

ARTICLE 38: EMPLOYEE ASSISTANCE PROGRAM (EAP)

POLICY

- 38.1 The Employer and the Union support the objective of assisting employees whose job performance is adversely affected by problems including, but not limited to, alcoholism, drug abuse, duress, financial or legal concerns, marriage or family concerns, or other personal problems. Given this common objective, the Employer agrees to continue to support the Departmental Employee Assistance Program (EAP).
- 38.2 The Union agrees to cooperate fully with the Employer in an attempt to rehabilitate affected employees who accept assistance made available under the provisions of the Program.

CONFIDENTIALITY

- 38.3 Employee participation in the EAP will be strictly confidential. The Employer may request an employee to sign release forms. However, this does not obligate the employee to do so.

ANNUAL NOTIFICATION TO EMPLOYEES

- 38.4 The Employer will continue to issue an annual notice to employees explaining the Program and the services it provides.

PROGRAM PARTICIPATION

- 38.5 The parties recognize that the Program is designed to deal with problems at an early stage when the situation may be more likely to be correctable. If an employee participates in the EAP, the responsible supervisory official will give consideration to this fact in determining any appropriate disciplinary and/or adverse action, if applicable.
- 38.6 The Employer will not take any action against an employee for seeking assistance through the EAP. Participation in the Program will not prevent the Employer from proposing and taking conduct and performance-based actions.
- 38.7 EAP services will be made available to those employees who request and need them. The Employer agrees to assist employees by providing information and encouragement to use counseling services as needed. Should counseling appointments require absence from the workplace, employees will make the appropriate advance arrangements with their supervisors.

38.8 When the Employer determines that a conduct or performance problem exists which may be drug or alcohol related and refers the employee to EAP, the Employer may take appropriate disciplinary or adverse action, consistent with fairness and the obligation to provide reasonable accommodation.

LEAVE DURING DUTY HOURS

38.9 With supervisory approval, employees may be allowed up to one hour (or more if required because of travel time) of excused absence for each counseling session during the assessment and referral stage of rehabilitation. Thereafter, absences during duty hours for rehabilitation or treatment must be charged to the appropriate leave category, in accordance with existing law and leave regulations. Supervisors have the right to verify the employee's attendance with an EAP counselor.

NEW HIRE ORIENTATION

38.10 Newly hired employees will receive appropriate EAP information and materials during orientation.