



FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

Title: Employee Assistance Program Procedures

Related Policy: FDJJ – 1003.29

I. DEFINITIONS

Confirmation Test – Analytical procedure used to identify the presence of a specific drug metabolite in a specimen after an initial test identified a specimen as presumptively positive.

Critical Incident – A sudden death of an employee, or other traumatic event that may emotionally affect the work unit.

Critical Incident Stress De-Briefing (CISD) – A Critical Incident Stress De-Briefing on site session conducted with employees in a work unit by a representative from the EAP Provider.

Employee – Career Service Probationary/Permanent, Selected Exempt Service, and Senior Management Service, or Other Personal Service (OPS) employees of the agency.

Employee Assistance Program (EAP) – A program for state employees designed to provide a wide array of resources to support a healthy balance between work and personal life.

EAP Coordinator – The employee within the Bureau of Human Resources, who has the responsibility for coordinating EAP efforts within the agency.

EAP Provider – The company contracted by the state as the provider for EAP services.

Employee Self-Referral – A referral to the EAP initiated by the employee.

Formal Referral Authorization to Release/Receive Information Form – A form required by the EAP Provider to document a formal or mandatory supervisory referral for EAP services.

Household Members – Anyone living in an employee's household, including students even if they are away at college.

Human Resources (HR) Liaison or Designee – Employee responsible for human resources related need for a facility or unit.

Supervisor – The individual responsible for signing the employee's position description, evaluating the employee's performance, and/or signing the employee's attendance and leave report.

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Supervisory Referral – A referral of an employee to EAP by the employee’s supervisor. There are three (3) types of supervisory referrals:

Informal – The supervisor is recommending EAP as a resource when there are no performance concerns.

Formal – The supervisor is making the referral, after consultation with the next higher level supervisor, as support to help the employee address the problem at the root of their performance decline and/or substandard conduct affecting the employee’s performance.

Mandatory – The supervisor has determined, after consultation with the next higher level supervisor, HR and General Counsel, that a mandatory referral is appropriate based on agency policy and applicable state or federal laws where automatic referral to EAP is part a formal protocol and refusal to participate can lead to dismissal.

II. STANDARDS/PROCEDURES

A. General Information:

1. Career Service Probationary/Permanent, Selected Exempt Service, Senior Management Service, and OPS employees are eligible to participate in the EAP.
2. Employees may self-refer to the EAP for themselves or anyone in their household. They may do so confidentially, without the employer’s knowledge.
3. EAP offers up to six free counseling sessions per person, per issue, per year, and may be in person or, when clinically appropriate and agreeable to the employee, by telephone. EAP is not intended to address long term treatment.
4. EAP is confidential and exempt from public records.
5. Pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), all information concerning an employee’s use of the EAP (including any documentation that an employee was referred to EAP), shall be treated in a confidential manner by the EAP provider.
6. Documents placed in the official personnel file, such as counseling memorandums, disciplinary actions, and performance documents shall not contain any language referencing EAP.
7. For informal and formal referrals, an employee has the right to refuse a referral to EAP and may discontinue participation at any time. However, regardless of how the employee chooses to address the performance or behavioral issues at hand, it is critical for the supervisor to point out to the employee that, if the performance expectation and/or corrective behavior is not achieved within the timeframe prescribed, the agency will take disciplinary action up to and including dismissal.

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8. For mandatory referrals, the employee shall be mandatory referred to EAP. If the employee enters an EAP or an alcohol and drug rehabilitation program and is cleared by EAP, the employee must be retested by the agency. If the test results are positive, the supervisor must initiate paperwork pursuant to the delegation of discipline authority to dismiss the employee. If test results are negative, the employee would return to full duty. The employee must submit to a drug test as a follow-up on a quarterly basis for a period of one year.
9. If an employee's behavior is such to cause concern relative to the safety of the employee or others, the supervisor shall immediately contact the EAP Coordinator, the EAP Provider, and law enforcement, if appropriate and completes a formal supervisory referral.

B. Employee Self-Referral:

1. The employee may contact the EAP Provider for themselves or anyone living in their household when seeking a healthy balance between work and personal life.
2. Employees may self-refer confidentially, without the employer's knowledge.
3. If it is not feasible for the employee to schedule any required consultation sessions or office visits after work hours, the employee may request authorized sick leave, annual leave or compensatory leave to cover the time the employee is away from his/her work site, during regular work hours.
4. Employees should reference [EAP Employee Self-Referral Matrix](#) for guidance.

C. Supervisory Referrals:

1. Informal:
 - a. The supervisor may suggest EAP as a resource for the employee when an issue may be present although there are no performance concerns.
 - b. Remind the employee of the free and confidential nature of the service.
 - c. Encourage the employee to contact the EAP Provider.
 - d. The employee makes the choice to follow through on the referral
 - e. If it is not feasible for the employee to schedule any required consultation sessions or office visits after work hours, the employee may request authorized sick leave, annual leave or compensatory leave to cover the time the employee is away from his or her work site, during regular work hours.
 - f. Supervisors and employees should reference [EAP Informal Supervisory Referral Matrix](#) for guidance.

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2. Formal:

- a. When a supervisor becomes aware of problems with an employee's performance, a formal supervisory referral should be made as support to help the employee address the concerns.
- b. The supervisor should be alert to changes in work performance and unusual behavior to include, but are not limited to the following:
 - i. Failure to complete assignments and/or to meet deadlines.
 - ii. Excessive absenteeism and/or tardiness.
 - iii. Numerous unscheduled and unexcused absences.
 - iv. Deteriorating personal appearance.
 - v. Altercations with fellow employees.
 - vi. Prolonged lunch hours.
 - vii. Leaving work without permission.
 - viii. A marked change in behavioral activity levels.
 - ix. Poor judgement.
 - x. Severe moodiness, depression or anxiety.
- c. The supervisor should maintain documentation on all specific instances when an employee's work performance and/or behavior needs improvement or is unsatisfactory.
- d. The supervisor may contact the EAP Coordinator for guidance and the EAP Provider to discuss a formal supervisory referral.
- e. The supervisor shall consult with the next higher level supervisor and advise them of the situation.
- f. Once a determination has been made to initiate the formal supervisory referral, the supervisor must.
 - i. Complete the [EAP Formal Supervisory Referral Letter](#).
 - ii. Meet with the employee to discuss performance and/or behavior concerns and provide a copy of the formal supervisory referral letter.
 - iii. Advise the employee to contact the EAP Provider within 1 – 2 business days.
 - iv. Provide the [Formal Referral Authorization to Release/Receive Information Form](#) for the employee to complete.

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- g. The employee completes the [Formal Referral Authorization to Release/Receive Information Form](#) and returns to the supervisor.
 - h. The supervisor signs the form, as the witness and forwards to the EAP Provider. The supervisor shall provide a copy of the referral letter and form to the EAP Coordinator.
 - i. The employee makes the choice to follow through on the referral and may discontinue participation at any time. However, regardless of how the employee chooses to address the performance or behavioral issues, it is critical for the supervisor to point out to the employee that, if the performance expectation and/or corrective behavior is not achieved within the timeframe prescribed by the agency, the agency will take disciplinary action up to and including dismissal.
 - j. The employee will be granted work time to attend the initial assessment and consultation session.
 - k. For additional sessions, the employee may request authorized leave without pay, sick leave, annual leave, or compensatory leave to cover the time the employee is away from the work site, during regular work hours.
 - l. Supervisors should reference the [EAP Formal Supervisory Referral Matrix](#) for guidance.
3. Mandatory:
- a. Drug Testing:
 - i. In accordance with the [Drug Testing Program Procedures](#), when an employee receives a first test result of positive, the employee shall be mandatory referred to EAP by the supervisor.
 - ii. The supervisor shall contact the EAP Coordinator, Assistant General Counsel, and the EAP Provider to discuss the mandatory supervisory referral.
 - iii. The supervisor shall consult with the next higher level supervisor and advise them of the situation.
 - iv. The supervisor must:
 - 1. Complete the [EAP Mandatory \(Drug Testing\) Supervisory Referral Letter](#).
 - 2. Meet with the employee to discuss the positive test results and provide a copy of the mandatory supervisory referral letter.
 - 3. Direct the employee to contact the EAP Provider within 1 – 2 business days.
 - 4. Provide the [Formal Referral Authorization to Release/Receive Information Form](#) for the employee to complete.

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- v. The employee must complete the [Formal Referral Authorization to Release/Receive Information Form](#) and return to the supervisor.
- vi. The supervisor signs the form, as the witness and forwards to the EAP Provider. The supervisor shall provide a copy of the referral letter and form to the EAP Coordinator.
- vii. The employee will be granted work time to attend the initial assessment and consultation.
- viii. Failure to adhere to the requirements of the mandatory supervisory referral shall result in disciplinary action up to, and including dismissal.
- ix. For additional outpatient EAP participation that cannot be accommodated after work hours and for any needed in-patient treatment, the employee shall be granted use of authorized leave without pay, sick leave, annual leave or compensatory leave to cover the time the employee is away from the work site, during regular work hours.
- x. If an employee enters an EAP or an alcohol and drug rehabilitation program and is cleared by EAP, the employee must be retested by the agency.
- xi. If the test results are positive, the employee is subject to disciplinary action up to, and including dismissal.
- xii. If the test results are negative, the employee would return to full-duty.
- xiii. The employee must submit to a drug test as a follow-up on a quarterly basis for a period of one year.
- xiv. Supervisors should reference the [EAP Mandatory Supervisory Referral Matrix](#) for guidance.

D. Critical Incident Stress De-Briefing (CISD):

- 1. The HR Liaison or Designee shall contact the EAP Coordinator in the event of a sudden death of an employee or other traumatic event that may emotionally affect the work unit.
- 2. The HR Liaison or Designee shall determine if a CISD is needed.
- 3. The HR Liaison or Designee shall contact the EAP Coordinator if determined a CISD is needed.
- 4. The EAP Coordinator shall contact the EAP Provider to request a CISD, if needed.
- 5. The EAP Provider shall call the HR Liaison or Designee directly, to coordinate the CISD in their geographic area.
- 6. The EAP Provider shall contact the EAP Coordinator to advise of the scheduled CISD.

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III. RESPONSIBILITY AND DUTIES

A. Employee:

1. Contacts the EAP provider for a self-referral.
2. Completes the [Formal Referral Authorization to Release/Receive Information Form](#) and returns to the supervisor.
3. Makes the choice to follow through on EAP referrals and may discontinue participation at any time.
4. Submits to a drug test as a follow-up on a quarterly basis for a period of one year when drug testing results are positive.
5. Failure to adhere to the requirements of the formal or mandatory supervisory referral shall result in disciplinary action up to, and including dismissal.

B. Supervisor:

1. Reminds the employee of the free and confidential nature of EAP services.
2. Maintains documentation on all specific instances when an employee's work performance and/or behavior needs improvement or is unsatisfactory.
3. Contacts the EAP Coordinator, the EAP Provider, and/or Assistant General Counsel for guidance and consultation.
4. Contacts the EAP provider to initiate the formal or mandatory supervisory referral.
5. Consults with the next higher level supervisor and advise them of the situation for formal or mandatory referrals.
6. Completes the EAP formal and mandatory referral letter.
7. Meets with the employee to discuss performance and/or behavior concerns.
8. Meets with the employee to discuss positive drug test results.
9. Advises the employee to contact the EAP Provider within 1 – 2 business days.
10. Provides the [Formal Referral Authorization to Release/Receive Information Form](#) to the employee to complete.
11. Provides the EAP formal and mandatory referral letter to the employee.
12. Provides a copy of the referral letter and Authorization to Release/Receive Information Form to the EAP Coordinator.

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C. HR Liaison or Designee:

1. Contacts the EAP Coordinator to report a critical incident.
2. Determines if a CISD is needed, and advises the EAP Coordinator.

D. EAP Provider:

1. Provides assistance to employees and supervisors.
2. Reports to the supervisor and/or EAP Coordinator regarding the employee's participation in the formal or mandatory supervisory referral program pursuant to authorization form.
3. Contacts the HR Liaison or Designee directly, to coordinate the CISD.
4. Contacts the EAP Coordinator to advise of the scheduled CISD.

E. EAP Coordinator:

1. Coordinates EAP efforts within the agency.
2. Maintains information pertaining to EAP in the Confidential EAP File.
3. Contacts the EAP Provider to request a CISD, if needed.

IV. ATTACHMENTS – N/A

V. HELPFUL LINKS

[Drug Testing Program Procedures](#)
[EAP Formal Supervisory Referral Letter](#)
[EAP Mandatory \(Drug Testing\) Supervisory Referral Letter](#)
[Formal Referral Authorization to Release/Receive Information Form](#)
[EAP Employee Self-Referral Matrix](#)
[EAP Informal Supervisory Referral Matrix](#)
[EAP Formal Supervisory Referral Matrix](#)
[EAP Mandatory Supervisory Referral Matrix](#)