

# EMPLOYEE ASSISTANCE

DEPARTMENT OF THE NAVY  
HUMAN RESOURCES OFFICE  
368 SOUTH AVENUE  
PENSACOLA FLORIDA 32508-5124

HROPNCLAINST 12792.1  
Code 09A222  
28 DEC 95

## HRO PENSACOLA INSTRUCTION 12792.1

Subj: **CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP)**

Ref: (a) OCPMINST 12792.1 CH-1 (CPI 792)

1. **Purpose.** To publish Human Resources Office (HRO) Pensacola policy and procedures on the CEAP.
2. **Applicability.** This instruction is applicable to all activities serviced by the HRO Pensacola, including all activities serviced by HRO Pensacola service centers.
3. **Background.** The CEAP is for civilian employees whose behavioral-medical problems (alcohol and drug abuse, personal/emotional, financial, marital, family, legal, etc.) result in direct or indirect Job-related problems.
4. **Information.** The policies and procedures in reference (a) are applicable to this program and will be used for detailed guidance not provided in this instruction.

a. **Policy.** HRO policy complies with that of the Department of the Navy (DON), and is outlined as follows: It is DON's policy to assist employees in overcoming performance or conduct deficiencies caused by misuse of drugs or alcohol or by other personal problems.

(1) The program will provide problem identification and preventive counseling and referral to local community agencies for treatment, rehabilitation, or other assistance.

(2) The CEAP shall not include treatment or rehabilitation. Employees are responsible for all costs of treatment and rehabilitation.

(3) Alcohol and drug dependency shall be recognized and managed as treatable health problems, where job performance and/or conduct are impaired as direct consequence.

(4) Employees will refrain from the abuse of all drugs, including alcohol, and will report for duty not under the influence of alcohol or drugs. Employees are responsible for seeking assistance through the CEAP to overcome alcohol, drug, or other personal problems which are, or may adversely impact their performance and/or conduct and will cooperate with supervisors and CEAP counselors in matters relating to the program.

(5) The confidential nature of client records will be safeguarded and information therein shall not be disclosed except as provided by the confidentiality provisions of 42 Code of Federal Regulations (CFR), Part 2.

(6) Civilian counseling assistance will be provided to employees with family members who have personal problems, and to the extent possible, to family members of an employee with personal problems.

**b. Objectives**

(1) To encourage employees to accept their behavioral medical problems (alcoholism, drug abuse, and/or emotional) as an illness; to voluntarily seek assistance before damage has progressed to the point of being virtually irreversible; and to provide these individuals with consultation and recommend treatment. Employees must understand that their illness and medical records will be treated with strict confidentiality. Furthermore, sick leave will be granted, if necessary, for their treatment and rehabilitation, and job security will not be jeopardized.

(2) To ensure employees with personal problems (financial, marital, family, legal, etc.), which result in direct or indirect Job-related problems, can be offered the services of a strictly confidential general counseling service.

(3) To encourage supervisors to refer individuals for evaluation, diagnosis, and treatment when there is evidence of continuing poor or unsatisfactory job performance, before disciplinary action becomes necessary. Supervisors should not try to diagnose the problem.

(4) To encourage active participation of the recognized labor organization.

**c. Confidentiality**

(1) In general, no information about the counselee or the counseling interview may be given to any person unless the counselee has given written permission to do so. If consent is given, the receiving person may not pass on the information received as a result of that consent to any other unauthorized person without the signing of a separate consent. Authorized personnel are: medical emergency personnel, and those authorized by a court order.

(2) Violation of either the statutory or regulatory provisions is a criminal offense subject to the penalties set by law.

(3) When the employee has been referred to the CEAP by the supervisor, there is a presumption that management is dissatisfied with the employee's job performance or job-related conduct. In such instances, the CEAP Counselor will explain the advantages of and encourage the employee to permit the release of information to the supervisor. To do so demonstrates the employee's interest in correcting the problem and can have the effect of forestalling or reducing the severity of any corrective action. If consent is given, the supervisor may not pass the information to anyone, including his or her supervisor, without additional written consent of the employee.

(4) Strict confidentiality of counseling records is required. The content of the civilian counseling interview, specifically the nature of the employees problem, will be kept confidential. While the regulations address only situations which involve-alcohol or drug abuse, the procedures will be applied in situations involving other problems. Official Personnel Folders will not contain any documentation relating to an employees participation in the CEAP as a counselee.

## **5. Responsibilities.**

The Director, HRO, has overall responsibility for this program and has designated a CEAP Administrator, located in the HRO, to head the program. The Director, HRO, has key program development, implementation, and review responsibilities and will make sure the CEAP Administrator is informed of pertinent personnel management information and changes that will impact the CEAP.

### **a. The Program Administrator will:**

(1) Be the principal point of contact for all administrative matters concerning the CEAP.

(2) Provide consultation services to managers and supervisors whose employees behavioral-medical problems are interfering with job performance.

(3) Develop and maintain professional counseling capabilities through professional associations and appropriate community resources.

(4) Ensure that top management through first-line supervision fully supports the objective of rehabilitation and restoration to full duty of any employee whose personal or family behavioral-medical problems interfere with on-the-job performance.

(5) Provide comprehensive educational material to the workforce, particularly, that which will encourage voluntary self-referral and self-restraint. Ensure appropriate publicity and understanding of the program among employees and unions, including dissemination of information to the public.

(6) Ensure the maintenance of appropriate records and the preparation of reports as required. Records and reports will be handled in a confidential manner in accordance with paragraph 4c of this instruction.

(7) Maintain liaison with community resources to assist in employee education and rehabilitation programs.

(8) Maintain close coordination among responsible personnel (industrial consultation, medical personnel, supervisors, etc.) and appropriate DON and OPM personnel.

(9) Ensure a continuing exchange of information and follow-up between rehabilitation personnel and appropriate community resources, supervisors, and management officials without violating confidentiality regulations.

(10) Advise supervisors on the use of CEAP procedures in dealing with problem employees.

**b. Contact and Referral (C&R) Counselors.** The Administrator/Head Counselor is to be located in the HRO. When necessary, part-time C&R counselors from the various activities will be appointed by letter by the appropriate Commanding Officer or Director with a copy to be filed in their OPF. The Administrator/Head Counselor will supervise all C&R referrals; approve referrals to community resources for evaluation and/or treatment; and, ensure the complete maintenance of confidentiality among the C&R counselors.

(1) C&R counselor collateral duty (part-time) appointments will be for an indefinite period.

(a) An appointing official may relieve a collateral duty C&R counselor at any time. No reason need be given, but the relief must be in writing.

(b) A collateral duty C&R counselor may resign from the assignment at anytime. No reason need be given, but the resignation must be in writing.

(c) A collateral duty C&R counselor reassigned outside jurisdiction of the appointing official ceases to be a C&R counselor.

(d) Activities which lose collateral duty C&R counselors will immediately appoint a replacement if the loss reduces the number below the minimum prescribed.

(2) C&R counselors serve as the initial point-of-contact for employees who ask or are referred for counseling. They are responsible for:

(a) Confidential consultation with employees who so request or are referred; objective evaluation and identification of personal problems; identifying the best source of assistance or services; recommending a course of action and providing aid in obtaining assistance; and providing guidance to the employee where appropriate.

(b) Knowledge of civilian counseling policies and procedures.

(c) Ability to counsel employees in the occupational setting and identify drug and alcohol abuse and personal problems impacting on Job performance or conduct.

(d) With the approval of the Head Counselor, referring the employee for medical, psychiatric, or other evaluation when evaluation or identification of the problem is beyond the capability of the part-time C&R counselor.

(e) Being aware of community referral resources and recommending additions to or deletions from the list maintained by the CEAP Administrator and/or Head Counselor.

(f) Advising supervisors on the use of CEAP procedures in dealing with problem employees.

(g) Consulting and/or coordinating with the HRO staff, EEO counselors, supervisors, managers and union officials without violating the confidentiality regulations.

(h) Conducting necessary post-rehabilitation follow-up.

(i) Maintaining individual case files which contain data necessary for the counselors use and for required reports. The case files-will be kept in the Head Counselors office in the HRO.

c. **The Director**, HRO, has inherent responsibilities in the administration of the program. It is imperative that all Federal employees within the Pensacola Naval Complex and service centers be afforded the same equal opportunity to use resources available, regardless of organizational attachment. Accordingly, the Director, HRO, has overall primary program responsibility to ensure all resources available are offered to employees, regardless of employer, and to maintain within the complex and community a dynamic, realistic, and effective program. Staff members will advise management members and supervisors concerning appropriate action (including disciplinary action) in accordance with current personnel regulations and directives. However, prior to advising supervisors concerning appropriate actions, they will consult with the CEAP Administrator and/or the Head Counselor concerning the details of the case.

d. **Supervisors** play a key role in making the program effective since they are in a position to observe the employees attendance, on-the-job attitude, conduct, and performance. Usually the supervisor is the only representative of management who has a relationship close enough to the employee to determine if a job-related problem exists. Specifically, supervisors should be alert to changes in the work/behavior of employees supervised and follow the procedures as outlined in paragraph 5h.

e. **Personnel Management Specialists, Labor Relations Specialists, Employee Relations Specialists, and Equal Employment Opportunity Program Officials/Counselors** will:

(1) Know the policies and procedures of the CEAP.

(2) Consider the CEAP when providing advice and guidance to employees and supervisors and in carrying out other responsibilities.

(3) Consult and coordinate with the CEAP Administrator.

f. **NAVHOSP Branch Clinic** personnel will provide care for acute and emergency medical conditions occurring on the job and related to problem drinking, alcoholism, drug abuse, etc., of civilian employees. Such conditions may include acute intoxication gastritis, gastroenteritis, and withdrawal symptomatology. The Branch Clinic will conduct fitness-for-duty examinations when employees are referred on COMPETENCE FOR DUTY EXAMINATION, NAVMED 6120/1, and provide counseling of a professional medical nature. See CPI 339 for proper procedures. If the employee elects to undergo a fitness-for-duty examination, medical authority will diagnose whether the employee is under the influence of intoxicants or drugs, or evaluate behavioral irregularities, and determine what, if any, further medical attention is required.

g. **Labor Organization.** The support and active participation of the recognized labor organization will contribute materially to the success of the CEAP. Management and the local union must work jointly in this matter of common interest and for the benefit of all concerned. The union can represent members interests through the assurance that:

(1) The employee's job security or promotional opportunities are not jeopardized by requesting diagnosis and treatment.

(2) The focus of corrective interviews is restricted to the issue of job performance rather than judgments on alcoholism or drug abuse (unless a violation of established rules against drinking on the Job is involved).

(3) The confidential nature of employee medical records is preserved.

(4) Any employee suffering from this illness will receive the same consideration presently extended to employees having other diseases.

(5) All rights and privileges inherent in established policy and procedures are protected.

#### **h. Relationship to Disciplinary Action**

(1) Management may not require that CEAP personnel release client information for use in a disciplinary situation. The information may be released with the clients prior written consent, when in the judgment of the CEAP Head Counselor the consent was voluntarily given and the disclosure will not be harmful to the patient, the program, or their relationship. Disciplinary action should always be based on job behavior or performance problems, not progress in a rehabilitative program.

(2) The CEAP supplements but does not replace existing procedures for dealing with problem employees. The purpose of discipline is to correct the offending employee and maintain discipline and morale among other employees. The purpose of the CEAP is to correct unsatisfactory performance or conduct, hopefully before disciplinary action becomes necessary. Referring an employee to a CEAP counselor is not a bar to taking action under the provision of CPI 432 and CPI 752. There is a distinction to be made between offering assistance through counseling to an employee with a problem and taking corrective action against an offender. In some instances, it will be appropriate to concurrently offer assistance and take corrective action.

(3) In relating the alcoholism and drug abuse program to disciplinary policies and practices, it is most important that the program be carried out as a non-disciplinary procedure aimed at rehabilitation of persons who suffer from a health problem. There needs to be a clear understanding that shielding problem employees by tolerating poor performance clearly contributes to the progression of the illness by delaying entry into a rehabilitative program. However, failure on the part of the employee to accept the assistance offered through the program or to otherwise correct performance should be dealt with through disciplinary procedures.

(4) As an alternative to disciplining an employee while, at the same time, providing an opportunity for rehabilitation, an employee may be given a firm choice between seeking assistance through the CEAP or being subject to corrective action. If this course is followed, the employee will be advised that future instances of misconduct or poor performance will result in appropriate corrective action, up to and including removal.

**(5) Supervisors are responsible for:**

(a) Documenting instances where an employees work performance, behavior, or attendance fail to meet minimum standards, or where the employees pattern of performance appears to be deteriorating.

(b) Determining the appropriate action to correct the unacceptable or deteriorating performance.

(c) Seeking guidance from the CEAP Administrator or Head Counselor.

(d) Discussing unacceptable or deteriorating work performance with the employee, providing the employee with documented instances of such, and giving the employee a firm choice between seeing and cooperating with a CEAP counselor or receiving other management-initiated corrective action. These referrals to the CEAP must be made in writing to the employee. In some instances, corrective action may be taken concurrently with referral to a CEAP counselor.

(e) Effecting or initiating corrective action if the employee declines to see or cooperate with the CEAP counselor; or the employee undertakes the course of treatment recommended by the CEAP counselor but fails to improve work performance or behavior to an acceptable level within a reasonable length of time.

(f) Granting sick leave or LWOP to employees who are following an approved program of rehabilitation from diagnosed alcoholism or drug abuse. In the absence of an approved course of treatment following a diagnosis of alcoholism or drug abuse, the employee's use of sick leave should be controlled in accordance with local instructions and CPI 630.

(g) Supervisors are not to make determinations as to whether the employee's unacceptable or deteriorating work performance or behavior is caused by alcoholism or drug abuse.

(h) See CPI 792-3-for special requirements that apply to employees who test positive for drug use under the Drug-Free Workplace Program.

**(6) Employees are responsible for:**

(a) Being aware of the provisions and procedures of the CEAP.

(b) Participating in the CEAP when they become aware of any personal problem which results or may result in a deterioration of their work performance.

(c) Cooperating with supervisor and CEAP counselors in matters relating to the CEAP.

**6. Action.**

a. HRO special assistance, heads of departments and service center managers will make sure all supervisors and managers are familiar with this instruction and the program outlined herein receives full support.

b. Activities serviced by HRO Pensacola and HRO Pensacola service centers are encouraged to adopt this instruction for their use, as appropriate.

7. **Forms.** COMPETENCE FOR DUTY EXAMINATION, NAVMED 6120/1, may be obtained from Employee Relations Specialists.

Distribution: NASPNCLAINST 5216.1Q)

C D G I K

HRO (Code OgA22) (25)

HRO (Code 096) Memphis 15)

HRO (Code 097) Meridian (5)

HRO (Code 098) Great Lakes(5)

HRO (Code 099) South Texas(5)

HRO (Code OgA24) DDESS (26)

Stocked:

Human Resources Office

Code 09A22

368 South Avenue

Pensacola, FL 32508-5124