

**RESOLUTION #17-0807-05**

**Approving Liberty Township Employees Assistance Program Policy**

**WHEREAS**, the Liberty Township Board of Trustees approved Resolution 17-0417-05 contracting with Gerlach, Lear & Associates (now "Balance EAP") to provide an Employee's Assistance Program as an additional fringe benefit.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO** to approve the attached Liberty Township Employee's Assistance Program policy.

Motion made by Leneghan and seconded by Mitchell.

Vote: yes Mrs. Eichhorn yes Mrs. Leneghan yes Dr. Mitchell

This Resolution shall be in force and become effective immediately upon its execution.

Aug. 7, 2017  
Date

Melanie Leneghan  
Melanie Leneghan, Trustee

CERTIFIED BY:

Nancy Denutte  
Nancy Denutte, Fiscal Officer

Dr. Thomas Mitchell  
Dr. Thomas Mitchell, Trustee

Shyra Eichhorn  
Shyra Eichhorn, Trustee

**LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**Purpose**

Liberty Township is committed to investing in the health, safety and well-being of its' employees and their families. The Township recognizes that an employee's well-being directly affects job satisfaction and productivity. Through the Employee Assistance Program (EAP), Liberty Township provides free, confidential access to professional counseling services for help in confronting personal problems, such as alcohol and other substance abuse, marital or relationship issues, parenting and family difficulties, financial or legal troubles, problematic work relationships with peers or supervisors and emotional distress.

The EAP is available to all employees and their household family members offering problem assessment, short-term counseling, and referral to appropriate community and private services. While it is neither the role nor the desire of the Township to become directly involved in the personal problems of employees, Liberty Township does want to provide a way in which employees can more easily recognize when they have a problem and obtain help for that problem at the earliest stage possible.

The EAP is a confidential, voluntary service provided to the employee and their household family. An employee may be recommended to the EAP by a supervisor or department head whenever deterioration in job performance or behavior is noticed. A supervisory referral generally follows a counseling session or a disciplinary action. Additional information on the Township EAP Program may be obtained by contacting the EAP program or the Human Resources Department.

**Policy**

It is the policy of Liberty Township that local assistance services be made reasonably available to all Township employees and their household family with issues such as alcohol and other substance abuse, marital or relationship issues, parenting and family difficulties, financial or legal troubles, problematic work relationships with peers or supervisors and emotional distress which either results in noticeable changes in work performance or adversely affects the personal life of the employee. The EAP is strictly confidential and is designed to safeguard privacy and rights. Information given to any EAP counselor, doctor or other provider may be released only if requested by the person using the services in writing. All information concerning an employee's participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file, unless the EAP is used as a referral tool for performance based issues. Employees' current position and future advancement will not be jeopardized by using the EAP's services.

In addition to the voluntary EAP services, an employee may be referred to the EAP by a supervisor or Department Head where documented performance based issues arise and have been addressed with the employee.

## **Procedure**

### **I. Employee's Voluntary Use of the EAP**

An Employee and their household family members may voluntarily seek the services of the EAP. Employees and their household family members with alcohol and other substance abuse, marital or relationship issues, parenting and family difficulties, financial or legal troubles, problematic work relationships with peers or supervisors and emotional distress which may or does affect work performance are encouraged to voluntarily seek information and counseling on a confidential basis through the Township EAP.

- A. When a person contacts the EAP, the initial contact does not commit the caller to do anything. EAP providers are prohibited from initiating contact with anyone who has not personally requested services.
- B. There is no cost for employees or members of their household family to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline services available. The EAP counselor will also advise when any costs associated with services may be covered by their health insurance plan. Costs for services above and beyond those provided free through the Township EAP and that are not covered by the employee's insurance plan are the responsibility of the employee.
- C. Should an employee voluntarily inform a supervisor, Department Head, HR Specialist or the Administrator that he/she voluntarily seeks assistance, the information shall remain confidential and will only be discussed privately with the employee upon their request.
- D. The Township has the authority and responsibility to set acceptable work standards. If the work performance of an employee, who is an EAP participant, is deemed unsatisfactory, disciplinary action may be taken by the Township as set forth in Township policies, bargaining unit contracts, etc.
- E. Use of the EAP will not affect job classification, promotional opportunities or pay increase opportunities.
- F. All EAP issues will be handled in a confidential manner by the EAP provider consistent with Federal and State law. No information concerning the nature of the individuals' personal problems will be released without prior written consent.
- G. A supervisor, Department Head and/or Township Administrator may encourage the use of the EAP, recognizing the fact that many job performance difficulties may be related to a personal issue.

## II. Supervisory Referral to the EAP

- A. An employee may be formally referred to participate in the EAP. Supervisors and Department Heads are responsible for confronting employees about unsatisfactory performance or deteriorating performance and referring such employees to the EAP when appropriate. All EAP referrals which require an employee to seek diagnosis and treatment shall first be discussed with the HR Specialist to establish timelines, goals and objectives, performance improvement plans, etc.
  - 1. It is not the intent of an EAP referral to interfere with matters of discipline. Employees in a treatment program who are in compliance with the terms of the EAP shall be given due consideration in disciplinary action provided that the employee release reports to the Township by the agency or individual providing treatment as to whether the employee is keeping scheduled appointments and is otherwise complying with the recommended course of treatment. Such reports shall be made to the Township HR Specialist at reasonable intervals during the time of treatment or rehabilitation and within the timeframe set forth at the time the EAP referral is made.
  - 2. An employee shall be granted paid sick leave on the same basis it is granted for other health purposes to attend EAP treatments or rehabilitation. If the employee has no available sick leave accruals, unpaid leave shall be approved.
  - 3. An employee referred to the EAP is responsible for correcting identified unsatisfactory work performance or behavior and maintaining performance. Nothing in this EAP Policy shall be interpreted as constituting a waiver of the responsibility of the Township to maintain discipline or of its right to take disciplinary action in accordance with Township discipline policies.
  - 4. All records pertaining to EAP treatment shall be kept in strictest confidence by the Township and shall not be a part of the employee's personnel file. Disciplinary records and performance related documents, such as a Performance Appraisal or Performance Improvement Plan, are part of the employee's personnel file; however, any information related to the treatment received by the employee through the EAP shall not be included in the personnel file.
- B. The EAP shall not limit the Township's right to discipline or discharge an employee for actions committed by the employee as a result of substance abuse or any other emotional or mental distress. Participation in the EAP shall not limit the Township's right to impose such disciplinary actions, up to and including termination.

## III. Management Referral Process

- A. Informal Referral
  - 1. There are no job performance concerns, however, without intervention from EAP services there may be performance issues in the future.
  - 2. The employee makes the decision whether or not to follow through.
  - 3. There is no reporting to HR by the EAP.

B. Formal Referral

1. There is a noticeable decline in the employee's work performance.
2. The manager desires to use the EAP as a tool to help the employee address the work performance problem.
3. The referral is made as part of a corrective performance plan.
4. The performance plan is discussed and reviewed with management, HR and the employee.
5. There is an expectation the employee will use the EAP.
6. The employee signs a release that permits the EAP to communicate to HR that the employee is using EAP services.
7. If the employee fails to use the EAP, fails to provide a mutually agreeable alternative for making improvements to work performance/behavior and/or fails to make necessary improvements as detailed in the performance plan, the employee may be subject to discipline up to and including termination.

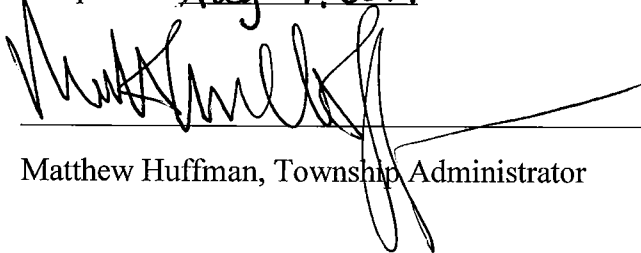
C. Mandatory Referral

1. The referral is made to the EAP when an employee is at the corrective action or work performance stage, where discipline or termination is likely. The following may be reasons for a mandatory referral:  
violence or threats of violence in the workplace
  - a. domestic violence or harassment
  - b. sexual harassment in the workplace
  - c. discrimination
  - d. suicidal ideation or intent
  - e. hostile work environment
  - f. drugs/alcohol
2. Compliance with referral is required.
3. Failure to follow through with the EAP evaluation, treatment, service recommendations may be the basis for termination.
4. The company policy articulates a management referral option.
5. The employee signs a release allowing the EAP to report to HR that the employee is attending, cooperating, and completing the EAP services. Also, to provide treatment recommendations.

D. Administration of an EAP referral

1. Appointments shall be handled in a manner consistent with Township leave policies. Flexible appointment hours are available through the EAP.
  2. Use of the EAP shall not affect job classification, promotions or pay.
  3. Participation in the EAP, shall not alter disciplinary procedures and shall not alter the employee's responsibility to maintain an acceptable level of performance or behavior.
  4. The Employee may voluntarily elect to continue using EAP services after the treatment/services required in the Performance Improvement Plan have been met. It is recommended that the Employee notify the supervisor, Department Head or HR Specialist when additional services are being used so that appropriate consideration may be made for leave requests and for alterations or extensions of any Performance Improvement Plan put in place.
- C. The Township is not obligated to refer an Employee to the EAP and shall have the authority to discipline as appropriate for performance and/or behavior issues.
- D. Any and all documentation regarding the treatment received by the employee through participation in the EAP shall not be made part of the employee's personnel file and shall not be public records, but may be maintained separately in the employee's medical files in the strictest confidence by the Township.
- E. If performance or behavior issues have not been adequately addressed and corrected by the employee, the employee may be subject to a continued Performance Improvement Plan and/or the disciplinary process up to and including termination.

Adopted on Aug. 7, 2017 in accordance with Resolution # 17-0807-05.



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Matthew Huffman, Township Administrator