

# MS 658 Peace Corps Employee Assistance Program

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### **1.0 Purpose**

This Manual Section is to establish the Peace Corps Employee Assistance Program (EAP).

### **2.0 Background and Authorities**

- (a) Sec. 201 of Public Law 91-616, 84 Stat. 1849, as amended and transferred to Sec. 520 of the Public Health Services Act by Sec. 2(b)(13) of Public Law 98-24 (42 U.S.C. §290dd-1).

- (b) Sec. 413 of Public Law 92-255, 88 Stat. 84, as amended and transferred to Sec. 525 of the Public Health Services Act by Sec. 2(b)(16)(a) of Public Law 96-24 (42 U.S.C. §290ee-1), and Sec. 7361 and Sec. 7362 of Public Law 99-570.
- (c) Public Law 99-570 (5 U.S.C. §§7361 and 7362), The Federal Employee Substance Abuse Education and Treatment Act of 1986 and 5 CFR Part 792 require Federal agencies to establish appropriate prevention, treatment, and rehabilitative programs and services for alcohol and drug abuse problems for Federal civilian employees.
- (d) Public Laws 96-180 and 96-181 authorize agencies to extend counseling services, to the extent feasible, to family members of employees who have alcohol and drug problems, and to employees with family members who have substance abuse problems.
- (e) Public Law 79-658 authorizes the head of agency to establish health services programs for employees, also forms the basis for expanding counseling programs from those dealing solely with substance abuse to broad range programs which provide counseling for other personal problems, e.g., family, financial, marital, etc.
- (f) Executive Order 12564 requires your agency to establish a drug-free Federal workplace program, including an EAP as an essential element in achieving a drug-free workforce. Your agency must refer all employees found to use illegal drugs to the EAP for assessment, counseling, and referral for appropriate treatment or rehabilitation.

### **3.0 Scope**

The EAP covers all Peace Corps employees (including personal service contractors), both permanent and temporary, and part-time, with the exception of Foreign Service Nationals. Overseas staff will rely on available local and embassy resources.

### **4.0 Policy**

- (a) The EAP is a voluntary, confidential counseling and referral service provided to all employees and their immediate family members. Immediate Family Members are members of the immediate household who are dependents and/or spouses/domestic partners who share financial and family caretaking responsibilities.
- (b) Participation in the EAP is voluntary and confidential. There is no cost to employees or family members who receive counseling and other services provided directly by EAP. There are times when it is appropriate to refer employees and/or family members to outside community resources or their Federal Employees Health Benefit (FEHB) plan. When employees accept these referrals, they are responsible for the fees charged by the facility and/or health plan.
- (c) Peace Corps provides its employees and family members access to the EAP in order to offer resources to address personal, financial, and health concerns because such concerns may interfere with an employee's performance, conduct, and attendance.

## 4.1 EAP Services

EAP provides services for a variety of concerns, including: work-related problems, traumatic incidents, grief and loss, substance abuse, mental illness, marital or family problems, and financial or other personal problems. Services may include, but are not limited to: assessment, treatment planning, short-term counseling, financial counseling, and referral.

EAP provides employees with a maximum of six counseling sessions per issue, per calendar year, i.e., for each issue an employee may receive six sessions (six sessions for grief, another six sessions for stress, etc.). Additional sessions beyond six sessions may be provided in those instances where the employee has been involved in a traumatic incident, or it is in the best interest of the Peace Corps to do so, and it has been approved by the EAP Administrator. However, regardless of the number of sessions allowed, individuals with life-threatening behavior or circumstances may be provided assistance, based on the situation and prevailing professional practice, subject to approval by the agency EAP Administrator.

## 4.2 Referral to EAP

- (a) **Self-Referral.** An employee may contact EAP directly and access services. Supervisors may also refer employees to EAP based on work performance or conduct deficiencies.
- (b) **Informal referrals.** A manager or supervisor may suggest that an employee seek EAP services when the employee's performance, conduct, or attendance has begun to deteriorate, or when the manager or supervisor learns information that suggests that the EAP might be of assistance to the employee.
- (c) **Formal referrals.** A manager or supervisor may also formally refer an employee to the EAP. A formal EAP referral is in writing, is usually verbally communicated to the employee, and states the performance, conduct, or attendance reasons why the referral is necessary. The employee has the option to refuse the referral, and the employee cannot be disciplined for lack of participation in EAP services.

## 4.3 Leave and Attendance

- (a) **Administrative leave.** Employees may obtain EAP services while on duty or off duty.
- (b) **Off-duty.** Employees may obtain EAP services during non-work hours or by using appropriate leave. Employees who do not want their managers to know of their EAP attendance must arrange appointments outside official duty hours or while on official leave. During any period(s) of treatment and rehabilitation through a resource outside of EAP, employees must request to use their own annual or sick leave or request leave without pay in accordance with applicable law, rules and regulations.
- (c) **Duty hours.** Administrative leave may be granted to an employee for participation in the EAP. Managers may grant administrative leave for visiting the EAP during duty hours. Employees may be granted up to one hour of excused absence, plus travel time, if

applicable for the six free EAP sessions only. If a manager grants administrative leave for visiting the EAP during duty hours, the manager may request, with the employee's written permission, proof of attendance at the counseling session. Employees must request and coordinate scheduling of an appointment during duty hours with their manager.

#### **4.4 EAP Records**

- (a) **Records.** Contractors are custodians of EAP records while under contract to the agency. All EAP records are the property of the Peace Corps, including those generated and/or maintained by contractors. At the completion of any contract, the EAP Coordinator must make sure that EAP records still in existence will be surrendered by the contractors to persons in the Peace Corps designated by the EAP Administrator or will be transferred to another contractor with the express permission and instructions from Peace Corps staff responsible for the records.
- (b) **Destruction.** The EAP Coordinator will assure that all client records and other associated materials, calendars, daily logs, and client data, regardless of the storage medium, shall be destroyed three years after the date of the last counseling session, unless a longer retention period is necessary because the EAP has actual notice of an administrative or judicial proceeding specific to the client. In such cases, the records shall be retained for six months after the conclusion of the proceedings.

#### **4.5 Confidentiality**

- (a) **Permitted Disclosure of Records.** Except as otherwise provided in Section 4.5(b), the employee's written consent must be obtained before the release of any record containing the identity, diagnosis, prognosis, or treatment of individuals described in Section 4.0(a). This applies to all releases, including those to supervisors, treatment facilities, and family members, without regard to the type of issue the individual is experiencing. See Attachment A for a sample consent form.
- (b) **Disclosure without consent.** Disclosure without consent is permissible to medical personnel in a medical emergency. Before any other disclosure is made, such as to court pursuant to a court order, or as may otherwise be required or permitted by law, consultation with OGC is required.

#### **5.0 Responsibilities**

##### **5.1 Director of Human Resource Management as EAP Administrator**

The Director of Human Resource Management has been designated by the Peace Corps Director as the EAP Administrator. He or she is responsible for the development, implementation, and on-going administration of the EAP. The EAP Administrator shall:

- (a) Ensure the allocation of staffing, financial material and informational resources adequate to provide for an effective program.

- (b) Provide guidance for implementing the EAP consistent with the provisions of all applicable laws and regulations.
- (c) Secure the support of other Peace Corps officials required for the implementation of an effective program.
- (d) Designate an EAP Coordinator and otherwise assign responsibilities for the administration of the EAP.

## **5.2 EAP Coordinator**

The EAP Coordinator is responsible for the day-to-day administration of the program and is accountable to the EAP Administrator. The EAP Coordinator shall:

- (a) Generate publicity to promote better understanding of the EAP among employees and to encourage self-referrals.
- (b) Provide initial counseling to employees seeking assistance. Advise on the Peace Corps contracted counseling services, or other private or public resources for referral or treatment when appropriate, and make whatever arrangements are necessary. Participate in supervisory training and advise managers and supervisors on the manner of dealing with specific cases involving troubled employees.
- (c) Act as contract manager for any contracted counseling and referral services. Provide educational and informational material to employees and supervisors regarding alcohol and drug abuse and other behavioral problems which adversely affect job performance.
- (d) Maintain appropriate statistics to be incorporated into EAP reports.
- (e) Prepare the annual report on EAP activities required by the U. S. Office of Personnel Management.
- (f) Based on an evaluation of EAP activities and results, make appropriate recommendations for changes in the EAP.

**5.2.1** The EAP contractor/vendor managed by the EAP Coordinator is responsible for the following:

- (a) Maintain ongoing contact to assist the employee in effective readjustment on the job during and after referral, rehabilitation or treatment.
- (b) Develop and maintain liaison with qualified community education, treatment, and rehabilitation services.
- (c) Maintain the EAP's counseling and referral records in strict conformance with the confidentiality requirements of applicable regulations.

### **5.3 Training Officer**

The Training Officer in Human Resource Management shall:

- (a) During supervisory training, include adequate coverage of (i) EAP services and (ii) training in the operation of the EAP.
- (b) During all employee orientation sessions, include adequate coverage of the EAP services.

### **6.0 Effective Date**

This Manual Section shall take effect on the date of issuance.