

EAP Counselor's Resource Guide

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 - David Bingaman, EAP Manager.
 - Andrea Scala, EAP Specialist.
 - FOH Staff.

The EAP Counselors, the Postal Service, and postal employees will benefit from their dedicated service.

Welcoming Remarks

From its beginnings in 1968, the Postal Service EAP has evolved into a nationwide network of service providers that plays a vital part in the business and culture of the Postal Service. In addition to its historical role in employee counseling, the EAP has expanded to include services in education, training, consultation, conflict resolution, workplace violence prevention, and critical incident response.

Our commitment to quality has earned the Postal Service EAP considerable respect. You, as a contract EAP Counselor, play an integral role in enabling the Postal Service EAP to achieve its corporate *CustomerPerfect!* and professional goals to optimize the health, well being, and performance of the Postal Service and its employees.

It is with these thoughts in mind that I welcome you to the Postal Service. I trust you will look forward to the challenges and opportunities facing you in your role of EAP Counselor.

A handwritten signature in black ink, appearing to read "John G. Kurutz". The signature is fluid and cursive, with a large loop at the end.

*John G. Kurutz, Ph.D.
Manager, Employee and Organizational Assistance Services*

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Publication 32, *Glossary of Postal Terms*

Since 1993 we have had the privilege of partnering with the U.S. Postal Service to develop and provide high-quality EAP services to postal employees and their families throughout the country. This has been a tremendous challenge and professionally gratifying experience.

Our staff and affiliate EAP Counselors are the most visible aspect of the program and represent the value we bring to our customers. The services that you provide to our clients are often essential to their optimal performance and well being. We greatly appreciate your dedication and commitment and hope that the information contained herein will facilitate your success in helping others.

We welcome you as a member of the EAP team and look forward to working with you.

A handwritten signature in black ink that reads "David B. Bingaman". The signature is written in a cursive, flowing style.

*David B. Bingaman, LCSW, CEAP
Manager, Employee Assistance Program
Federal Occupational Health*

Historical Perspective

I have worked at the Post Office for twenty-two years. I think EAP is very good and have used it three times in the past for help with my family. Each time it was critical, and without their help and guidance, I don't know where we would be. I wish everyone would use the EAP. I believe everyone needs it at some time in their lives.

— *Postal Service EAP Annual Activity Summary, 1995*

The Postal Service has long been considered a pioneer in the field of employee assistance programs. In 1968, the Postal Service initially developed the Program for Alcoholic Recovery (PAR). This original program was designed to assist postal employees who were experiencing job-related problems due to alcohol abuse and/or addiction. Receiving numerous awards for excellence, the Postal Service PAR program became an example of workplace alcohol assistance programs for corporate America. Before 1986 PAR was staffed internally by career employees who had some background in the field of alcoholism and were often recovering themselves.

In 1986, as the problems confronting the program had changed, PAR was renamed the Employee Assistance Program, and services were expanded to include employees who were experiencing problems with drugs other than alcohol. This expansion increased EAP use, decreased work-related substance abuse problems, and overall became a positive force in assisting employees restore their lives, both at home and at work. In 1990, the Postal Service was commended nationally when its EAP received the Office of Personnel Management Director's Award for Outstanding Employee Health Services Programs.

As the needs of the Postal Service expanded, so did the EAP. In late 1990, in response to the Postal Service's need for a program that would address all work-related performance issues, a pilot project was established to test the feasibility of further expansion of EAP services.

This pilot project became the forerunner of our current Postal Service expanded EAP.

In 1993, the EAP of the Postal Service went from a program dealing solely with the problem of substance abuse and using postal employees as counselors to a program addressing a wide variety of problems and having contracted mental health professionals as providers. An Interagency Agreement between Health and Human Services, Federal Occupational Health, and the Postal Service arranged for the provision of EAP services to the more than 1.5 million postal employees and their family members. The Interagency Agreement delineated the scope of work as well as the qualifications of the Counselors.

The EAP continues its dedication to supporting the goals and objectives of the Postal Service, its employees, and its customers in new and creative ways in the years to come.

Interagency Agreement

In order to reorganize and expand the EAP, the Postal Service entered into an Interagency Agreement with Federal Occupational Health (FOH) in March 1993 to provide program guidance, staff the EAP nationwide with professional counselors having a master's or doctoral degree, and establish the Employee Assistance Program Information System (EAPIS), a state-of-the-art information management system. This agreement sets program parameters and is negotiated annually; it allows for revisions as EAP services are enhanced and refined. A copy of the full Interagency Agreement between the Postal Service and FOH can be found in Addendum 1.

Under this agreement, FOH is responsible for the administration, delivery, provision of clinical services, and oversight of EAP training. In turn, FOH contracts with private vendors who then employ counselors to provide direct services within the program. FOH developed and executed new contracts with two new vendors in September 1996 to provide EAP services to postal employees and their families nationwide. These contracts are renewable annually and may be utilized for up to 5 years. The FOH vendor delineates the scope of services to be provided and the operational structure of the EAP.

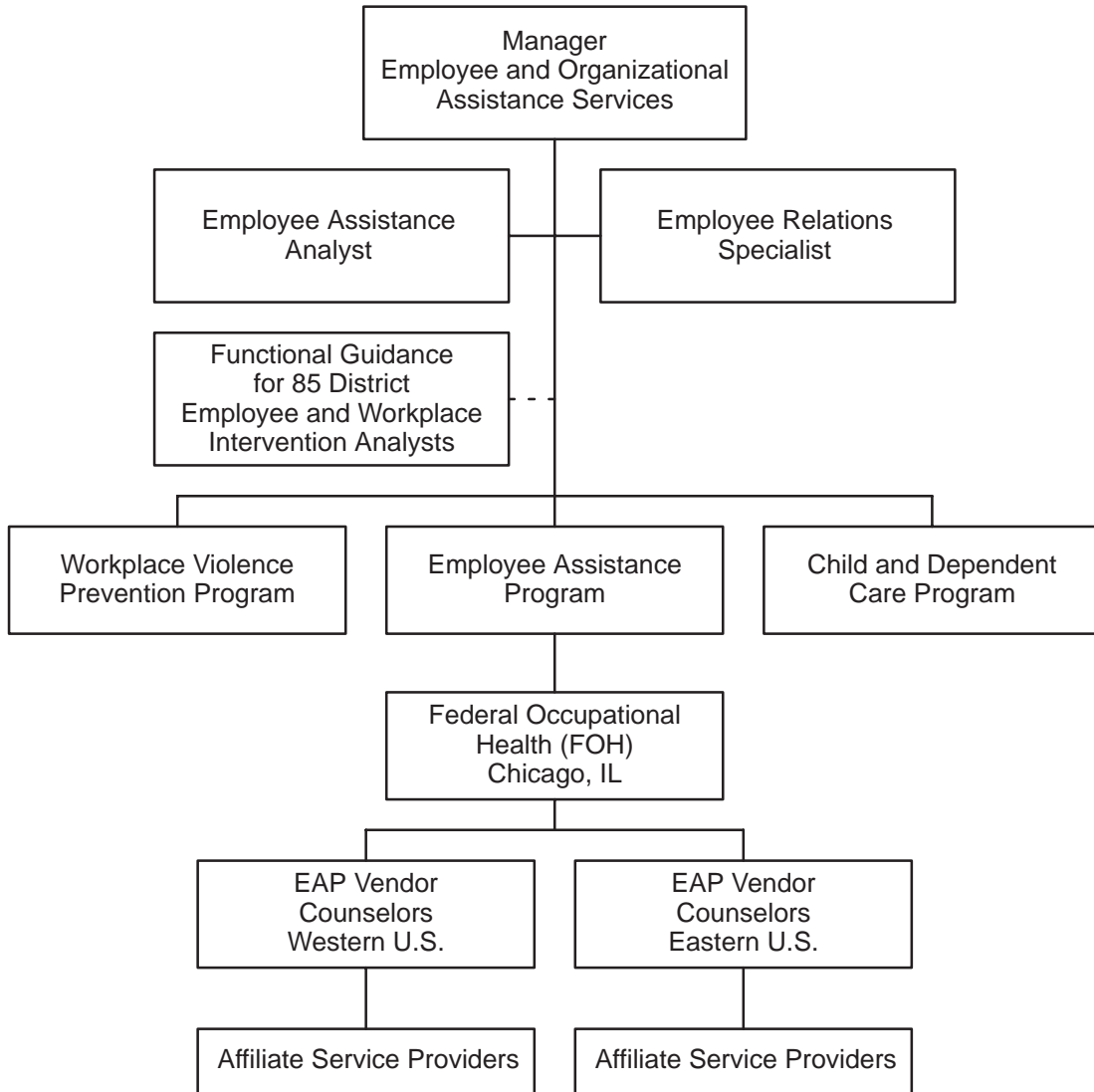
The Postal Service EAP is a unique combination of internal and external components that comprise an integrated team that is responsible for program design and implementation. As shown in chart 1, the Postal Service EAP is managed by both internal and external sources, each source providing specialty services.

The Manager of Employee and Organizational Assistance Services (EOAS) provides the policy guidance from the Postal Service. A National Joint Committee of several Postal Service Headquarters staff and postal unions meets regularly in an advisory capacity to the manager. On a local level, the Postal Service is made up of 85 districts. Each district employs one Employee and Workplace Intervention Analyst (called either EWIA or Intervention Analyst). The Intervention Analyst works with management to facilitate local implementation of the program.

Within FOH, the EAP Manager who serves as the Project Officer is responsible for providing program direction and oversight. FOH Employee Assistance Specialists are assigned to monitor contractors' performance within individual districts and maintain effective communication among the Postal Service, FOH, and EAP vendors.

The Postal Service, FOH, and vendors work in partnership to implement the full array of EAP services. Through effective communication, innovation, and dedication on the part of the Postal Service, FOH, and the vendors, a comprehensive program of counseling, education, training, consultation, conflict resolution, workplace violence prevention, and critical incident response is implemented.

Chart 1
Organizational Chart — Employee and Organizational Assistance Services



Postal Service Organizational Information

The Postal Service is the world's largest civilian employer. Statistically it has been stated that 1 out of every 169 full-time workers in the United States is or has been a Postal Service employee.

— *Postal Link, 1995*

In 1970, Congress established a labor relationship framework for the Post Office Department that resulted in organizational and structural changes. These changes created a government agency more closely resembling private industry. The newly named U.S. Postal Service was required to become more self-supporting and would have no direct government guidance other than the Postmaster General and the Postal Board of Governors. Since 1982, the U.S. Postal Service has depended exclusively on fees and postage rather than taxpayer revenue for operations.

This new framework provided Postal Service employees rights to bargain collectively through their exclusive collective bargaining representatives over their wages, hours, and conditions of employment. Currently, there are over 600,000 employees represented by unions. As a collective bargaining employer, the Postal Service periodically negotiates the terms of the various labor agreements with each of several unions. These contractual agreements cover issues such as employee responsibility, work conditions, wages, and benefits.

Although the Postal Service has internal mechanisms for policy and procedure, these collective bargaining agreements establish the methods for resolving labor disputes. Not only is the Postal Service bound by the collective bargaining agreements established with the unions and by statutory regulations regarding management associations found in title 39, United States Code (U.S.C.), but the Postal Service is also accountable via congressional oversight.

Headquarters

The Postal Service Headquarters organization is structured similar to that of private organizations in that it is headed by a chief executive officer, known in the Postal Service as the Postmaster General. This CEO/Postmaster General reports directly to a nine-member Board of Governors officially appointed by the President with the consent and advice of the Senate. The Board, in turn, selects a Postmaster General, who along with the Board selects a Deputy Postmaster General. Both the Postmaster General and Deputy Postmaster General serve on the Board. The Board directs and controls expenditures of the Postal Service, reviews its practices and policies, and joins in long-range planning on postal matters. The Board meets each month to discuss opportunities for growth and improvement. See chart 2, Organizational Chart — Headquarters.

Districts

The Postal Service is divided into 10 areas, headed by an Area Vice President. These areas are then divided into 85 districts. Each district is accountable to the Area Vice President and itself for achieving district, area, and corporate strategic goals. The districts are divided into two main groups: (1) Customer Service and Sales and (2) Processing and Distribution. Depending on the format in each local district, either a District Manager heads the leadership team, or there is joint leadership by a District Manager and a Senior Plant Manager. The geographic coverage and number of employees determines the categorization of the organizational structure of each district into large, medium, or small. See charts 3, 4, and 5.

Management Associations and Unions

To negotiate contractual agreements with the Postal Service, the craft employees (bargaining unit employees) are represented by unions. Some supervisors and other executive and administrative schedule (EAS) management officials (nonbargaining unit employees) are represented by management associations. The unions representing craft employees are not “closed shops” because one does not have to belong to the union in order to be represented. On the other hand,

management associations do require that supervisors and managers belong to the association in order to receive representation during litigation; however, a nonmember receives all wage benefits as settled upon by the association. Postal Service employees may be represented by one of the following bargaining agents and other labor organizations:

- American Postal Workers Union (APWU)
- National Association of Letter Carriers (NALC)
- National Postal Mail Handlers Union (Mail Handlers)
- National Rural Letter Carriers' Association (NRLCA)
- National League of Postmasters of the United States (the League)
- National Association of Postmasters of the United States (NAPUS)
- National Association of Postal Supervisors (NAPS)
- National Postal Professional Nurses (NPPN)
- Fraternal Order of Postal Police (FOPP)
- American Federation of Government Employees, AFL-CIO
- National Alliance of Postal Employees

Chart 2
Organizational Chart — Headquarters

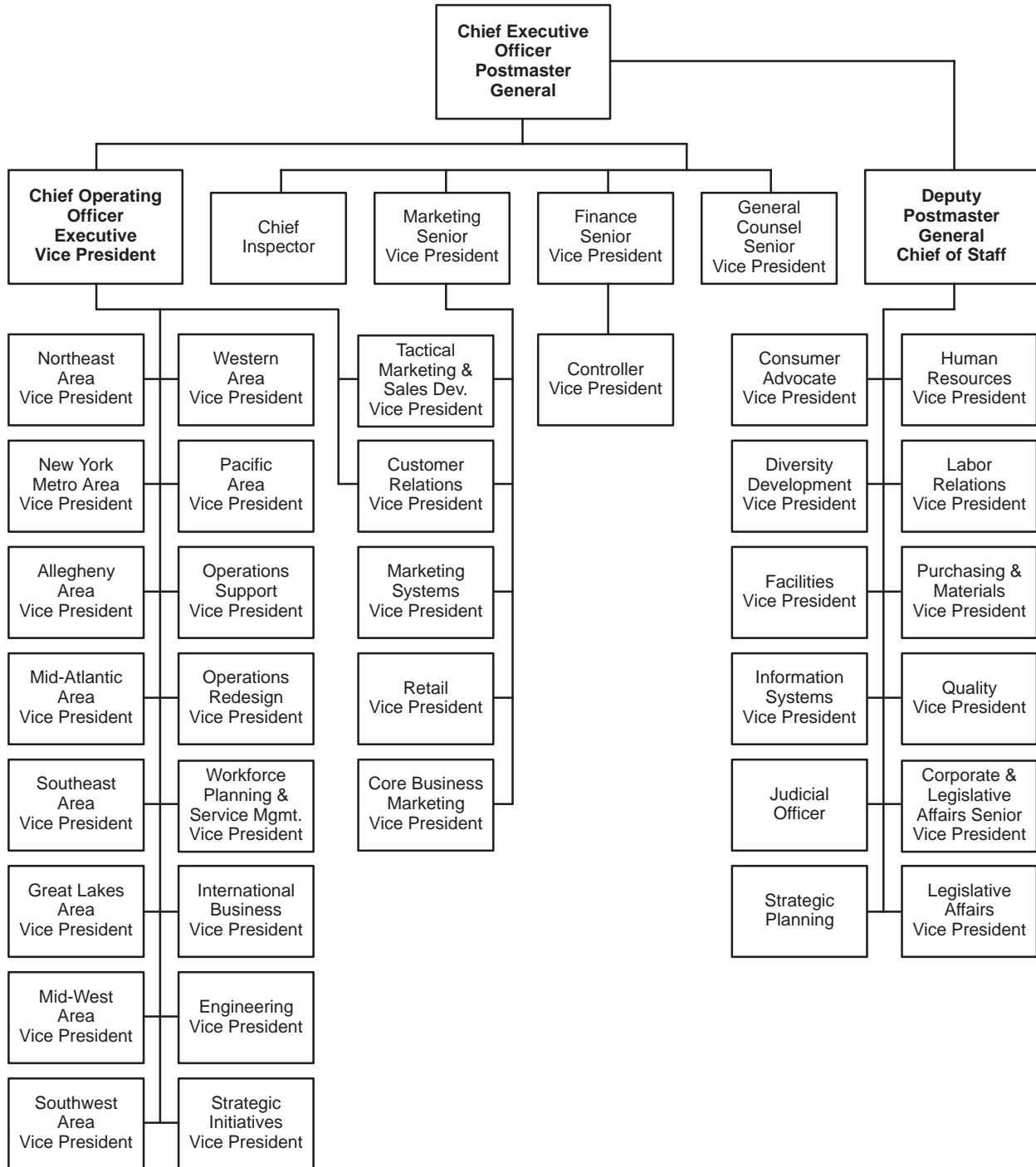


Chart 3
Organizational Chart — Large District

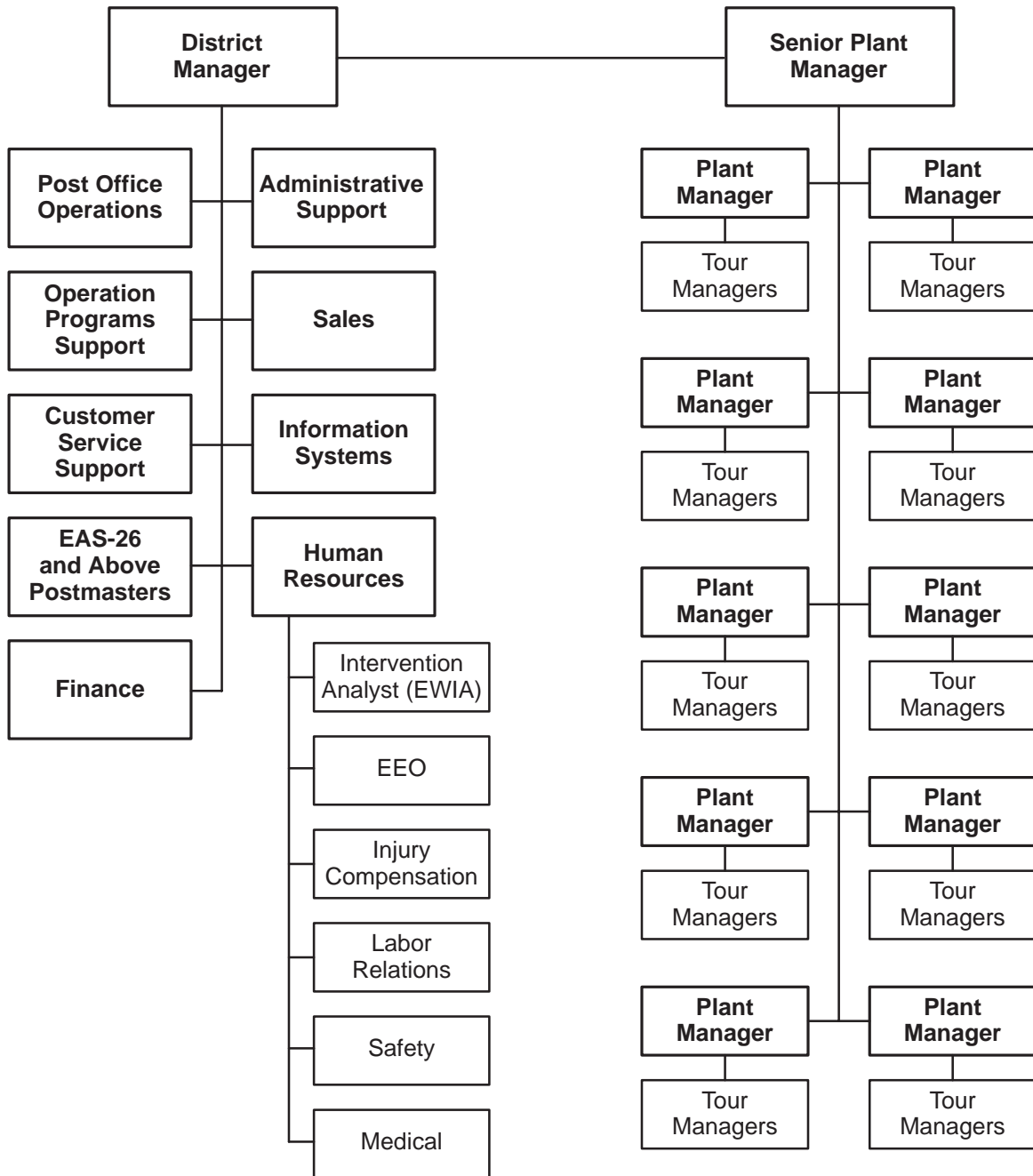


Chart 4
Organizational Chart — Medium District

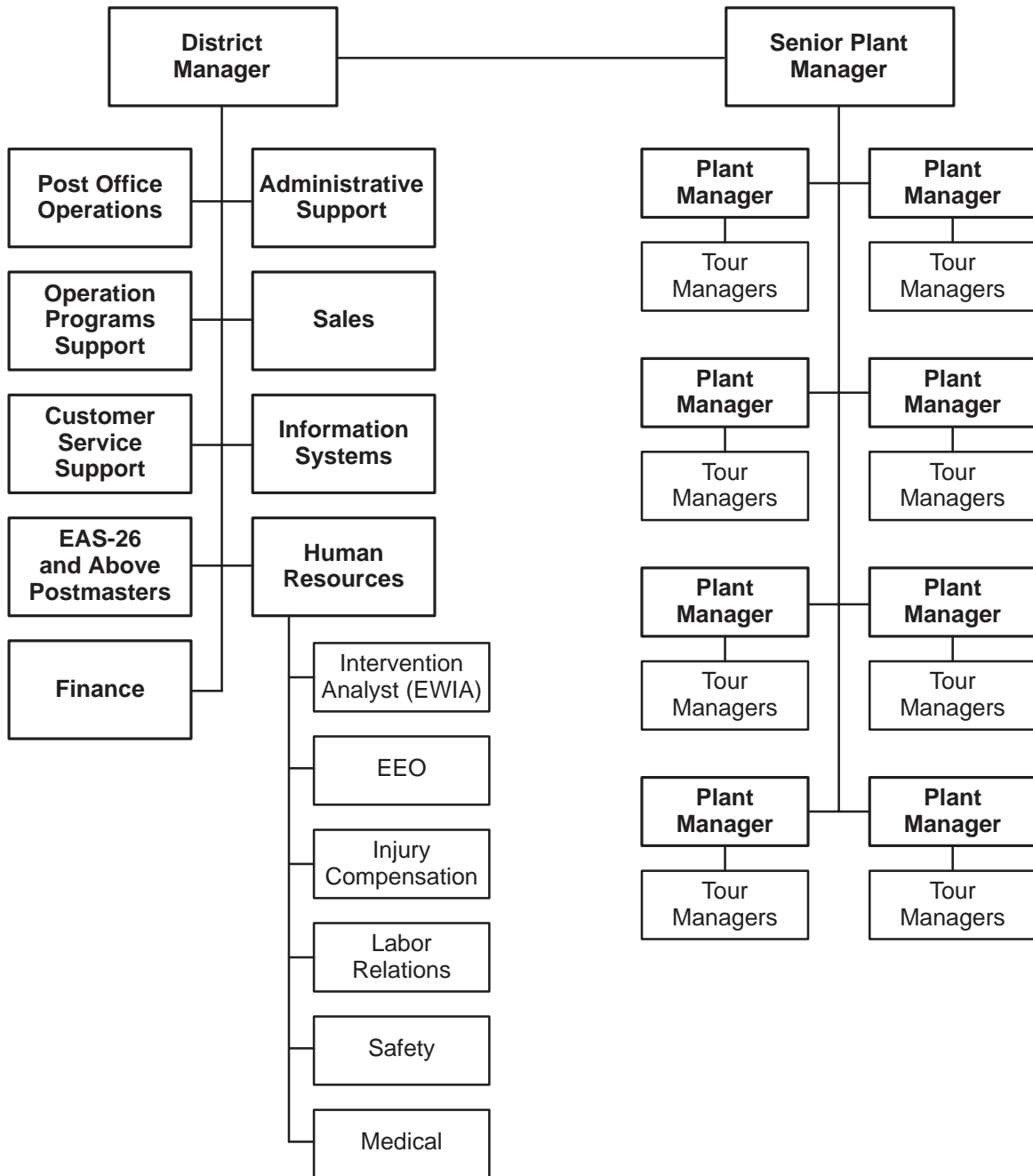
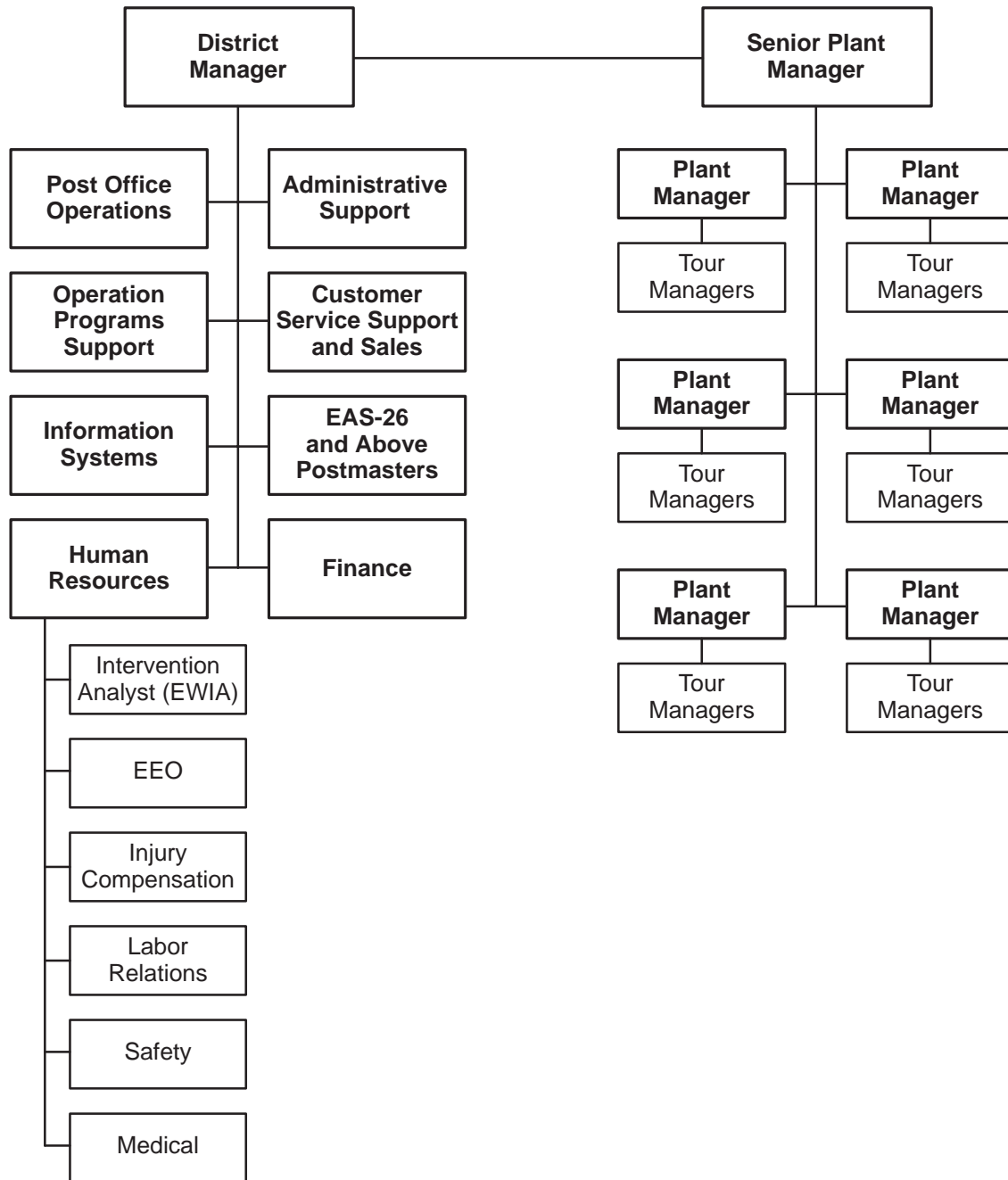


Chart 5
Organizational Chart — Small District



EAP Counselor Role Within the Postal Service

Services Provided

The EAP is a broad-brush program offering employees and their families up to 12 free, voluntary, and confidential counseling sessions as clinically appropriate to assist with personal, emotional, or work-related problems. Some of the most common concerns brought to the EAP Counselor include:

- Emotional distress.
- Job-related problems.
- Marital difficulties.
- Family disturbances.
- Alcohol or other drug abuse.
- Stress.

Services are available through self-referrals or referrals by others.

Employee and Workplace Intervention Analyst and Counselor Roles

The EAP Coordinator's position was established in 1993 to help the organization's efforts to improve the workplace environment as well as to facilitate the local administration of the counseling program. In 1997, in an effort to distinguish between the roles of the EAP Coordinator and EAP Counselor, the EAP Coordinator's title was changed. The EAP Coordinator duty title was found to be limiting because of the narrow stereotype of the EAP as being focused solely on individual counseling. Potential organizational contributions that the EAP Coordinator could make to the performance cluster (PC) were often unrealized.

Also, in part because of the 25-year history of the “old” EAP, and in part because of the close similarity between the titles of “EAP Counselor” and “EAP Coordinator,” on occasion unnecessary problems occurred. It was not well understood that the mental health professionals employed by the external contractor provided clinical counseling, while the EAP Coordinators, who were postal employees, did not. The difficulty in distinguishing roles led to frustration and disappointment on the part of some clients, managers, supervisors, and union officials.

In response to this problem, the staff of EOAS worked with the Manager, Organizational Structure and Job Evaluation, to effect a change that would more accurately reflect the duties of the EAP Coordinator. Therefore, as of February 4, 1997, the EAP Coordinator title was officially changed to Employee and Workplace Intervention Analyst (EWIA or Intervention Analyst).

Intervention Analysts play a unique and essential role in each of the 85 Postal Service districts. Intervention Analysts have at least a master's degree in the behavioral sciences, but do not provide direct clinical services or counseling to individual clients. Instead, they operate at a systems level to identify the organizational issues of concern to management and to advise management on potential solutions. They also coordinate the activities of the EAP within their districts as well as implement Headquarters initiatives. In conjunction with their commitment to enhance the workplace environment, Intervention Analysts are actively involved in efforts to reduce the risk of workplace violence and provide much of the Workplace Violence Awareness Training. During and after a critical incident, it is the Intervention Analyst who serves as the primary contact for support resources and coordination of services.

Intervention Analysts operate at a macro level and ensure that the EAP is administered in accordance with the Interagency Agreement and that program implementation effectively meets the needs of the local employees and of the organization. Addendum 2 lists the duties and responsibilities of the Intervention Analyst.

Unlike the Intervention Analysts, the contract EAP Counselors do provide direct clinical counseling and case management services to Postal Service employees and their families. Consistent with the historical role of the Postal Service EAP, counseling services continue

to be the central activity of the Postal Service EAP. Counselors must have, as a minimum, a master's degree in a mental health field and 3 years of postgraduate, professional counseling experience and, where possible, hold a current license or certification as a mental health professional from the state in which they practice. In addition to staff Counselors, the EAP has a nationwide network of affiliate Counselors to ensure that services are readily available to all Postal Service employees and family members throughout the country. Addendum 3 lists the duties and responsibilities for all EAP Counselors.

Counselors are trained to understand the unique culture and climate of the Postal Service, the needs of employees, the effects of performance demands, and the resulting stress on all employees. Counselors not only provide direct clinical services to employees and their families, but also act as consultants to Postal Service management and union officials. In this consultative role to various postal functional organizations, the Counselors remain neutral and act as a support and resource for the EAP client. The relationship of the Counselor to litigation proceedings will be addressed in the section titled Labor Relations.

The EAP Counselor walks a thin line when dealing with unions, bargaining unit employees, and management. The unions and management are separate entities, and while Counselors are encouraged to make presentations and include both parties in any seminars or conferences, the Counselor should steer away from subjective or personal opinions concerning the workplace or the labor climate.

It is inappropriate for a Counselor to address specifics with union officials and/or share judgments with them concerning workplace or labor issues. Counselors should discuss those issues with the Intervention Analysts and follow their recommendations. Sometimes when the employee's initial contact with EAP may be a reaction to disciplinary action imposed or pending, it is important that Counselors maintain their objectivity and remain neutral.

During this period the Counselor may be approached by the employee or by the union to intercede with management concerning the employee's problems at work. The employee and the union should be reminded that the Counselor is there to provide counseling services, not to intervene in the work environment. In this way, the employee is

encouraged to accept responsibility and work through his or her problems rather than rely on someone else to “fix” them. By establishing proper boundaries with the client, union, and management, the Counselor is then free to provide appropriate services to the employee.

Counselors assist the Intervention Analyst in the development and implementation of a local marketing plan including employee orientation, union briefings, supervisor training, and health and wellness seminars. Additionally, Counselors provide direct services to impacted employees and their family members during and after critical incidents.

USPS Support Line

The Support Line provides the opportunity for employees to be heard. It is staffed by trained mental health professionals having the same credentials as the other contract Counselors, who can help employees identify and address issues causing problems within the workplace. The Support Line serves as an essential means for crisis intervention, problem-resolution counseling, and referral to the postal EAP. In the event that the postal employee, contract Counselor, or Intervention Analyst cannot resolve employee concerns, the Support Line provides another means of support for the employee. The number is 1-800-307-HELP.

Confidentiality

Confidentiality is the cornerstone of the EAP and is evident at all levels of service. The confidentiality of EAP records and information about individuals who use the program is protected by federal law and regulations and state laws. Specifically, the Privacy Act of 1974 protects all EAP records from disclosure without the written consent of the individual, subject to certain specified exceptions. Further, the EAP records of employees with alcohol and drug abuse problems are subject to additional disclosure restrictions imposed by the confidentiality provisions of the Public Health Services Act, codified at title 42 U.S.C. State and local laws also may apply.

Client counseling data may be released if the client provides prior written consent. This release of information is specific, indicating the nature and scope of topics to be released and to whom and under what

circumstances the Counselor may release such information. When the client is using the EAP as a result of a negotiated agreement among the client, labor, and management, the Counselor should review the agreement and verify that the agreement authorizes disclosure. If disclosure is not authorized, the Counselor should obtain an appropriate consent, following vendor policies and procedures.

Without a signed consent form, the Counselor may inform only the employee's supervisor if the employee made and/or kept the initial EAP appointment when the employee was formally referred by the supervisor. Additionally, the Counselor can confirm to an employee's supervisor that the EAP client had an EAP appointment while in duty status ("on the clock") or sick leave status.

Other instances where confidentiality does not apply is if one or more of the following occur:

- Medical emergencies.
- Crimes on EAP premises or against program personnel.
- Incidents of child abuse and neglect (elder abuse in some states).
- Valid court order from a court of competent jurisdiction.
- Bona fide audits, inspections, and evaluations.
- Positive alcohol and/or other drug test results under the Department of Transportation (DOT) guidelines.
- "Duty to warn" situations.

Duty to Warn and Protect

Information about a crime or the intended commission of a crime that may physically harm other people can be disclosed to certain individuals so long as the EAP does not identify the client as an alcohol or drug user. Generally, state laws require that, when a Counselor assesses a situation of imminent danger to readily identifiable victims, the Counselor inform the individuals at risk and appropriate law enforcement authorities of that threat. If the threat involves postal personnel or postal property, then postal authorities (Postal Inspectors or Postal Police) should be contacted. Otherwise local law enforcement should be called.

Referrals to EAP

Managers can and are encouraged to make referrals to the EAP. These should be initiated at the first sign of a performance or conduct problem. A formal referral documented in writing should be initiated by the first disciplinary action.

A supervisor, manager, or medical official who believes that an employee's problems may be either causing or contributing to current unacceptable behaviors and/or work performance may consult with the Counselor before referring the employee to EAP. During the management consultation, the Counselor may question the referring official regarding any observed behavioral changes or written documentation pertaining to these behaviors. It may be helpful to the Counselor to request a copy of the employee's attendance record (Form 3972) and/or discuss with management any prior discipline relating to the identified behaviors.

EAP Counselor Interaction With Human Resources

EAP Counselors, although contract providers, play an integral role in many Human Resources functions. Since the Postal Service is bound by policies and procedures that affect employees (e.g., limited or light duty assignments, last chance agreements, and return to work clearance), EAP Counselors must have an understanding of the policies that will directly affect their clinical involvement with EAP clients.

Health Unit

The EAP and the Health Unit work together to help employees resolve personal problems that negatively impact their job performance and/or other aspects of their lives.

Each professional has a distinct role and responsibility. Although an EAP Counselor may make treatment referral recommendations that impact an employee's attendance (e.g., for rehabilitation), it is not within the authority of the EAP Counselor to approve or disapprove leave or approve an individual's return to work. In the event that an employee has been referred by the Counselor to an external treatment modality, the Postal Service is under no obligation to approve leave for an individual to attend treatment. It is the employee's responsibility to request sick leave, annual leave, or leave without pay (LWOP).

When the employee completes treatment, the Counselor cannot authorize the employee's return to work. It is the sole responsibility of the Health Unit to assess return-to-work capability and/or determine if further treatment is needed.

At times, managers may simultaneously refer employees to the EAP and to the Health Unit for a fitness-for-duty (FFD) examination. Medical personnel are authorized to conduct FFD examinations. If the manager has not already referred the employee to EAP, medical personnel may refer the employee to EAP for additional support and services. Because

there can be no client-specific communication between the Health Unit and EAP without client consent, it is recommended that the EAP Counselor have the client sign a consent for the Health Unit to release all pertinent documentation to the Counselor. This will assist the Counselor in assessment and in making an appropriate referral.

The Health Unit is also involved with employees who because of illness or injury are requesting altered job positions. When employees are injured on the job, the Postal Service makes every effort to reasonably accommodate those individuals for the period of their disability. The term "limited duty" is used for an assignment that may be offered to an employee who is injured while in duty status.

"Light duty" is the term used for altered assignments that may be offered employees who suffer illness or injury while *not* in duty status. In such instances, the Postal Service will try to accommodate these employees when work is available and when such assignment does not interfere with the seniority provisions of a collective bargaining agreement. It is the responsibility of the Health Unit to make a recommendation to management regarding the employee's ability to return to work and assume full or partial job duties.

Preemployment Assessment

If the Health Unit requests the Counselor to conduct a preemployment assessment, the Counselor should have the Health Unit contact the Manager of Human Resources for district policy and referral options.

Incapacitated Employees

The Postal Service has established specific protocols for dealing with incapacitated employees. These are summarized below.

If an employee arrives at work, comes back to work, or while at work becomes incapacitated, management officials should immediately contact the medical personnel designated to respond to situations for that facility. If the employee is referred to the Health Unit, all efforts should be made to determine what is causing the incapacitation. Upon assessment of "not fit for duty," the following steps should be taken by medical personnel:

- If the situation appears to be life threatening, call 911.

- If a family member is listed as an emergency contact, call the family member to provide safe transport, either to a medical facility or home.
- If no family member is available, ask the immediate supervisor to arrange for transportation.
- If the employee refuses all efforts at transportation and attempts to drive his or her own vehicle while incapacitated and/or the employee becomes belligerent, call Postal Police or local law enforcement.

Under no circumstances should the Counselor become involved while an employee is incapacitated. However, after the employee has returned to work, management is strongly encouraged to refer the employee to EAP.

Department of Transportation EAP Referrals

The Department of Transportation (DOT) has established specific guidelines for referral of certain employees who have tested positive for alcohol and/or other drugs. Please refer to the *Federal Occupational Health's Substance Abuse Evaluation Procedures for Postal Service Commercial Driver's License Holders*.

Communication between the Medical Review Officer (MRO) or Occupational Health Nurse Administrator (OHNA) and the EAP Counselor about DOT regulations is imperative. In cases in which the Substance Abuse Professional (SAP) is an affiliate, the EAP Counselor acts as the case manager and is responsible for all communications. The affiliate SAP may communicate directly with the OHNA or MRO, if appropriate and the MRO requests it, but the EAP Counselor is responsible for monitoring such communication. The MRO or OHNA and EAP Counselor have follow up contacts, either face to face or by telephone, to monitor the employee's progress in rehabilitation.

Before the employee returns to work, the SAP must obtain the rehabilitation program discharge summary or treatment plan and diagnosis. This summary should contain sufficient information about the course of treatment so that the MRO or OHNA will receive a clear description about what has happened with the employee during rehabilitation. The SAP completes the DOT *Controlled Substance and*

Alcohol Use Reevaluation Form, notes the aftercare plan, and recommends to the MRO or OHNA the type, number, and frequency of alcohol and controlled substances tests. The MRO is responsible for scheduling return-to-duty testing. Upon receipt of results, the MRO then makes a return-to-work determination.

Communication with the MRO or OHNA by the SAP or EAP Counselor throughout the evaluation and rehabilitation phase is critical so that the MRO or OHNA is aware of the treatment approach and expected date of the employee's return to work. The SAP and MRO or OHNA must communicate when the initial evaluation is completed and throughout the DOT process. The MRO should provide the SAP or EAP Counselor with the results of the employee's follow up and random testing results.

Equal Employment Opportunity

Within the Postal Service, employees or applicants for employment who believe that they have been the victims of discrimination may seek redress through the federal Equal Employment Opportunity (EEO) complaint processing system. They have 45 days from the date of the alleged discriminatory incident or personnel action to contact an EEO Counselor for precomplaint counseling. Precomplaint counseling is the first stage of the process in which an attempt at resolution is made. If no resolution is reached, the employee or applicant has the right to file a formal complaint of discrimination.

If the formal complaint is accepted for investigation, the EEO Investigator then conducts the investigation. Attempts at resolution may also take place at the investigative stage. If no resolution is reached at the investigative stage, the employee or applicant receives a copy of the investigative report and is given the option of requesting either a hearing or a final agency decision on the record. The EEO Counselor's or Investigator's role terminates at this point. If a hearing is requested, the hearing is conducted by an Administrative Judge assigned by the Equal Employment Opportunity Commission (EEOC).

A recommended finding on the allegations of discrimination is sent to the Postal Service, which must determine whether to accept, modify, or reject the recommended finding and issue a final agency decision. Whether a final agency decision is issued on the record or as a result of

a hearing, the employee or applicant may appeal that decision to the EEOC and ultimately to court if he or she is dissatisfied. Further information on this process can be found in Publication 133, *What You Need to Know About EEO*, located in the side pocket of this resource guide.

EAP Counselor testimony at an EEO hearing may be requested by any of the interested parties. Written authorization to release information generally must be obtained from the client before the EAP Counselor discloses any information. If in the course of litigation, the employee puts evidence into issue about the EAP and/or its services, this issue is then open for exploration by the trier of fact as to the matters the employee raised. If a question arises regarding the release of information or testimony, the Counselor is urged to contact his or her supervisor and follow guidelines established by the vendor and FOH.

Rehabilitation Act of 1973 and Americans With Disabilities Act (ADA) of 1990

EEO is a referral resource for the EAP Counselor in instances of alleged discrimination based on race, age, religion, national origin, color, sex, and/or disability. If the Counselor is referring the client to EEO based on disability, it is important to note that the Postal Service is covered by the Rehabilitation Act of 1973. The Americans With Disabilities Act (ADA) was passed in 1990 to cover the private sector. Certain aspects of the ADA amended the Rehabilitation Act. Both laws were enacted to provide protections for individuals with disabilities, whether as applicants for employment or as employees.

The Rehabilitation Act of 1973 imposes a duty on federal agencies to make “reasonable accommodation” for qualified disabled employees and applicants for employment unless the agency can show that doing so imposes an “undue hardship” on its operations. Within the meaning of the Act, alcoholism generally constitutes a disability, but each such determination must be made on a case-by-case basis with regard to the individual affected and the disability in issue. Reasonable accommodation must also be considered when requested by a disabled individual.

The individual situations requiring reasonable accommodation are numerous and range from modifying a job, to accommodating a physical

limitation such as loss of a limb, to referring an alcoholic to EAP to assist him or her in recovery. For EAP purposes, it is important to note that the ADA excluded individuals who are current drug abusers from the definition of a disabled individual. So, while alcoholics are still considered disabled, drug abusers are not. Therefore, employers have no obligation to reasonably accommodate a drug abuser. This provision of the ADA was made part of an amendment to the Rehabilitation Act.

In summary, reasonable accommodation can either be quite simple or can involve lengthy, detailed processes. There is no hard and fast rule concerning what constitutes reasonable accommodation, and therefore it must be assessed on a case-by-case basis in relation to the individual affected, and the particular job in issue.

The EAP Counselor should not evaluate or determine whether a client is disabled or in need of reasonable accommodation. The Counselor's only responsibility is to offer appropriate support and available resources to the client. If the EAP Counselor is unsure whether a proper referral resource for the client would be EEO, it is recommended that the Counselor contact the Senior EEO Counselor or Investigator or Intervention Analyst for consultation.

Sexual Orientation Discrimination

Allegations of discrimination based on sexual orientation are not covered by any of the antidiscrimination laws and may not be raised in the federal sector EEO complaint process. However, the Postal Service has issued a policy statement prohibiting discrimination based on sexual orientation. Under that policy statement, which can be found in Addendum 4, employees may bring allegations of discrimination to the attention of management for investigation and resolution. It is recommended that EAP Counselors refer these clients to their local Intervention Analyst and/or Human Resources Manager.

Labor Relations

As a collective bargaining employer, the Postal Service has established protocols and methods for resolving contractual disputes. Procedures and regulations for Postal Service employees are defined in the *Employee and Labor Relations Manual (ELM)*. If an employee has a

grievance against the Postal Service related to a provision of the collective bargaining agreement, then the employee has the right to initiate grievance proceedings to resolve the dispute. The employer also has the right to initiate corrective action against the employee for failing to follow procedures or regulations. Such grievances and/or corrective actions are specific and part of the discipline procedure or grievance arbitration process between labor and management.

A preference-eligible employee (defined as having U.S. military veteran status) has the right under the Veteran's Preference Act to appeal a removal to the Merit Systems Protection Board (MSPB). Veterans may choose this process rather than follow the customary grievance procedures. Similarly, when corrective action is taken against management officials, in some specific instances such as removal, the management official can appeal this action to the MSPB. EAP Counselors may be involved at different levels of the arbitration and/or MSPB appeal process. The EAP maintains a neutral stance in labor management disputes. Addendum 5 lists definitions and procedures that are useful in understanding the Postal Service grievance arbitration process.

Generally, EAP Counselors are brought into the grievance process in the latter stages, as part of a settlement agreement between the employee's representative and the authorized labor official (e.g., "last chance agreement"). Employers most often use a last chance agreement in the case of removals. The last chance agreement is essentially a contract between the employer and employee whereby the employer agrees to hold an action in abeyance (or in some cases substitutes a lesser penalty) for a specific period of time, in return for the employee's promise to meet the conditions of the agreement for the stated period.

If the employee fails to live up to one or more of the conditions set out in any settlement agreement, the employer has the right to institute the original disciplinary action. If the employee complies with all the terms of the agreement, however, the employer cancels the discipline. The forums, terms, and conditions of such settlements depend on the individual case. Employers are increasingly using this method of getting the employee to improve conduct, performance, or leave use and to undertake successful rehabilitation efforts in connection with suspensions of various lengths.

Elements of a Last Chance

Typically, last chance agreements set out specific conditions that the employee must meet and maintain. The following are often included:

- Acceptable performance, conduct, and leave use.
- Maintenance of a substance-free and acceptable behavior status while at work.
- Participation in a therapeutic counseling and treatment program as assessed and recommended by an EAP Counselor.
- A finite period for the disciplinary action to be held in abeyance. This period takes into account the nature of the problem as well as the period necessary for the employee to obtain effective treatment and demonstrate acceptable job performance.

The signing of the Last Chance Agreement serves as the authorization for the Counselor to release certain information to appropriate officials as designated in the agreement. This is so because the fact of one's participation in EAP is known to the signatories, and thus is not confidential. If an EAP client has settled a grievance that requires information from the EAP, the Counselor should review with the client the information to be released consistent with the requisites of the settlement agreement.

Counselor Testimony

Counselors may be requested to testify at arbitration. Arbitration and MSPB hearings are administrative proceedings and as such differ from judicial court proceedings. Similarly, an arbitrator or MSPB judge is an administrative official and does not have the same authority as a judge from a judicial court (federal court, family court, or civil court). Because arbitrations are informal proceedings and arbitrators tend not to exercise subpoena power, Counselor testimony at arbitration hearings may be requested by a written statement rather than a subpoena. MSPB proceedings are more formal, structured proceedings, and judges do use their subpoena power. A subpoena, by itself, does not compel Counselor disclosure. For a Counselor to testify, the Counselor must obtain a signed consent by the employee or receive a valid court order from a court of competent jurisdiction. Also, in some situations — such as the client's putting EAP and/or services in issue during the course of

the proceedings — confidentiality is waived and evidence from EAP can be obtained as to those matters. Responses for requests for release of information must be determined individually, and Counselors are urged to follow the guidelines found in the vendor's policies and procedures manual for appropriate response. (Note: As settlement agreements may differ, Counselors should seek corporate legal consultation before responding to any request for action.)

Personnel

If alcoholism or dependency on other drugs was a primary contributing factor to events that led to an employee's removal or resignation from the Postal Service, the Postal Service does not assume that those who are recovering from such a disease are unemployable. Therefore, under ELM 873, those recovering from alcoholism or from dependency on other drugs may request reinstatement. The ELM provides full procedures for employees seeking reemployment through this avenue, and most requests are processed through the Postal Service personnel services offices. Further information on this process is best obtained from the Intervention Analyst.

The personnel services office is also responsible for processing all health and beneficiary claims as well as working with employees seeking retirement and/or separation from the Postal Service. If an EAP client has a loss through death of a family member covered under postal benefits, the Counselor should direct the client to the personnel services office for the processing of all necessary forms.

Violence Prevention and Response

I am totally of the opinion that our nation's workforce would become much safer if more employers utilized the services provided by the Employee Assistance Program.

— *Postal Service Employee*

The EAP's responsiveness to the issue of violence in the workplace is conveyed in the above statement from a Postal Service employee. The EAP has adopted a strong proactive approach to workplace violence prevention and intervention within the Postal Service, and it stands at the forefront of efforts to create and develop new educational and training programs in this area. The Intervention Analyst is actively involved in the development and implementation of such programs and is a primary resource for Counselors.

Crisis Management Plan

"Crisis management" is the term used to describe the process for dealing with exceptional events that exceed the limits of normal resources, knowledge, and response methods. Crises often result in extremes of suffering and loss as well as severe disruptions in thoughts, emotions, and life patterns. Prompt response is essential to restoring normal organizational functioning as quickly as possible. Intervention Analysts are responsible for developing and implementing a Crisis Management Plan (CMP) for their local districts.

The CMP focuses on how to respond to incidents at both the point of crisis and in the postcrisis period. EAP Counselors may be called upon to provide direct defusing and/or debriefing services to victims and their family members as well as follow-up services in response to a crisis. Contact your Intervention Analyst to receive a copy of the CMP for your district and become familiar with the EAP Counselor role.

Threat Assessment Teams

“Threat assessment” is the term applied to describe a set of inquiries and operational procedures that can be used to identify and assess the risk of violence and to evaluate potentially threatening individuals and situations. The primary functions of the Threat Assessment Team (TAT) are to assess the degree of harm or danger that may result from threatened actions and to design and implement risk reduction plans to effectively reduce potential danger.

Any incident that has the apparent potential of endangering people or disrupting the workplace is responded to expeditiously by the TAT. The TAT provides support, information, and recommendations to management personnel, conducts follow up as necessary, and acts preventively to identify proactive strategies and opportunities to promote a safe and respectful workplace. For more information on the TAT in each district, contact the local Intervention Analyst.

Postal and Local Crisis Resource Telephone Directory

Each Counselor is responsible for contacting the appropriate authorities in the event of a crisis situation. Included in Addendum 6 is a template crisis resource directory for your completion. Proper procedures and notification protocols can be found in the district CMP and should be discussed with the local Intervention Analyst. Addendum 7 contains a blank district personnel resource chart.

Summary

The Postal Service EAP, the world's largest, is a unique partnership of Postal Service personnel, outside consultants, union officials, management associations, and contract service providers. It is a cutting-edge organization supported and informed by a state-of-the-art computerized information system and serves as an international model within the field. The Postal Service EAP takes a proactive approach toward meeting the needs of the organization and is known for the following achievements:

- The EAP is highly cost effective, saving millions of dollars for the Postal Service in employee expenses.
- The EAP enhances the organizational climate of the Postal Service by helping employees and their family members resolve personal and occupational issues that often affect their work performance.
- The EAP strategies are fully consistent with the Postal Service *CustomerPerfect!* initiatives.
- The EAP promotes customer satisfaction and the attainment of Postal Service financial objectives by helping to enhance employee mental health and well being and improving worker productivity.
- The EAP receives overwhelmingly positive ratings of its services from the client population.
- The EAP plays a key role in the prevention of workplace violence and critical incident response, helping to return employees to full productivity and minimizing insurance and workers' compensation expenses.

We will not rest on our laurels. Throughout the coming year and beyond, the Postal Service EAP will continue to emphasize improved employee mental health and well being as the mechanism to achieve greater efficiency and productivity, customer satisfaction, and improved

financial performance for the U.S. Postal Service. We look forward to these opportunities and the challenges to come.

Addendum 1

Interagency Agreement

Between the

***Dept. of Health and
Human Services,
U.S. Public Health Service,
Division of Federal Occupational Health***

and the

United States Postal Service

INTERAGENCY AGREEMENT
Between the
DEPT. OF HEALTH AND HUMAN SERVICES,
U.S. PUBLIC HEALTH SERVICE,
DIVISION OF FEDERAL OCCUPATIONAL HEALTH
and the
UNITED STATES POSTAL SERVICE

I. Purpose

The Department of Health and Human Services (HHS), U.S. Public Health Service (PHS), Division of Federal Occupational Health (DFOH), and the United States Postal Service (USPS) hereby enter into an agreement for an Employee Assistance Program (EAP) effective September 16, 1995. The EAP will provide services for all employees and family members nationally, in any geographical area when requested by the United States Postal Service, Headquarters Office of Employee Health and Services.

II. Background

Under this agreement the U.S. Public Health Service (PHS) will provide EAP services for the benefit of all employees and their family members of the specified locality. The services provided by the Public Health Service under this agreement will be in accordance with the attached Scope of Work and Specifications.

The Public Health Service, currently providing EAP services for more than a hundred agencies, is in a unique position to offer the required services. Since the PHS has, using the competitive bid process, subcontracted for the services to be provided, the Postal Service will be acquiring these services, at a cost lower than would otherwise be possible.

III. Authority

This agreement is made under the authority of the Economy Act approved June 30, 1932, as amended (31 U.S.C., Section 686), and/or 5 U.S.C., Section 7901, as appropriate, and under the authority provided the U.S. Postal Service by 39 U.S.C. 411, "Cooperation with other Government Agencies."

IV. Services

This agreement provides for the development of a coordinated Employee Assistance Program to provide the services per the attached Scope of Work and Specifications. The PHS/DFOH will provide for qualified professional counselors as specified in the Statement of Work, who will offer these services under the general direction and overview of the DFOH, and in collaboration with the Headquarters Office of the EAP Manager.

The PHS/DFOH will be responsive to any benchmarks or meetings established by the Headquarters EAP Manager's Office in order to accomplish the terms of this Agreement, with reasonable notice. They will attend meetings scheduled by the Headquarters EAP Manager for overall management of the program. The Headquarters EAP Manager has overall responsibility and authority as the U.S. Postal Service

representative to manage this Agreement and is the USPS's final authority for all matters affecting this Agreement to provide a Postal EAP.

In the event of a conflict between the terms of this agreement and its attachments, the terms of this interagency agreement will take precedence. In the event the terms of this Agreement are not met, the USPS may exercise its option to terminate this Agreement with a 60-day notification of the desire to terminate this agreement.

V. EAP Offices

The USPS will provide adequate office space and appropriate furnishings and equipment to accommodate professional USPS Employee Assistance counselors who will facilitate the delivery of private, confidential services to Postal Service employees and family members. Where adequate office space is not available in a Postal facility, the USPS will provide alternate office space. Additional office space for the EAP counselor supervisors should be provided in districts where necessary and if space is available.

VI. Management

The Headquarters Office of Employee Health and Services will provide overall USPS EAP policy, guidance, and direction to the PHS/DFOH. This office will also maintain overall management responsibility in mandating requirements and program compliance for the Postal EAP as defined in this Agreement. PHS/DFOH will provide professional counselors, project officer monitoring of contract performance, and other required program management functions in accordance with this Agreement.

In situations where an Area/District is unable to resolve local EAP policy issues with PHS/DFOH, the Headquarters Office of Employee Health and Services will have final decision making authority.

VII. Confidentiality

Confidentiality is a critical element of the EAP. An employee seeking help must feel sure that he or she will not have personal information disclosed and will not jeopardize his or her job by seeking counseling. Counselors will accordingly maintain confidential records and adhere to Federal laws, regulations and rules regarding the confidentiality of EAP records generally, and the confidentiality of any of the information contained therein, including, but not limited to, the provisions of the Privacy Act and its implementing regulations (see generally 5 U.S.C. 552a; 45 CFR Part 5b) and the provisions of the Public Health Service Act governing confidentiality of records regarding treatment or counseling for alcohol or drug abuse (see generally 42 U.S.C. 290dd-3; 42 U.S.C. 290ee-3; 42 CFR Part II, "Confidentiality of Alcohol and Drug Abuse Patient Records").

VIII. Business Arrangements

The United States Postal Service Headquarters Office of Employee Health and Services agrees to transfer funds to the PHS/DFOH to conduct this program and to provide for program operation and management support, including necessary personal services, supplies and equipment, and miscellaneous expenditures required in the operation of the program.

Title to and ownership of training programs, systems, hardware, software programs and materials purchased from funds transferred under this agreement will reside with the USPS.

To determine the estimated cost for the operation of the Employee Assistance Program, the United States Postal Service Headquarters Office of Employee Health and Services will provide the PHS/DFOH

covered population data for each covered geographical area prior to September 1 of each year. For the purposes of calculating the covered population size, an employee and his or her immediate family members will be counted as one unit, i.e., per capita means per 'family unit', where the 'family unit' consists of an employee and a family member. A family member is defined as any legal dependent of the employee's, or anyone living in the employee's household, with the exception of household employees and tenants living in the household. The manner of population data collections and/or verification will be determined by PHS/DFOH and the USPS Office of Employee Health and Services.

Upon receipt of the population data by PHS/DFOH, and based upon the parameters of this agreement, a budget document giving the annual per capita and total costs will be forwarded to the USPS. The PHS/DFOH will subsequently invoice the USPS on a quarterly basis based on the covered population previously identified. An automatic transfer of funds, by use of the agency accounting station symbol, will be initiated by the USPS.

IX. Period of Agreement and Modification/Cancellation

This Agreement will be implemented effective September 16, 1995.

This agreement may be amended by mutual written agreement of the participating parties. Termination of this agreement may be effected by either party upon 60-days written notice. Upon termination of this agreement, the U.S. Postal Service will be given a prorated refund of its last payment. The amount to be refunded will be based on the ratio of the time remaining in the last prepaid period to the total time in that period. This agreement will be in effect until terminated.

X. Funding

Funding for the FY 1996 EAP is based on a population of 875,800 and a per capita rate of \$XXXXX for total funding of \$XXXXXXXX. This total amount does not include funding for the Employee Assistance Program Information System (EAPIS) nor does it include any amount for any extraordinary response required as a result of a critical incident. The EAPIS statement of work is being finalized and will be provided by modification. To preclude a break in service in the EAPIS area, an amount of \$XXXXX is being provided in this document. An amount of \$XXXXX is provided for extraordinary response to a critical incident. All costs will require review and approval by the program prior to payment. The total funded amount of the agreement is \$XXXXXXXX.

Signatories:

UNITED STATES POSTAL SERVICE

U.S. PUBLIC HEALTH SERVICE

(Signature)

(Signature)

Susan M. Brownell

(Printed Name)

Ernest Hardaway II, DDS, MPH

(Printed Name)

Contracting Officer

(Title)

EAP Product Line Manager

(Title)

02-02-96

(Date)

01-23-96

(Date)

NOTE: A signed and dated copy of this Interagency Agreement is on file at Headquarters, Employee Health & Services.

Employee Assistance Program

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Section I — General Information

Introduction

The United States Postal Service, hereafter referred to as the USPS, has entered into an Interagency Agreement with the U.S. Public Health Service, Division of Federal Occupational Health, hereafter referred to as the PHS/DFOH, to provide counseling and other assistance to employees of the USPS per the attached Scope of Work and Specifications.

Purpose

The purpose of the EAP is to assist USPS employees, whose job performance, attendance or behavior may be adversely affected by personal problems. The program offers the troubled employee, and/or family members, assessment, short term counseling (up to 12 sessions) and referral or other help in obtaining treatment or assistance from appropriate sources available in the community.

Definitions

1. **PHS Counselor:**
 - a. a counselor who is responsible for the direct delivery of services and/or case management of services for Postal Service employees and their family members, or,
 - b. a counselor who functions as the immediate clinical supervisor of counselors in item “a” above.
2. **Affiliate Counselor** — a counselor who is assigned by PHS or through the auspices of PHS contractor to perform EAP services under the direction of the PHS counselor.

Note: A counselor and professional counselor are terms used interchangeably to include both PHS counselor and affiliate counselors.

3. **EAP Coordinator** — an employee of the U.S. Postal Service who is responsible for ensuring that the USPS EAP is administered in accordance with established policy and procedure and that program implementation effectively meets the needs of employees.
4. **An Employee** — for the purposes of this agreement, an employee means any individual employed by the employer, excluding contract employees, even if they were hired subsequent to and not included in the totals compiled for the purposes of determining the annual fee.
5. **Family Member** — any legal dependent of the employee's, or anyone living in the employee's household, with the exception of employees and tenants living in the household.
6. **COR** — Contracting Officer's Representative.
7. **EAPIS** — Employee Assistance Program Information System.
8. **A Client** — any employee and/or family member for whom professional services are rendered.
9. **Clinical Supervisors** — a full-time employee of the PHS EAP who must at a minimum, meet requirements of a PHS counselor and who provides clinical and administrative oversight of PHS contractor counselors or affiliate counselors.
10. **Referral** — referrals of clients made to outside providers after either the assigned counselor or affiliate has made an initial assessment. The affiliate counselors receive assignments, not referrals.

Section II — Specifications

The PHS/DFOH will provide the following:

A. The Statement of Understanding Form

Employees and family members who use EAP services must be provided a copy of the "Statement of Understanding" form to read and acknowledge by their signature that they have been provided a copy of the form. The counselor may choose to read the statement to the prospective client(s) and must request their signature as acknowledgment that they have been provided a copy of the form. This should be completed during the initial face-to-face session unless an emergency situation exists. In an emergency situation, every effort should be made to accomplish this task at the earliest possible moment. If the person refuses to sign the form, the EAP counselor should document the refusal, state whether or not the person has read the form, and provide them with a referral to an appropriate alternative service. This document includes a description of the EAP services and the conditions under which a counselor may disclose information about the client.

B. Toll-free Telephone Access to Counselors

An 800 line will be available to all employees and/or family members. Employees, family members and supervisors, may obtain services through this line, call for general program information and call in critical or emergent situations.

C. Supervisory Consultations

Counselors will consult with supervisors as needed regarding an employee who is, or appears to be, having work performance or behavior problems. The counselor will advise the supervisor in monitoring and documenting employee performance and in dealing and communicating with a potential referral or current EAP client.

D. Screening, Identification, Evaluation and Assessment of Individual and Family Problems

Professional counselors will be available at convenient times and distances as agreed upon with PHS/DFOH to provide all USPS employees and their families in the covered areas with accurate screening, identification, evaluation and assessment of individual and family problems. Screening, identification, evaluation, and assessment will be conducted by professional counselors in the form of person-to-person interviews. An initial screening may be conducted in person or on the telephone. After the initial screening is completed, a face-to-face appointment for assessment should be scheduled at a mutually agreeable time. In cases of management/supervisor referrals, interviews may be conducted with the client's supervisor to elicit information useful for the assessment. With the exception of informing the referring supervisor whether or not the employee appeared for the initial appointment, no information may be disclosed without the client's written consent unless the law otherwise allows.

The assessment should include the descriptive DSM-IV diagnostic criteria for each problem where applicable and where permitted by state law.

E. Problem Clarification Counseling

Counselors will provide counseling to all USPS employees and their families on a face-to-face basis. All USPS clients will receive information from the counselor regarding the outcome of the screening, identification, evaluation, and assessment process. Problem clarification results will not be shared with any other person or institution except with written permission of the client or as required by federal and state law.

F. Short Term Counseling

Counselors will provide counseling to all USPS employees and family members. Short term counseling will consist of up to twelve face-to-face sessions with the counselor to assess client needs and help the client address or resolve the problem, or to make an appropriate referral. If in the counselor's judgment, the counselor believes that the client may achieve the desired outcome within the number of sessions authorized by the USPS, the counselor will provide such services at no charge to the client unless the client requests a referral or the client needs specialized services which the counselor is unable to provide. Counseling will be provided face-to-face at times and locations convenient to the client/family in compliance with USPS specifications.

G. Referral to Appropriate Necessary Service Providers

EAP referrals are made only after careful scrutiny of the client's situation. Careful assessment, problem clarification with the client(s), and development of an action plan with client involvement should occur prior to a referral to another resource. The ultimate goal of the EAP is to assist the client in resolving the

problem in the quickest, least restrictive, most convenient, and least costly manner possible. Options may be discussed in EAP clinical staff meetings, and alternatives provided and discussed with the client. Recommendations for the most appropriate service providers are given to the client(s) by the counselor, and final selection rests with the client(s). Service provider qualifications, experience, cost (third party payments), convenience, and reputation are all weighed in the referral process. In case of an emergency, prior review with other EAP staff may be impractical. Counselors must obtain a signed release from the client before speaking to a potential referral resource about the client.

All substance abuse cases will be referred to outpatient or inpatient treatment resources, as well as to self-help groups, such as Alcoholics Anonymous, Narcotics Anonymous, etc. The latter are not considered treatment, but rather support.

H. Clinical Supervision/Consultation

All cases including cases assigned to affiliate counselors will be subject to supervision/consultation by a clinical supervisor via a telephone on a routine basis. All alcohol and drug cases, threats of violence cases, referrals for physical problems, child or spouse abuse and neglect cases and reactivated cases will be discussed in supervision/consultation. Where the supervisor determines that additional supervision is necessary, he or she will be responsible for documenting the rationale and for conducting this follow up. All supervision/consultation will be documented both in the case record and in the supervisor's files. All cases must be reviewed by a clinical supervisor via a telephone no later than the third session. Clinical supervision must be documented in the case record.

I. Client Follow-up

At the conclusion of counseling services provided by the counselor or affiliates, or after referral to an outside service provider if appropriate, the counselor will follow-up with the client within two weeks after the last scheduled session. It is imperative that the PHS counselor monitor the progress of an employee who has been referred to an outside service provider or treatment facility. In nonchemical dependency cases the client will be monitored for a minimum of three months. In chemical dependency cases and cases of violence, clients will be monitored for a minimum of one year. In cases where a release was provided by the client, counselors will follow up with the referral source.

A USPS client satisfaction form will be given to all clients at the first session, if practicable. Prior to or at the last session, counselors will remind clients to mail the client participation form to the independent third party evaluator. PHS/DFOH has the option of using their own client satisfaction survey. The purpose of the procedure is to determine client satisfaction and possible need for further assistance.

J. Supervisory Training

Supervisory training programs will be provided to supervisors and managers at all organizational levels by the counselors in collaboration with the EAP Coordinator, so that they may become aware of the EAP procedures and how to identify, deal with, confront and refer troubled employees.

K. Employee Orientation

Orientations for USPS employees will be provided by the counselors in collaboration with the EAP Coordinator, in order to explain EAP features and to promote utilization of the program.

L. Informational Programs

EAP counselors will provide seminars, brown bag lunches, and other sessions periodically for all USPS employees so that they may become aware of the EAP services as well as the various personal problems that can affect job performance or conduct. The counselor in collaboration with the EAP Coordinator will determine where and when to provide these sessions.

M. Special Training

In the event unique training needs are identified within USPS, the PHS/DFOH will provide professional training services to meet this need. PHS/DFOH will be reimbursed for all direct and indirect costs associated with this training activity.

N. Emergency/Crisis Counseling

Emergency/crisis counseling will be available 24 hours per day, 365 days per year by telephone. Employees or family members only need to dial a toll-free number to be in touch with a counselor. Person-to-person emergency/crisis counseling will be provided as necessary by counselors, or at emergency rooms and other facilities, as quickly as possible.

O. Critical Incidents or Crisis Situations

In the event a critical incident or crisis situation occurs over and above the normal provision of EAP Services, the PHS/DFOH will provide specialized personnel or personnel from another location to provide critical incident stress debriefing, focus groups, group or face-to-face counseling. These services will be provided as requested by the COR and will continue until such time as a decision has been made by the COR to discontinue further services. In such a situation, PHS/DFOH will be reimbursed for all direct and indirect costs associated with such a situation.

P. Threats of Violence Cases

The counselors will report all credible threats of violence against or by USPS employees that fall within a duty to warn as defined by the State or PHS/DFOH and permitted under Federal law. The counselor will report these threats to the identified victim(s), if any, and to the USPS Inspection Service, and/or local law enforcement officials, immediately after the threat has been made (as permitted by law). If the employee making the threat does not voluntarily consent to psychiatric evaluation/treatment, USPS Inspection Service will alert management who will then contact USPS Medical personnel to request a psychiatric fitness-for-duty examination.

PHS will notify USPS of all credible threats of violence that poses a viable danger to USPS employees. This will be done immediately in accordance with agreed-upon policy developed by USPS and PHS (upon determining that a statement or behavior is life-threatening via a telephone conversation or in person with such individual or individuals) with the USPS Medical Department or USPS Inspection Service. All files of cases assessed as involving high risk of violence to self or others will be marked in red.

Q. Intervention and Action Plan Development

There are two scenarios for plan development: one for the client/family members and one for USPS management. Intervention plan development for the client/family members will be structured according to problem type(s), client/family interest, resource availability, financial implications, client/family input, recommendations generated through EAP clinical staff meetings, problem clarification, client needs, and benefit to client and USPS.

In conjunction with the District EAP Coordinator, promotional action plans will be developed for management staff concerning specific supervisory referral procedures, training for referral implementation, and consultation to develop additional action plans as necessary for on-the-job problems. These problems include, but are not limited to, suicidal ideation and suicide attempts, emotional/mental reaction to physical injury, financial problems, drug/alcohol abuse, fitness for duty, violent crime, accidental death, dysfunctional employee groups and management/staff conflicts. Intervention plans can be developed in collaboration with the EAP Coordinator and counselor for their respective geographic areas.

R. Supervisory Referrals

Each supervisory referral will receive the same follow-up as previously detailed in a paragraph I, but supervisors will also be included in the follow-up process. When the client is referred by the supervisor, the counselor is responsible for informing the supervisor whether or not the employee appeared for the initial interview. The counselor will not disclose any other information to the supervisor without the client's written consent.

S. In-Treatment Contact With the Individual to Monitor Progress

The counselor will provide monitoring of both inpatient and outpatient client progress, with client's prior authorization, consisting of the following steps:

1. Providing assistance in the selection of a treatment program.
2. Obtaining signed releases from the client for authorization to contact the treatment facility and staff prior to the referral.
3. Providing assistance in admitting the client to a therapeutic treatment program.
4. Conducting personal, telephone and/or written follow-up contacts with the client and therapeutic agency to monitor progress on a scheduled basis as clinically appropriate.
5. Developing an aftercare plan and review with the client, the referring source, and/or a therapeutic agency, wherever possible.

T. Liaison Functions

With prior consent of the client, the counselor may act as a liaison between the client, community, service provider, and the USPS. Information released is contingent upon written consent of the client.

U. Aftercare Plan

When a client has been referred to an outpatient or inpatient facility, the counselor, with the client's consent, may participate in the development of an aftercare plan with the client's primary therapist that will include follow-up counseling to assist the client in returning to work. In cases involving in-house EAP counseling only, the counselor will develop and implement the aftercare plan and monitor the client's progress.

V. Department of Transportation Alcohol and Drug Testing Regulations

The PHS/DFOH will identify at least two Substance Abuse Professionals (SAP's) for each USPS District who will conduct evaluations for employees who test positive for alcohol or drugs, make recommendations for rehabilitation, recommend return-to-duty/follow-up testing, and determine compliance with rehabilitation recommendations, as described under the DOT/FWHA Controlled Substances and Alcohol Use and Testing Rule as amended.

W. EAP Services — USPS Headquarters

Due to the unique circumstances and the concentration of executives and high level managers at Postal Service Headquarters, EAP Counselor staffing requirements will include one (1) Senior Counselor. In addition, the USPS will operate a Hotline for which PHS/DFOH will provide three (3) staff counselors. The staff counselors will carry a client caseload. Scheduling and Hotline policy and procedures are to be determined by the Manager, Employee Assistance Program at USPS Headquarters.

X. Annual Report

Within 30 days from the close of the fiscal year (September 30), the PHS/DFOH will provide the COR with a formal Annual Report of EAP Operations. The report will include statistics, narratives and an Executive Summary. Distribution of the report will be determined by the COR.

Y. Marketing Plan

At the request of the COR, the PHS/DFOH will provide for the implementation of a national EAP marketing initiative. This agreement will be modified to provide funding for this marketing plan if required.

Z. General Requests

Upon written request of the COR, the PHS/DFOH will provide additional services or products not specified herein. PHS/DFOH will determine a cost estimate of the requested services or products and submit them to the COR for approval. Upon approval and modification of the existing Statement of Work, the PHS/DFOH will deliver the services or products and will be authorized to bill the USPS for the cost of the project.

Section III — Scope of Work

1. The PHS/DFOH agrees to provide assessment, supervisory consultation, short term counseling, crisis counseling, information, follow-up and case management for employees and their families involving individual or family problems including, but not limited to: marriage, job stress, chemical dependency, substance abuse, parenting issues, financial concerns, legal issues, grief, sexuality, eating, gambling, emotions, and violence.
2. **General.** The client records are PHS property maintained in a system of records. The PHS/DFOH will maintain policies and procedures for safeguarding the confidentiality of client data and files, and may be liable under the law for improper release of such information. General summaries of client and program activity will be provided to the USPS upon request. The PHS/DFOH specifically agrees not to disclose any identifiable information about the EAP which they may receive or may be generated under this contract, unless its release is approved in writing by the COR. The PHS/DFOH agrees to assert any privilege allowed by law and to defend vigorously Postal Service rights to confidentiality.

A. **Record Keeping** — Record Keeping Procedures Related to Confidentiality

- (1) **Case coding.** In order to insure confidentiality, all files will be maintained by a PHS case numbering system, rather than by name.
 - a. Each employee and family member using the EAP will be assigned a unique number.
 - b. All case file materials will be placed in a folder labeled with this unique case number.
 - c. A list of code numbers that correspond to the employees names will be maintained in a locked file separate from the case folders. It will be locked when not in use and will be maintained by the counselor.

In addition to active and reactivated records, the case coding and filing systems will include records which have been closed (but not yet destroyed).

- (2) **File contents.** To the extent possible, all recordings entered into case files will not contain identifying information. It is recognized that identifying information may need to be entered in the files at times (such as consents for release of confidential information) but will be kept to a minimum. All contacts regarding employees will be recorded in their files, with the most recent information filed on top. Each entry will only contain information necessary for handling the case. The EAP file contents will never be part of or stored with the employee's Official Personnel Folder or Employee Medical File.
- (3) **Family member files.** Information on family members of employees who use the EAP will be maintained in the file of the employee. The only exception is if a family member is the client of the EAP. The counselor may see the family member whether or not the employee is seen by the EAP. In such circumstances, the family member may be the client of the program and receive all of its services.
- (4) **Location and security of files.** All case files will be kept in a secure room in a locked metal filing cabinet preferably equipped with a combination padlock and steel lock bar. The securing of client records are in accordance with the procedures set forth in USPS Memorandum dated January 11, 1995. The cabinet will be locked when not in use. All persons having access to the files will have previous training in the proper handling of records covered by 42 CFR Part 2. The file cabinet will not contain the records of other

- programs or departments. The locked file cabinet will be secured by the last EAP staff member leaving the office each day.
- (5) **Electronic record keeping.** PHS will develop and implement a security plan for the EAPIS in compliance with applicable USPS and PHS/DFOH regulations which will detail all necessary security precautions. EAP data systems will be protected from access by anyone outside the EAP by using discrete systems (a personal computer used only by the EAP) or through password control.
 - (6) **Period of maintenance.** Records are retained until three years after the employee has ceased contact with the EAP whether or not the employee has terminated employment with the Postal Service, longer if required by the state where the records are kept, or until any litigation involving the employee is resolved. When applicable, PHS/DFOH may retain records past this period, for as long as relevant statutes of limitation require.
 - (7) **File destruction.** Files will be destroyed only by a PHS/DFOH official or designee and only after the required period of retention. This includes electronic records. The written files will be destroyed by shredding or burning. Records located away from the counselor's site will be transferred to the counselor in the confidential manner required by HHS policies. The case numbers of the EAP records destroyed will be added to a list of other case numbers of files previously destroyed. This list will be maintained permanently by the counselor. The names of the employees whose case records these were will be maintained and cross-referenced to the case number and will be maintained in a separate secured location. No other information about these clients may be kept once their files are destroyed.
3. All inquiries from employees and their family members, as well as participation in the EAP, are confidential, pursuant to the following provisions. Release of client information is allowed under the following circumstances:
 - a. When a client signs a Release of Information
 - b. When reporting of information is required by federal and state law, for example, as in the mandatory reporting of child abuse and neglect
 - c. When communicating with medical personnel in the event of a medical emergency
 - d. When the client is in imminent danger of harming themselves or others
 - e. When there is a valid court order to release the information
 - f. During a bona fide third party evaluation of the program
 - g. In the case of a supervisory referral, to advise the supervisor whether the employee appeared for the initial interview.
 4. Counselors will see employees as often as needed to make a thorough assessment, to provide up to the number of sessions authorized by the USPS to resolve their problems or make appropriate referrals. PHS/DFOH will provide all of its services to the employees at no cost to them.
 5. The counselors will evaluate each client's case for appropriateness regarding continuing counseling within the authorized session model. However, when the most clinically effective method of treatment is provided elsewhere, the client(s) will be referred out as a private paying individual/family. If in the counselor's judgment, the counselor believes that the client may achieve the desired outcome within the number of authorized sessions, the counselor will provide such services at no charge to the client
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unless the client requests a referral. Referrals will be made for specialized services which the counselor is unable to provide.

Referral priorities include, but are not limited to, qualifications of providers, cultural ethnic and gender preferences of the client, availability of sliding scale fees, geographical convenience and health insurance benefits. The PHS/DFOH's counselor will make every reasonable attempt to ensure that the USPS client will receive appropriate professional care at reasonable costs. The PHS/DFOH understands that the cost of services not covered by insurance or other benefits, to which employees are referred, are solely the responsibilities of the employee. The counselors will help the client obtain information regarding fees and insurance benefits. Counselors should ask the EAP Coordinator for information about the Federal Employees Health Benefits plans in order to provide this information to the client regarding services that are covered by their insurance plan.

6. Unless specifically authorized in advance by the COR in an individual case (which authorization there will be no obligation to give), counselors and affiliates will not refer to:
 - him/herself
 - other affiliate counselors (unless other qualified resources are not available within the geographic area)
 - any treatment provider in which a PHS/DFOH EAP employee, PHS counselor or affiliate counselor has a financial interest (unless other qualified resources are not available within the geographic area)
 - any contractor providing EAP services pursuant to this Agreement.
7. The PHS/DFOH will provide confidential counseling facilities within 50 miles of all employees' work sites, or a drive time of not more than one hour from the employee's work site. Exceptions may be requested for sparsely populated areas providing an alternative plan is submitted to and approved by the COR. Counselors will be on duty at the EAP office during specified hours and days including coverage of all three tours as mutually agreeable between the EAP Coordinator and the counselor. Counselors may adjust their schedules to respond to crisis situations.
8. PHS will ensure that at a minimum, a full-time PHS counselor or an affiliate counselor will be located within walking distance of USPS locations with thirty-five hundred or more employees.
9. The PHS counselor will accept all referrals. Interview appointments will be available within 36 hours from the time the request is made by the employee/family member excluding days on which the counselor is not normally scheduled to work. Face-to-face appointments for urgent situations will be made consistent with need irrespective of the counselor's regularly scheduled hours. Crisis counseling will be available on the phone 24 hours per day, 365 days per year and will be available immediately.
10. The PHS/DFOH will provide a toll-free 24-hour live answering service staffed by professional counselors. Calls that require immediate attention must be connected with a counselor immediately. Nonemergency calls must be returned within 24 hours. In no case should a call be returned later than the next calendar day.
11. The USPS EAP Coordinator will be responsible for providing background information about the USPS to all PHS counselors. In collaboration with the EAP Coordinator the counselor will visit on the average, at least one USPS post office with 100 or more employees on a weekly basis to promote

the services offered through the Employee Assistance Program. A schedule of visits will be predetermined by the counselor and coordinated with the EAP Coordinator.

12. As scheduled by the EAP Coordinator, the counselor will conduct initial monthly orientations for new employees and/or promotional activities in a fashion that will create a sense of confidence and trust in EAP services. Employees must be made aware of the services available, know how to access the services and be made to feel comfortable doing so.
13. PHS/DFOH will provide all Management, Union, and Management Association officials with up to three hours training, regarding dealing with troubled employees and the benefits of the program, as requested by the USPS. Times and locations will be arranged for USPS convenience. The EAP staff will be responsible for the actual group presentations. Information covered may include the EAP services, identifying problem employees, the importance of documentation, corrective action, the EAP referral process, employee behaviors to watch for, role playing, issues which make confrontation difficult, appropriate confrontation, conflict resolution, and recognition of valuable employees. The EAP Coordinator will be responsible for developing the schedule, arranging for space and equipment, and notifying USPS Managers and Union Officials of the training schedules.
14. The counselor will provide one hour orientations for USPS employees as requested, at locations and times convenient to the USPS, concerning EAP benefits. All arrangements will be made through the EAP Coordinator and the counselor. The EAP staff will be responsible for the presentations, and the EAP Coordinator will notify USPS personnel of the schedule. The counselor will provide a quality presentation, including visuals for the USPS to use to inform employees of the program.
15. The PHS/DFOH will provide updated training on an annual basis to all Management, Union Officials and Management Association representatives as requested. The EAP Coordinator and counselor will develop a presentation schedule with convenient locations and times for USPS Officials. Topics to be discussed in the update will also be reviewed by the EAP Coordinator and the counselor. The counselor will be responsible for carrying out the presentations. The EAP Coordinator will be responsible for notifying USPS Management, Management Association Officials and Union Officials of the presentations.
16. The counselor will provide up to three hours Management training on a quarterly basis for newly appointed USPS Management Personnel, Management Association Officials and Union Officials. Convenient locations will be developed by mutual agreement of the EAP Coordinator and counselor. Notifying new USPS managers, Supervisors, Union Officials and Management Association Representatives of the meetings will be the responsibility of the EAP Coordinator.
17. The counselor will train the USPS EAP Coordinators so they are able to present the benefits of their program to newly added employees during USPS new employee orientation. Times and locations for these training programs will be arranged by the EAP Coordinator and counselor. The EAP Coordinator will be responsible for notifying the designated employees of dates and locations of training.
18. The PHS/DFOH will provide brochures, pamphlets, and materials for all training programs, and employee orientations identified in Items 12 through 16.
19. The PHS/DFOH will publish and provide each district with an EAP newsletter in sufficient quantity for distribution to all employees. Beginning Quarter II, FY 1996, an employee mailing list will be provided by the USPS to PHS/DFOH in order to mail the newsletters to all employees. The distribution of the newsletters will occur during the months of February, May, August and November each year.

20. The PHS/DFOH will provide a quantity of posters to adequately cover each work site as requested by the EAP Coordinator. The posters are designed to have an eye appealing appearance while reflecting the professionalism of the Employee Assistance Program. The posters will be delivered to the counselor who will provide them to the EAP Coordinator for distribution through the area covered by the contract.
21. The PHS/DFOH will provide Postalized articles of personal interest to prospective EAP clients, as requested for inclusion in USPS newsletters. Each article will be designed to promote healthy lifestyles and to encourage those people with personal concerns to contact the EAP. The articles will be provided to the EAP Coordinator by the Public Health Service.
22. Clients with employment-related problems, such as an EEO complaint, which are not compounded by emotional distress, mental health or substance abuse problems, will be directed to the appropriate representative or department at USPS instead of receiving counseling.
23. The counselor will conduct wellness and prevention seminars at conveniently scheduled times of the day to inform and educate employees on health and wellness matters. These seminars will be conducted as requested at least every other month at locations of 500 or more employees. The counselor will provide a list of seminar topics that are available to the EAP Coordinator who will be primarily responsible for the scheduling, arranging and promotion of these seminars.
24. All counselors will have at least a master's level education (a clinical internship preferred), hold a current license or certification as a mental health professional by the state in which they practice and have at least three (3) years of paid professional counseling experience, unless an exception is approved by the USPS EAP manager.
25. An ongoing comprehensive training program must be provided by the PHS for the benefit of counselors at least annually. The training must include issues relative to postal policy and procedure as well as relevant clinical practice as they relate to the provision of EAP services. The counselors will provide information on Postal Service policy and procedures to the affiliates. The training should be scheduled to include newly hired individuals as well as updates to current counselors.
26. The PHS/DFOH will provide the USPS Headquarters, by means of a management information system (MIS), quarterly National reports and reports for distribution to the field, with statistical information on client data and staff activity. Additionally, statistical data will be provided to the USPS for placement in the Executive Information System (EIS), in a format compatible with the EIS system. The specific system requirements have been detailed in a systems requirement document statement of work and funded separately.
27. For quality assurance, the PHS/DFOH will cooperate with the USPS in a quantitative and qualitative evaluation of the EAP. The evaluations will be conducted by a third party evaluation panel to be determined and established by the USPS for this purpose. The USPS reserves the right to evaluate the quality of the EAP services provided under any EAP contract agreement. The process for conducting the evaluations will be in accordance with procedures set forth in a separate document entitled: "Procedures for Conducting EAP Evaluations," and signed by both parties. These evaluations will be conducted at least annually and at times determined by the USPS Manager, Employee Assistance Program.
28. PHS/DFOH will cooperate with USPS's third party evaluator who will be contracted by the USPS to conduct an evaluation of the program at the discretion of the USPS Manager of the EAP. Evaluation components will include: 1) Cost-Effectiveness/Cost-Benefit Study; 2) An audit of clinical records;

- 3) Analysis of Client Satisfaction Forms; 4) Review of counselor credentials; 5) Review of referral resources; 6) Analysis of the MIS; 7) Monitoring contract benchmarks; 8) Interviews with PHS, Human Resource Managers, EAP Coordinators, and Union Officials using criteria previously agreed to by PHS/DFOH.
29. Upon completion of the third party evaluations PHS will prepare a plan of action to overcome any deficiencies from previously agreed upon criteria. Subsequently, the third party evaluator will assess PHS's implementation of this plan. The plan will be submitted to the Headquarters USPS EAP office for review and appropriate action.
30. Price, to cover all the services and materials delivered by PHS/DFOH, will be based on a per capita charge for employees covered. The fee should include costs for all of the personnel whom they intend to utilize in fulfillment of this agreement's provisions. The fee should also cover costs of all training and educational materials which the PHS/DFOH intends to use and distribute.
31. Every person/party to this agreement is hereby notified and agrees that the USPS is immune from liability and suit for or from PHS/DFOH's activities, with the exception of the USPS operated Hotline, involving third parties and arising from this agreement. The PHS/DFOH will be responsible for maintaining, during the life of the contract, insurance for professional liability. The insurance must act as primary coverage, not excess or contribution coverage with regard to the subject agreement.
32. The USPS may request replacement of any PHS/DFOH EAP counselor believed unable to carry out the responsibilities of this contract. Such a request will in no way lessen the PHS/DFOH's responsibility for the proper selection, assignment, management, and discipline of the PHS/DFOH's employees and contractors. Appropriate conflict of interest provisions will be included in all contracts for services provided under this contract.
33. In addition to the obligations embodied in the Department of Health & Human Services code of ethics, the PHS/DFOH specifically agrees that there is no conflict of interest arising from the services to be provided under this agreement. The PHS/DFOH agrees that no employee, principal or affiliate is in any such conflict.
34. The Manager, Employee Assistance Program, is designated as the USPS Contracting Officer's Representative (COR) and the liaison between the U.S. Postal Service and the U.S. Public Health Service, Division of Federal Occupational Health.

Addendum 2

USPS — HHS/FOH EAP INTERAGENCY AGREEMENT
USPS EMPLOYEE AND WORKPLACE INTERVENTION ANALYST (EWIA)
DUTIES AND RESPONSIBILITIES
Effective September 16, 1995

References to Addendum 1

Page — Sec./Para.

- 36 – IV Accepts authority of USPS Headquarters EAP Manager (EAP Manager) who is responsible for the management of the Interagency Agreement and USPS EAP program
- 37 – V Assists in provision of adequate office space, furnishings, and equipment for counselors and where necessary and available office space for Counselor Supervisors
- 37 – VI Looks to EAP Manager, who maintains overall management responsibility for policy, guidance, and direction in mandating requirements and program compliance for the Postal EAP as defined by the Interagency Agreement
- 37 – VI Accepts final decision from EAP Manager in situations where an Area/District is unable to resolve local EAP policy issues with HHS/FOH
- 38 – IX Honors written amendments to the Interagency Agreement mutually agreed upon by USPS Headquarters and HHS/FOH
- 40 – I 3 Ensures that the USPS EAP is administered in accordance with established policy and procedures and that program implementation effectively meets the needs of employees
- 42 – II J Collaborates with EAP Counselor(s) to provide supervisory training to supervisors and managers at all organizational levels
- 42 – II K Collaborates with EAP Counselors to provide Employee Orientation for USPS employees to explain EAP features and to promote utilization of the program
- 43 – II L Collaborates with EAP Counselors to determine where and when EAP counselors will provide seminars, brown bag lunches, and other sessions for USPS employees so that they may become aware of the EAP services as well as the various personal problems that can affect job performance or conduct
- 43 – II M Assists in the identification and communication to appropriate authorities of unique training needs within USPS

- 43 – II O Identifies to Contracting Officer's Representative (COR) critical incident or crisis situation which occurs and requires the provision of EAP Services over and above the normal provision of such services. Asks COR to request HHS/FOH provide specialized personnel or personnel from another location to provide critical incident debriefing, focus groups, or face to face counseling to address needs
- 43 – II O Provides input to COR to assist in decision making regarding discontinuation of specialized services described in 43 – II O above
- 43 – II P Works with EAP Counselor(s) as appropriate to assess and address threats of violence within the work context. Involves USPS Inspection Service, management, USPS Medical personnel and others as necessary to address specific situations
- 43 – II Q Works with EAP Counselor(s) to develop promotional action plans for the local Geographic area. Plans are developed for management staff concerning specific supervisory referral procedures, training for referral implementation, and consultation to develop additional action plans as necessary for on the job problems
- 46 – III 2A Supports HHS/FOH in activities to maintain confidentiality in its delivery of services to clients of the program at all levels
- 46 – III 2A2 Supports EAP Counselors and HHS/FOH to provide secure storage of HHS/FOH EAP files apart from employees' Official Personnel Folders and Employees' Medical Files
- 46 – III 2A4 Participates, as appropriate, to insure that client records are secured in accordance with the procedures set forth in USPS Memorandum dated January 11, 1995
- 46 – III 2A4 Assists, as appropriate, in insuring that all case files are kept in a secure room in a locked metal filing cabinet preferably equipped with a combination padlock and steel lock bar
- 46 – III 2A4 Assists, as appropriate, to insure that the file cabinet will not contain records of other programs or departments
- 47 – III 3 Supports and maintains the confidentiality of all inquiries from employees and their family members and participation in the EAP
- 47 – III 3 Maintains an awareness of, and provides support for the release of client information under allowed circumstances as indicated therein
- 47 – III 5 Provides information for EAP Counselor(s) regarding the Federal Employees Health Benefits plans, so counselor(s) may provide clients with information regarding services that are covered by their insurance plan
- 48 – III 6 Is aware of affiliate and referral source lists to watch for conflict of interest does not occur among counselors, affiliates and referral sources
- 48 – III 7 Assists, at COR's request, in the review of alternative plans for the delivery of services when confidential counseling facilities are not available within 50 miles of employees' work sites, or a drive of not more than one hour from employees' work sites
- 48 – III 7 Collaborates with EAP Counselor(s) to develop mutually agreeable counselor schedule(s), providing for coverage on all three tours

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- 48 – III 10 Provides support to assist in the efficient ongoing operation of the toll free 24 hour live telecommunication system by activities including, but not limited to, defining, and redefining when necessary, each EAP Counselor office's catchment area in the context of area codes and prefixes, and communicating this information to HHS/FOH in a timely manner
- 48 – III 11 Provides background information about the USPS to all HHS/FOH counselors
- 48 – III 11 Collaborates with EAP Counselors to arrange visits to an average of at least one USPS post office with 100 or more employees on a weekly basis to promote the services offered through the Employee Assistance Program
- 49 – III 12 Schedules monthly EAP orientations for new employees and/or promotional activities
- 49 – III 13 Requests up to three hours of training for Management, Union, and Management Association officials regarding dealing with troubled employees and the benefits of the program
- 49 – III 13 Develops the schedule, arranges for space and equipment, and notifies USPS Managers and Union Officials of the training schedules as described in 13 – III 13 above
- 49 – III 14 Requests counselors provide one hour orientations for USPS employees at locations and times convenient to the USPS concerning EAP benefits and notifies USPS personnel of the schedule
- 49 – III 15 Requests on an annual basis updated training for all Management, Union Officials, and Management Association representatives and notifies all parties of the presentations
- 49 – III 15 Develops a presentation schedule for annual training updates, as in 49 – III 15 above, with convenient locations and times for USPS Officials
- 49 – III 15 Reviews topics to be discussed in the annual update trainings, 49 – III 15 above, with the EAP Counselors
- 49 – III 16 Develops by mutual agreement with EAP Counselors convenient locations for up to three hours of Management training on a quarterly basis for newly appointed USPS Management Personnel, Management Association Officials and Union Officials and notifies new USPS Managers, Supervisors, Union Officials, and Management Association Representatives of the meetings
- 49 – III 17 Receives training from EAP Counselors to enable self to present the benefits of the EAP to newly added employees during USPS new employee orientation
- 50 – III 20 Requests from HHS/FOH a quantity of posters to adequately cover each work site
- 50 – III 20 Distributes posters, 50 – III 20 above, to work sites after receipt from EAP counselors
- 50 – III 21 Requests Postalized articles of personal interest to prospective EAP clients for inclusion in District USPS newsletters

- 50 – III 22 Directs employees with employment related problems, and/or supports EAP Counselors in directing clients or perspective clients with employment related problems, such as an EEO complaint, which are not compounded by emotional distress, mental health, or substance abuse problems to the appropriate representative or department at USPS
- 50 – III 23 Requests lists of seminar topics from EAP Counselors, schedules, arranges and promotes wellness and prevention seminars, at conveniently scheduled times of the day to inform and educate employees on health and wellness matters. For locations of 500 or more employees, seminars will be conducted at least every other month
- 50 – III 26 Receives quarterly reports with statistical information on client data and staff activity distributed by USPS Headquarters
- 50 – III 27 Cooperates with quantitative and qualitative evaluation of the EAP, by a third party evaluation panel, as established by the EAP Manager
- 50 – III 28 Participates in and assists 3rd party evaluations
- 51 – III 29 Receives, reviews, and takes appropriate action related to evaluation results to overcome any deficiencies from previously agreed upon criteria
- 51 – III 32 Communicates concerns related to EAP Counselor'(s) job performance to HHS/FOH and may request replacement of any Counselor believed unable to carry out his/her responsibilities as described in the Interagency Agreement
- 51 – III 34 Works in collaboration with the Manager, Employee Assistance Program, the USPS Contracting Officer's Representative (COR), and the liaison between the US Postal Service and Health and Human Services/Federal Occupational Health

Addendum 3

USPS — HHS/FOH EAP INTERAGENCY AGREEMENT EAP COUNSELOR DUTIES AND RESPONSIBILITIES Effective September 16, 1995

Confidentiality and Record Keeping

References to Addendum 1

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- 40 – II A Provide EAP Users with a copy of the Statement of Understanding (SOU)
- 40 – II A Complete the SOU during initial face to face session (exception: emergency permits for completion as soon as possible)
- 40 – II A If person(s) refuses to sign the SOU, document the refusal, and refer person(s) to external resource for services
- 41 – II D Inform referring supervisor of attendance at initial appointment
- 44 – II R Further disclosures with written consent or as law provides
- 41 – II G Obtain a signed release from the client before speaking to a potential referral source about the client
- 46 – III 2A1 Maintain all files using HHS/FOH case numbering system
- 46 – III 2A1 Identify all case materials with HHS/FOH case number, not client name
- 46 – III 2A1 Maintain list of code numbers corresponding to employee names in locked file separate from the case folders
- 46 – III 2A1 Include closed (not yet destroyed), active, and reactivated records in the case coding and filing systems
- 46 – III 2A2 Limit identifying information (to the extent possible) in recordings for the case file
- 46 – III 2A2 Record all contacts regarding employees in files, most recent information on the top
- 46 – III 2A2 Write entries for the case file such that only necessary information for handling the case is included
- 46 – III 2A2 Never store EAP files with the employee's Official Personnel Folder or Employee Medical File
- 46 – III 2A3 Maintain information on family members of employees in the file of the employee (exception: family member is the EAP client)
- 46 – III 2A4 Maintain all files in a secure room in a locked metal filing cabinet (preferably with combination padlock and steel lock bar)
- 46 – III 2A4 Secure records per USPS Memorandum 1/11/95

- 46 – III 2A4 Lock file cabinets when not in use
- 46 – III 2A4 Comply with confidentiality guidelines as specified in 42 CFR Part 2
- 46 – III 2A4 Maintain only USPS EAP records in your file cabinet
- 47 – III 2A5 Comply with requirements of EAPIS security plan
- 47 – III 2A6 Retain all case records for three years after the employee has ceased contact with the EAP (longer if required by state where records are kept or until litigation involving employee is resolved)
- 47 – III 2A7 Retain all case records/files (including electronic) until a HHS/FOH official or designee initiates destruction or archival procedures
- 47 – III 2A7 Transfer records located away from counselor site to the counselor in the confidential manner required by HHS policies
- 47 – III 2A7 Add case numbers of EAP records destroyed to list of other case numbers of files previously destroyed. Maintain this list permanently. Cross reference names of employees whose case records were destroyed with case number and maintain this list in a separate secured location
- 47 – III 2A7 Retain no information about clients other than names of clients and case numbers once their case files are destroyed
- 47 – III 3 Keep all inquiries and EAP participation confidential
- 47 – III 3 Release client information only as follows: (a) client signs a Release of Information; (b) reporting of information required by federal or state law; (c) communicating with medical personnel in the event of a medical emergency; (d) client is in imminent danger of harming themselves or others; (e) responding to valid court order; (f) during bona fide third party program evaluation; (g) advising supervisor in the case of a supervisory referral of employee's appearance for initial interview
- 43 – II P Mark all files of cases assessed as involving high risk of violence to self or others in red

Clinical

- 40 – II B &
43 – II N Maintain toll-free telephone access
- 41 – II C Provide consultation to supervisors upon request
- 48 – III 10 Return nonemergency toll free calls within 24 hours (next work day)
- 41 – II D Provide initial screening (face to face or telephone) upon request
- 41 – II D,
41 – II E & F Conduct assessment, problem clarification counseling, & short term counseling (time mutually agreed, up to 12 face to face sessions, no charge to client)
- 41 – II D Assessment should include the descriptive DSM IV criteria for each problem where applicable and where permitted by state law

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- 41 – II E Share assessment results with clients (others with written permission or as required by law)
- 41 – II F Provide referrals for other services — upon request or as needed
- 48 – III 6 Make referrals for services in a manner which clearly precludes the existence of any conflict of interest or the appearance of a conflict of interest. Consult with HHS/FOH EAP specialist as needed
- 48 – III 7 Provide employees/family members with access to counselors within 50 miles of work site or within one hour drive time
- 48 – III 7 Provide coverage on all three tours as mutually agreed to with EWIA
- 48 – III 9 Accept all referrals
- 48 – III 9 Provide initial interview appointments within 36 hours of request (exclude days Counselor not normally scheduled to work)
- 41 – II G Complete full assessment, problem clarification, and develop action plan prior to making referral recommendations
- 41 – II G Refer all substance abuse cases to structured treatment and self help groups
- 42 – II H Review all priority cases (see 42 – II H below) with clinical supervisor on or before third session
- 42 – II H Document all supervision in case record and supervisor's file
- 42 – II H Discuss in supervision all priority cases involving alcohol and/or drugs, threats of violence, referrals for physical problems, child or spouse abuse and neglect, or reactivation
- 42 – II I Provide initial follow up with client within 2 weeks of last scheduled session
- 42 – II I Monitor cases referred to external providers (chemical dependency and violence cases — 1 year minimum, others — 3 month minimum)
- 42 – II I Follow up with referral source when signed release present
- 44 – II R Request written consent to communicate and follow up with supervisor for cases involving a supervisory referral
- 44 – II R Follow up with supervisors on status of supervisory referral cases when signed release present
- 44 – II S With client authorization, monitor inpatient and outpatient progress:
(1) assist with treatment program selection;
(2) obtain signed releases to contact treatment provider prior to referral;
(3) provide assistance with treatment program admission;
(4) conduct scheduled follow up with client and provider;
(5) develop aftercare plan — review with client, provider, and referring source
- 44 – II T Act as a liaison between client, community, provider, and USPS, with authorization as necessary
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- 45 – II U Develop and implement aftercare plans for clients who received in house EAP counseling only and monitor progress
- 42 – II I Distribute USPS client satisfaction forms at first session and remind client to mail the completed form to the independent third party evaluator prior to, or at the last session. Distribute HHS/FOH surveys as requested
- 43 – II P Handle cases involving threats of violence based upon established policy and procedures, including notifying the intended victim(s), law enforcement officials, HHS/FOH and/or others as appropriate/required
- 50 – III 22 Direct non EAP employment related problems to appropriate USPS department or representative

Program

- 44 – II Q Develop promotional action plan with EAP Coordinator
- 42 – II J &
42 – II K Provide supervisory training as requested
- 49 – III 13-15 Provide routine supervisory trainings, Union briefings, and employee orientations to existing personnel as requested
- 49 – III 12 &
49 – III 16 Provide training for all newly appointed Management, Management Association Representatives, and Union Officials, and employee orientation for new employees quarterly/annually as requested
- 49 – III 17 Train Intervention Analyst (EWIA) to present EAP benefits at USPS new employee orientations
- 43 – II L Provide informational programs periodically as requested
- 43 – II M Provide special trainings by request of HHS/FOH
- 45 – II V Serve as a Substance Abuse Professional (SAP), when qualified, and called upon. Conduct evaluations, make rehabilitation and return to duty/follow up testing recommendations, and determine compliance with rehabilitation recommendations per DOT/FWHA Controlled Substances and Alcohol Use and Testing Rule as amended
- 45 – II X Provide information in a timely manner for inclusion in annual report
- 48 – III 11 Visit an average of 1 post office/week with 100 or more employees
- 49 – III 18 Distribute brochures, pamphlets, and materials for orientation and training programs
- 50 – III 20 Obtain posters requested by the Intervention Analyst (EWIA) for his/her distribution at the worksite
- 50 – III 21 Assist in providing articles, upon request by HHS/FOH, for USPS newsletters
- 50 – III 23 Conduct health and wellness seminars every other month at locations with 500 or more employees as requested

- 50 – III 25 Participate in annual comprehensive training program for counselors
- 50 – III 26 Provide data for EAPIS
- 51 – III 31 Maintain professional liability insurance coverage

Counselor Credentials

- 50 – III 24 Maintain state mental health professional license or certification

Evaluation

- 50 – III 27 Participate in EAP evaluation efforts
- 51 – III 29 Implement corrective actions recommended in evaluation report

Addendum 4

PB 21901—AUGUST 31, 1995

MESSAGE FROM THE POSTMASTER GENERAL

Policy Statement on Sexual Orientation

The Postal Service is committed to ensuring a workplace that is free of discrimination and to fostering a climate in which all employees may participate, contribute, and grow to their fullest potential. We recognize and value our diverse workforce and are committed to fair treatment of all employees.

Harassment and disparate treatment based on actual or perceived sexual orientation or identity will not be permitted or condoned in the Postal Service. This policy does not alter current standards of conduct and dress for postal employees. All Postal Service employees have the responsibility to support this policy and to take appropriate steps to ensure a workplace free of discrimination against any person based on his or her sexual orientation or identity. Each of us should:

- Treat every co-worker, customer, and supplier with respect and dignity.
- Examine our attitudes and actions toward people who are different from ourselves.
- Speak out when we see harassment and discrimination in our work environment.

Equal Employment Opportunity (EEO) laws and regulations do not provide an avenue to process complaints of discrimination based on sexual orientation or identity; however, employees are encouraged to report any variance from this policy to a management official at the earliest opportunity.



MARVIN RUNYON
POSTMASTER GENERAL AND
CHIEF EXECUTIVE OFFICER

Addendum 5

Grievance Arbitration Process

The following definitions and procedures are useful in understanding the USPS grievance arbitration process.

Discussion

For minor offenses by an employee, management has a responsibility to discuss such matters with the employee. Discussions of this type must be held in private between the employee and the supervisor. Such discussions are not considered discipline and are not grievable. While such discussions may not be cited as an element of prior adverse record in any subsequent disciplinary action against an employee, they may be, where relevant and timely, relied upon to establish that employees have been made aware of their obligations and responsibilities.

Letter of Warning

A letter of warning is a disciplinary notice in writing, identified as an official disciplinary letter of warning, which must include an explanation of a deficiency or misconduct to be corrected.

Suspensions of 14 Days or Less

In the case of discipline involving suspensions of 14 days or less, the employee must be served with a written notice of the charges and must be informed that he/she will be suspended after 10 calendar days. During this 10-day period the employee must remain on the job or on the clock (in pay status) at the option of the employer.

Suspensions of More Than 14 Days or Discharge

In the case of suspensions of more than 14 days, or of discharge, any employee must, unless otherwise provided herein, be entitled to an advance written notice of the charges against him/her and must remain either on the job or on the clock at the option of the employer for a period of 30 days. Thereafter, the employee must remain on the rolls (nonpay status) until disposition of the case has been made either by settlement with the union or through exhaustion of the grievance arbitration procedure. A preference-eligible employee (veteran) who chooses to appeal a suspension of more than 14 days or a discharge to the Merit Systems Protection Board (MSPB) rather than through the grievance arbitration procedure must remain on the rolls (nonpay status) until disposition of the case has been made either by settlement or through exhaustion of his/her MSPB appeal. When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the employer is not required to give the employee the full 30-day advance written notice in a discharge action, but must give such lesser number of days advance written notice as is reasonable under the circumstances and can be justified. The employee is immediately removed from a pay status at the end of the notice period.

LISTEN Program

A program used at some offices in which progressively more severe letters of warning are used in lieu of suspensions. The specifics of the local LISTEN program vary from office to office. The District Labor

Relations office would be the best source of information relating to the specifics of any LISTEN program (or any other modified program).

MSPB Settlement

A preference-eligible employee with one or more years of current continuous career service in the same or similar position has the right under the Veterans' Preference Act to appeal a removal to the MSPB. A settlement made between the employee and the Postal Service after the appeal might be termed an "MSPB settlement." Typically, an employee with a right of appeal to MSPB is informed of that right at the time the appealable action is effected.

Arbitrator Decision

An arbitrator renders a decision, generally sustaining, denying, or modifying the grievance. The Postal Service and the union may choose to settle a grievance before or during a hearing, but the arbitrator never settles a grievance. In some cases, however, he may memorialize the parties' settlement in writing.

All of the settlements listed below occur before an arbitration hearing and in fact obviate the need for an arbitration hearing.

Step 1 Settlement

Any employee who feels aggrieved must discuss the grievance with his/her immediate supervisor within 14 days of the date on which the employee or the union first learned or may reasonably have been expected to have learned of its cause. The employee, if he or she desires, may be accompanied and represented by the employee's steward or union representative. The union also may initiate a grievance at Step 1 within 14 days of the date the union first became aware of (or reasonably should have become aware of) the facts giving rise to the grievance. In such a case, the participation of an individual grievant is not required. A Step 1 union grievance may involve a complaint affecting more than one employee in the office. In such a discussion, the supervisor must have authority to settle the grievance. The steward or other union representative likewise must have authority to settle or withdraw the grievance in whole or in part. No resolution reached as a result of such discussion must be a precedent for any purpose.

Step 2 Settlement

If not resolved at Step 1, the grievance may be appealed to Step 2. The installation head or designee meets with the steward or a union representative as expeditiously as possible, but no later than 7 days following receipt of the Step 2 appeal unless the parties agree upon a later date. In all grievances appealed from Step 1 or filed at Step 2, the grievant must be represented in Step 2 for all purposes by a steward or a union representative who must have authority to settle or withdraw the grievance as a result of discussions or compromise in Step 2. The installation head or designee in Step 2 also must have authority to grant or settle the grievance in whole or in part.

Step 3 Settlement

If not resolved at Step 2, the grievance may be appealed to Step 3. The grievant must be represented at the employer's Step 3 level by a union's regional representative or designee. The Step 3 meeting of the parties' representatives to discuss the grievance must be held within 15 days after it has been appealed to Step 3. The union representative must have authority to settle or withdraw the grievance in whole or in part. The employer's labor relations representative likewise must have authority to grant the grievance in whole or in part.

Addendum 6

Crisis Resource Directory

Postal Service

Contact Title	Name	Phone Number	Pager Number
Violence Interdiction Inspector			
Inspection Service 1-800 #			
Area Inspection Service #			
Postal Police Number			
Local Law Enforcement			
Regional Supervisor			
Intervention Analyst (EWIA)			
Manager Human Resources			
Medical Unit			
Facility Manager			

Crisis Resource Directory

Local

Contact Title	Name	Phone Number	Pager Number

Addendum 7

District Personnel Resource Chart

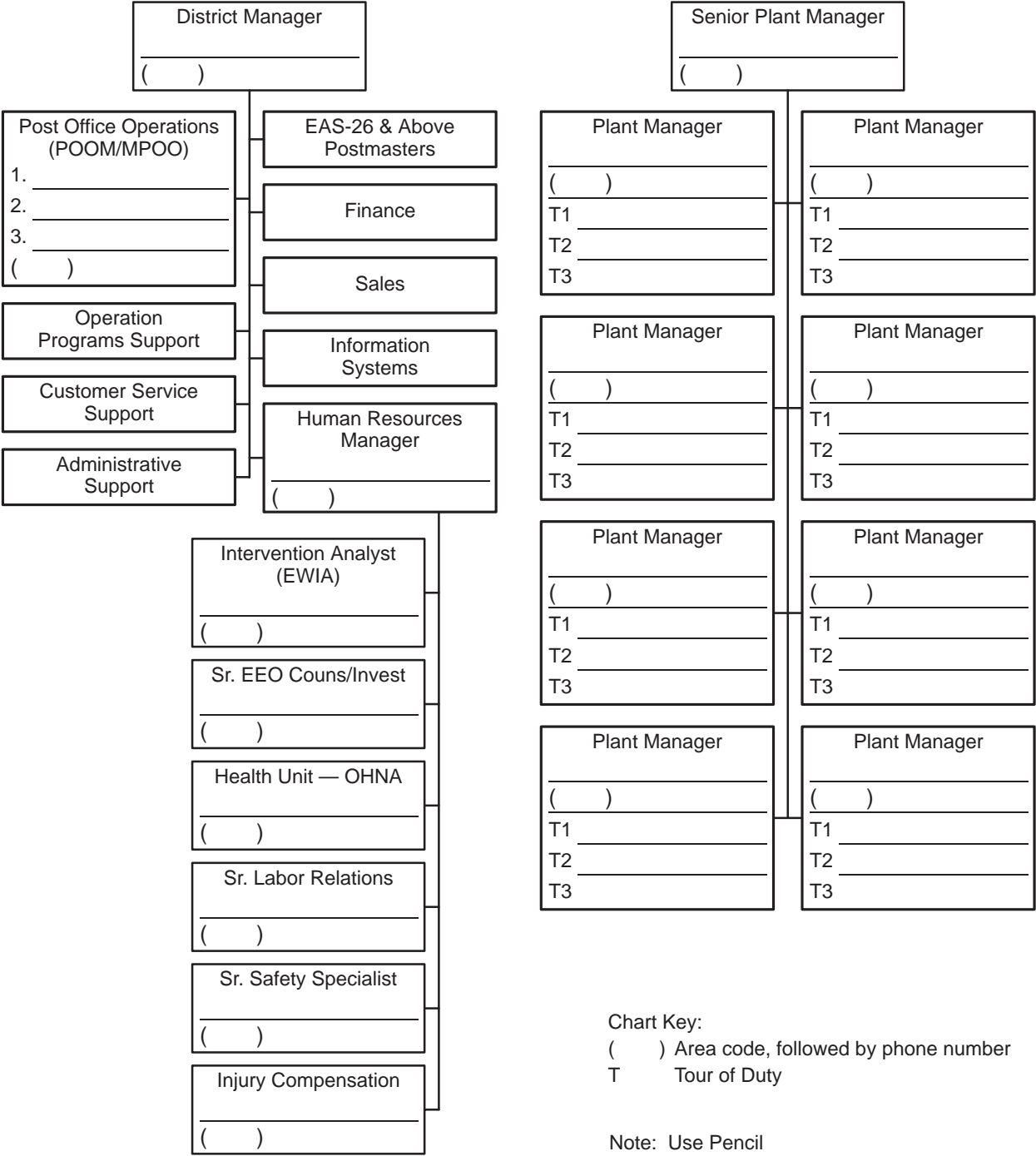


Chart Key:
 () Area code, followed by phone number
 T Tour of Duty

Note: Use Pencil

Glossary

Postal Terms And Definitions

annual leave (AL)	Employee leave status, other than sick leave and family medical leave.
casual employee	Employee appointed by the USPS on a casual basis, usually in a 90-day period. Employee may serve only two 90-day appointments per year. Casual employees do not receive any employee insurance and/or leave benefits.
delivery point sequencing (DPS)	A method of having mail set up in sequential order of delivery for carriers to take mail directly to the street.
EAP referral (formal)	Management referral of employee to the EAP based on job performance, attendance, or conduct issues. This type of referral is typically in writing, and the Counselor receives a referral form or memo from the EAP.
EAP referral (voluntary)	Voluntary request for assistance from the EAP by an employee contacting an EAP Counselor directly. Although generally these sessions are on the employee's own time, his or her first visit to the EAP may be on the clock. Advance notice and concurrence must be received from the manager in order for an employee to attend this initial self-referral on the clock.
employee and workplace intervention analyst (formerly titled EAP Coordinator)	A postal employee with at least a master's degree in the behavioral sciences who assists with the enhancement of the workplace climate and is responsible for ensuring that (1) the USPS EAP is administered according to established policy and procedures, and (2) program implementation effectively meets the needs of employees.
economic value added	A merit system of pay based upon meeting previously established performance goals and objectives.
family and medical leave	Employee leave status, not to exceed 12 weeks per year, specific to the guidelines as established through the Family and Medical Leave Act (FMLA).
fitness-for-duty (FFD) examination	Examination performed by the medical unit and/or contracting medical official to determine the fitness of an employee to perform regular duties.
focus groups	The bringing together of employees in a group situation for the purpose of receiving feedback regarding a specific situation or program.
Last Chance Agreement (LA)	Agreement signed by labor, management, and the employee affording an employee a "last chance" for meeting acceptable work performance standards.
leave without pay (LWOP)	Employee pay status in which an employee does not receive any pay compensation.

Maintenance and Operations Management Support (MOMS)	Team building conference and workshops for EAS management.
zero tolerance policy	Policy established both nationally and performance cluster-wide that delineates outcomes for workplace behaviors relating to acts and threats of violence.
Performance Cluster (PC)	Leadership team of each postal district.
Post Office Operations Manager (POOM or MPOO)	Management official in charge of post office operations.
sick leave (SL)	Employee pay status in which employee is out of work due to illness or injury.
Threat Assessment Team (TAT)	Team established by a performance cluster to meet on a regular basis to assess potential for workplace violence in individual and group settings.
transitional employee (TE)	Employee hired by USPS to fulfill a job during a transitional period. TEs receive minimal benefits as allowed by contractual agreement.
Workplace Violence Awareness Program	Training program developed by USPS to address workplace violence concerns.

Abbreviations – Acronyms

APWU	American Postal Workers Union
CISD	Critical Incident Stress Debriefing
CMP	Crisis Management Plan
CMT	Crisis Management Team
DOT	Department of Transportation
EAPIS	Employee Assistance Program Information System
MDO	Manager of Distribution Operations, in a mail plant facility
MSPB	Merit Systems Protection Board
NALC	National Association of Letter Carriers
NAPUS	National Association of Postmasters of the United States
NRLCA	National Rural Letter Carriers' Association
PIA	Performance Improvement Analyst
PM	Postmaster
SDO	Supervisor of Distribution Operations, in a mail plant facility
TTO	Tractor Trailer Operator