of counseling.

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71 C. If as a result of a proposed disciplinary or adverse action, an employee
72 notified management for the first time that he/she has a substance abuse
73 problem that significantly contributed to the misconduct and is seeking the
74 services of EAP, management will normally put the proposed action in
75 abeyance for a period of not more than 1 year while the employee undergoes
76 treatment under terms and conditions agreed to. This provision only applies

77 in the first instance of substance abuse and does not apply if severe,
78 egregious or criminal misconduct is involved.

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80 If at the end of such period, there are no further instances of related
81 misconduct the proposal held in abeyance will be dropped. Violation of any
82 agreed to conditions, or continued misconduct as referenced in the proposed
83 disciplinary or adverse action during the abeyance period will result in
84 activation of the proposed disciplinary or adverse action process.

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86 D. Requests for counseling or referral assistance will not be a factor in job
87 security or promotional opportunities.

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90 **Section 5. Access to Services**

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92 Employees are on official duty when they meet with the EAP provided they
93 inform their supervisors of their appointment with the EAP counselor. ~~These~~
94 ~~meetings with EAP counselors may entail up to 6 sessions with the actual~~
95 ~~number being based on sound clinical judgment as determined by the counselor.~~

96 **There will be no artificial limit established regarding the frequency or**
97 **length of meetings with an EAP counselor per issue. There will also be no**
98 **limit placed on the number of issues for which an employee can seek**
99 **counseling. Frequency and length of visits will be based on the needs of**

100 **the employee and the judgment of the counselor. EAP contracts will not**
101 **limit the frequency or length of an individual employee's visits. Employees**
102 **are entitled to reasonable administrative time to travel to and from**
103 **counselor sessions.** Employees who do not want their supervisors to know of
104 their attendance must arrange appointments outside duty hours or request leave
105 approval. Employees who are referred to community services for treatment will
106 request leave in accordance with Article 31.