

PLEASE REFER TO THE PORTION OF THE HUMAN RESOURCES POLICIES ENTITLED DISCLAIMERS WHERE YOU WILL FIND A STATEMENT, WHICH PERTAINS TO ALL EMPLOYEE POLICIES, INCLUDING THIS ONE.

EMPLOYEE ASSISTANCE PROGRAM

- 1.1 The Authority provides the Employee Assistance Program (EAP) as a confidential counseling, assessment and referral service that can help employees and their family members with issues such as stress and anxiety, mental and emotional problems, alcohol and drug dependencies, marital and family problems, legal and financial issues, child care, adult care and work related problems.
- 1.2 At any time of any day, employees using a toll free phone number may contact, in confidence, an Employee Assistance Counselor at the EAP directly. Additionally, employees may contact the EAP through a ~~Senior~~ Employee Relations ~~Specialist~~ in the WPO and/or the Human Resources Facility Managers at the sites.
- 1.3 The EAP may also be used for referrals of employees by supervisors in conjunction with Human Resources, or by Human Resources independently, as further set forth in this policy.
- 1.4 There is no charge to employees (and/or their family members) for services provided by the EAP. However, if employees or their family members are referred by the EAP to other professionals for additional care, treatment and/or assistance, the employee or family member will be responsible for the costs.

Confidentiality

- 2.1 A vital aspect of this program's success is confidentiality in handling employees' problems. Therefore, the utmost care will be taken by the EAP and Human Resources to preserve the dignity and privacy of the individual. This policy will be administered in accordance with all applicable laws.
- 2.2 The EAP adheres to legal and professional responsibilities applying to mental health professionals. EAP staff is legally required to break confidentiality and report any individuals judged to be a hazard to themselves or others to the appropriate authorities within and outside of the Authority.
- 2.3 When an employee (and/or their family members) contacts the EAP on their own, their identity will be withheld from the Authority. However, if there is reasonable belief that the employee's condition may constitute a hazard to themselves or others, EAP staff will notify the ~~Sr. Employee Relations Specialist~~, or designee, in the WPO.

Referrals to EAP

- 3.1 Supervisors should NOT at any time attempt to diagnose an employee's problem or counsel an employee about personal problems.
- 3.2 When a less than satisfactory performance is identified by a supervisor and an employee's job performance or behavior does not improve through normal supervisory intervention, the employee may be encouraged by the supervisor to seek assistance through the EAP. If, however, a less than satisfactory job performance is due solely to a perceived or substantiated lack of capability, the EAP should not be utilized. (See Performance Improvement Policy, EP: 4.2)
- 3.3 When a supervisor becomes aware of any unacceptable behavior (i.e., unusual or inappropriate behavior on the job) or if a supervisor is of the opinion that an employee may be hazardous to himself/herself or other employees, the supervisor shall immediately contact ~~a Senior~~ Employee Relations ~~Specialist~~. At the sites, the supervisor shall contact the Human Resources Facility Manager. ~~A Senior~~ Employee Relations ~~Specialist~~ will arrange for all EAP referrals, if appropriate.
- 3.4 Following a supervisory and/or HR referral, the supervisor/HR will only be told whether:
- a) The employee contacted the EAP Counselor (details of consultation will not be released);
 - b) There is or is not a recommendation for treatment (but NOT the nature of the recommendation);
 - c) The employee has accepted or rejected the recommendation; and
 - d) If the employee will require time away from work, in which case a specific leave date will be given by the EAP Counselor to HR Employee Relations, or the ~~Human Resources~~ Human Resources Facility Manager. The supervisor will be advised of this date as well as a probable return to work date.
- 3.5 If the employee is referred for treatment through the EAP and cannot return to work, he/she may be placed on leave in accordance with the Authority's leave policies or applicable labor agreement. Employees placed on leave as a result of an EAP intervention

must be cleared by the EAP before returning to work.

- 3.6 Referral to or use of the EAP does not excuse employees from complying with Authority policies, or from meeting expected job requirements and performance, during or after

receiving assistance or treatment. Nor does referral to or participation in the EAP preclude the Authority from instituting appropriate disciplinary action or performance assessment of an employee.

Fitness for Duty Referral

- 4.1 In accordance with the Fitness for Duty policy (EP 4.5) certain employees may be subject to mandatory referral to the EAP.
- 4.2 If an employee appears unfit for duty in accordance with the Fitness for Duty policy, ~~HR~~ Employee Relations in the WPO and/or the Human Resources Facility Managers at the site should be contacted immediately. The supervisor or the person(s) who observe the employees behavior should not speak to the employee at that time and should document their observations as soon as possible.
- 4.3 When an employee is referred to the EAP for Fitness for Duty, the employee must be cleared by the EAP, or another qualified medical provider, before returning to work. When a Fitness for Duty referral is made to the EAP, the Authority will be advised of the nature of the problem if one exists. The employee will be required to sign an authorization and consent to the release of information to the Authority.
- 4.4 If an employee tested on a random basis has a confirmed positive test for illegal drugs, or substances of abuse or alcohol (at or above the applicable regulatory threshold) as certified by a Medical Review Officer (MRO), the employee will be immediately referred to the EAP.
- 4.5 If an employee is required to be tested on a random basis and has a confirmed positive test for alcohol at .04BAC and above but below the applicable regulatory threshold, the employee may be immediately referred to the EAP. If an employee tests positive for drugs or alcohol, he/she will be subject to follow-up periodic unannounced testing to verify abstinence from the use of alcohol or drugs. In either case, the employee must be cleared by the EAP and the Medical Review Officer (MRO) before returning to work.

NEW YORK POWER AUTHORITY

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Vice President, Human Resources