


# Commonwealth of Pennsylvania

## GOVERNOR'S OFFICE

# MANUAL

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<b>October 29, 1998</b>	<b>Special</b>	By Direction of:	
		 <b>Thomas G. Paese, Secretary of Administration</b>	

This manual is an update of the State Employee Assistance Program (SEAP) supervisory manual published December 2, 1993. It contains significant policy changes and is designed to provide greater assistance to managers and supervisors in addressing employee problems which adversely affect job performance or behavior.

The State Employee Assistance Program is designed to assist Commonwealth employees and their family members in resolving a wide variety of personal problems that may lead to deteriorating employee job performance. The effects of personal problems can be extremely costly to the employee, the family, and the Commonwealth. Through a concerted approach by management and labor, SEAP provides the education, information, intervention, and treatment necessary to maintain a healthy and productive workforce.

The Commonwealth recognizes the sensitivity of personal problems and the need for prompt, professional services. Therefore, it has contracted with a private, nongovernmental behavioral health program that specializes in working with employees and employers. Services are available to every segment of the workforce and are tailored to the needs of the employee, employer, and unions. This contractual relationship assures the highest degree of confidentiality for all participants. The release of any information concerning SEAP participation is governed by state and federal regulations.

All employees are encouraged to take advantage of SEAP in the early stages of a problem. As a self referral, participation is voluntary and no information is shared with the workplace. This approach often provides the greatest success in the shortest period of time.

If an employee's problem escalates and performance begins to suffer, the supervisor, manager, and/or union steward need to cooperate and become proactive. Using the services available through SEAP, successful intervention can occur and the employee can be restored to a healthier, more productive life.

To continue to meet the ever changing dynamics of the workplace, SEAP is available to assist in many other areas. This manual details the use of consultation and other services intended to support management in a proactive and efficient manner. When a traumatic event occurs which adversely affects the employees and work unit, SEAP can provide prompt professional services on-site to minimize the impact.

Throughout this manual, the terms "*employee*" and "*supervisor*" are used frequently. The term "*employee*" refers to anyone who works for the Commonwealth, regardless of job title or job function. The term "*supervisor*" refers to any person who has the responsibility for directing, monitoring, or evaluating the work of other Commonwealth employees. This distinction is important since the State Employee Assistance Program is available to employees at any level in state government.

Changes to this manual will be published through the Directives Management System.

Requests for additional copies of this manual may be obtained by calling (717) 783-5055.

**This manual supersedes Manual M505.3 dated December 2, 1993.**

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**STATE EMPLOYEE ASSISTANCE PROGRAM**

**OFFICE OF ADMINISTRATION-SEAP:  
(OA-SEAP)  
(717) 787-8575 FAX: (717) 772-3153**

**SEAP CENTRAL COORDINATING OFFICE:  
(SEAP-CCO)**

**REFERRALS: 1-800-692-7459**

**MANAGEMENT OR UNION CONSULTATION:  
1-800-662-9206**

**TT: 1-800-824-4306**

**AGENCY NAME:** \_\_\_\_\_

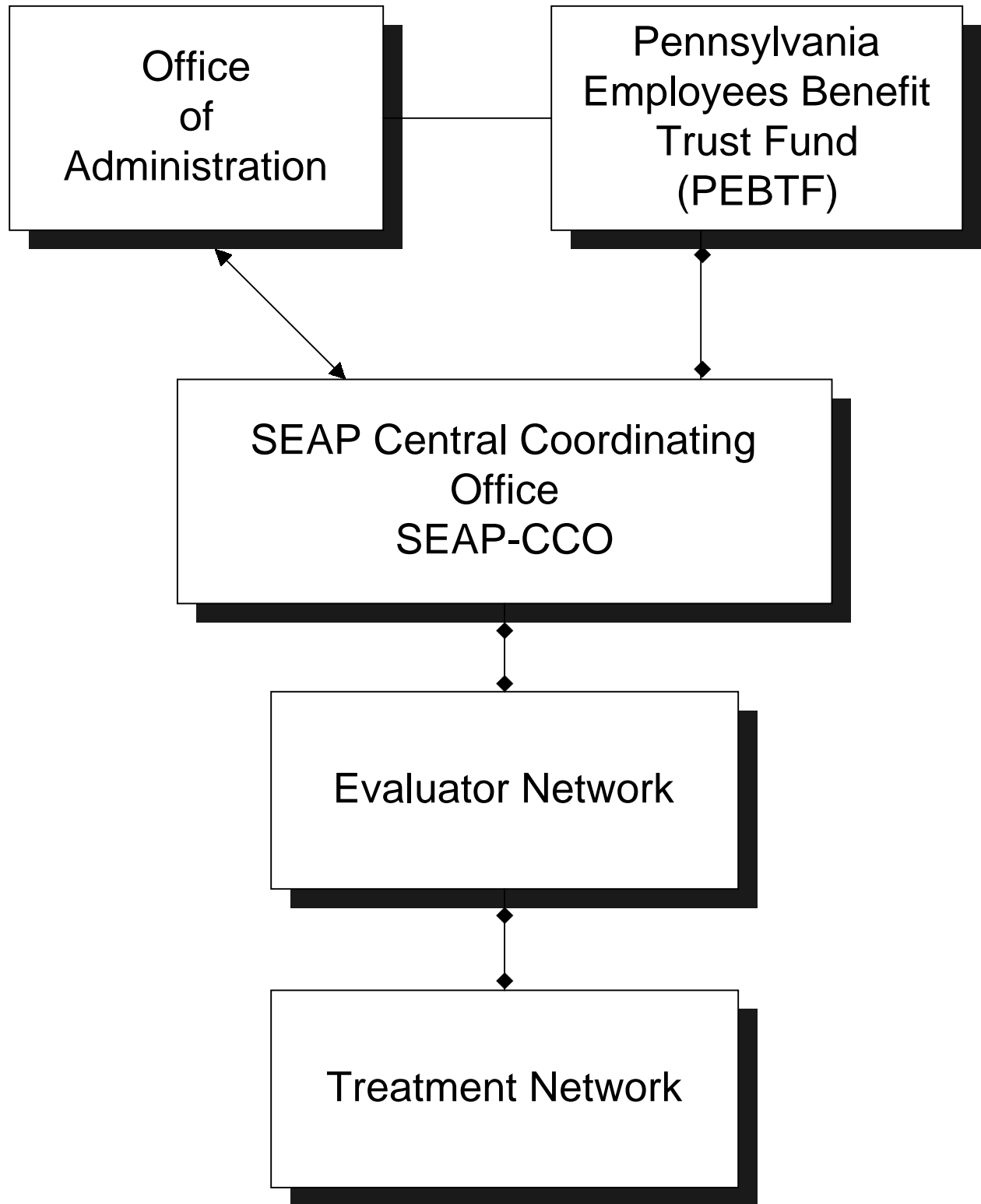
**AGENCY SEAP COORDINATOR:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

**FIELD SEAP COORDINATOR:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

# ORGANIZATIONAL DESIGN



## **SEAP AS AN EARLY INTERVENTION TOOL**

All employes, supervisors, managers, and union stewards are encouraged to utilize the services of SEAP when personal problems first develop regardless of any job performance concerns.

During the course of employment, supervisors, managers, and union stewards develop both professional and social relationships, and often witness the subtle and early stages of a problem. Often the problem has not escalated to the point of affecting job performance; therefore, no supervisory or disciplinary intervention is required. However, as a concerned, well-meaning individual, the supervisor, manager, or union steward should recognize the employe is experiencing difficulty and have a genuine interest to help. The first response is to talk, listen, and provide support to the person. For many people, this approach will provide the necessary encouragement to seek assistance. Depending upon the severity of the problem, however, this approach alone may have limited effect. For example, when an employe has experienced a death of a loved one, illness, emotional difficulties, excessive drinking, difficulty with children, or marital problems, professional intervention may be necessary. The supervisor, manager, or union steward should be supportive and listen. However, the supervisor, in recognizing his or her limited expertise, should avoid getting involved in the personal issues and encourage the employe to call SEAP. It should be made clear to the employe that the recommendation is being taken out of personal and humanitarian concerns and not because of the role of the supervisor, manager, or union steward.

SEAP also is appropriate when an employe or family member has a need for information or consultation on treatment related issues. This may involve discussions concerning a family member, co-worker, employe, supervisor, or questions involving insurance coverage, location of support services, or other topics which may not require ongoing services.









Effective early intervention also can occur when a supervisor distributes brochures, posters, newsletters, and other printed materials. Regular discussions during staff meetings are effective in maintaining employe awareness of SEAP services.

## ROLES AND RESPONSIBILITIES

### **OFFICE OF ADMINISTRATION-SEAP (OA-SEAP).**

*Executive Order 1996-10, State Employee Assistance Program*, (Appendix A page 43) and *Management Directive 505.22, State Employee Assistance Program*, (Appendix B page 45), delegates the responsibility to implement the State Employee Assistance Program to the Office of Administration. Within the OA, SEAP services are coordinated in the Bureau of Personnel, Personnel Management Review Division.


OA-SEAP is responsible for coordinating and monitoring SEAP related activities in all participating agencies. This involves:

-  Ensuring that the required training related activities occur.
-  Providing consultation on the SEAP referral process.
-  Coordinating referrals made as a Condition of Continued Employment (COCE).
-  Coordinating referrals made under the Commercial Driver's License (CDL) Program.
-  Coordinating SEAP related services in accordance with *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace*, (Appendix C, page 53), and *Management Directive 505.25, Substance Abuse in the Workplace*, (Appendix D, page 55).
-  Coordinating the delivery of on-site services including Critical Incident Stress Debriefing sessions.
-  Monitoring the SEAP Central Coordinating Office (SEAP-CCO) to ensure that services are being provided in accordance with the requirements of the related Executive Orders and Management Directives.
-  Serving as a liaison and consultant to the SEAP-CCO on issues related to Commonwealth policy and procedures.

OA-SEAP does not get involved in specific routine cases, and does not have access to employe identifying information. In those few, nonroutine cases, when OA staff is involved, i.e., COCE and CDL referrals, access to employe information is governed by state and federal regulations on confidentiality.

### **AGENCY/FIELD SEAP COORDINATOR.**

In accordance with *Management Directive 505.22*, each agency is to implement SEAP and designate a person to serve as the SEAP Coordinator. The role of the Coordinator is to promote the objectives of SEAP. The SEAP Coordinator:

-  Functions as a resource to the manager, supervisor, union steward, and employe on issues involving the use of SEAP, access to services, and training.

- ⇒ Provides technical assistance and consultation to agency personnel on cases involving employes or difficult situations.
- ⇒ Identifies situations which may warrant on-the-job intervention by the SEAP-CCO.
- ⇒ Serves as liaison between the agency, OA-SEAP, and SEAP-CCO when referrals are made as a COCE, CDL, or other mandated referrals.

The agency/field SEAP Coordinator is obligated to abide by state and federal regulations on confidentiality. No information, written or oral, can be redisclosed by the SEAP Coordinator without the written consent of the employe. Further, the Coordinator only maintains records on cases involving referrals made as a COCE and CDL referral. All records are kept locked, separate from all other employe records, and accessible only to the Coordinator.

Employes, supervisors, managers, and union stewards are encouraged to contact the local SEAP Coordinator for information or assistance. The role of the Coordinator is to provide information, support, and to facilitate referrals; he or she is not a therapist. However, access to the SEAP program does not require the Coordinator's involvement. No information will be shared with the SEAP Coordinator unless the employe provides an informed written consent.

### **SUPERVISOR.**

The supervisor, more than any other person in the workplace, has the opportunity to intervene early and assist the employe in obtaining services to address his or her problems. As the supervisor observes changes in an employe's behavior and job performance, the supervisor is expected to initiate corrective actions. Early intervention may begin before it is necessary for the supervisor to consider discipline.

Consistent with the Commonwealth's policy on corrective and progressive discipline, the supervisor must focus on job performance and work related behavior. When necessary, the supervisor is expected to take the prescribed steps to correct and deter the recurrence of unacceptable performance or behavior. This includes the use of SEAP as a viable option which can assist in restoring the employe's performance to acceptable levels.

Realizing that the supervisor is not an expert in human behavior, he or she should not attempt to diagnose or speculate as to the reason or cause of the problem, or be drawn into such discussions. **Rather, the supervisor should remain focused on performance and use available SEAP resources.** In this capacity, the supervisor is in the position to provide the greatest degree of support and motivation to the employe while meeting his or her responsibilities as a supervisor.

### **UNION STEWARD.**

SEAP does not view the union – management relationship as adversarial, but rather as a partnership in effective intervention. This results in a winning situation for everyone.

The union steward serves to protect the employe's interests on the job. Inherent in this role is the concern for the employe's well-being and the possible consequences of personal problems on job security. As an advocate for the employe, the union steward can be influential in motivating the employe to seek services available through SEAP.

Whereas any action taken by a supervisor is governed and limited by labor agreements, the union steward can often intervene in ways not available to the supervisor. In those cases where performance has been affected and supervisory action is involved, the role of the union steward also has a vital role in the intervention, without compromising his or her role as a steward or the responsibility to the employee. As detailed later, the role of the union is further defined in cases that involve referrals as a COCE.

### **SEAP CENTRAL COORDINATING OFFICE (SEAP-CCO).**

The Commonwealth, through the Pennsylvania Employees' Benefit Trust Fund (PEBTF), has contracted with a private, nongovernmental managed behavioral health service provider to coordinate and deliver professional services including evaluation, referral, care management, critical incident stress debriefing sessions, follow-up, and consultation services. This program is professionally staffed 24 hours a day, seven days a week, and is available to all employees and family members. As an external service provider, the SEAP-CCO is contracted to support the needs of the employee, labor unions, and management. The SEAP-CCO also serves as the liaison between the workplace and treatment provider to ensure that the needs of the employee and employer are met without compromising confidentiality. All contacts are confidential, and no information will be shared with anyone without the written consent of the employee or family member using the program.

### **PROVIDER NETWORK FOR EVALUATION SERVICES.**

To accommodate the wide range of needs and geographic considerations of Commonwealth employees, the SEAP-CCO has established a network of professionally trained, educated, and experienced evaluators to provide face-to-face services. This network utilizes only licensed providers including therapists, psychologists, and psychiatrists. Further, this network includes both generalists and specialists in such areas as alcohol, drug, emotional, family, marital, and other problems. The SEAP network is available nationwide in order to better serve the Commonwealth employees and family members who may be located outside of Pennsylvania. In being responsive to the needs of the employee and employer, the evaluation services will be scheduled within three workdays and for evenings, weekends, or after-hours appointments. All SEAP services provided by the evaluator are free to the employee.

Services provided by the SEAP evaluator include:

- ✓ Up to three free face-to-face evaluation sessions with employee and/or family member.
- ✓ Identification of at least three providers, if available, to address the pertinent issues.
- ✓ Arrangement for admission to a treatment program if continued services are needed.
- ✓ Communication with the SEAP-CCO regarding the evaluation process and any concern which may affect the employee.
- ✓ Coordination with the employee's health insurance carrier to ensure access to appropriate services.
- ✓ Working with the employee or family member to construct a clinically appropriate treatment plan.

## **PROVIDER NETWORK FOR TREATMENT SERVICES.**

In response to the specific needs of the employee, the evaluator may provide up to three treatment providers which can best address the issues. The treatment network consists of an assortment of service providers that have met criteria established by the SEAP-CCO. Most importantly, the treatment professionals offer services that are appropriate to working people in terms of scheduling, insurance coverage, quality, and variety of services. The employee may choose to continue receiving services from the evaluating clinician if the evaluator is qualified to address the specific treatment concerns, the employee is comfortable with this provider, and the provider participates in the employee's health plan. This network is closely monitored by the SEAP-CCO and, as necessary, the SEAP-CCO serves as liaison between treatment and the workplace.

## **COST OF TREATMENT**

The cost of continued treatment is the responsibility of the employee/family member, and is based upon the type of treatment, level of care, and service provider. If the employee receives health care coverage from the PEBTF and uses a participating provider, services are free or a nominal copay will be charged. If the employee does not receive health care coverage through the PEBTF, the cost of continued treatment is determined by the employee's specific health care plan. For those individuals using SEAP who have no health insurance, SEAP-CCO will assist in identifying community resources that offer sliding fee schedules or payment plans. For more information on the cost of treatment, the individual should contact the SEAP-CCO, PEBTF, or the specific health care plan if benefits are not administered by the PEBTF.

## **CONFIDENTIALITY**

Critical to the success of SEAP is a guarantee of confidentiality. Without the elements of trust and confidentiality, SEAP could not be effective in helping an employee or employer. All information obtained, including initial phone contact, evaluation, treatment, and follow-up are subject to strict federal and state regulations governing confidentiality. This information is kept by the SEAP-CCO and is not made available to the workplace, OA-SEAP, or anyone else without the employee's informed written consent.

*Federal Public Law 92-255, Drug Abuse Prevention, Treatment and Rehabilitation Act 21 U.S.C. §1101 et seq and §§4 and 8 of the Drug and Alcohol Abuse Act of April 14, 1972, and Pennsylvania P.L. 221, No. 63, 71 P.S. §§1690.104 and 1690.108, set forth specific restrictions concerning the release of information.*

The federal regulations contain specific penalties for violations of the federal confidentiality regulations. Further, *Management Directive 505.22* allows for discipline, up to and including termination, for violating confidentiality. Any question or concern regarding confidentiality should be directed to the SEAP-CCO or OA-SEAP.

## **VOLUNTARY DISCLOSURE OF IDENTIFYING INFORMATION.**

In cases where an employee chooses to disclose information, an informed written consent will specify the limited information to be disclosed, purpose of disclosure, and an expiration date for the consent. Upon obtaining a properly executed consent form, the SEAP-CCO will screen all information prior to disclosure and will limit the information on a need-to-know basis.

If the SEAP-CCO discloses employe information, **the authorized recipient of the information is required to keep the information confidential, and is not permitted to redisclose this information without the expressed written consent of the employe.** Therefore, if the supervisor receives confirmation that an employe has contacted SEAP or has been referred for counseling, the supervisor cannot share this information with anyone, including his or her supervisor. Further, the information should not be documented in any file.

Whether or not the SEAP-CCO provides specific information to someone in the workplace, the supervisor is responsible to continue to monitor job performance and take appropriate action based on job performance.

If, as a supervisor or manager, you feel there is a need to obtain information on an employe's participation in SEAP, you should contact the SEAP-CCO to discuss the need prior to approaching the employe.

### **DISCLOSURE WITHOUT CLIENT CONSENT.**

In accordance with state and federal confidentiality regulations, there are a limited number of circumstances under which SEAP is obligated to disclose information with or without the consent of the client. These situations include the following:

⇒ ***The individual presents a clear and present danger to self or others.***

Under these circumstances, SEAP will assess the situation to determine if it meets established criteria. A simple statement made out of frustration without any elaboration is not sufficient for SEAP to disclose information. Typically, the threat to harm self or others must be specific and include a plan. Further, the individual must have the means and, in the clinical opinion of SEAP, be likely to carry out the threat. If it is determined that a workplace disclosure is required, SEAP-CCO will initiate contact with OA-SEAP who will then coordinate notification to the appropriate individuals. However, after the imminent danger has been addressed, the confidentiality regulations restrict any further disclosures unless written consent is provided.


If you, as a supervisor, manager, union steward, or co-worker, hear a threat to harm self or others, it is essential that you call SEAP to discuss the situation. SEAP can help in assessing the severity of the statement and help determine the appropriate course of action.

⇒ ***Suspected cases of child abuse.***






In accordance with state law, if a SEAP provider has direct contact with a child and suspects child abuse, he or she is obligated to notify the appropriate authorities. The obligation to make a report only includes situations where the provider has direct contact with children.

### **WHEN IS SEAP INTERVENTION APPROPRIATE?**

In most instances, there are many signs and symptoms present which indicate a need for intervention, before the employe exhibits extreme behavior or falls below acceptable job performance. To assist the supervisor or union steward in deciding if, when, or how to intervene, SEAP offers consultation services in the following areas:

 How to identify an impaired employe.

 What and how to document.

-  How to approach an employe.
-  How to intervene with an employe.
-  How to motivate an employe.
-  How to manage a situation after a referral has been made.
-  How to identify an appropriate course of action if performance does not improve.

Unlimited telephonic SEAP consultation is available for supervisors and union stewards who can benefit from receiving support and an objective perspective concerning job related situations. The supervisor or steward may call to discuss a situation, explore options, or to inform the SEAP-CCO that a specific employe has been referred. However, when performance begins to fall below accepted standards, and discipline is being contemplated, the supervisor is obligated to take certain steps related to making a SEAP referral. **To access the SEAP Consultation services call 1-800-662-9206.**

## **ON-SITE CONSULTATIONS AND CRITICAL INCIDENT STRESS DEBRIEFING**

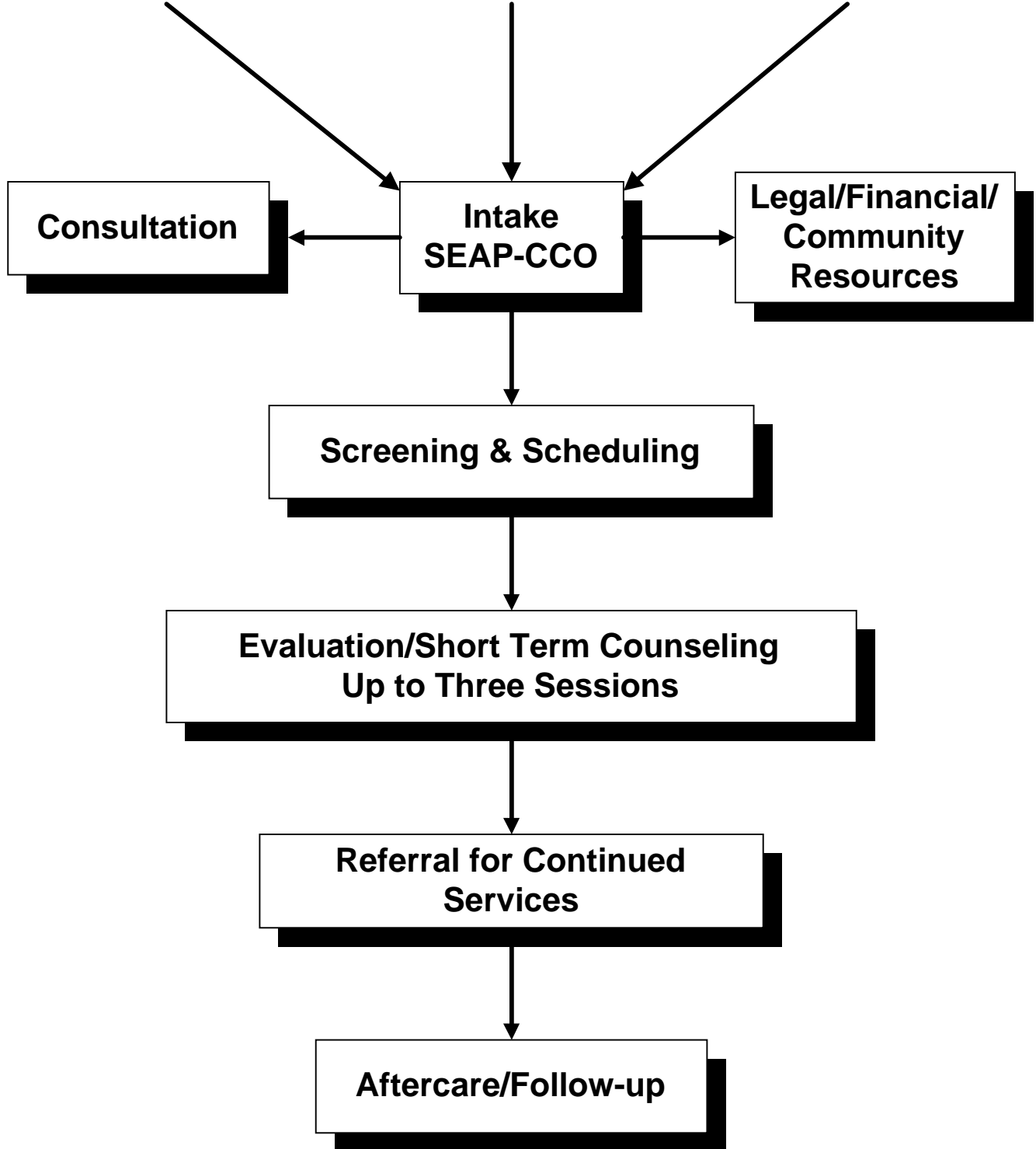
SEAP intervention is an appropriate resource to the supervisor when a traumatic event occurs in the workplace.

Experience has shown that traumatic events occurring in the workplace can have a debilitating effect on employes, the work environment, and productivity. Examples of such incidents include: workplace accidents, bomb threats, robberies, workplace deaths, natural disasters, major organizational change, and other similar events that significantly disrupt the workplace. Such occurrences can result in long-term problems resulting in legal and medical costs and emotional upheaval to the employe and employer. However, with timely intervention, the adverse impact on both the employe and employer can often be reduced considerably. The goal of the on-site consultation is to address both management and employe concerns, provide a constructive and confidential debriefing process for affected employes so that potentially harmful long-term stress reactions can be minimized, reduce prolonged sick leave and worker's compensation stress claims, and return employes to the workplace as productive individuals.

Due to the significance of the event and the effects on the workplace, a rapid response is most effective in minimizing long-term problems. Supervisors, managers, and others should immediately notify the SEAP Coordinator when such an event occurs. The SEAP coordinator will review each request with OA-SEAP to determine the appropriate course of action. Once approved, the SEAP-CCO is notified and services are then coordinated within the workplace. Depending upon the specific circumstances, the debriefing occurs within 24 to 72 hours after the SEAP-CCO has been contacted.

Debriefings are conducted on-site by a SEAP approved specialist or team in the area of critical incident response. Participation in this service is voluntary; however, all affected employes should be encouraged to attend. The session, typically two hours in length, is not counseling. Rather, it is an educational and support process designed to assist the participants in understanding the physical and emotional affects that may result from experiencing a traumatic event. In doing so, the participants are better equipped to take appropriate steps to stem any adverse affects of the incident. Participants are encouraged to contact SEAP if they feel the need for continued services individually.

**SELF, FAMILY, CO-WORKER, UNION,  
SEAP COORDINATOR, SUPERVISOR**



## **SEAP REFERRAL PROCESS**

### **INITIAL CONTACT.**

The referral process begins when the person seeking services calls the toll-free SEAP line at 1-800-692-7459 (TT: 1-800-824-4306). The initial contact does not commit the caller to do anything, and the caller may contact SEAP as often as he or she wishes.

If a concerned co-worker, supervisor, or union steward contacts SEAP regarding an employee or other individual who may need services, SEAP will not contact the employee, but will provide technical assistance to the caller in how to motivate the employee to initiate contact. SEAP is prohibited from initiating contact with an individual who has not personally requested services. However, with the consent of the employee, the supervisor, manager, or union steward may initiate a call to SEAP and provide background information. The employee should then be left alone so he or she can discuss their concerns in private.

### **INTAKE AND INTERVENTION.**

When a person calls SEAP, the SEAP intake counselor performs several functions. The SEAP intake counselor tries to understand the full scope of the problem identified by the caller and any other factors that may be contributing to the situation. The SEAP intake counselor explores the impact of the problem on the employee's life as well as on job performance. Intake includes questions to determine if the caller is in immediate crisis (life threatening) and if the employee is at risk of termination on the job. Most importantly, SEAP provides support, understanding, and encouragement to the caller. The caller is not obligated to continue with any recommendation offered and may call SEAP as often as he or she wishes.

### **SELECTION OF AN EVALUATOR.**

SEAP has an extensive list of available evaluators with specialties ranging from alcohol/drug abuse, emotional, mental health, family, adolescence, death and dying, and many more areas. SEAP also offers a wide array of community resources as well as non-clinical services including free legal and financial telephone consultation and referrals at discounted rates. SEAP uses the information obtained during the initial contact to select the appropriate evaluator to meet the caller's specific needs. SEAP will make every effort to accommodate specific preferences, such as gender, race, or other concerns. With the caller's consent, SEAP initiates contact with the evaluator and provides information necessary to schedule the evaluation. If the caller prefers, SEAP will provide the name and telephone number of the evaluator so the caller can schedule an appointment at his or her convenience.

### **APPOINTMENT/SCHEDULING.**

For emergencies (life threatening) SEAP will make immediate arrangements for prompt intervention. If it is urgent, the caller will be seen within 24 hours. In most other cases, SEAP evaluators can meet with the employee within three workdays. In addition, the SEAP evaluators can accommodate appointments in the evenings, during the day, including the lunch hour, and in some cases, on the weekends. Scheduling is at the convenience of the caller.

If the employee is scheduled for the evaluation during work hours, he or she can use available sick, annual, or personal leave. If sick leave is used, it is recommended that the employee state "doctor's appointment" on the Request for Leave form. It is not necessary for the employee to state "SEAP appointment" as the reason for the leave.

## **EVALUATION AND REFERRAL.**

The evaluation is a face-to-face session between the employee or family member and the evaluator. If the employee's reasons for seeking services are complicated, the evaluator may use up to three sessions to complete the evaluation.

At the conclusion of the evaluation session(s), the evaluator, after consulting with the SEAP-CCO, will present treatment or other service options to the employee/family member. The evaluator, in selecting the options for continued treatment, considers the nature and intensity of the problem, type of insurance, and other concerns that would affect the employee's ability to access and successfully participate in treatment. If the employee/family member is receptive to the recommendation, the evaluator will assist in the referral to that provider.

The evaluation sessions are free to the employee/family member. The employee/family member has the right to accept or refuse any recommendations made by SEAP or the SEAP evaluator.

The evaluator is required to refer the individual to a provider that is best suited to address the individual's needs. The evaluator may make a referral to an inpatient unit, outpatient counseling, self-help group or other community service, depending on the needs of the employee.

## **BACK-TO-WORK CONFERENCE.**

If the SEAP referral requires the employee to be off the job for an extended period of time, SEAP will arrange a back-to-work conference, if appropriate, and with the employee's consent. With the consent of the employee, participation in a back-to-work conference typically includes the supervisor, union steward, and SEAP Coordinator. The union steward's attendance at this session is optional, even if the employee has requested his or her presence. The decision to conduct this type of session is generally based upon the seriousness of any job performance problem or conflict within the workplace.

The purpose of the back-to-work conference is to facilitate the transition of the employee back into the workplace. The discussion focuses on the behavior that led to treatment and the setting of realistic expectations upon return to work. It also provides an opportunity for all parties to understand work expectations and continued treatment needs of the employee. The back-to-work session allow the parties to move forward in a proactive manner instead of focusing on the problems of the past.

SEAP will notify the persons identified by the employee in advance to arrange for the back-to-work conference and to address any concerns that may exist. Such concerns may include who should facilitate the discussion, confidentiality, how to explain the employee's absence to co-workers, and other related issues.

## **AFTERCARE.**

Prior to an employee's successful completion of treatment, the provider may recommend post treatment activities for the individual. The purpose of these activities is to sustain the progress achieved during treatment. Depending on the type of treatment and needs of the individual, the treatment provider may recommend additional "self help" support services, such as alcoholic anonymous, nar-anon, or bereavement groups. These services are not considered treatment, but rather, as a support to the individual.

## **FOLLOW-UP.**

The SEAP-CCO program conducts several types of follow-up with employe/family members who have used services. The purpose of follow-up is to monitor progress, satisfaction with providers to address any job-related concerns, and to see if additional services may be required. The type of follow-up performed, as described below, is based upon the needs of the employe, type of referral, and reason for referral. However, in order for SEAP to conduct follow-up, the employe or family member is required to provide his or her consent. The specific types of follow-up conducted by the SEAP-CCO include the following:

### **Follow-up Self Referrals.**

The SEAP-CCO will contact the provider two weeks after the initial call to determine if the employe/family member kept the initial evaluation appointment. If the individual failed to keep the appointment, the SEAP-CCO will immediately attempt to contact the employe/family member. If the appointment was kept, the SEAP-CCO will follow-up with the employe/family member three weeks after the referral to an evaluator to ascertain satisfaction with the services. All follow-up is intended to determine if the person was satisfied with the service, and to see if other issues need to be addressed through SEAP. Additional follow-up during treatment is conducted with the service provider and with the employe, as needed, or as clinically indicated.

When the individual has been discharged from formal treatment, SEAP will follow-up at 3, 6, and 12 months. If at this time no problems are present, and adjustment on the job is acceptable, the case is closed.

### **Follow-Up-Supervisory/Union Referrals.**

If the employe was referred by the supervisor or union steward, and the employe has provided written consent, the SEAP-CCO will conduct follow-up with the designated individuals at 1, 3, and 12 months. As part of follow-up, SEAP will provide confirmation that an employe completed the evaluation, whether the employe accepted a referral for continued services, and will solicit feedback from the supervisor or union steward regarding the employe's adjustment and performance. All subsequent follow-up will be conducted in accordance with the parameters of the employe's written consent and on the needs of the employe, union steward, and supervisor.

Again, any contact or disclosures must include a specific consent form signed by the employe before SEAP can request or share information. All information legally shared by SEAP concerning an employe's participation in SEAP or treatment is confidential. The supervisor/union steward cannot redisclose the SEAP information.

## **WHEN SHOULD A SUPERVISOR GET INVOLVED?**

The supervisor must focus on those behaviors and expectations that are job related and defined by established policies. The supervisor's personal views, beliefs, and morals may not be used in determining whether an employe has a problem that requires supervisory intervention. However, when an employe's performance is adversely affected, a supervisor is obligated to take appropriate steps.

There are three basic categories of job performance problems. The first type, **CHRONIC**, is the most commonly encountered problem.

A **CHRONIC** performance problem exists when an employe, over time, fails to meet the minimally acceptable performance levels as defined by a job description and/or performance standards and factors. Although not exhaustive, some examples include time and attendance problems, substandard quality of work, excessive mistakes, low productivity, and difficulty working with others.

A **SITUATIONAL** performance problem exists when an employee's behavior is so disruptive or inappropriate that it threatens the overall functioning of the unit or poses a threat to the well-being of the employee or others. This type of problem is conduct or behavior oriented and can exist without any deterioration of job performance. Common examples would include threats of violence, bizarre behavior on the job, auditory or visual hallucinations, or being unfit for duty. This type of problem requires immediate action by the supervisor.

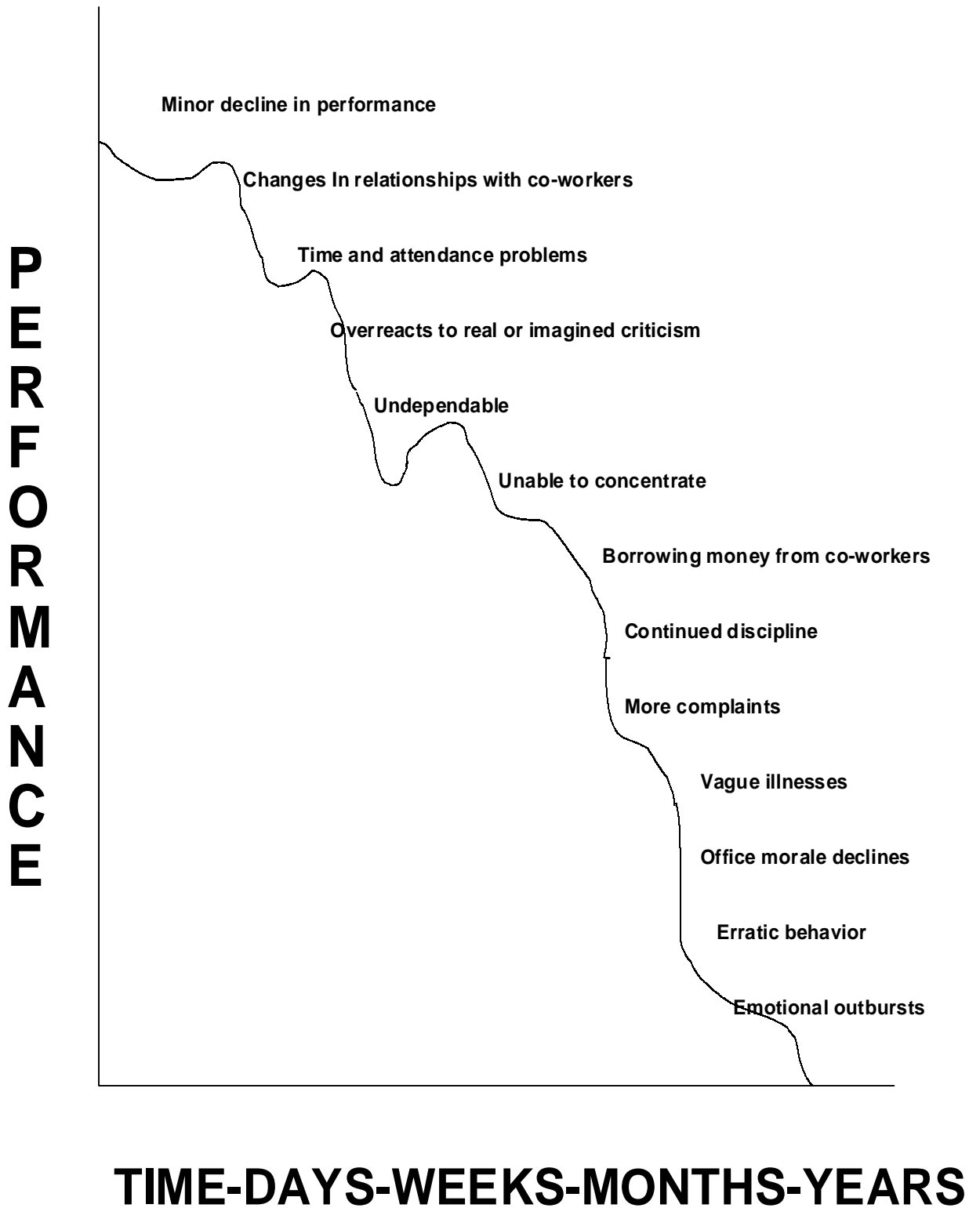
The third type of performance problem results from a **MAJOR POLICY VIOLATION**. In this instance, the employee has been found to have violated an *Executive Order, Management Directive*, or other major agency policy that warrants immediate intervention and action. Examples include violations of *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace, Management Directive 505.25, Substance Abuse in the Workplace, Management Directive 505.29, Commercial Driver License Drug and Alcohol Testing Requirements, Executive Order 1980-18, Code of Conduct*, or Department of Corrections Alcohol and Drug Testing policies.

Accurately identifying the type of performance problem will help determine the appropriate course of action to be taken by the supervisor. The most effective method of resolving a specific type of job performance problem is to take prescribed action at certain points in time. This process is called **Performance Based Intervention** and is quite similar, as well as compatible, with those steps associated with normal supervisory procedures.

In order to determine the appropriate course of action in response to the situational problem or major policy violation, the supervisor should immediately contact the Agency/Field SEAP Coordinator, SEAP-CCO, and the Agency/Field Labor Relations Specialist.

# PERFORMANCE BASED INTERVENTION

## Common Behavioral Signs



## PERFORMANCE BASED INTERVENTION

Most state employees work 37.5 or 40 hours a week. Although this is a significant portion of time, it does not provide the supervisor, manager, or union steward with a full understanding of the employee's behavior or personality. Further, the supervisor, manager, and union steward are not trained clinical experts in human behavior. **For these reasons, the supervisor, manager, and union steward should not attempt to diagnose an employee's personal problem.** However, using the work related skills and expertise of the supervisor, manager, or union steward will provide the foundation to identify an impaired employee.

This approach is called **performance based intervention**. It is based on the premise that if an employee has had acceptable performance in the past, and is now consistently performing below set standards, and job related factors have been ruled out, the employee is probably impaired. At this point, an employee should be referred for expert assistance. The supervisor, manager, or union steward should approach the employee, using levels of intervention to facilitate an effective identification and referral process.

### LEVELS OF INTERVENTION.

As a supervisor or union steward, the relationship between deteriorating job performance and discipline is defined and generally understood. The range of supervisory actions includes "corrective counseling" in addition to disciplinary action. This action can take the form of oral and written reprimands, various lengths of suspensions, and termination.

Due to the progressive nature of most "personal" problems, without intervention, the problem will often get worse, as will the visible symptoms, i.e., job performance. As the chart on page 15 depicts, there are critical points when performance based intervention is most effective in responding to deterioration in job performance or behavior. The levels of intervention may coincide with progressive discipline, however, intervention may be initiated before discipline is required. At each level of intervention, there are five action steps to be performed by the supervisor. These steps are outlined in the following section.

The greatest degree of success, with a minimum amount of effort, occurs when the supervisor intervenes when a problem is first identified. A common mistake is to identify a problem but to ignore it and hope the employee will resolve it on his or her own. By doing so, it is unknown whether the employee's actions will be effective, and the supervisor has passed up an opportunity to intervene. This results in prolonging the intervention process.

Another critical element of success is when the supervisor discusses the concern with the union steward, and requests his or her support and assistance at each level of intervention. Since the employee, if covered by union representation, has the right to have union representation, the steward can play an instrumental role in facilitating intervention.

**Due to the nature of intervention and the dynamics of an impaired employee, the supervisor is strongly encouraged to call the SEAP consultation number, 1-800-662-9206, to discuss the situation and to explore ways to effectively intervene.**

### **First Level – Creating Awareness.**

The intent of **CREATING AWARENESS** is to provide information that the employee may not already have. This action is taken out of concern for the person's total well-being. This level of intervention could occur before formal discipline is required. This may occur as part of "corrective counseling," when performance is marginal or just below standards. It also may occur when the supervisor notices a decline in performance, although the overall performance still meets or exceeds standards. At this level, there is no need for the supervisor or union steward to know if the employee accepted the SEAP referral.

**CREATING AWARENESS** also may occur when the supervisor issues an oral reprimand, as defined by agency policy. Since an oral reprimand is the first step in the disciplinary process, and considered relatively minor, the supervisor's approach at this level of intervention should be consistent with the level of formal discipline.

To create awareness of SEAP, the supervisor should provide feedback on the observed behavior and give the employee a SEAP brochure, explain SEAP services, and answer any questions. This level of intervention is designed only to impart information, and there is no need for the supervisor or employee to follow-up with each other on the issue of referral. The supervisor should be respectful and avoid prying into the employee's personal life or problems.

### **Second Level – Suggestion.**

This level of intervention reflects a more assertive approach to making a referral. This step in the progression is due to the employee's failure to remedy the performance issue, and by now, the supervisor is clearly obligated to take corrective action. The **SUGGESTION LEVEL** of intervention generally occurs when the employee is issued an oral, or in some cases, written reprimand as defined by agency procedures.

The **SUGGESTION LEVEL** requires one-on-one discussion, with a clear focus on the job performance which occurred during the interim period, since the last level of intervention. Again, avoid discussions related to personal problems and remain focused on job performance. At this level and all subsequent levels of intervention, the supervisor is required by *Management Directive 505.22*, to provide the employee a referral to SEAP.

When the supervisor presents the SEAP information, he or she should explain the program and *suggest* that the person consider calling SEAP. The supervisor should point out the possibility that since other work related efforts have not eliminated the job performance problem, the employee may want to consider SEAP. The level of discipline being considered or applied is still early, and the severity of the consequences reflect this perception. Similarly, the SUGGESTION to call SEAP is also considered a step in early intervention; therefore, it is presented in an informative, nonthreatening, and helpful manner. Crucial to this level of intervention is communicating the pattern which is beginning to develop, and how it contrasts with past performance and/or expectations. However, the supervisor does not have a need to know if the employee contacted SEAP or if any problem exists outside the job. Further, the employee is not obligated to disclose whether he or she called SEAP.

### **Third Level – Recommendation.**

The third level of intervention is based on continued deterioration in performance. The situation now requires a more direct response by the supervisor. This level of intervention occurs when the supervisor has already taken other work-related steps to resolve the performance problem, and the employee has shown little or no observable improvement.

Generally, the supervisor **RECOMMENDS** SEAP to the employe when he or she is issued a written reprimand, as defined by the agency procedures. Since it has been established that the traditional work-related intervention efforts have not produced the desired changes, there is an increased likelihood that other types of intervention will be required to restore the employe to satisfactory performance. It should be noted that most employes, when they are made aware of a problem, are motivated and will make the required behavioral changes on their own. A supervisor who has reached this level, after going through levels I and II, may be dealing with an impaired employe.

Realizing the employe has been AWARE of the availability of SEAP, and has had the SUGGESTION to use SEAP, it is now appropriate to more assertively RECOMMEND to the employe that he or she should contact SEAP. Generally, this RECOMMENDATION is made in conjunction with the review of, and acknowledgment of the previous work related efforts to resolve the problem. The RECOMMENDATION to contact SEAP is made in a direct fashion with emphasis on the fact that to date, performance or behavior has not improved.

The employe's decision to accept or reject the recommendation is still voluntary and the supervisor should not followup with the employe to determine if the employe contacted SEAP. Since this level is an indication of a more serious problem, it is imperative that the supervisor provides clear direction to the employe of what is expected in job performance and consequences for not meeting the standards.

#### **Fourth Level – Strong Urging.**

The fourth level is clearly an indication that the problem is getting worse, not better, and the consequences are also becoming more dramatic. By now, the employe has probably received an oral and written reprimand, and is facing a suspension for poor job performance or behavior. All work-related efforts to resolve the situation have failed. At this point, the supervisor should STRONGLY URGE the employe to call SEAP.

The supervisor must be assertive and direct in making the referral, and also in defining the consequences if the employe's job performance does not improve. Quite often, **STRONG URGING** is accompanied by discussion of past efforts, unfulfilled promises, and the continued deterioration that has been documented.

Even at this level of intervention, the employe has the right to accept or refuse the SEAP referral. Further, the supervisor should remain focused on the performance and the next step of intervention, as opposed to determining if the employe contacted SEAP, or if a personal problem exists.




#### **Fifth Level – Referral as a Condition of Continued Employment (COCE).**

A COCE is a last chance agreement in lieu of termination. Traditionally, agency action with an impaired employe has been limited to only disciplinary actions. No formal process was in place to address the possible existence of underlying clinical issues and treatment needs of the impaired employe. When confronted with situations where the employe poses a significant health or safety risk, or violated mandated policy, the Commonwealth historically could only terminate the employe. Now, in those cases where the behavior or conduct of the employe warrants termination from the job and the Code of Conduct does not mandate termination, the agency has the option to consider offering the employe a COCE.

The COCE level of intervention is significantly different from the previous levels described. At each of the earlier levels of intervention, the employe could decide to accept or reject the SEAP referral. The supervisor could not discipline the employe for refusing to use SEAP. At this level of intervention, the employe will be terminated for the work-related behavior if he or she does not accept the

referral to SEAP as a COCE. Further, the agency may terminate the employee if he or she does not successfully participate in the SEAP referral process or fails to meet acceptable job standards. Involvement in SEAP does not bar further discipline and/or termination. Another aspect of the COCE is that under unique circumstances it may be imposed without the supervisor previously taking other corrective steps. In all cases, a COCE can only be implemented when the only alternative is termination. A COCE is most appropriate and effective with an employee who at one time met or exceeded job standards. The purpose of the COCE is to restore the employee to a productive level of performance.

Grounds for initiating a COCE include at least one of the following:

-  **LAST CHANCE AGREEMENT.** Typically the substandard performance issues have been CHRONIC and the employee has exhausted the disciplinary process and is now subject to termination.
-  **EMPLOYEE POSES A THREAT TO SELF OR OTHERS OR SIGNIFICANTLY DISRUPTS THE WORKPLACE.** This type of referral is considered SITUATIONAL, and there may be no past history of discipline. In these situations, the supervisor should contact the agency/field SEAP Coordinator who will contact OA-SEAP or the SEAP-CCO to discuss the appropriate course of action. However, if the situation is creating a current, direct risk to the employee or workplace, then the appropriate law enforcement authorities should be contacted prior to SEAP.
-  **VIOLATION OF THE COMMONWEALTH SUBSTANCE ABUSE POLICY OR OTHER MAJOR POLICY VIOLATIONS.** As provided for in *Management Directive 505.25*, an employee who has violated this policy, and is not terminated, must participate in SEAP as a Condition of Continued Employment.

Unlike the other types or methods of referral, a COCE requires the employee to provide his or her written consent to share information. The agency may take subsequent job action based on unsatisfactory job performance, or on the employee's noncompliance with the preferred recommendations of SEAP. Although the employee provides consent to disclose information to those that signed the COCE, any disclosure by SEAP is on a need-to-know basis and cannot be redisclosed without obtaining the employee's written consent.

The agency/field SEAP Coordinator will coordinate all COCE referrals. All COCEs must have prior approval by OA-SEAP staff.

Refer to page 33 for detailed information on the Condition of Continued Employment referral procedures.

### **Sixth Level – Termination.**

If the supervisor has completed each level of intervention, and the employee's performance still has not improved, termination is recommended. All SEAP benefits cease effective the date of termination.

This level of intervention creates a situation whereby the employee may finally acknowledge the existence of a problem only because of the consequences imposed. If the agency fails to terminate out of concern for the employee, it only serves to enable the problem to continue and adversely affect the workplace. With greater emphasis on early intervention, the supervisor may avoid this level.

## INTERVENTION STEPS

For many people, the thought of intervening or confronting another person is uncomfortable, scary, and creates feelings of hostility and resentment. Others feel that to suggest to someone that they may need "counseling" is too personal and uncomfortable for both parties.

Intervention is a learned skill that requires practice and time. With knowledge and experience, the negative feelings associated with the process will diminish. There are five basic steps that can simplify the intervention process and enhance the likelihood of success. At every level of intervention, the supervisor should complete the following steps. They will help the supervisor to be prepared, effective, objective, and focused.

### 1. Identification of an Impaired Employee.

If you are concerned over an employee's behavior or performance, ask yourself the following questions:

#### a. *Is the employe properly trained and qualified to perform the duties?*

Although this may appear to be extremely basic, it may indeed be the problem. Has the employe been properly trained on the current operational procedures and does the employe have the requisite skills and abilities? If not, the employe cannot be expected to perform at acceptable levels.

#### b. *Have the work-related factors beyond the employe's control been resolved?*

It is possible that certain conditions within the workplace will limit an employe's ability to meet standards. Faulty equipment, scheduling difficulties, and insufficient staffing all can adversely affect performance.

#### c. *Is the employe aware of the expectations regarding job performance?*

Does the employe have a job description? Job standards? Has the employe reviewed these documents and does he or she understand them? As the supervisor, have you clearly defined the job and job expectations?

#### d. *Is there a persistent pattern of marginal or poor job performance?*

All employes have good days and bad days and do not produce 100 percent everyday. In cases involving impaired employes, patterns emerge over days, weeks, months, and even years. The observant supervisor will be able to identify the emergence of any pattern.

#### e. *Has the employe ever functioned at acceptable levels?*

If the employe has had acceptable job performance in the past, then through intervention, the employe may be able to return to that level. If the employe has never performed at acceptable levels, it may mean that the employe is not capable of performing that particular job.

#### f. *Has the employe been warned repeatedly?*

To change behavior, the supervisor needs to make the employe aware of the behavior and the consequences of the behavior. In some cases, an employe may not be aware that he or she is not performing a task or function properly.

**g. Have clear expectations for improvement been made known to the employe?**

Unless an employe understands what needs to be changed and what is considered acceptable, improvement is not likely to occur.

**h. Has the supervisor provided more frequent and closer supervision to the employe?**

Has the employe's performance required more frequent and closer supervision due to errors, concerns related to productivity, or unsatisfactory adherence to procedures? This step signifies the level of concern and the need to improve job performance.







If, after considering the above, you have answered yes to all of the above questions and the problem remains, then you have identified an impaired employe. If you have answered no to any of the questions, then it is possible that the employe is not impaired and some other supervisory action is necessary. See Appendix E, page 61, for the "**Identification Checklist.**"

**REMEMBER: AN IMPAIRED EMPLOYEE WILL NOT GET BETTER WITHOUT INTERVENTION**

**2. Documentation.**

As part of human nature and personality, defense mechanisms protect our physical and emotional well-being. When a person feels threatened, he or she becomes defensive and possibly even hostile towards the other person. Objective documentation reduces the possibility that any discussion between a supervisor and employe may result in an argument. Without documentation, the employe may claim that the concerns are exaggerated (subjective), or may minimize the seriousness of the situation. These responses are typical of our active defenses. The "defensiveness" of an impaired employe can be extreme and include blaming, crying, and other behaviors. Consequently, there is little or no agreement between the employe and supervisor as to the nature of the problem or the need to improve job performance.

Having documentation provides the supervisor with:

-  objective observations and findings;
-  opportunity to distinguish between work-related problems and subjective or other personal differences;
-  validation of the existence of a job performance problem;
-  acceptable grounds upon which to consider disciplinary action;
-  grounds for which a referral to SEAP can be made; and
-  the foundation upon which to conduct an employe performance interview in a positive and meaningful way.

**What Needs to be Documented.**

Attendance records, work assignments and due dates, job description, performance standards, and performance evaluations form the basis of a documentation system. Communications issued to employes, unusual or unacceptable behavior, interactions with supervisor and co-workers should be documented in the supervisor's working files.

Documentation should not include hearsay, opinions, vague judgments, or references to events or behavior that have occurred outside the workplace. Further, the documentation should not include any diagnosis, labeling, or conclusions about the nature of a possible personal problem.

### **Guidelines for Documentation.**

Documentation of a performance or behavioral problem should:

- ★ include specific date, time, and location;
- ★ include specific description of the nature of incident or performance problem;
- ★ cite policy, procedure, or other work rule which has been violated;
- ★ identify names of witnesses and, as appropriate, obtain signed statements;
- ★ note impact of behavior or problem on the employee's overall work performance and/or on the operation of the unit; and the response of the supervisor to the incident or problem, including possible disciplinary action.

In addition to the above elements of documentation, the supervisor also should remember the following:

- ✓ record the incident or situation as soon as it occurs; this ensures the greatest degree of accuracy;
- ✓ be objective and focus solely on the job;
- ✓ do not diagnose or speculate as to cause of the problem; and
- ✓ keep this information confidential.

Refer to Appendix F (page 63) for the "Employee Documentation Checklist."

**NOTE:** If you have questions concerning the employee's fitness for duty as a result of a behavioral situational problem, please refer to page 28 entitled "Fitness for Duty Guidelines."

### **3. Preparing for a Constructive Interview.**

There are many challenging aspects to the role of supervisor, however, there is none more difficult than having to confront an employee over a performance problem. The discomfort in this responsibility is a result of the supervisor's perceived fears associated with confrontation. Too often the word confrontation creates negative feelings, and the outcome also is viewed as harmful or detrimental to one of the parties. The constructive interview, unlike confrontation, is designed to minimize the negative aspects of confrontation and includes positive goal setting in a cooperative approach. In addition to preparing for a constructive interview, (Appendix G, page 65), it may be helpful to identify some common obstacles to minimize one's discomfort. In preparing for the constructive interview, ask yourself:

- Is there a personal friendship with the employee that might be affected by doing my job as a supervisor?
- Are differences in age, gender, race, or culture affecting my ability to conduct a constructive interview?
- Am I a new supervisor of a more experienced workforce?

- Am I concerned about a possible grievance, being blamed for mishandling the situation, or do I feel a lack of management support in taking this action?
- Have I experienced a personal problem that resembles the employee's problem?

Although this list is not exhaustive, it can help identify additional concerns. If these or other issues are of concern, you may find it beneficial to call the SEAP consultation line and discuss your concerns objectively and confidentially.

Other considerations that will support a positive outcome to the constructive interview include:

- ✧ The purpose of the interview is to make the employee aware that he or she is responsible for the consequences of his or her behavior, and that you expect acceptable levels in job performance. Motivate the employee to seek the assistance of SEAP, if the performance problems are not attributable to job related concerns.
- ✧ If appropriate, discuss the job performance problem with the union steward. Outline your intentions and desire to refer the employee to SEAP. Solicit the union steward's support and, if agreeable to the employee, invite the steward to the constructive interview.
- ✧ Review **all** documentation related to job performance, including good and poor performance.
- ✧ Identify what is and is not acceptable performance.
- ✧ Plan in advance the structure and goals of the session.
- ✧ Have on hand SEAP information and brochures.
- ✧ Prepare a statement that you can use to guide you in presenting the SEAP referral.
- ✧ Identify your feelings concerning the employee and performance problem.
- ✧ Remain open and receptive to what the employee has to say.
- ✧ Arrange to have the constructive interview in a private office or an area that allows sufficient privacy.
- ✧ Allow sufficient time, free of interruption, to complete the interview.
- ✧ Rehearse the interview and be prepared to respond to anticipated questions or issues.

The SEAP-CCO consultation line is available to assist the supervisor in preparing for the constructive interview by calling 1-800-662-9206.

#### **4. During the Constructive Interview.**

The goals of the constructive interview are to make the employee aware of unacceptable performance, identify acceptable levels in performance, obtain a mutually understood plan on achieving the goals, and identify the consequences for not achieving acceptable performance. By including a SEAP referral in this process, the possibility of outside influences on the decline in performance is recognized, and can serve as a means for the employee to return to acceptable job performance.

**NOTE: The supervisor should not make the employee acknowledge a personal problem during the constructive interview. To do so would be counter productive, and is not consistent with the constructive interview or performance based intervention. The supervisor is not to diagnose or judge, but is to acknowledge objective work-related information.**

The following points should be considered when conducting a constructive interview (Appendix G, page 65):

- ✓ Hold all phone calls.
- ✓ Stand and greet the employe and union steward, if present.
- ✓ Don't smoke if it bothers the employe.
- ✓ Consider if the desk or seating arrangements serve as a barrier.
- ✓ Sit straight, maintain good eye contact, and do not fidget.
- ✓ Maintain a firm, formal, yet considerate attitude.
- ✓ Acknowledge the employe's contribution to the work unit.
- ✓ Discuss and present documentation of poor job performance.
- ✓ Identify expectations and ask employe to restate what constitutes acceptable performance.
- ✓ Listen carefully and take the time to explain your statements and answer questions.
- ✓ Avoid cross-examination of the employe.
- ✓ Avoid snap decisions.
- ✓ Paraphrase what you believe the employe to be saying.
- ✓ Explain SEAP, confidentiality, and give a SEAP brochure.
- ✓ Provide opportunity for union steward to comment.
- ✓ Avoid excessive penalties.
- ✓ Don't accept promises of change in lieu of referral or discipline.
- ✓ Develop a mutually acceptable plan for improvement.
- ✓ Set up a time and date for a followup session at an interval that allows for change, as is reasonable, given the nature of the performance problem.
- ✓ If agreeable, call SEAP and give the phone to the employe, then leave the room.

**Traps to Avoid During the Constructive Interview.**

- ✗ Avoid getting involved in the employe's personal problems. This only serves to shift the focus and limits your objectivity. If presented with personal problems, be empathetic, refer to SEAP, and keep this information (problem type) confidential.
- ✗ Avoid making value judgements about employe's beliefs or lifestyle.
- ✗ Avoid getting boxed in a corner. The employe, not you, is responsible for his or her behavior and is responsible for correcting the situation.

- ✘ Avoid having the employe play you against others or comparing his or her behavior to other employes. Keep the discussion focused on the employe's behavior.
- ✘ Avoid employe promises or deals other than reasonable plans to improve job performance. If the employe says he or she is in counseling, acknowledge the effort, promise to keep it confidential, and remain focused on developing behavior change at work.
- ✘ Don't make idle threats. Follow through with what you say; otherwise, future actions will not be taken seriously.

### **What to Say In Making a SEAP Referral.**

It can be very difficult to verbalize your concern or suggest that an employe call SEAP; however, it needs to be done. The following is just one example of how to present the necessary information to the employe. It is important that the supervisor, manager, or union steward prepare a statement in his or her own words. The following is an example of one way a supervisor or manager can strongly urge an employe to contact SEAP:

"It is possible that personal problems may be contributing to your job performance; I strongly urge you to contact SEAP. Whether or not you do, I will be monitoring your job performance and will meet again with you on (date and time) to review progress. If there is improvement in job performance during this period, I will document the changes. If performance does not improve, I will look at what action is necessary, up to and including termination."

### **Post Referral – Follow Through.**

Now that you have completed the constructive interview and have formally referred the employe to SEAP, you must follow through to determine if the appropriate improvements are being made in job performance (Appendix H, page 66). Experience has shown that in many instances, an employe will not initiate contact with SEAP as a result of the initial suggestion by the supervisor. For those employes, the supervisor will find it necessary to conduct another constructive interview at the next level of intervention.

Schedule and conduct the followup meeting with the employe. In preparation, repeat the four action steps as previously outlined and remain sensitive to the degree of change, if any. Reenforce positive change. If performance does not improve, schedule another meeting to review performance, assess the need for discipline and move to the next level of intervention (awareness, suggestion, recommendation, strong urging, COCE, and termination).

As positive changes are noted between constructive interviews, the supervisor should continue to monitor and support the employe. The supervisor should also realize that in most instances, change does not occur overnight and signs of significant improvement may not be immediately forthcoming. If this creates a dilemma in deciding how long to wait before proceeding with discipline or the next level of intervention, the supervisor may call the SEAP consultation line to discuss the case in detail.

### **Post Referral Tips.**

After a referral has been given, it is not uncommon for the supervisor or union steward to be a little apprehensive regarding the next step. It may take time to realize the positive effects of the referral or to see change in an employe's performance. The following guidelines may help in the transition period after making a SEAP referral:

- ✘ Try to aid the employe in readjusting to the work environment during and following treatment.
- ✘ Do not coddle the employe. Treat him or her just as you would any other worker.

✧ Do not expect miracles. It takes time for things to get back to normal. However, do establish and communicate reasonable time frames with the employee.

✧ Spend sufficient time with the employee going over work objectives and expectations. There should be no question as to what is expected of the employee and what action will be taken if those expectations are not met.

✧ Be alert; continue to observe and monitor work performance. Do not hover over the employee; simply continue to monitor and document performance – good and bad.

✧ **FOLLOW THROUGH.** If the employee fails to perform up to standards, the supervisor must follow through on the next level of intervention and discipline. An employee's participation in SEAP does not exempt him or her from acceptable work performance.

## **FITNESS FOR DUTY**

The guidelines contained in this section should only be used if the supervisor/manager has completed the SEAP training on FITNESS FOR DUTY. If you have not received training, then consult with your agency/field SEAP Coordinator or Labor Relations Specialist.

## **FITNESS FOR DUTY GUIDELINES**

### **Introduction.**

These guidelines are consistent with performance based intervention. Fitness for duty concerns tend to be isolated, or "situational," and require an immediate response. Like performance based intervention, these guidelines are tools to assist the supervisor.

The Commonwealth expects employees to report for work in a condition fit for the proper, competent, and safe performance of their duties. Further, employees are expected to remain in a fit condition throughout their scheduled work time. Supervisors are responsible for assessing the fitness for duty of their employees. They must take prompt action to ensure that employees who may be impaired are not allowed to jeopardize the health and safety of others or the operational efficiency of the workplace. A supervisor must determine impairment/unfitness based on specific, verifiable behavioral observations. To be credible, the supervisor must apply the safety and competency criteria in a consistent and impartial manner. If the supervisor establishes a reasonable suspicion of unfitness/impairment, the employee will be relieved of duty and may be subject to discipline up to and including termination.

It is important to note that there are a variety of causes, legitimate and illegitimate, why an employee appears to be unfit for duty. Therefore, management and others must be cautious in their response. Conditions can include undiagnosed physical disease, side effects and interactions of prescribed medications, exposure to toxins, extreme stress, and alcohol or other drug intoxication. A trained supervisor is within acceptable boundaries to assess the individual's ability to perform his or her duties. However, the supervisor is not qualified to assess the cause beyond what he or she has observed.

**It is essential when a supervisor suspects an employee of being impaired or unfit for duty, that the assistance of another supervisor or management employee be enlisted as a witness prior to the employee interview.** The assisting supervisor/manager must independently evaluate the employee's behavior to confirm the employee is impaired/unfit. The assisting supervisor should be present for the employee interview to verify that procedures were followed. If medical or other clinically trained staff are available within the workplace, they should be requested to serve as the assisting supervisor/manager. Verification by an independent observer contributes substantially to the credibility of the process and may be essential to a favorable outcome if the employee challenges the action. Also essential to a defensible process is adequate documentation. Both supervisors must document in detail all pertinent information regarding the incident and the action taken. Such information should include: date, time, place, persons involved, description of the employee's behavior, relevant circumstances, names of witnesses, and procedures followed. Supervisors should not interpret behavior, speculate, or moralize in the documentation.

Supervisors should safeguard the privacy of the employee by conducting the interview in a confidential setting. The parties involved must not divulge facts regarding the employee to other individuals who do not have a "need to know." Under ordinary circumstances, other supervisors and employees should not be privy to information or steps the supervisor has taken regarding the employee or the incident.

These Fitness for Duty Guidelines provide supervisors with observable, verifiable criteria for determining when an employee may reasonably be considered impaired/unfit for duty. This includes procedures to follow after a determination has been made that an employee is unfit for duty. By ensuring that all employees report to work and remain fit for duty, the Commonwealth can safely and productively serve its constituents.

## DEFINITION OF IMPAIRED/UNFIT FOR DUTY

An employe is considered impaired or unfit for duty if he or she cannot perform assigned duties in a proper, safe, and competent fashion for any reason. An employe's physical condition, intellectual ability to perform job duties, interpersonal behavior, and judgment are all factors that must be assessed in light of the safety and competency criteria. **The test for impairment or fitness for duty is whether a reasonable and prudent person would consider the employe's observed behavior to be incompatible with the safe and competent performance of his or her duties.** If the response to such a question is yes, a reasonable suspicion of impairment/unfitness exists.

### Ambiguous Situations.

Supervisors may encounter situations that are ambiguous or borderline as to whether they legitimately constitute unfitness for duty or impairment. The most common situation occurs when an employe reports for duty seeming to have the smell of alcohol on his or her breath. Such an odor is not a foolproof indicator of impairment/unfitness apart from other corroborating observations. The odor of alcohol can persist on the breath long after the alcohol beverage has been ingested and the effects of the drug have disappeared. Also, the scent of some cologne, after-shave, and mouthwash may be mistaken for alcohol. Diabetic ketoacidosis can produce a sweet breath odor that can be confusing as well. The proper approach in such a situation is to request an explanation from the employe regarding your observations, i.e., the smell of alcoholic beverages. Tell the employe that the behavior is not appropriate or acceptable, and that he or she will be monitored for a possible recurrence. Tell the employe that any condition that could serve to bring the employe or the workplace into disrepute, or otherwise undermine public confidence, can legitimately be considered as falling under the purview of the Code of Conduct and Fitness for Duty Guidelines. The intent is to warn the employe that something about his or her condition is not acceptable, that the supervisor is aware of the issue, and that further action will take place if it recurs. In the case of alcohol on the breath, without additional indicators of impairment, the supervisor cannot remove the employe from his or her job. However, the employe should eliminate the odor before the supervisor allows the employe to resume duties.

As in all situations, the supervisor should not make accusations. All relevant information should be documented. Finally, where any substantial doubt exists regarding the employe's capacity to function competently and safely, the supervisor should resolve the issue in favor of caution and prudence.

**PROCEDURES TO BE FOLLOWED BY SUPERVISOR  
WHO SUSPECTS AN EMPLOYEE IS UNFIT FOR DUTY**

Supervisors have a legal and ethical responsibility to prevent employee impairment from compromising the safety and welfare of others, co-workers or the workplace. Supervisors are accountable for ensuring employees are fit for duty, and for taking prompt, appropriate action when an employee appears to be impaired. When observable behavioral indicators suggest a reasonable suspicion of impairment or unfitness for duty, the supervisor should intervene.

The supervisor should follow these procedures in situations where an employee appears to be unfit for duty. **Please note, if the situation constitutes a medical/psychiatric emergency, immediately contact the proper health and emergency services.** However, to determine if a violation of work rules or regulations occurred, use the following procedures when you question an employee's fitness for duty:

1. Using the "Visual Observation Checklist" (Appendix I, page 67) determine **in person** if an employee appears to be unfit for duty. Request another supervisor, manager, or preferably medical personnel to participate in the process to support documented findings. The supervisor and witness should complete separate checklists.

2. If requested by the employee, allow a union representative, if available, to be present during the interview. If a union representative is not available within a reasonable period of time, complete the "Visual Observation Checklist" and reschedule the interview for a time when the union representative will be available. Based on your observations, if you believe that the employee is unfit for duty and you have not completed the interview process, the employee should not be permitted to work. If possible, the employee interview should be conducted in a private area, free of interruptions.

3. Using the "Questions for Suspected Fitness for Duty Checklist," (Appendix J, page 69) ask the questions in sequence. The supervisor and witness should complete separate checklists. Sign and date the forms. Judge the behavior and condition of the employee in terms of "safe and competent" and "reasonable and prudent person" criteria.

4. If you conclude the employee appears fit for duty, **and is able to perform work duties**, have the employee return to the work station.

5. If you have probable cause to believe the employee is unfit for duty or are uncertain, relieve the person of his or her job assignments. Ask the employee to remain in the office.

6. Contact the administrator in charge and, if available, the Personnel Officer, Labor Relations Specialist, and SEAP Coordinator to review the documentation and determine the appropriate course of action.

7. If the supervisor and witness determine there is a reasonable belief that the employee is unfit for duty, the employee should be sent home. The employee may be transported by family, friend, or others in the workplace. The employee should not be permitted to drive alone. Do not attempt to physically restrain the person if he or she attempts to drive; instead, contact the appropriate law enforcement officials.

8. The worksite personnel office must notify the central office Labor Relations, Agency SEAP Coordinator, and OA-SEAP of all cases in which an employee is found to be unfit for duty before there is any discussion of discipline.

9. Notify the employee that a predisciplinary conference will be scheduled. The central office SEAP Coordinator, Labor Relations section, and the OA-SEAP office must review and approve any proposed discipline.

## **PROCEDURES TO FOLLOW AFTER AN EMPLOYEE HAS BEEN REMOVED FROM DUTY**

When an employee has been removed from the workplace, several issues need to be addressed by the supervisor, personnel office, and SEAP. If the employee is to resume his or her job duties, he or she needs to make arrangements to ensure a smooth transition back to the workplace. The circumstances of each case will influence the action taken by the agency and can require additional considerations in planning a return-to-duty.

The following procedures apply to those situations where an employee has been off the job due to treatment or long-term suspension. If the employee was disruptive or threatening, additional procedures are required to ensure a controlled re-entry to the workplace. Further, such situations also may require additional considerations if co-workers were affected. In all cases, the appropriate re-entry plan will be developed by the agency management team and SEAP. The following procedures should serve as a guide to management in planning for the employee's return to work.

**1.** Notify the employee, in writing, that he or she must contact the workplace by phone to make arrangements to return to work. If the situation warrants, instruct the employee to not have contact with co-workers or to come on Commonwealth property without making prior arrangements through the personnel office.

**2.** Set a time, date, and location to meet with the employee. Require the employee to provide appropriate documentation that certifies his or her fitness for duty.

**Note:** To assess the employee's fitness for duty, the appropriate licensed practitioner must have specific knowledge of the job requirements. Provide the employee with a copy of his or her job description to give to the licensed practitioner.

**3.** The participants in the return to work conference should include the supervisor, labor relations representative, union representative, and the SEAP Coordinator. The intent of the meeting is to review with the employee any changes that may have occurred, to review expectations regarding behavior and performance, and to provide support for any treatment that the employee may have been involved in during his or her absence. The SEAP Coordinator should address the issue of confidentiality as it relates to any discussion of treatment or personal problems.

**ADMINISTRATIVE PROCEDURES FOR MANAGING  
EMPLOYEES CONSIDERED UNFIT FOR DUTY**

The following procedures are for the administrator on duty or the person who has the authority to remove an employe from work.

**1.** Upon notification that an employe has been initially determined as unfit for duty, immediately meet with the supervisor and witness. Review the documentation (Visual Observation Checklist and Questions for Suspected Fitness for Duty Checklist). Ensure that all documentation is complete, properly signed, and dated. Ensure that if the employe refused to answer any question on the checklist, it is noted. If possible, conduct a visual assessment of the employe.

**2.** Discuss with the supervisor and witness the circumstances of the case, including employe statements and response to the employe interview. Ensure that union representation was provided if requested, and if available.

**3.** Based on the available information, determine whether the employe is fit for duty.

**(a)** If the documentation indicates that the employe is fit for duty, the employe should resume his or her work assignment.

**(b)** If the documentation and the circumstances indicate that the employe is unfit for duty, instruct the supervisor to make arrangements for the employe to leave the workplace.

**(c)** If, after the review of documentation and other information, it is unclear whether the employe is fit for duty, the administrator should discuss this matter with any available medical personnel or contact the SEAP consultation line at 1-800-662-9206. Based on the additional consultation, it is the responsibility of the administrator to make the final determination of fitness for duty and take the appropriate course of action.

**4.** If the employe is considered unfit for duty, ensure the employe is removed from the worksite by either releasing the employe to a family member, friend, or co-worker. The employe should not be permitted to drive. If the employe insists on driving, notify the appropriate law enforcement agency. The employe should not be physically restrained.

**5.** If you determine the employe to be unfit for duty, do not discuss any proposed discipline. Inform the employe that the personnel office will contact him or her to discuss the course of action.

**6.** Notify the personnel office of the incident as soon as possible, and provide complete documentation including checklists and any other notes.

**7.** The personnel officer should immediately notify central office labor relations and agency SEAP Coordinator to discuss the case and determine the course of action.

**8.** With central office approval, a predisciplinary conference (PDC) should be conducted.

**9.** Upon completion of the PDC, notify central office labor relations and the agency SEAP Coordinator to determine appropriate level of discipline and implement accordingly.

**10.** If a COCE is recommended, the agency SEAP Coordinator must contact OA-SEAP to initiate the process.

## CONDITION OF CONTINUED EMPLOYMENT (COCE) REFERRALS

A COCE is only appropriate when an employe has reached the point of termination and the agency has determined that the mitigating circumstances warrant this consideration. The COCE is **not** to be used in lieu of normal referral procedures or as a short-cut to getting an employe the help he or she may need. While an employe is not entitled to a COCE prior to discharge, the agency should assess all cases at the point of termination to determine if a COCE is a viable option. Mitigating factors typically include length of service, past performance, nature of the job, and other significant factors.

### **IDENTIFICATION.**

If the job performance or behavior of an employe warrants termination, then a COCE should be considered. If you have an employe who you believe is posing an immediate threat to self or others, contact your SEAP Coordinator. The SEAP Coordinator should then contact the SEAP-CCO and/or OA-SEAP and/or the appropriate law enforcement/crisis intervention unit should be contacted.

The responsibility of the supervisor to identify possible situations that require on-site intervention is particularly important if an employe is physically/verbally posing a threat to self, others, or is exhibiting extreme behaviors on the job. Failure to promptly respond may unnecessarily result in a workplace tragedy or create a liability for the Commonwealth.

In non-emergency situations, your input and documentation is essential in the identification process. However, you do not have the authority to terminate or to make the final decision to offer the employe referral to SEAP as a Condition of Continued Employment. In all cases, the decision to initiate this type of referral is based upon the approval of the agency head, or designee, and by the Office of Administration.

### **DETERMINATION.**

If the agency is considering a COCE, the agency SEAP Coordinator must contact OA-SEAP to discuss the case **before** presenting this option to the employe or union.

OA-SEAP will discuss the situation with the agency SEAP Coordinator and will make the final determination on whether the situation warrants a COCE. In making the determination, OA-SEAP will review the present circumstances, previous steps to resolve the issues, mitigating factors and the impact of the situation in the workplace. In preparation for this review and discussion, the SEAP Coordinator should complete the "COCE/CDL/DOC Advance Notification Checklist," (Appendix K, page 71).

Another point of consideration during this phase is whether the agency will actually terminate the employe if he or she refuses to sign or fails in the COCE process. This concern is essential. In order for the COCE to be implemented, the agency must be committed to following through with termination if treatment is not successful. The possible loss or retention of the job is often the key to providing the motivation for the employe to follow through in SEAP.

The "Conditions of Continued Employment Information and Consent Form" (Appendix L, page 73) was designed to take into account common problems that occur when an employer refers an employe to treatment. This form clearly outlines employe expectations, and provides verification to the employer that the employe is continuing in treatment. It provides for informed consent for SEAP to communicate progress and to report any problems on the job or in SEAP. The communication is limited strictly to the need-to-know, consistent with the confidentiality regulations.

If the agency is considering additional conditions for continued employment, then OA-SEAP must review and approve the additional terms. The added conditions must take the form of a written "COCE Addendum," (Appendix M, page 75), to the COCE and be explained to the employee before obtaining the employee's signature.

If a referral as a COCE is appropriate, OA-SEAP will coordinate the formal referral process with agency/field SEAP Coordinator. This includes developing the COCE language, scheduling the meeting with the employee and other appropriate staff, and identifying those individuals that should be recipients of compliance information.

At this step of the process, OA-SEAP notifies the SEAP-CCO that there is a pending COCE. OA-SEAP provides background information on the employee and the SEAP-CCO begins to identify a provider and assigns the case to an appropriate staff person.

### **EMPLOYEE MEETING.**

- ☞ The agency/field SEAP Coordinator, employee's supervisor, Labor Relations Coordinator, and as appropriate, union steward and other agency personnel, will meet with the employee.
- ☞ The SEAP Coordinator will discuss the ground rules for confidentiality and explain the COCE process. The Coordinator will review each paragraph of the COCE form and confirm that the employee understands all expectations and consequences. If there are concerns that the employee may not comprehend any aspect of the COCE, the SEAP Coordinator should ask the employee to restate his or her understanding of the COCE. This action should be documented on the COCE.
- ☞ All parties must sign the COCE form. If the employee refuses to participate or voluntarily sign the COCE, he or she should be terminated for the work-related behavior/incident that precipitated the COCE.
- ☞ After the employee signs, the employee should be instructed to contact SEAP within a specific time frame, not to exceed five workdays. The SEAP Coordinator should give the employee a SEAP brochure and card. It is highly recommended that the SEAP Coordinator offer to initiate the call to SEAP and then everyone should leave the room to allow the employee privacy to talk.
- ☞ After obtaining all the required signatures, the agency/field SEAP Coordinator contacts OA-SEAP to confirm the outcome. The SEAP Coordinator should immediately fax the COCE form to OA-SEAP at (717) 772-3153 and mail the original COCE form in a confidential envelope to OA-SEAP.

### **SEAP EVALUATION AND REFERRAL.**

- ☞ When the employee calls SEAP, the SEAP-CCO conducts an intake interview and assigns a care manager.
- ☞ SEAP-CCO selects a network provider that matches the needs of the employee. An appointment is then scheduled according to needs and preferences of the employee. Up to three sessions, free of charge, can be used for evaluation.
- ☞ The SEAP-CCO provides an orientation to the employee concerning the COCE, treatment expectations, confidentiality, and procedures to remain compliant with the COCE agreement.

- ☞ After the evaluation, the evaluator and the SEAP-CCO care manager identify the preferred type and level of treatment for the employe.
- ☞ The SEAP-CCO will notify OA-SEAP and the agency within five workdays to confirm whether the employe contacted SEAP. In all instances, from evaluation through referral to treatment, discharge, aftercare, and follow-up, all oral communication related to (non)compliance from SEAP-CCO will be followed by written documentation. The sharing of information between SEAP and the workplace will be consistent with the provisions of the COCE which provides the informed consent.

## **TREATMENT AND FOLLOW-UP.**

- ☞ Employes must participate in and successfully complete all phases of treatment as prescribed by SEAP.
- Note:** Unlike other types of referrals where an employe can choose to accept the SEAP treatment recommendations, the employe who is subject to the COCE must accept the preferred recommendation of the SEAP evaluator. This recommendation is based on the type of service which is clinically appropriate to the needs of the employe.
- ☞ SEAP-CCO will manage the employe's treatment and monitor progress and participation. The monitoring process, at a minimum, will include ongoing contact with the treatment provider, employe, and SEAP Coordinator.
  - ☞ The SEAP-CCO receives communication directly from the treatment program concerning the employe's participation and progress. Upon review, the SEAP-CCO will provide the appropriate agency staff, usually the SEAP Coordinator, with a summary reflecting compliance and based on the need-to-know.
  - ☞ The SEAP-CCO will immediately notify the agency/field SEAP Coordinator if an employe's compliance with the terms and conditions of the COCE becomes a problem. The SEAP Coordinator should then verbally notify all individuals who signed the COCE that the employe is not fully compliant. The employe should be instructed to contact SEAP and to follow the terms of the agreement.
  - ☞ If the employe stops treatment or does not successfully complete treatment, the employe is considered to be in violation of the COCE. The SEAP-CCO will immediately notify the agency. The agency should terminate the employe from his or her employment and provide a copy of the termination letter to OA-SEAP to close the case.
  - ☞ If, for clinical reasons the employe has not been at work for an extended period of time, SEAP will schedule a RETURN TO WORK CONFERENCE with the supervisor, employe, agency SEAP Coordinator, and union steward, as appropriate.
  - ☞ If the employe's performance does not show improvement, the supervisor is responsible for notifying the SEAP Coordinator. The SEAP Coordinator will notify the SEAP-CCO, and as a result, treatment may be intensified.
  - ☞ Regardless of the employe's compliance in treatment, the agency can decide to terminate if the work performance continues to deteriorate or remains unacceptable. If the agency is at this point, the SEAP Coordinator should notify the SEAP-CCO. The SEAP-CCO will ensure that the provider is aware of the seriousness of the work situation.

## **SEAP RECORDS**

Although the employee has been referred to SEAP as a COCE, the federal and state regulations concerning confidentiality still apply to records and access to information. The only SEAP documents that are to be in the employee's Official Personnel History Folder are the COCE Consent Form, SEAP Status Reports, and the written notification of the employee's successful or unsuccessful completion of treatment. This information should be placed in a confidential envelope with limited access identified on the outside. All SEAP progress reports are to be maintained by the Agency/Field SEAP Coordinator separate of the Personnel History Folder and in a locked cabinet. These documents should not be reproduced. If an employee successfully completes the SEAP program and complies with the COCE, then at the completion of the one year follow-up period, the SEAP information will be purged from the Official Personnel History Folder. If an employee files a grievance or civil service appeal, the SEAP Coordinator can share the COCE and the status reports with the appropriate individuals and maintain them until the case is resolved.

## **CONFIDENTIALITY**

ALL WRITTEN AND ORAL INFORMATION CONCERNING AN EMPLOYEE'S PARTICIPATION IN TREATMENT, NATURE OF PROBLEMS OR ISSUES, PROGRESS, OR OUTCOME IS CONFIDENTIAL. NO INFORMATION CAN BE SHARED WITHOUT THE EMPLOYEE'S INFORMED WRITTEN CONSENT, AS PROVIDED FOR IN THE COCE FORM OR OTHER SEAP CONSENT FORMS.

When the agency SEAP Coordinator shares information with you as the supervisor or union representative, federal regulations prohibit you from sharing it with anyone. This limitation applies to information which is presented verbally or in written form.

## **SUBPOENAS AND COURT ORDERS.**

If the SEAP Coordinator or anyone else in the workplace receives a subpoena or court order to release SEAP records, the workplace should immediately contact OA-SEAP. Federal and state confidentiality regulations govern the procedures to be followed in response to subpoenas and court orders.

## **COMMERCIAL DRIVER'S LICENSE (CDL) PROGRAM REFERRAL PROCEDURES**

This section outlines the SEAP procedures related to the CDL program. This section is not intended to provide a comprehensive overview of the CDL program. Specific information on the CDL program is contained in *Management Directive 505.29*.

Federal regulations require employers to implement an alcohol/drug testing program for employees who possess a Commercial Driver's License to perform their duties. The regulations detail the responsibility of the employer and employee when an employee tests positive. The following procedures outline the required action when a Commonwealth employee tests positive for alcohol or other drugs.

### **I. AGENCY ACTION UPON NOTIFICATION OF A POSITIVE TEST.**

**A.** The individual designated by the agency to receive alcohol/drug test results notifies the agency/field SEAP Coordinator that an employee has tested positive for alcohol/drugs.

**B.** The agency/field SEAP Coordinator obtains required information to complete the "COCE/CDL/DOC Advance Notification Checklist" (Appendix K, page 71).

**C.** The agency/field SEAP Coordinator notifies OA-SEAP that an employee is being referred for evaluation as a result of a positive CDL alcohol/drug test. The agency/field SEAP Coordinator provides employee related information, level of discipline being imposed, and test results to OA-SEAP. This information is immediately transmitted to the SEAP-CCO by OA-SEAP.

**D.** The agency/field CDL Coordinator and SEAP Coordinator review the "Commercial Driver's License Referral Information and Consent Form" (Appendix N, page 77) with the employee, obtain signatures, and instruct the employee to contact the SEAP-Central Coordinating Office (SEAP-CCO) within 24 hours.

**E.** The SEAP Coordinator faxes a copy of the signed "Commercial Driver's License Referral Information and Consent Form" to OA-SEAP at (717) 772-3153, and forwards original "Commercial Driver's License Referral Information and Consent Form" to OA-SEAP.

### **II. EMPLOYEE CONTACT WITH SEAP.**

**A.** OA-SEAP provides advance notification to the SEAP-CCO that a CDL referral will occur.

**B.** When the employee calls SEAP, the SEAP-CCO conducts intake and makes arrangements for a Substance Abuse Professional (SAP) evaluation. The SEAP-CCO provides the advance notification information to the SAP.

**C.** The SEAP-CCO will contact the SEAP Coordinator to confirm whether the employee has or has not contacted SEAP within the 24 hour period. The SEAP Coordinator will then notify the agency/field CDL Coordinator.

**Note:** If the SEAP Coordinator is notified by the SEAP-CCO that the employee has failed to contact SEAP within the 24 hour period, the agency will conduct an investigation, and as warranted, will take appropriate disciplinary action, up to and including termination.

### **III. SEAP/SAP EVALUATION.**

**A.** The SAP conducts an evaluation within three workdays. If necessary, the SAP schedules additional sessions to complete the evaluation. If warranted by the evaluation, the SAP provides the employe with treatment recommendations.

**B.** The SEAP-CCO contacts OA-SEAP and the SEAP Coordinator to confirm the results of the evaluation process such as time, date, continued treatment recommendations, if any, and other significant concerns.

### **IV. TREATMENT (If recommended).**

**A.** If the employe was referred to treatment or drug/alcohol education, the SEAP-CCO will monitor the employe's participation and progress.

**B.** When clinically appropriate, the SEAP-CCO arranges for a second SAP evaluation; the SAP evaluates compliance with the treatment plan and determines if the employe can be certified to return to safety sensitive duty.

**C.** Prior to the official certification by SEAP to the workplace that an employe may return to safety sensitive duty, the SEAP-CCO strongly encourages the employe to take a voluntary "pre-return-to-duty test" at his or her expense. If the employe agrees, SEAP arranges the test. Pending the results of this test, SEAP will or will not certify the employe to resume safety sensitive duty. If the employe chooses not to take this test, SEAP notifies the agency that the employe is certified to return and the official return-to-duty test should be scheduled.

**D.** The SEAP-CCO orally notifies OA-SEAP and agency/field SEAP Coordinator that the employe has been certified to resume safety sensitive duty. The SEAP-CCO then provides written certification to document the employe's return to CDL related duty.

**E.** The SEAP-CCO directs the employe to contact the workplace to arrange for a return-to-duty alcohol/drug test. The agency must obtain the results of the return-to-duty test before the employe can resume CDL duties.

### **AFTER THE EMPLOYE RETURNS TO DUTY.**

**A.** The SEAP-CCO provides the Commonwealth's CDL drug testing vendor with a schedule for unannounced follow-up drug testing for the employe. A minimum of six tests will occur during the first 12 months of the employe's return-to-duty. The SEAP-CCO and the SAP will determine the need to conduct follow-up testing beyond one year, but not more than five years.

**B.** If the SAP determines that an employe may return to CDL related duty while actively continuing in a treatment program, the SEAP-CCO will certify to the agency that the employe may resume his or her duty. If the employe discontinues treatment against the advice of the SAP, the SEAP-CCO will notify the agency and rescind any certification for the employe's return-to-duty.

**C.** The SEAP-CCO will continue to monitor the employe's treatment. If the employe fails to successfully complete treatment, the SEAP Coordinator will be notified immediately.

**D.** Upon successful or unsuccessful completion of treatment, the SEAP-CCO provides OA-SEAP with written confirmation.

E. OA-SEAP provides the SEAP Coordinator with a copy of the SEAP-CCO discharge letter indicating the type of discharge.

F. The SEAP-CCO will conduct follow-up for one year after successful completion of treatment.

**RECORDS AND CONFIDENTIALITY.**

CDL records are to be maintained in the same manner as COCE records. Questions concerning the disclosure or request for information should be directed to OA-SEAP.

## IMPAIRED PROFESSIONALS LICENSED BY THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

The Department of State, Bureau of Professional and Occupational Affairs, administers 11 professional practice and title Acts. These Acts regulate the conduct and licensing of the following professional employees:

Dentist	Veterinarian
Dental Hygienist	Osteopathic Physician
Medical Doctor	Osteopathic Physician Assistant
Physician Assistant	Pharmacist
Registered Nurse	Physical Therapist
Practical Nurse	Podiatrist
Social Worker	Psychologist

The specific Acts for each of these categories of professional employees establish the Professional Health Monitoring Program (PHMP). This program is designed to identify and assist licensed professionals who have physical impairments, mental impairments, or substance abuse problems which adversely affect the professional's practice and license. The program requires that as a condition of maintaining licensure, the impaired professional must undergo evaluation, treatment, rehabilitation, and three years of case management. Language contained in each of the Acts requires "any hospital, health care facility, peer or colleague who has substantial evidence that a professional has an addictive disease for which the professional is not receiving treatment, is diverting a controlled substance or is mentally or physically incompetent to carry out the duties of his or her license shall make or cause to be made a report to the board. . . ." If however, the employee is actively involved with SEAP, reporting is not mandated.

It should be understood that this requirement **does not** imply that a supervisor should diagnose an employee. Supervisors should continue to use Performance Based Intervention and refer the employee to SEAP when performance is below standards. If however, there is specific evidence that indicates a licensed employee has a drug, alcohol, mental, or physical impairment, then appropriate action is required. In such cases the supervisor should contact the SEAP Coordinator and the labor relations specialist for guidance.

Agencies are required to report licensed professionals under the following sets of circumstances:

**Employee Termination.** When a licensed employee is terminated and there is substantial belief that there is an alcohol, drug, mental health, or other impairment.

**Condition of Continued Employment (COCE).** When a licensed employee is in SEAP as a COCE and is subsequently discharged for noncompliance by SEAP or the employer.

**Resignation in Lieu of Termination.** If the employee is permitted to resign in lieu of termination and there is substantial belief that there is an alcohol, drug, mental health, or other impairment.

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**Commonwealth of Pennsylvania**  
**GOVERNOR'S OFFICE**

***EXECUTIVE ORDER***

Subject:		Number:
State Employee Assistance Program		1996-10
Date:	Distribution:	By Direction Of:
December 20, 1996	B	Thomas J. Ridge, Governor

- WHEREAS, the Commonwealth is committed to maintaining an efficient and productive workforce to serve the citizens of Pennsylvania; and
- WHEREAS, the Commonwealth, as an employer, is therefore concerned with the well-being and job performance of its employees; and
- WHEREAS, abuse of alcohol or other controlled drugs and emotional, family, financial, marital, or personal problems can adversely affect the employee's personal life, reduce the quality and productivity of job performance, and contribute significantly to escalating health care costs; and
- WHEREAS, workplace trauma such as serious injuries, sudden deaths, and violence can adversely affect the emotional well-being of employees and the productivity of the workforce; and
- WHEREAS, employees addicted to alcohol or other controlled drugs suffer from a treatable illness and should receive consideration equal to anyone else with a health problem; and
- WHEREAS, personal or other problems which are adequately evaluated and treated can restore the employee to acceptable levels of job performance and behavior; and
- WHEREAS, cooperative intervention of management, unions, and employees can be effective in addressing employee problems which adversely affect the employee's personal life or job performance; and
- WHEREAS, supervisors, employees, and union representatives need assistance in how to effectively intervene with a troubled employee and encourage the use of confidential services; and
- WHEREAS, employee assistance programs have proven to be effective in the private and public sectors by providing the employee and employer with the necessary assistance to resolve problems which are detrimental to employee lives and job security.

NOW, THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby authorize the continuation of the State Employee Assistance Program.

**1. Purpose.**

**a.** To provide a comprehensive evaluation, referral, and treatment system to address the abuse of alcohol and other controlled drugs, and emotional, family, financial, marital, and other personal problems which adversely affect the employee's personal life or job performance.

**b.** To provide confidential consultation to managers, supervisors, union representatives, and employees on how to effectively intervene.

**c.** To provide timely, professional on-site services to address the emotional impact of traumatic events which occur in the workplace.

**2. Duties and Responsibilities.**

**a.** The Office of Administration, Bureau of Personnel, shall be responsible for the administration of this program.

**b.** The Secretary of Administration shall develop and publish directives to implement this order. Such directives are to delineate policy and the responsibilities of each agency head, supervisor, and employee.

**c.** The Secretary of Administration shall ensure the efficient and effective coordination of service between the State Employee Assistance Program, other Commonwealth programs and health care coverage.

**3. Effective Date.** This order shall be effective immediately.

**4. Rescission.** *Executive Order 1991-6, State Employee Assistance Program.*

# ***MANAGEMENT DIRECTIVE***

**505.22 Amended**  
Number

***COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE***

Subject:

State Employee Assistance Program

By Direction Of:

Thomas G. Paese, Secretary of Administration

Date:

January 16, 1998

This revision updates responsibilities, outlines procedures related to the use of the State Employee Assistance Program (SEAP), delineates the relationship between SEAP and other Commonwealth programs, and defines training, education, and referral procedures.

SEAP is designed to assist Commonwealth agencies and employees with alcohol, drug, emotional, family, marital, psychological and other personal problems which can lead to deteriorating job performance or adversely affect the workplace. Marginal dots have been excluded from this amendment due to major changes.

## **1. PURPOSE.**

**a.** To announce changes in policy, responsibilities, and procedures for administering the State Employee Assistance program (SEAP), as directed by *Executive Order 1996-10, State Employee Assistance Program*.

**b.** To define training and educational requirements for all Commonwealth employees.

**c.** To define confidentiality requirements.

**d.** To describe the interrelationship between SEAP and *Management Directive 505.25, Substance Abuse in the Workplace*, and *Management Directive 505.29, Commercial Driver License Drug and Alcohol Testing Requirements*, Department of Corrections drug and alcohol testing program, and other similar programs.

**e.** To define the use of SEAP as a Condition of Continued Employment.

**f.** To define the use of SEAP in response to violations of *Management Directive 505.29*.

**g.** To define agency reporting requirements involving staff which must be licensed in order to perform their job duties and are subject to oversight from the Department of State, Bureau of Professional and Occupational Affairs.

**h.** To define the use of SEAP in response to traumatic events occurring in the workplace.

## **2. DEFINITIONS.**

**a. Condition of Continued Employment (COCE).** An agreement between the employer, employe and, as appropriate, the union representative, whereby the employe agrees to participate in SEAP in order to retain employment.

**b. Commercial Driver's License.** A federal program that mandates employers, including the Commonwealth, to conduct drug and alcohol testing on employees required to have a Commercial Driver's License. Reference Management Directive 505.29.

**c. SEAP Central Coordinating Office (SEAP-CCO).** A private nongovernmental service provider. This contractor is responsible for the coordination and delivery of professional services to the Commonwealth, including assessment, referral, follow-up, consultation, and critical incident stress debriefings.

## **2. OBJECTIVES.**

**a.** Provide an integrated system of support and intervention to Commonwealth agencies and employees when confronted with personal problems which may adversely affect job performance or impede the operations within the workplace.

**b.** Provide information and training that promote awareness of SEAP and voluntary referrals for services.

**c.** Promote early identification and referral whereby employees can receive appropriate services in the most cost-effective manner to both the Commonwealth and the employee.

**d.** Provide timely on-site services to address the adverse effects of traumatic situations on the workplace and employees.

## **3. POLICY.**

**a.** The Commonwealth recognizes that personal problems can adversely affect an employee's ability to perform job duties. Through effective intervention, an employee can return to acceptable functioning.

**b.** The Commonwealth understands the sensitive and personal nature of behavioral health problems and provides free and confidential services using a private nongovernmental service provider.

**c.** The Commonwealth recognizes that traumatic events which occur in the workplace or in the line of duty can have a significant and adverse

impact on the emotional well-being of employees. Such events, if not addressed, can result in increased costs to the Commonwealth in the form of decreased productivity and increased leave usage and compensation claims.

**d.** The Commonwealth recognizes that addiction to alcohol or other controlled drugs is an illness which can be treated effectively. An employee having such a problem is to receive consideration equal to anyone else with a health problem.

**e.** The Commonwealth traditionally has followed a program of discipline that is progressive, corrective, and equitable. For employees that are experiencing personal problems, discipline alone may not be sufficient to correct the situation. Personal problems are not an excuse to exempt an employee from just and timely discipline.

**f.** Supervisors are not to diagnose an employee's personal problem. When a supervisor identifies deteriorating job performance and traditional supervisory methods have not produced the desired change, or the problem does not appear to be job related, the employee should be referred to SEAP.

**g.** All employees, supervisors, managers, and union representatives will receive information and training on SEAP related policies, procedures, and available services. Supervisors and union representatives will receive specific training on how to identify, intervene, interview, refer, and monitor employees. SEAP related information and training will be provided on a regular and periodic basis. SEAP information also will be incorporated into related training programs provided by the Commonwealth and agency.

**h.** Notice and cooperation of unions will be actively sought in the referral process.

**i.** Through the contracted SEAP Central Coordinating Office, employees are to be helped by objectively identifying the nature and scope of the problem and by making the most clinically appropriate referral for treatment services. The SEAP-CCO will monitor each case to ensure quality care and to provide sufficient coordination between the employee, treatment/service providers, employer, and union, if appropriate.

**j.** Through SEAP, appropriate on-site services will be coordinated and provided in a timely manner to assist Commonwealth agencies and employees when a traumatic event affects the workplace.

**k.** Agency SEAP Coordinators will provide information, training, and technical assistance to all segments of the workplace.

**l.** Except for referrals made under a COCE, Commercial Driver License regulations, Department of Corrections drug and alcohol testing program, or as approved by the Office of Administration (OA), participation in SEAP, or refusal to participate, cannot be held against an employee or jeopardize his or her employment. Any action taken against an employee must be job-related and consistent with agency procedures.

**m.** SEAP will provide confidential consultation services. Federal and state regulations require all information related to an employee's involvement in SEAP or treatment be kept confidential.

**(1)** Confidential information is defined as any information that would identify an employee as participating in treatment, including diagnosis, prognosis, and attendance at SEAP treatment sessions.

**(2)** Confidential information cannot be redisclosed without the expressed written consent of the employee.

**(3)** Except for COCE and CDL referrals, SEAP information shall not be maintained in the Official Personnel Folder.

**(4)** Federal and state regulations contain criminal penalties for violating confidentiality regulations. Any violation of the confidentiality provisions may result in disciplinary action, up to and including termination.

**n.** Subject to Office of Administration approval, participation in SEAP may be required as a Condition of Continued Employment (COCE). A COCE will not be considered unless all other levels of progressive discipline have been taken and the employee is currently subject to termination. A COCE may also be requested when any of the following conditions exist:

**(1)** An employee has violated *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace*.

**(2)** An employee's behavior is posing a clear and present threat to self, others, or is so disruptive as to significantly affect the operations within the workplace and/or the functioning of the agency program.

**o.** An employee referred to SEAP as a Condition of Continued Employment is required to successfully participate in SEAP. Failure to comply with the terms of the COCE will result in discharge for noncompliance and the employee will be terminated. *Manual M505.3, State Employee Assistance Program*, contains the procedures for implementing a referral as a Condition of Continued Employment.

**(1)** The agency/field SEAP Coordinator will serve as the contact person for the agency and the contracted SEAP Central Coordinating Office for coordinating referrals made as a Condition of Continued Employment.

**(2)** In accordance with procedures established by the OA, the agency/field SEAP Coordinator will ensure that compliance information is orally shared with those individuals who sign a COCE Information and Consent Form. All such disclosures shall be on a need-to-know basis. Disclosures beyond those identified by name or position on the COCE form are prohibited and are a violation of confidentiality laws and policy.

**(3)** The COCE Information and Consent Form and subsequent progress reports and correspondence may be maintained in a sealed confidential envelope in the Official Personnel Folder. Access to this information is limited to those individuals who signed or are identified as recipients of the original consent form.

**(a)** Upon notification that an employee referred on a COCE has successfully completed all phases of the agreement including a one year follow-up phase, all SEAP related information is to be purged from the Official Personnel Folder and destroyed.

**(b)** Upon notification that an employee referred on a COCE has failed to complete all phases of the agreement including the one year follow-up phase, all SEAP related information is to be sealed in a confidential envelope and archived with the Official Personnel Folder with a notification on the sealed envelope of who has access to its contents.

**(4)** Confidential information received by the SEAP Coordinator on a COCE referral may be redisclosed to those individuals/positions identified on the consent form. Such disclosure shall be limited to oral confirmation regarding the employee's compliance with the terms of the agreement and on a need-to-know basis. Recipients of this information are prohibited from redisclosing the information without the expressed written consent of the employee.

**(5)** The SEAP Coordinator will maintain confidential records, separate from the Official Personnel Folder, for employees referred to SEAP as a Condition of Continued Employment. These records are not available to anyone without the written consent of the employee. All records will be kept separate from all other types of employee records and locked at all times when unattended.

**p.** An employee referred to SEAP for violating Commercial Driver's License provisions in *Management Directive 505.29* or Department of Corrections drug and alcohol testing program is required to successfully participate in SEAP. Failure to comply with the terms of the Information and Consent Form will result in discharge from SEAP for noncompliance. *Management Directive 505.29* contains the procedures for initiating a referral under the CDL program.

**(1)** The agency/field SEAP Coordinator will serve as the contact person for the agency and the contracted SEAP Central Coordinating Office for coordinating referrals made under the CDL program and Department of Corrections drug and alcohol testing program.

**(2)** In accordance with the CDL Information and Consent Form, the agency/field SEAP Coordinator will ensure that compliance information is orally shared with the CDL Coordinator and

those individuals who signed the CDL form. All such disclosures shall be on a need-to-know basis. Disclosures beyond those identified by name or position on the CDL form are prohibited and are a violation of confidentiality laws and policy.

**(3)** The CDL Information and Consent Form and subsequent progress reports and correspondence may be maintained in a sealed confidential envelope in the Official Personnel Folder. Access to this information is limited to those individuals who signed or are identified as recipients of the original consent form.

**(a)** Upon notification that a CDL employee has successfully completed all phases of the agreement including a one year follow-up phase, all SEAP related information is to be sealed in a confidential envelope and maintained purged from the Official Personnel Folder and destroyed.

**(b)** Upon notification that an employee referred as a CDL case has failed to complete all phases of the agreement including the one year follow-up phase, all SEAP related information is to be sealed in a confidential envelope and archived with the Official Personnel Folder with a notification on a sealed envelope of who has access to its contents.

**(4)** Confidential information received by the SEAP Coordinator on a CDL referral may be redisclosed to those individuals/positions identified on the consent form. Such disclosure shall be limited to oral confirmation regarding the employee's compliance with the terms of the agreement and on a need-to-know basis. Recipients of this information are prohibited from redisclosing the information without the expressed written consent of the employee.

**(5)** The SEAP Coordinator will maintain confidential records, separate from the Official Personnel Folder, for employees referred to SEAP as a Condition of Continued Employment. These records are not available to anyone without the written consent of the employee. All records will be kept separate from all other types of employee records and locked at all times when unattended.

q. The Department of State, Bureau of Professional and Occupational Affairs, *Professional and Practice Title Acts*, includes provisions for mandatory reporting as follows:

(1) Mandatory reporting is required for Dentists, Dental Hygienists, Medical Doctors, Physician Assistants, Registered Nurses, Social Workers, Veterinarians, Osteopathic Physicians, Osteopathic Physician Assistants, Pharmacists, Podiatrists, and Psychologists.

(2) Any hospital, health care facility, peer or colleague that has substantial knowledge that a licensee has an addictive disease, is diverting a controlled substance, or is physically or mentally incapable of carrying out his or her duties and is not receiving treatment must be reported.

(3) Any covered employe that is actively involved in SEAP or is involved in other treatment is not subject to mandatory reporting.

(4) Formal reports are to be made to the Department of State, Bureau of Professional and Occupational Affairs.

r. This directive and *Executive Order 1996-10* are consistent with *Executive Order 1996-13*, and *Management Directive 505.25*.

#### 4. RESPONSIBILITIES.

a. **The Office of Administration, Personnel Management Review Division**, is to:

(1) Implement, monitor, and evaluate the independently contracted State Employee Assistance Program Central Coordinating Office (SEAP-CCO).

(2) Monitor and evaluate the effectiveness of agency implementation of SEAP.

(3) Provide policy guidance to agencies on SEAP related issues.

(4) Develop, implement, and coordinate procedures to accommodate the sharing of information, determine the need for services and other activities between the SEAP-CCO and Commonwealth agencies.

(5) Provide and/or coordinate on-site intervention and consultation services for management, supervisors, and employes, when a critical situation occurs which could adversely affect the workplace.

(6) Develop, implement, and/or coordinate educational and other training programs on SEAP, substance abuse, and other behavioral health programs.

(7) Review, approve, and coordinate all referrals made as a Condition of Continued Employment and for violating the Commercial Driver License regulations.

b. **Agency Heads** are to:

(1) Designate a person(s) in the central personnel office, or in a personnel related function, to serve as the agency SEAP Coordinator. It is preferred that the role of the SEAP Coordinator not be delegated to the labor relations specialist because of the potential conflict of interest pursuing grievance actions. The agency SEAP Coordinator is to implement SEAP within the agency and to coordinate with the OA. All SEAP Coordinators must complete the Office of Administration's SEAP Coordinator training program.

(2) Consider, if the agency has field locations, having additional field SEAP Coordinators to assist in administering SEAP in each region, county, or facility. The field coordinator must be a management level staff person with a working relationship with a personnel function (i.e., benefits, EEO, training), but does not need to be employed in a personnel function.

(3) Ensure that all employes receive information, education, and/or training on SEAP and the substance abuse policy requirements, using an OA approved curriculum.

(4) Ensure that all supervisors and union representatives receive the required training using an OA approved training curriculum.

(5) Ensure that all employes, supervisors, and union representatives receive ongoing refresher training appropriate to their positions using an OA approved curriculum.

(6) Ensure that SEAP and related policies are administered consistent with this directive and *Executive Order 1996-10*.

c. **Agency/Field SEAP Coordinators** are to:

(1) Ensure that supervisory personnel and union representatives are trained to identify, intervene, and refer employees, and are knowledgeable of SEAP related policies and procedures.

(2) Ensure that all employees are made aware of SEAP and related policies and procedures.

(3) Provide supervisors with information and materials on SEAP and related issues for distribution at work sites and ensure that the information is posted and/or distributed.

(4) As required, provide consultation and/or assistance to supervisors, union representatives, and employees in accessing SEAP, monitoring performance and participation in SEAP, and in resolving problems between the workplace and the use of SEAP.

(5) Coordinate with the SEAP-CCO and/or the OA for those situations involving referrals as a Condition of Continued Employment.

(6) Maintain confidential records on SEAP referrals, as required by this directive. SEAP records include, but are not limited to, progress reports, SEAP summary evaluations, follow-up contacts, treatment attendance reports, etc. Records shall be kept locked and separate from all other records and accessible only to the SEAP Coordinator or other individuals to whom the employee has provided consent for disclosure. Any disclosure of information requires the informed written consent of the employee.

(7) Participate in OA or SEAP sponsored training, discussion groups, and requests for information and comment.

## 5. PROCEDURES.

a. Within 30 days of a change in agency/field SEAP Coordinator, the agency head or designee is to notify the OA in writing. Changes should be directed to the:

Personnel Management Review Division  
Room 513, Finance Building  
Harrisburg, PA 17120  
Phone: (717) 787-8575  
FAX: (717) 782-3153

b. The OA will contact agencies to schedule and conduct training for agency and field SEAP Coordinators.

c. Following SEAP Coordinator training, designated agency/field SEAP Coordinators are to conduct SEAP and substance abuse training for employees, supervisors, and union representatives.

d. Except as provided for in this directive, SEAP is not to be used in lieu of progressive disciplinary action. When a supervisor first identifies deteriorating job performance and the cause is not job related, the employee should be encouraged to seek professional assistance from SEAP before disciplinary action becomes necessary. Employees should be advised of the opportunity to avail themselves of SEAP services at each step of the disciplinary process. Supervisors are to follow the steps outlined in *Manual M505.3*.

e. When a supervisor refers an employee to SEAP because of declining performance or in conjunction with a disciplinary action, the supervisor should document that the employee has been made aware of SEAP and encouraged to utilize the program. Documentation should become part of the employee's personnel record, only if such action is taken based on performance and for reasons of discipline. Specific information concerning the nature of the employee's problem may not be documented as part of the personnel file or shared with anyone.

f. Requests for copies of SEAP policies: *Executive Orders 1996-10 and 1996-13, Management Directives 505.22 and 505.25, and Manual M505.3*, should be addressed to the:

Directives Management System  
Room 311, Finance Building  
Phone: 717/783-5055

Questions on policy and training should be referred to the:

Office of Administration  
Personnel Management Review Division  
Room 513, Finance Building  
Phone: 717/787-8575

g. To contact the contracted SEAP-CCO for information or consultation about a case or situation, call the:

Consultation Line  
1-800-662-9206

To contact the SEAP-CCO for the purpose of making a referral or accessing services, call the:

Referral Line  
1-800-692-7459

To contact the SEAP-CCO using the TDD line, call the:

TDD Line  
1-800-824-4306

**This directive supersedes Management Directive 505.22 dated June 14, 1991.**



**Commonwealth of Pennsylvania**  
**GOVERNOR'S OFFICE**

***EXECUTIVE ORDER***

Subject:		Number:
Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace		1996-13
Date:	Distribution:	By Direction Of:
December 20, 1996	B	Thomas J. Ridge, Governor

WHEREAS, illegal or inappropriate use of alcohol and other controlled substances by Commonwealth employees impairs the efficiency and effectiveness of the workforce, compromises public health and safety, and undermines attainment of the missions of government agencies, thereby increasing the operating costs of state government; and

WHEREAS, the Commonwealth is concerned with the well-being of its employees and the general public, attainment of agency missions, maintenance of employe productivity, and safe work environments; and

WHEREAS, as the state's largest employer, the Commonwealth should promote a model workplace substance abuse policy to foster the development of drug-free workplaces and encourage creation and use of employe assistance programs.

NOW, THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the following policies:

**1.** The unlawful manufacture, distribution, dispensation, possession or use of alcohol and other controlled substances by a state employe, either while on duty or in any Commonwealth workplace, is prohibited. Such conduct shall subject the employe to appropriate disciplinary action.

**2.** An employe determined to be unfit either while on duty, or in any Commonwealth workplace, as a result of alcohol or other controlled substances shall be subject to appropriate disciplinary action.

**3.** Any employe who is convicted of violating any statute governing the unlawful manufacture, distribution, dispensation, possession or use of alcohol or other controlled substances in any Commonwealth workplace shall notify his or her supervisor of such conviction, in writing, no later than five days after such conviction. A conviction means a finding of guilt (including a plea of nolo contendere, disposition in lieu of trial, probation without verdict or accelerated rehabilitative disposition) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of the federal or state criminal drug statutes.

**4.** Any employe convicted of drug abuse violations occurring in the workplace must satisfactorily participate in the State Employee Assistance Program or other rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Any employe convicted of drug abuse violations occurring in the workplace who refuses to participate in the State Employee Assistance Program shall be subject to appropriate disciplinary action.

**5.** Any employe who has self disclosed a problem with alcohol or other drugs shall be advised to contact the State Employee Assistance Program for assistance.

**6.** Education and training about the inappropriate use of alcohol and other controlled substances are important components of this policy. The Office of Administration shall provide for and initiate such education and training programs in state agencies. Education and training programs shall be consistent with this *Executive Order, Management Directives 505.22, State Employee Assistance Program* and *505.25, Substance Abuse in the Workplace*, and *Executive Order 1980-18, Code of Conduct*.

**7.** The Office of Administration is responsible for assuring that the Commonwealth's Policy on Substance Abuse in the Workplace and information about the State Employee Assistance Program are furnished to all employes.

**8. The Office of Administration shall:**

**a.** Monitor and review the implementation of this policy and assure compliance with state and federal statutes and regulations.

**b.** Coordinate the implementation and revision of this policy with representatives of state labor organizations.

**9. Effective Date.** This order shall be effective immediately.

**10. Rescission.** *Executive Order 1989-6, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace.*

# MANAGEMENT DIRECTIVE

505.25 Amended  
Number

## COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE

Subject:

Substance Abuse in the Workplace

By Direction Of:

Thomas G. Paese, Secretary of Administration

Date:

January 16, 1998

**This directive contains revisions to policy and procedures regarding the Governor's Policy on Substance Abuse in the Workplace.**

1. **SCOPE.** Applies to all agencies under the Governor's jurisdiction.
2. **PURPOSE.** The purpose of this directive is to establish procedures for implementing *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace*, and applicable provisions of the federal *Drug-Free Workplace Act of 1988, (P.L. 100-690, Title V. Subtitle D)*.
3. **POLICY.**
  - a. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol and other controlled substances by a state employe, either while on duty or in any Commonwealth workplace is prohibited.
  - b. Inappropriate use of alcohol or other controlled substances by any employe while on duty or in any Commonwealth workplace is prohibited. Such conduct shall subject the employe to appropriate discipline, up to and including termination.
  - c. Employes are prohibited from reporting
    - to work or remaining at work in an unfit condition
    - as a result of alcohol or other drugs. Such conduct shall subject the employe to appropriate
    - discipline, up to and including termination.
  - d. Any employe convicted of violating any statute governing the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or other controlled substances in any Commonwealth workplace shall notify, in writing, his or her supervisor or other appropriate management official of such conviction in accordance with procedures established in this directive.
  - e. Any employe having or suspected of having a problem with alcohol or other controlled substances, poor or diminished work performance, shall be referred to the State Employee Assistance Program (SEAP).
  - f. Any employe who has self disclosed a
    - problem with alcohol or other drugs shall be
    - referred to the State Employee Assistance
    - Program.
    -
  - g. Employes convicted of drug abuse violations occurring in the workplace which do not result in termination, must satisfactorily participate in SEAP or other rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

**h.** Any employe convicted of drug abuse violations occurring in the workplace who refuses to participate in SEAP shall be subject to appropriate disciplinary action.

**i.** Employes also are encouraged to voluntarily seek help from SEAP.

- **j.** Consistent with the Governor's Code of Conduct, any employe convicted of a felony or criminal conduct related to the employe's Commonwealth employment shall be terminated.

**k.** All employes shall receive information and training regarding this policy, the dangers of substance abuse, and the availability of counseling and rehabilitation through SEAP.

- **l.** Information pertaining to an employe's personal problems with alcohol or other drugs, involvement in SEAP or other treatment related is confidential and shall be maintained in accordance with state and federal regulations. Refer to *Management Directive 505.22, State Employee Assistance Program*, for specific procedures on confidentiality.

**m.** All agencies, prior to receiving grants from a federal agency, must certify to that agency that they provide for a drug-free workplace by completing the Certification of Drug-Free Workplace (Enclosure 1).

#### 4. DEFINITIONS.

**a. Controlled Substance.** A controlled substance in Schedules I-V of *Section 202 of the Controlled Substance Act (21 U.S.C. 812)* and as further defined by regulation at *21 C.F.R. 1300.11-1300.15*.

**b. Criminal Drug Statute.** A federal or non-federal criminal or other relevant statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

**c. Conviction.** A finding of guilty (including a plea of nolo contendere, disposition in lieu of trial, probation without verdict or accelerated rehabilitative disposition) or imposition of sentence or both by any judicial body charged with the responsibility to determine violation of the federal or state criminal or other relevant drug statutes.

**d. Workplace.** A site for the performance of work done while on duty. This includes Commonwealth owned or leased properties, construction sites, and any other field location where work is assigned. •

**e. Grant.** An award of financial assistance, including a cooperative agreement in the form of money, or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations, or any veterans' benefits to individuals.

**f. Grantee.** An individual or organization who applies for or receives a grant.

**g. State Employee Assistance Program.** A program for state employes designed to assist employes with alcohol, drug, emotional, family, financial, marital, or personal problems. Policy and procedures are contained in *Executive Order 1996-10, Management Directive 505.22, and Manual M505.3*, all titled *State Employee Assistance Program*. •

**h. Central Coordinating Office (CCO).** A private nongovernmental contractor responsible for the evaluation and referral to treatment of Commonwealth employes and family members who participate in SEAP.

#### 5. PROCEDURES.

**a.** All current and new employes shall be provided a copy of *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace*. Agencies are to distribute this policy to all employes on an annual basis. •

**b.** A copy of *Executive Order 1996-13* shall be posted throughout each agency. •

c. Agency personnel officers shall ensure that orientation and supervisory programs for new employees and supervisors include information on the Commonwealth's substance abuse policy and procedures. Orientation checklists and training curriculums (i.e., supervisory, labor relations, and performance evaluation courses) are to be revised to include this requirement.

d. Employees shall be notified that as a condition of employment they must:

- (1) Abide by the policies outlined in *Executive Order 1996-13*.

(2) Notify, in writing, their supervisor or other appropriate management official of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

- e. All employees that have self disclosed a problem with alcohol or other controlled substances shall be referred to SEAP. In the absence of any work or job performance problems, there should be no documentation in the official personnel history file that a referral to SEAP has been made.

- f. All employees that have self disclosed having a problem with alcohol or other controlled substances and are experiencing job performance problems shall be referred to SEAP by the employee's supervisor or other appropriate management officials. Where warranted, appropriate discipline shall be administered consistent with agency policy; *Management Directive 505.7*, *Personnel Rules*; *Civil Service Act*; *Executive Order 1980-18*, *Governor's Code of Conduct*; and applicable collective bargaining agreements.

g. Supervisors informed of an employee's conviction for drug statute violations shall immediately notify the agency personnel officer.

h. Within 10 calendar days of receiving notice of an employee's conviction of a drug violation in the workplace, agency personnel officers are to determine if the employee is engaged in the performance of work pursuant to the provisions of a federal grant. If so determined, the agency shall report

the employee to the appropriate federal agency and the Bureau of Personnel, Office of Administration. Employees who do not perform work pursuant to the provisions of a federal grant are not subject to the federal reporting requirements for convictions and thus these employees need not be reported to the federal agency. However, employees are to be reported to the Office of Administration.

i. Within 30 calendar days of receiving notice of an employee's conviction of a drug violation in the workplace, an agency must take appropriate disciplinary action consistent with agency policy, the *Personnel Rules*, *Civil Service Act*, *Governor's Code of Conduct*, and applicable collective bargaining agreements. Employees convicted of felonies or criminal conduct related to their Commonwealth employment are to be terminated. In cases where the employee is not terminated, the employee shall be required to participate satisfactorily in SEAP as a Condition of Continued Employment. Satisfactory participation will be determined by standards established by SEAP.

j. Agencies considering the use of a mandatory referral as a Condition of Continued Employment are to contact the SEAP Project Director in the OA before initiating the process. The SEAP Project Director will provide specific procedures and assist in the coordination with appropriate OA and CCO personnel. See *Management Directive 505.25* and *Manual M505.3* for more information on SEAP and the Condition of Continued Employment.

**k. Certificates of a Drug-Free Workplace.**

(1) Prior to receiving or renewing a federal contract of \$25,000 or more, or a grant of any denomination, agencies must complete Enclosure 1, Certification of Drug-Free Workplace, or a similar form, and send it to the appropriate federal agency. In addition, all contracts or grants, regardless of denomination, awarded directly to individuals also require the completion of the certificate.

(2) Agencies must identify by street address, city, county, state, and zip code, the worksite(s) for the performance of work done in connection with the specific grant. These worksites can be identified in one of three ways:

(a) On the certificate of a drug-free workplace which is provided.

(b) On the grant application or in signing the award if there is no application.

(c) In a document kept on file and available for inspection by federal agencies.

(3) An agency may elect to submit an annual certification to each federal agency from which it obtains grants in lieu of certifications for each grant during the year covered by the certification.

(4) Agencies are not required to provide a certification in order to continue receiving funds under a grant awarded before March 19, 1989, or under a noncost time extension of any grant.

#### I. Education and Training.

(1) Each agency is to establish an ongoing drug-free awareness program in conjunction with the Office of Administration.

(2) Agency drug-free awareness programs shall minimally include:

- (a) Dissemination of *Executive Order* 1996-13 to all new employees and annually to all employees.

(b) Dissemination of information/training to supervisors regarding their responsibilities in the administration of the substance abuse policy and SEAP. Refer to *Management Directive 505.22* regarding policies pertaining to SEAP training programs.

(c) Dissemination of literature and information regarding the dangers of drug and alcohol abuse in the workplace.

(d) Dissemination of information regarding SEAP and other available counseling programs.

(e) Coordination with the Office of Administration for the delivery of education and training programs on substance abuse for both employees and supervisors.

**m. Requests for Information.** Questions relative to the administration of SEAP, substance abuse programs, and training are to be directed to (717) 787-8575.

Enclosure:

1 – Certification of Drug-Free Workplace

**This directive supersedes Management Directive 505.25 dated June 14, 1991.**

**COMMONWEALTH OF PENNSYLVANIA  
CERTIFICATION OF DRUG-FREE WORKPLACE**

The \_\_\_\_\_ certifies that it provides a drug-free workplace by: (Agency)

**(a)** Notifying all employees that the unlawful manufacture, distribution, dispensing, possession, or use of alcohol or other controlled drugs is prohibited in any Commonwealth workplace and specifying the actions that will be taken against employees for violation of that prohibition.

**(b)** Establishing a drug-free awareness program to inform employees about:

**(1)** The dangers of alcohol and other drug abuse in the workplace.

**(2)** The agency's policy of maintaining a substance-free workplace.

**(3)** The availability of the State Employee Assistance Program.

**(4)** The penalties that may be imposed upon employees for alcohol and other drug abuse violations occurring in the workplace.

**(c)** Requiring that all agency employees, including those engaged in the performance of this grant, be given a copy of *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace*.

**(d)** Notifying all employees, including those engaged in the performance of this grant, that as a condition of employment in this agency, the employee shall:

**(1)** Abide by the terms of *Executive Order 1996-13*.

**(2)** Notify the employer, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

**(e)** Notifying, in writing, the federal granting agency named herein within 10 calendar days after receiving notice under subparagraph (d)(2), from an employee or otherwise receiving notice of such conviction.

**(f)** Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

**(1)** Appropriate disciplinary action against such an employee in accordance with agency policy, *Management Directive 505.7, Personnel Rules, Civil Service Act, and Executive Order 1980-18, Governor's Code of Conduct*, and applicable collective bargaining agreements.

**(2)** Requiring employees convicted of drug abuse violations occurring in the workplace to satisfactorily participate in the State Employee Assistance Program.

**(g)** This agency shall make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f).

Performance of Federal Grant \_\_\_\_\_  
(Number and Title)

Federal Agency \_\_\_\_\_

State Agency \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (County) (State) (Zip Code)

\_\_\_\_\_  
(Signature of State Agency Representative) (Date)

## IDENTIFICATION CHECKLIST

If there is a growing concern about an employee's performance and you want to know if it is work-related, review the following points.

To determine if the situation warrants a SEAP referral or another work-related approach, respond to each of the questions by placing an "X" next to "yes" or "no."

YES    NO

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the employee have the proper qualifications to perform the assigned duties?                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the employee been properly trained to perform his or her duties?                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the employee have the necessary work-related resources to perform the assigned duties?          |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there sufficient time available for the employee to perform the assigned tasks?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the employee understand what is expected of him or her?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the employee have and understand his or her job standards?                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the pattern of the performance problem, marginal or otherwise, been persistent over time?        |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the employee ever functioned at acceptable levels?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the employee been warned repeatedly about the specific performance problem(s)?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Have clear expectations for improvement been made known to the employee?                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the employee been more closely supervised including the review of work assignments and progress? |

If you have placed an X next to "no" in response to any of the above questions, there may be the possibility that the "problem" can be corrected in the workplace. To address this type of problem, you should re-examine the issue using traditional supervisory techniques.

If you answered "yes" to all of the above questions, then you may be dealing with an impaired employee and you should begin to document.



## EMPLOYEE DOCUMENTATION CHECKLIST

To help determine if an employee has a problem that interferes with the performance of his or her duties, place an "X" next to the sign or symptom that you have witnessed. Review the Questions for Suspected Fitness for Duty and Visual Observation Checklists for additional signs and symptoms if behavior is extreme or alarming.

### TIME AND ATTENDANCE

- Excessive use of sick leave
- Repeated unscheduled absences or tardiness
- Pattern of absences over time involving Mondays, Fridays, before or after holidays, and pay-days or when critical work assignments are due
- Leaves work early for a variety of reasons
- Longer lunch and coffee breaks
- Disappears from work site for unknown reasons
- Frequent trips to the restroom or other locations outside the worksite
- Malingering

### QUALITY AND QUANTITY OF WORK

- Alternating periods of high and low productivity
- Making excessive mistakes
- Making poor judgements and/or decisions
- Missing deadlines
- Wasting materials used on the job
- Slow at starting or completing work assignments
- Continued failure to follow established office procedures

### ATTITUDE AND MOOD

- Periods of high then low morale
- Overreaction to criticism
- Avoids talking with supervisor regarding work issues
- Difficulty in dealing with complex tasks or directions
- Difficulty remembering directions or details
- Mood changes after lunch or break
- Work requiring more time and effort than usual
- Verbal or physical threats directed at self or others
- Bizarre, extreme, or unacceptable behavior at the worksite
- Increasingly withdrawn
- Frequent and unwarranted periods of crying or laughter

**APPENDIX F**

**RELATIONSHIPS WITH CO-WORKERS**

- Complaints from co-workers
- More intolerant; resentful of fellow employees
- Complaints from outside sources – the public and/or other agencies
- Avoids fellow employees and supervisor

**PHYSICAL APPEARANCE**

- Deterioration of personal appearance/personal hygiene
- Increased nervousness and shakiness
- Changes in appearance after lunch or break

**ACCIDENTS**

- Increased number of accidents on or off the job that interfere with job performance
- Loss of license or incarceration that interferes with the performance of job duties

**OTHER CONCERNS (LIST)**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## CHECKLIST FOR PREPARING AND CONDUCTING AN INTERVIEW

### PREPARATION:

- Review appropriate section in SEAP Supervisory Guide (pages 22-23).
- Organize your documentation.
- Prepare and rehearse what you intend to say when making a SEAP referral.
- Reserve a private office to meet with employe.
- Provide employe with prior notice of the meeting.
- As appropriate, discuss issues with union steward.

### CONDUCTING INTERVIEW:

- Review appropriate section in supervisory guide (pages 23-25).
- Greet employe.
- Be respectful.
- Define purpose of meeting.
- Recognize positive contributions and past achievements.
- Clearly define problems and/or issues.
- Show documentation.
- Define acceptable levels in performance or behavior.
- Ask and allow for questions.
- Make SEAP referral and explain how the program works.
- Inform employe that the goal is acceptable performance.
- Set a time and date for follow-up session to review and/or change performance.
- Tell employe that you support him or her and his or her efforts in resolving the performance problem.

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POST REFERRAL FOLLOW-UP CHECKLIST**

- Review appropriate sections in SEAP Supervisory Guide (page 25).
- Complete "Documentation Checklist" based on performance and/or behavior since last meeting.
- Complete and follow the "Checklist for Preparing and Conducting an Interview."
- Meet with employe on the scheduled date and time.
- Focus on the performance and behavior since the last meeting.
- Acknowledge improvements and areas that still need to be improved.
- If necessary, take appropriate disciplinary action.
- If necessary, schedule another session.

**NOTES:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## VISUAL OBSERVATION CHECKLIST

The following list of indicators ranges from very clear and compelling to ambiguous and, at best, borderline. The supervisor must make a judgment based on facts. Be alert to behaviors that are abnormal, uncharacteristic, or inappropriate in the work environment. **Directions: Circle pertinent items based on your observation of the employee. This section must be completed regardless of the outcome of the interview.**

1.	<b>WALKING/STANDING</b> Normal	stumbling swaying impaired coordination	staggering unsteady poor balance	falling holding on
2.	<b>SPEECH</b> Normal	shouting slow slobbering	silent rambling/incoherent	whispering slurred
3.	<b>EYES</b> Normal	bloodshot dilated/constricted	watery droopy	glassy closed
4.	<b>FACE</b> Normal	flushed	pale	sweaty
5.	<b>APPEARANCE/ CLOTHING</b> Normal	unruly partially dressed stains on clothing	messy bodily excrement stains	dirty
6.	<b>BREATH/SMELL</b>	faint alcoholic odor strong perfume/cologne	alcoholic odor	no alcoholic odor
7.	<b>MOVEMENTS</b> Normal	fumbling nervous	jerky hyperactive	slow tremors/shakiness
8.	<b>EATING/CHEWING</b> None	gum	candy	mints
9.	<b>DEMEANOR</b> Normal	sleepy talkative suicidal (expressed) lethargic	crying excited anxious apathetic	silent hostile sad nauseous
10.	<b>ACTIONS</b> Normal	resisting communications drowsy erratic overreactions (verbal or physical)	fighting profanity markedly poor judgement	threatening hyperactive belligerent argumentative
11.	<b>COGNITIVE</b> Normal	inability to concentrate/comprehend confusion hallucinations memory deficits	disorientation marked suspiciousness dizziness	incoherence preoccupation





**APPENDIX J**

**8.** What is your explanation of the behavior?

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**CONCLUSIONS BASED ON OBSERVATIONS AND QUESTIONS**

- |   |     |    |           |
|---|-----|----|-----------|
| <b>A.</b> The employe is unfit for duty.  | yes | no | uncertain |
| <b>B.</b> The employe is unfit for duty, however, there may be an acceptable medical/prescription issue.                    | yes | no | uncertain |
| <b>C.</b> The employe is fit to perform duties without compromising safety of self or others or the operational efficiency. | yes | no | uncertain |

**Remarks:**

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_____ Supervisor	_____ Date	_____ Witnessed by	_____ Date
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**COCE/CDL/DOC ADVANCE NOTIFICATION CHECKLIST**

SEAP requests the following information to effectively assess the needs of the employe and respond to the concerns in the workplace. Please contact OA-SEAP (717) 787-8575 **before** completing the COCE/CDL/Department of Corrections (DOC) Information and Consent Form.

Please check:  COCE  CDL  DOC  
 If COCE:  Last Chance  Substance Abuse Policy  Fitness for Duty

**EMPLOYE INFORMATION**

Name:		
SSN# & Employee #:		
Agency:		
Worksite:		WORK COUNTY (Name):

**IF POSITIVE DRUG TEST**

TYPE OF TEST:	<input type="checkbox"/> RANDOM	<input type="checkbox"/> RETURN-TO-DUTY	<input type="checkbox"/> REASONABLE SUSPICION
	<input type="checkbox"/> FOLLOW-UP	<input type="checkbox"/> POST-ACCIDENT	
TYPE OF SUBSTANCE:			

LENGTH OF SERVICE	
PAST DISCIPLINE	
JOB PERFORMANCE	
TIME & ATTENDANCE	
KNOWN PROBLEMS	
OTHER	

CONTRACT SIGNING DATE:		TIME, IF KNOWN:	
------------------------	--	-----------------	--

**AUTHORIZED INFORMATION AND PERSONS SIGNING THE COCE/CDL/DOC FORM**

POSITION	PRINT NAME	PHONE NUMBER(S)
SEAP COORDINATOR		
BACK-UP SEAP COORDINATOR		
LABOR RELATIONS		
UNION REPRESENTATIVE NAME OF UNION		
SUPERVISOR		
CDL COORDINATOR		
OTHER (NAME/POSITION):		

<b>SENT BY:</b>	<b>DATE:</b>
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FAX TO: OA-SEAP (717) 772-3153  
 Questions, call (717) 787-8575

State Employee Assistance Program  
 Office of Administration  
 Personnel Management Review Division

**CONFIDENTIAL**



## CONDITIONS FOR CONTINUED EMPLOYMENT INFORMATION AND CONSENT FORM

I acknowledge that the Commonwealth has alleged that I have \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.  
I understand that I must agree to, and fully comply with the conditions described below, in order to retain my employment with the Commonwealth. Further, I understand that if at any time I fail to meet any of the conditions set forth, my supervisor, union, and/or other management staff will be notified and further disciplinary action including termination may be imposed.

### **EVALUATION AND REFERRAL**

I hereby request and give my consent to be evaluated by the State Employee Assistance Program (SEAP). The SEAP number is 1-800-692-7459. Further, this evaluation will be scheduled promptly and the results will be forwarded to the SEAP program. I understand that SEAP will notify my SEAP Coordinator as to the date and time of my evaluation, whether I kept my appointment or not, and the type of treatment recommendations made by the evaluator. I also agree to accept the recommendations made by the evaluator and will cooperate fully with SEAP and the evaluator.

### **TREATMENT**

I agree to accept the preferred recommendation made by the evaluator. If continued treatment is deemed appropriate, I will cooperate fully with the treatment program. I understand that if I do not successfully complete treatment or abide by the rules of the program, further discipline, including termination, can be imposed. I also give my consent to allow the treatment program to communicate on an ongoing basis with SEAP. Further, I give my consent to SEAP to communicate on an ongoing basis with my SEAP Coordinator concerning my involvement in treatment, specifically my attendance, progress, prognosis, date and type of discharge, and any other information deemed relevant.

### **AFTERCARE**

I understand that additional services, treatment, or participation in self help groups may be recommended by the evaluator or treatment program or SEAP, and as a condition of continued employment, I hereby consent to fully participate in those services. Further I agree to provide verification of my participation and allow for ongoing communication between SEAP and the service provider.

### **FOLLOW-UP**

I hereby consent to participate in follow-up as a condition of my continued employment. Follow-up contacts will be made with the evaluator, treatment programs, aftercare service providers, supervisors, union, and agency SEAP Coordinator/employer. Follow-up will consist of phone calls or personal contacts for the purpose of assessing progress, determining if additional services are needed, and to monitor compliance with the conditions for continued employment. Follow-up will begin at the time of referral and will continue for one year after the date of discharge from treatment. If at any time SEAP determines that additional services are recommended I agree to participate.



**COCE ADDENDUM**

The signatory parties agree to the following conditions in final resolution of the

\_\_\_\_\_ (Nature of the disciplinary action)  
 exhibited by \_\_\_\_\_, at \_\_\_\_\_ (Employee Name)  
 \_\_\_\_\_ (Name of Agency/Worksite).

1. Contingent on the signed acceptance of this agreement and the attached COCE, \_\_\_\_\_ (Employee Name) will not be discharged from employment; he or she will receive a Final Warning for \_\_\_\_\_ (Nature of the disciplinary action).

2. The parties hereby agree that should \_\_\_\_\_ (Employee Name) commit any similar infractions while under the COCE, the \_\_\_\_\_ (Agency Name) shall have the exclusive authority to determine:

- a. whether or not any provision of this agreement has been violated; and
- b. the appropriate penalty for any such violation.

3. The parties further agree that neither \_\_\_\_\_ (Employee Name) nor the union shall have recourse to file an appeal through the grievance procedure to protest the level of discipline imposed as a result of violating the COCE. However, while it is agreed that the level of discipline is not grievable, \_\_\_\_\_ (Employee Name) or the Union may file a grievance regarding the noncompliance of the terms and conditions of the COCE. Furthermore, if a grievance is filed protesting the noncompliance of the COCE, the grievant agrees that appropriate management staff shall have access to the grievant's medical records that are related to the COCE.

4. The parties agree that this agreement resolves all issues related to the above listed offense committed by \_\_\_\_\_ (Employee Name) and is without prejudice to the contractual rights of either party, and shall set no precedent for any further incidents.

\_\_\_\_\_  
 Labor Relations Coordinator

\_\_\_\_\_  
 Union Representative

\_\_\_\_\_  
 Employee



## COMMERCIAL DRIVER'S LICENSE REFERRAL INFORMATION AND CONSENT FORM

I understand the Commonwealth has been informed that I have tested positive for alcohol and/or controlled substances in a recent CDL alcohol/drug test. I understand that in accordance with the *Omnibus Transportation Employee Testing Act*, I am required to be evaluated and comply with any treatment recommendation made by the Substance Abuse Professional. I understand that if, at any time, I fail to meet any of the conditions set forth, the agency CDL Coordinator, my supervisor, union, and other management staff will be notified and disciplinary action, up to and including termination, may be imposed.

### **EVALUATION AND REFERRAL**

I request and give my consent to be evaluated by the State Employee Assistance Program (SEAP). I understand that I must contact SEAP within 24 hours from the date below. The evaluation will be scheduled promptly and the results will be forwarded to the SEAP program. I understand that SEAP will notify my SEAP Coordinator as to the date and time of my evaluation, whether I kept my appointment or not, and the type of treatment recommendations made by the evaluator. I also agree to accept the recommendations made by the evaluator and will cooperate fully with SEAP and the evaluator. I understand that I must call SEAP at 1-800-692-7459 to arrange an evaluation session.

### **TREATMENT**

If continued treatment is deemed appropriate, I will cooperate fully with the treatment program. I understand that if I do not successfully complete treatment or abide by the rules of the program, discipline up to and including termination, may be imposed. I give my consent to allow the treatment program to communicate on an ongoing basis with SEAP. I give my consent to SEAP to communicate on an ongoing basis with my SEAP Coordinator concerning my involvement in treatment, specifically my attendance, progress, prognosis, date and type of discharge, and any other information deemed relevant.

### **ALCOHOL/DRUG TESTS**

I agree to undergo alcohol/drug testing as determined by SEAP. Further, I agree to allow this information to be shared with the SEAP-CCO, treatment program, designated management official, CDL Coordinator, SEAP Coordinator, Labor Relations Specialist, union representative, and OA-SEAP. I further authorize, approve, and give my consent to the Medical Review Officer of the Newport Alliance, to communicate and release to SEAP and my case manager, any and all information obtained either from me, or from the laboratory, pertaining to my alcohol and/or drug tests and pertinent medical history.

### **AFTERCARE**

I understand that additional services, treatment, or participation in self help groups may be recommended by the evaluator or treatment program. I agree to provide verification of my participation and allow for ongoing communication between SEAP and the service provider.

### **FOLLOW-UP**

I consent to participate in follow-up. Follow-up contacts will be made with the evaluator, treatment programs, aftercare service providers, supervisors, and agency SEAP Coordinator/employer. Follow-up will consist of phone calls or personal contacts for the purpose of assessing progress and to determine if additional services are needed. Follow-up will begin at the time of referral and will continue for one year after the date of discharge from treatment.

APPENDIX N

**CONFIDENTIALITY/INFORMATION SHARING**

I consent to allow for ongoing communication and sharing of information between SEAP, the evaluator, treatment program, aftercare service provider, supervisor, SEAP Coordinator, CDL Coordinator, employer, union representative, and the Office of Administration SEAP staff. I understand that the information will be limited to only that information necessary to determine compliance and only on a need-to-know basis. The information is considered confidential and will not be shared beyond those identified above. If additional consents/release forms are required by a service provider or other entities, I will provide the necessary consents.

\*\*\*\*\*

Having read and/or discussed the above conditions, I understand that compliance with the CDL Alcohol and Drug Testing Program is based on my participation in SEAP, successful completion of treatment, aftercare, follow-up, alcohol/drug tests, and my full cooperation with the responsible parties, as cited above. I understand that I must meet the existing requirements of my job and that if another violation occurs or, if other problems develop, I may be subject to disciplinary action up to and including termination.

\_\_\_\_\_  
EMPLOYEE NAME (PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DESIGNATED MANAGEMENT OFFICIAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SEAP COORDINATOR

\_\_\_\_\_  
DATE

If additional conditions are being imposed, please attach as an addendum.