



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
PRS: 35	
EFFECTIVE DATE: 11/16/2009	ORIGINAL ISSUED ON: 03/13/2008
REVISION NO: 1	

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

1.0 PURPOSE

The purpose of this policy is to describe the Department of Public Safety’s Employee Assistance Program and/or Critical Incident Stress debriefing which is available to department employees and their dependents.

2.0 POLICY

It is the policy of the Department of Public Safety to provide its employees and their families, with programs that will assist them with personal, family, financial, substance abuse, mental health or related problems. These programs will also provide critical incident stress debriefing in those instances where an employee is involved in a highly stressful or traumatic incident. The benefits provided under the Employee Assistance Program are subject to the current contract with the State’s EAP provider. No statements of benefits in this policy supersede those provided under the current contract.

3.0 APPLICABILITY

This policy applies to all employees of the Department of Public Safety.

4.0 REFERENCE

- A. CALEA Chapter 22 – Compensation, Benefits and Conditions of Work**

5.0 DEFINITIONS

- A. Chief** – The Chief of the New Mexico State Police.
- B. Employee Assistance Program (EAP)** – The Employee Assistance Program (EAP) provided to Department employees by the contract mental health provider. The EAP offers a wide variety of services. The EAP is a benefit that is paid for by the employer, for employees and their household members, to help identify and find resources to solve personal problems which, if not resolved, could adversely affect the employee’s job performance.
- C. Secretary** - The Cabinet Secretary of the Department of Public Safety.

6.0 PROCEDURE

DPS will provide all employees and their dependent family members’ access to the Employee Assistance Program.

A. General Information

1. Information describing the Employee Assistance Program services will be posted in all departmental facilities and posted on the DPS Insider including, but not limited to the following information:
 - a. The EAP is a free confidential resource that provides four face to face sessions.
 - b. Employees may contact the EAP for help with life's problems.
 - c. The EAP is accessible twenty four (24) hours a day, seven (7) days a week.
 - d. The EAP is also a resource for managers who need assistance in helping their employees.
 - e. On-site training may be provided, conflict resolution, and response to critical incidents.
 - f. The State of New Mexico EAP contact phone information can be located on the DPS Insider. The EAP contact information can also be obtained by a supervisor
2. The EAP may be used by Department employees to obtain confidential, appropriate and timely problem assessment services.
3. The EAP may reveal the need for referral to other workplace and/or community resources for appropriate diagnosis, treatment and follow-up. In these cases, the additional treatment may require the employee to utilize their insurance coverage, as appropriate.

B. Procedures for Obtaining Program Services

1. Self referral
 - a. An employee may request assistance on a self referral basis by calling the EAP directly. There is no requirement to notify the department.
 - b. An employee may request assistance by notifying his/her supervisor of a problem that is affecting his/her job performance.
 - c. The supervisor will assist the employee in accessing the Employee Assistance Program or other departmental resource if requested.
 - d. In the case of an employee requesting a referral for issues not related to or affecting job performance the supervisor shall provide the employee with the EAP toll free telephone number and take no further action.
 - e. Employee use of EAP services is strictly confidential.
 - f. An employee who self refers will receive four free counseling sessions through the EAP. Subsequent sessions may continue with co-pay and use of the employee's health insurance if they are insured.
 - g. The records of an employee who self refers are confidential to the EAP and not accessible to the department without court order.

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- h. An employee who self refers will not be compensated for time spent in or to travel to and from the EAP.
 - 1. In instances of self referral, an employee shall use accumulated leave (sick leave, annual leave, etc) to attend EAP sessions during work hours.
 - 2. In instances of self referral, an employee shall use a personal vehicle to attend EAP sessions during work hours.
- 2. Supervisory referral (Mandatory)
 - a. An employee's supervisor, through the chain of command, may request assistance for an employee whose job performance is being adversely affected by personal problems. The employee will be counseled regarding expected job performance and advised of the resources available to assist the employee in meeting those standards.
 - b. The appropriate Deputy Secretary will order the employee to access the Employee Assistance Program or other departmental resource.
 - c. Employee information gained as a result of this process is considered performance-related confidential information.
 - d. The EAP will only confirm to the department, through a release of information agreement provided by CIGNA, that the employee attended and was cooperative.
 - e. An employee ordered by the department to attend EAP services shall be compensated for time spent in or traveling to and from those services.
 - f. An employee ordered to attend EAP services by the Department shall be allowed to use his/her departmental vehicle during work hours.
- 3. Policy Referral

Some DPS policies suggest referral to the EAP, while others mandate referral. These referrals shall be considered as self referral unless the employee is ordered to attend the EAP. Please refer to the Department policies listed below for further specifics:

 - a. Employee Death Protocol ADM:25
 - b. Early Intervention Personnel System ADM:41
 - c. Drug Awareness Policy (Drug Free Work Place Act) PRS:06
 - d. Rehabilitation and Sanctions PRS:17
 - e. Peer Officer Support Team OPR:24
 - f. Psychological Counseling/Evaluation TRG:03

C. Confidentiality of Records - DPS will maintain no files of an employee's use of the EAP other than such documentation incidental to requests from the employee through DPS supervisors for referral and those relating to departmentally mandated referral and paperwork required for insurance billing.

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D. Training – Designated supervisors shall attend training on the EAP. This training shall include, but not be limited to:

1. Supervisory role and responsibility.
2. Identification of employee behaviors which may indicate the existence of employee concerns, problems or issues that could impact employee performance.

E. EAP Restrictions

1. The EAP shall not be used as a substitute for discipline or to protect the decision maker when deciding disciplinary matters.
2. The EAP does not excuse an employee from normal discipline when a policy has been violated.
3. In matters of discipline, job security, transfer, job description or promotion, it is not the purpose of the EAP to interfere with supervisory functions.
4. The employee may be ordered to appear at the appointed time and place of the EAP services, but can not be forced to participate in the services provided or sign EAP service provider waiver forms.
5. A failure to participate with the EAP service provider or sign EAP service provider waivers shall not be grounds for disciplinary action against the employee.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/ John Denko
DPS Cabinet Secretary

DATE: November 16, 2009