

PS3792.06 EMPLOYEE ASSISTANCE PROGRAM



Charge

Notice

**DIRECTIVE BEING CHANGED:** 3792.06  
**CHANGE NOTICE NUMBER:** CN-01  
**DATE:** September 25, 1996

1. PURPOSE AND SCOPE. To amend reporting requirements of the Employee Assistance Program (EAP), to provide further guidance regarding contracting of EAP services, and to cite an additional exception to confidentiality regulations.

A recent evaluation of Department of Justice EAPs conducted by the Justice Management Division recommended that the Bureau provide more policy guidance about contracting EAP services through private vendors.

2. SUMMARY OF CHANGES

a. EAP Coordinators must submit two EAP reports (mid-year and annual) to the Central Office each fiscal year rather than every quarter. The format for reporting information has been changed to obtain more accurate and relevant information for use in subsequent reports to the Department of Justice (DOJ) as required.

b. Guidelines have been enhanced as they pertain to the contracting of EAP services by private vendor.

c. An additional exception to confidentiality requirements contained in 42 CFR 2 has been added to ensure this Program Statement is consistent with Federal regulations.

d. Program objectives have been added to the Program Statement.

3. TABLE OF CHANGES

Remove

Pages 1 - 6  
Pages 11 - 14  
Attachment D

Insert

Pages 1 - 6A (CN-01)  
Pages 11 - 15 (CN-01)  
Attachment D (CN-01)

P.S. 3792.06  
September 25, 1996  
CN-01, Page 2

4. ACTION. File this Change Notice in front of PS 3792.06,  
Employee Assistance Program (EAP).

\s\  
Kathleen M. Hawk  
Director



U.S. Department of Justice  
Federal Bureau of Prisons

Program

**OPI:** CPD  
**NUMBER:** 3792.06  
**DATE:** November 4, 1993  
**SUBJECT:** Employee Assistance Program  
(EAP)

Statement

CN-01 September 25, 1996

1. PURPOSE AND SCOPE. To motivate employees in need of assistance to accept early counseling to help them regain their productive capability; minimize absenteeism, sick leave, and grievances; reduce the need for disciplinary action; and improve morale. The EAP is a confidential program available to all Bureau employees and when feasible, to immediate families of employees who have alcohol, drug, or emotional problems, and to employees with immediate family members with alcohol, drug, or emotional problems.

EAPs have proven to be effective in identifying the troubled or problem employee in the work force. By focusing on the individual's deteriorating performance, conduct, and/or attendance, such programs have been successful in motivating the employee to deal with problems and, if appropriate, to seek professional treatment and/or assistance. These programs are cost effective. By reducing the rate of absenteeism and the number of sickness and accident benefits paid, there is a significant cost savings to the government.

\* 2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Assessment and referral services for mental health and other personal problems will be provided to staff and their families.

b. The frequency of absenteeism, sick leave use, grievances, and disciplinary actions will be reduced.

c. The confidentiality of information received during service provision will be maintained in accord with Federal regulations.\*

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 3792.03 Employee Assistance Program (01/08/88)

b. Directives Referenced

PS 3000.02 Human Resource Management Manual (11/01/93)  
PS 3735.03 Drug Free Workplace Program (06/14/96)  
PS 5310.12 Psychology Service Manual (08/30/93)

DOJ Order 1792.1B Employee Assistance Program (02/23/93)  
FPM Letter 792-12 Cooperative Employee Counseling Services  
Program (05/20/80)

c. Rules referenced in this Program Statement are contained in  
5 CFR 792 and 42 CFR 2.

d. 5 U.S.C. 552a, 7301, 7901, 7904, 7361(a), 7362(a) and 42  
U.S.C. 290dd-1 and 290ee-1.

e. Other References

Executive Order 12564, Drug Free Federal Workplace  
Employee Assistance Law Answer Book, Sandra G. Nye, J.D.

4. STANDARDS REFERENCED

a. American Correctional Association Foundation/Core Standards  
for Adult Correctional Institutions: C2-4040;

b. American Correctional Association 3rd Edition Standards for  
Adult Correctional Institutions: 3-4061 and 3-4069;

c. American Correctional Association Foundation/Core Standards  
for Adult Local Detention Facilities: C2-5062; and

d. American Correctional Association 3rd Edition Standards for  
Adult Local Detention Facilities: 3-ALDF-1C-15.

5. DEFINITIONS. For this Program Statement's purposes, these  
terms are defined as follows:

a. Drugs. Illegal, legal, and over-the-counter drugs other  
than alcohol which may cause serious health, personal, or family  
problems and which may negatively affect an individual's job  
performance and/or conduct.

b. Emotional/Behavioral Problems. Problems which may impair  
job performance, conduct, and/or attendance, and which may cause  
personal distress such as depression, anxiety, stress, or  
psychological disorders.

c. Community Resources. Agencies and individual  
practitioners, accessible to an EAP's client population,  
including but not limited to: private practice clinicians,  
hospitals, clinics, and other outpatient treatment facilities,

family counseling services, financial counseling services, and self-help groups for medical, behavioral, or emotional problems.

d. Third Party Payments. Payments made by an employee's insurance company that cover, in full or in part, the cost of treatment.

e. EAP Counseling. Counseling provided by the Bureau EAP staff or, under Bureau supervision, by contractors providing EAP services. Bureau EAP counseling is short-term and crisis-oriented. It includes assessment, referral, and monitoring, and provision of other general information.

f. Self-Referral. The voluntary, confidential use of EAP by employees who are concerned that they or a family member may have alcohol, drug abuse, or emotional problems.

g. Supervisory Referral. The referral of an employee with deteriorating performance, conduct, and/or attendance problems to an EAP counselor by a supervisor.

h. Supervisory Consultation. Discussions between a supervisor and/or manager and an EAP staff member, the purpose of which is to discuss a potential supervisory referral, to assist a supervisor in making a referral, to confer during the course of counseling, and to follow-up when counseling is terminated. Such consultation does not include information obtained during counseling sessions, except as authorized by Consent for Release of Information.

i. EAP Referral. The referral of an employee to one or more community resources based on an assessment by a Bureau EAP counselor.

j. Medical Counseling Records. The term medical counseling records includes all records maintained by medical, psychological, psychiatric, and other officially designated Employee Assistance Program counselors. References to counseling records are synonymous with the term, "medical counseling records."

\* k. Family and Employee Assistance Team (FEAT). Psychologists and chaplains trained in critical incident stress debriefing who may provide services to staff and their families during and after critical incidents such as hostage situations, natural disasters, or other disturbances and traumatic events. \*

6. PROGRAM REQUIREMENTS. The Bureau of Prisons shall offer confidential assistance to employees whose work performance, conduct, and/or attendance is declining because of personal and/or family problems. Employees with job performance, conduct, and/or attendance problems who are offered the Bureau's EAP services assume the responsibility for returning their

performance, conduct, and/or attendance to and maintaining it at an acceptable level regardless of whether they use the program.

Employees who are concerned that they or a family member may have an alcohol, drug, or emotional problem which has an adverse effect on their performance and personal well-being, are encouraged to voluntarily seek assistance, referral, and/or information on a confidential basis.

a. Referrals. To the maximum extent possible, the Bureau shall provide employees assistance by referring them for treatment to community resources such as alcohol or drug treatment programs, family counseling services, and/or private practice clinicians. Employees are responsible for the cost of treatment.

Most illnesses, including alcohol, drug, emotional, and behavioral problems, which require medical or other professional treatment, are covered partly or completely by health insurance carriers providing services under the Federal Health Benefits Program. Veterans may be eligible for some assistance from the Department of Veterans' Affairs. Eligibility requirements and treatment costs should be discussed with the Bureau EAP counselor.

b. Administrative Leave. Administrative leave is authorized for employees attending counseling sessions with an EAP counselor. Employees who are referred for treatment which requires their absence from work should be granted sick leave for this purpose. Decisions to grant or deny the use of advanced sick leave are made in accordance with the Bureau's policies governing leave administration.

c. Job Security/Promotions. No employee will have his/her job security or promotion opportunities jeopardized solely because of a request for assistance from the Bureau's EAP.

d. Confidentiality. The confidential nature of EAP counseling information of all employees referred for assistance shall be preserved with the same enhanced level of confidentiality as counseling records of employees with alcohol and drug abuse problems. As cited in DOJ Order 1792.1B (Employee Assistance Program).

## 7. PROGRAM ADMINISTRATION

a. Program Authority. The Assistant Director for Correctional Programs is hereby delegated general authority and responsibility for the Bureau's EAP.

b. Program Administration. The Central Office Psychology Services Administrator is responsible for the Central Office EAP

Coordinator's direct supervision and maintains responsibility for the EAP's overall direction.

c. Central Office EAP Coordinator. The Central Office EAP Coordinator shall be a doctoral level psychologist and shall be responsible for:

(1) Development and maintenance of a list of local community resources for the referral of employees seeking assistance and development and maintenance of liaisons with community treatment and rehabilitation facilities;

(2) Ensuring appropriate referrals to treatment for employees who have been referred or who voluntarily seek assistance;

(3) Developing and distributing policies, information, and programs regarding EAP issues and services to field components;

(4) Monitoring and evaluating the program's operation;

(5) Maintaining necessary records and filing reports;

(6) Adhering to the confidentiality requirements;

(7) Assuring that all necessary training for supervisors and counselors is provided; and

(8) Participating in professional development.

d. Component Administration. Chief Executive Officers (CEO) are responsible for:

(1) Maintaining an EAP in each facility in accordance with this Program Statement;

\* (2) Designating the Chief, Psychology Services as EAP Coordinator and psychologists as EAP counselors. In the absence of psychologists, chaplains or other qualified staff shall be designated. The Regional Psychology Services Administrator and Central Office EAP Coordinator shall approve any alternate selection. The Central Office EAP Coordinator shall thoroughly \* brief this person on EAP confidentiality requirements;

(3) Ensuring all supervisors and managers receive training on EAP and referral and that all supervisors and managers know about the institution's EAP; and

\* (4) Ensuring all employees are briefed on the EAP and FEAT. \*

e. Component EAP Coordinator. EAP Coordinators are responsible for:

(1) Developing and maintaining a list of local community resources for the referral of employees seeking assistance, including establishing liaison with community treatment and rehabilitation facilities;

(2) Ensuring orderly and speedy referral of employees seeking referral and maintaining documentation of the referral and follow-up;

(3) Providing training for supervisors and counselors;

(4) Monitoring and evaluating the program's operation;

(5) Keeping proper client records and preserving information to file reports as required by the Central Office;

\* (6) Submitting mid-year and annual reports on EAP activity within the component to the EAP Coordinator, Central Office; \*

(7) Obtaining program support from the local union through regular consultation with union officials;

(8) Assuring strict adherence to confidentiality requirements and developing security procedures to protect client records;

(9) Publicizing EAP Services through posters, news memorandum, fliers, etc.; and

(10) Strictly monitoring any contractual services to make sure that contractual services do not exceed regulatory and legal limitations.

f. Counselors. EAP counselors are responsible for:

(1) Conducting intake interviews with employees who have either been referred by their supervisor or are self-referrals to assess the nature of the employees' problems;

(2) Making appropriate professional referrals for treatment to community resources;

(3) After obtaining disclosure authority (see Attachment A), advising supervisors of employee progress when it is essential to obtain the supervisor's cooperation;

(4) Processing Redisclosure Prohibitions forms (see Attachment B) for anyone receiving information from EAP records;

(5) Adhering to the confidentiality requirements.

Counselors shall not disclose information concerning illegal drug use by their clients, and should not seek to obtain information relating to crimes or criminal conduct from their clients. An exception is crime which directly threatens loss of life or serious bodily injury as described in FPM 792-2, Alcoholism and Drug Abuse programs, S4-3, discussion of illegal activities;

(6) Immediately referring employees with a serious drug or alcohol problem to an appropriate rehabilitation program;

(7) Providing assessment and short term crisis intervention as appropriate;

(8) Providing information and support (consultation) for employees and supervisors as appropriate;

(9) Processing Redisclosure Prohibitions Forms for anyone receiving information from client records; and

(10) Maintaining client records to be submitted quarterly to the component EAP coordinator.

8. POSITION DESCRIPTION REQUIREMENTS. All position descriptions for Bureau EAP Coordinators and Counselors must specify EAP duties.

9. PROFESSIONAL EMPLOYEE ASSISTANCE PRACTICES

a. Conflict of Interest. In accordance with DOJ Order 1792.1B, the Bureau of Prisons must assure that EAP Counselors do not have conflicting duties.

(1) The EAP will be placed organizationally in an area of the component which will assure freedom from either a conflict of interest or ethical compromise, or the appearance of either.

(2) The EAP manager may neither have primary nor collateral duties as a Security Officer, Drug-Free Workplace or Employee/Labor Relations Manager, nor directly supervise or be supervised by an individual who has daily operational responsibility for any of the above-listed programs.

(3) It is a conflict of interest for EAP counselors to conduct employee evaluations (fitness for duty, disability\ workers compensation, etc.).

b. Informed Consent. Before any employee discloses personal information with an EAP Counselor, he/she should be briefed on the EAP program's purpose and the limits of confidentiality.

(1) The EAP Counselor should verbally discuss the EAP Program's purpose, which is to provide short-term, crisis intervention counseling, referral, and follow-up services. This program is not designed to provide long-term therapy for employees.

(2) The EAP Counselor should verbally review the limits of confidentiality. The employee should be given the Limits of Confidentiality Form (see Attachment C) to read and sign. If the employee signs the confidentiality statement, he/she indicates understanding of and agreement with the limits of confidentiality.

(3) The EAP Counselor should verbally educate the employee about the Consent for Disclosure Form and the Redisclosure Statement which will be required if the employee wishes information released.

(4) If a supervisor has referred the employee, the employee and the EAP Counselor need to discuss what information can be released, if any. A Consent for Disclosure Form needs to be filled out defining the limits of disclosure.

(5) Occasionally a crisis situation will arise when the normal discussion of confidentiality and EAP services must be given in an abbreviated form or given after the major point of crisis has passed. The EAP Counselor should carefully review the program and the limits of confidentiality with a client as soon as it is appropriate to do so. This discussion should be documented in the EAP counseling record.

c. Consultation and Supervision. Consultation and supervision are very important tools for EAP Counselors. Consultation with professional peers and legal advisors can demonstrate diligence by the Counselors to assure the standard of care for their clients. Counselors will not identify EAP clients without a signed Consent for Disclosure Form.

10. INTEGRATION OF THE EAP INTO THE MANAGEMENT SYSTEM. The EAP depends upon many others' familiarity with, support for, and cooperation with the Employee Assistance Program.

a. Advisory Board. The Bureau EAP Central Office Coordinator shall establish and chair an EAP Advisory Board which shall meet at least quarterly, to provide assistance to the EAP by representing various employee/management interests and to develop special projects to assure that the EAP is meeting the full range of organizational needs. The Advisory Board is a key element in developing an EAP policy as well as providing on-going support for meeting Program goals. Institution EAP Coordinators are NOT required to establish an EAP Advisory Board. Advisory Board members would be selected from among the following:

- (1) Management representation from first line supervisors and middle and senior-level managers,
- (2) Human Resource Management,
- (3) Equal Employment Opportunity,
- (4) Labor organizations, and
- (5) Health Services Division.

b. Human Resource Management (HRM) Staff. Active support from the staff in the HRM office enhances the EAP's effectiveness. HRM staff will:

(1) Recommend EAP referral to supervisors who seek advice when personal problems may be a contributing factor to an employee's deteriorating job performance, conduct, and/or attendance;

(2) Include information on the Bureau's EAP in orientation sessions for new employees; and

(3) Coordinate supervisory and management training with the EAP Coordinator.

c. Equal Employment Opportunity (EEO) Staff and Labor Organizations. EEO staff and labor organizations play a very important role in the EAP's support. They will inform employees who complain of stress, drug/alcohol problems, or other personal or family problems of the EAP's availability.

11. EMPLOYEE BENEFITS AND RELATED PERSONNEL ACTIONS

a. Health Insurance. As with other illnesses, the Federal Employee Health Benefits Program provides some financial

assistance to employees who are enrolled in one of its plans and seek rehabilitation for health problems. Employees should check with individual mental health carriers to determine the extent of coverage for specific treatments. Copies of insurance plans of participating organizations are available from the servicing Human Resource Management office.

b. Retirement. Use of the EAP does not jeopardize the employee's right to disability retirement if his/her condition warrants it. Information regarding eligibility requirements and filing procedures may be obtained from the Human Resource Management Office.

12. DISCIPLINARY AND PERFORMANCE BASED ACTION PROCEDURES. The EAP supplements, but does not replace, existing procedures for dealing with problem employees. The program is intended to offer assistance to employees whose work performance, conduct, and/or attendance is deteriorating because of personal or health problems which cannot be handled by existing supervisory procedures such as performance counseling or additional training.

a. A referral for assistance shall not affect the processing of a disciplinary action up to and including removal for the employee's misconduct or criminal activities, if the nature of the offense and the nature of the employee's duties warrant action.

b. EAP assistance may be offered concurrently with discipline and performance or conduct based action.

c. Motivation to use the program and improve performance, conduct, and/or attendance may be achieved through the employee's clear understanding that unless the problem is identified and corrected, disciplinary action up to and including removal may occur.

13. MANAGEMENT AND SUPERVISORY USE OF EAP. A supervisor may direct an employee to meet with an EAP counselor to receive information on services the EAP provides. Information obtained during counseling sessions will not be released to the supervisor, except as authorized by Consent for Release of information. As a part of a continuing responsibility for evaluating satisfactory work performance, conduct and attendance, managers and supervisors shall:

a. Note changes in work performance, conduct, and/or attendance of an employee which may be related to drug/alcohol, or emotional problems.

b. When the supervisor determines that ordinary supervisory methods are not bringing about improvement in an employee's performance, conduct, or attendance, the supervisor is encouraged to:

(1) Discuss the situation with an EAP counselor prior to making an EAP referral. During this supervisory consultation, the counselor will be able to determine whether referring the employee is appropriate;

(2) Recommend to the employee that he/she seek EAP consultation. When the supervisor begins to consider disciplinary action then a formal written referral should be made to the EAP. The counselor will assist the supervisor in preparing the letter. The written letter of referral will:

- (a) Document the inadequate work performance, conduct, and/or attendance problems;
- (b) Specify that neither the documentation nor the referral to EAP constitutes a disciplinary action;
- (c) State that the supervisor has consulted with the EAP counselor; and
- (d) The original letter will be given to the employee, with a copy to the EAP counselor and a copy retained by the referring supervisor in a locked file. This letter must not be placed in the employee's official personnel folder.

c. When discipline has been deferred, or the disciplinary action imposed was less than removal, and rehabilitation is unsuccessful; or when the employee is offered and refuses assistance and performance conduct, and/or attendance deteriorates below minimum standards, the supervisor will contact the servicing Human Resource Management office for guidance in pursuing possible disciplinary action.

d. Supervisors are in a position to recognize the existence of a problem; however, supervisors should not diagnose or label an employee's problem. In exercising their responsibilities, supervisors must focus on job performance, conduct, and/or attendance.

e. When an employee does not appear to be in full control of his/her faculties, the supervisor will immediately inquire about the employee's physical condition, but should be aware that symptoms related to alcohol, drug, or emotional problems can apply to other health problems as well.

(1) The employee will be referred to the EAP Coordinator for attention by the Health Services Department for diagnosis or emergency treatment and to a private physician if further treatment is required.

(2) If the supervisor later receives information that the employee's physical condition was associated with alcohol, drug, or emotional problems, the employee should be referred to the BOP

EAP Coordinator. Provisions of the DOJ Drug-Free Workplace Plan may also apply.

f. When an employee is apparently involved in illegal activities related to drugs, a supervisor shall follow the steps outlined below:

(1) If a supervisor has reasonable suspicion to believe an employee is engaged in criminal conduct directed exclusively toward himself (drug use), the supervisor shall:

- P inform the employee of the facts known,
- P inform the Bureau EAP coordinator or counselor, and
- P direct the employee to the EAP Coordinator for referral assistance.

The supervisor should not elicit or entertain from the employee any specificity concerning the nature of any illegal activity. Provisions of the Drug-Free Workplace Plan may also apply.

(2) If a supervisor has reasonable suspicion to believe an employee is engaged in criminal conduct directed toward or potentially harmful to any person or the property of others, such as selling drugs or stealing to support a drug habit, the supervisor has an obligation first to those persons or properties, and then to the employee. Therefore, the supervisor shall first report the known facts to the Security Officer by memorandum.

(3) If the conduct represents a current threat to other employees or Government property, the supervisor should notify the Security Officer by telephone and follow up with a memorandum. In addition, the supervisor should contact the EAP coordinator or counselor for a possible employee referral.

14. MAINTENANCE OF RECORDS. Maintenance of alcohol and drug abuse client records is required in accordance with Federal law and regulations, 42 U.S.C. 4582, 5 U.S.C. 552a, 21 U.S.C. 1175 and 42 CFR Part 2.

a. The Consent for Release of Confidential Information form DOJ-536 (Attachment A), must be signed by the client in accordance with procedures outlined in Section 9.b. Disclosure of information without such consent is prohibited except in the following cases: \*

(1) In medical emergencies, relevant information may be released to medical personnel.

(2) For purposes of scientific research, audits (management and financial), and program evaluation, non identifying, demographic information may be released to qualified personnel.

(3) In child abuse or neglect cases, information regarding incidents of suspected child abuse or neglect must be reported to appropriate State or local authorities under State law.

(4) Information may be released if authorized by order of a court of competent jurisdiction and deemed necessary in connection with the investigation or prosecution of an extremely serious crime or related to evidence in connection with litigation. Institution and/or Regional Counsel should be contacted immediately upon receipt of any court order requesting information. No release may take place, however, without review and approval of Regional Counsel.

(5) If an EAP counselor has information suggesting a potential crime, it must be released to intended victims and/or law enforcement agencies to the extent necessary to prevent imminent and potential crime which directly threatens loss of life or serious bodily injury.

\* (6) Information relevant to diagnosis and treatment issues may be communicated to a qualified service provider, but only for the purposes of peer consultation and referral. \*

b. Anyone receiving information from client records must sign the Redisclosure Prohibition form (DOJ-537 (Attachment B)).

c. The use of Drug Test information is regulated by the DOJ Drug-Free Workplace Plan.

d. The Bureau's policy is one of nondisclosure of client records, except to the extent that non-consensual disclosure is authorized by law or to the extent necessary to prevent an imminent and potential crime which directly threatens loss of life or serious bodily injury.

e. In accordance with 5 U.S.C. 552a(e)(4), the Bureau EAP is required to publish a notice of the EAP Privacy Act system of records in the Federal Register.

f. FPM Letter 792-9 also governs the protection of all client information maintained by the counseling office. It states in part:

**"... agencies running broad Employee Counseling Services Programs must adhere to the confidentiality requirements cited above so as to prevent implicit or negative disclosures about participants with alcohol or drug problems ..."**

Disclosure requirements apply to all clients in an EAP, whether the employee has a problem with alcohol, drugs, or emotional problems.

h. Participation in the EAP is confidential. Problems discussed will remain private unless they are matters which are governed by State and/or Federal Regulations and Statute which require notification.

15. SYSTEM OF PROCEDURES FOR CONTROL OF CLIENT RECORDS

a. All Bureau EAP Coordinators shall assure that all records are maintained in GSA security-approved containers. Each coordinator shall have a GSA container located in their office to assure the confidentiality of client records. These safes shall be used to hold not only client records, but also calendars, and all other written materials such as daily logs and client data.

b. All clients' records and other associated materials, calendars, daily logs, and client data are to be destroyed three years following the closing of the client's EAP participation.

16. MAINTENANCE OF CLIENT RECORDS IN THE BUREAU

a. All clients' records shall be kept in a GSA security-approved container, and be identified only by a personal code number.

b. When a Counselor moves, for whatever reason, the EAP Coordinator should close and store all the Counselor's files. Clients must give written permission for access to files except for the exceptions stated in Section 14, Maintenance of Records. Records for Employee Assistance Contacts are to be maintained for three years.

c. If the EAP contact is a result of a supervisory referral, follow up with the supervisor at some point (use clinical judgement) and find out if the employee has shown improvement at work. If the EAP contact is the result of a voluntary referral, follow-up with the client at some point and see if the intervention has been helpful.

d. Consent for Disclosure of Client Information DOJ-536 (see Attachment A). The client must sign Form DOJ-536, in accordance with rules outlined below: \*

(1) The Bureau's policy is one of nondisclosure of client records except as authorized by law, such as to the extent necessary to prevent an imminent and potential crime which directly threatens loss of life or serious bodily injury.

(2) The form must have an expiration date to be considered legal. Typically a 90 day period is used, and if further time is needed for disclosure, another release is filled out at the end of the 90 days.

e. Redisdisclosure Prohibition Statement - DOJ-537. Anyone receiving information from client records must sign this form. The EAP Counselor shall keep the initialed form in the client file. The client shall receive a copy of initialed form.

\* 17. REPORTS FOR THE BUREAU OF PRISONS. All EAP coordinators shall submit mid-year and annual EAP reports to the Central Office EAP Coordinator. Reports are due within 14 working days from the end of each reporting period (see Attachment D). These reports are submitted to DOJ and OPM as required. \*

18. MAINTENANCE OF A RECORD OF COMMUNITY RESOURCES. Community resources should be reviewed at least annually to assure that they are current and complete. Information maintained on these resources may include:

- a. Fee for services,
- b. Location and hours of operation,
- c. Admission/intake procedures,
- d. Documentation of relevant licensure, accreditation, and certification of credentials, and
- e. Name(s) and phone number(s) of contact person(s).

\* 19. CONTRACTUAL AGREEMENTS AND MONITORING. EAP services may also be offered through private service providers under contractual agreement. CEOs should determine the benefits and cost-efficiency of contracting EAP services. Relevant factors in making this determination include:

- P availability and accessibility to services for all staff;
- P conflict of interest or confidentiality concerns; and
- P relative financial costs. \*

\* Private contractors must meet all operational requirements contained in this Program Statement. Contract specifications are provided in FPM Letter 792-12 and its attachments must be followed by all components establishing an external program. All Requests for Proposals shall be submitted to the Central Office EAP Coordinator for review and comment.

The component EAP Coordinator shall ensure the contractor's compliance with all procedural and reporting requirements outlined in this Program Statement, and shall conduct on-site reviews of procedures and records twice each fiscal year. DOJ \* Order 1792.1B further outlines contract monitoring requirements.

20. PROFESSIONAL DEVELOPMENT. Individuals appointed as Program Coordinators and all staff counselors must be allocated sufficient official time to participate in seminars, workshops, and other meetings which will ensure maintaining accreditation and continued association with colleagues, throughout the field.

21. PROGRAM EVALUATION. The evaluation and monitoring of each EAP Program within the Bureau is accomplished by several different levels of the organization to insure quality of services. The Central Office Program Review Division evaluates all programs within the institution. Operational reviews of psychology services are conducted annually within the institutions. Identifying client information will be removed from the file at the time of the examiners review.

\s\  
Kathleen M. Hawk  
Director

**U.S. DEPARTMENT OF JUSTICE**  
**Washington D.C. 20530**

Employee Assistance Program  
CONSENT FOR RELEASE OF  
CONFIDENTIAL INFORMATION

-----  
Client's Name: \_\_\_\_\_

I do hereby authorize : \_\_\_\_\_, Employee  
(EAP Counselor's Name)  
Assistance Program to disclose to \_\_\_\_\_  
(Name of Person/Organization)

\_\_\_\_\_  
The following information \_\_\_\_\_  
(Extent/Nature of Information)

\_\_\_\_\_  
for the purpose of \_\_\_\_\_  
(Purpose or Need of Disclosure)

\_\_\_\_\_  
I understand that my records are protected under the Privacy Act of 1974 and the Federal Civilian Employee Alcoholism and Drug Abuse Confidentiality of Records (42 CFR). I understand that information about me cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on this informed consent. I understand that even if I do not withdraw the consent, this statement of consent will expire on:

\_\_\_\_\_  
(specify date or circumstances under which consent will expire)

Executed on the \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of EAP Counselor)

\_\_\_\_\_  
(Date)

Information has been disclosed from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit any further disclosure without specific written consent of the persons to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

U.S. DEPARTMENT OF JUSTICE

Washington D.C. 20530

Employee Assistance Program  
REDISCLASURE PROHIBITION

---

FEDERAL REGULATIONS (42 CFR Part 2) protect the confidentiality of client information released by you by Employee Assistance Program personnel. You are prohibited from making further disclosure (redisclosure) without the specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information is not sufficient for this purpose.

If any further information or clarification is needed concerning this prohibition, please contact the Employee Assistance Program on

FTS \_\_\_\_\_-\_\_\_\_\_, or commercial (\_\_\_\_\_) (\_\_\_\_\_) - (\_\_\_\_\_)

Please sign, date and return this form to:

\_\_\_\_\_  
Employee Assistance Program Counselor

\_\_\_\_\_  
(Institution Address)  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Acknowledging Receipt of the  
Redisclosure Prohibition

\_\_\_\_\_  
Date

**CONFIDENTIALITY OF EMPLOYEE ASSISTANCE PROGRAM (EAP) CLIENTS**

The confidentiality of Employee Assistance Program clients maintained by this program is protected by Federal law and regulations. Generally, the program may not say to a person outside the program that a client attends the Program, or disclose any information identifying a client as chemically dependent or information concerning the client's participation in the Employee Assistance Program, **UNLESS:**

- (1) the client's consent is in writing;
- (2) the disclosure is allowed by a court order;
- (3) the disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation; or
- (4) pursuant to Federal law.

Violation of the Federal law and regulations by a Program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about a crime committed by a client either at the program or against any person who works for the Program or about any threat to commit such a crime.

Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.

(See 42 U.S.C. 290dd-3, U.S.C. 290ee-3 and 5 U.S.C. 552a(b)(8) for Federal laws and 42 CFR Part 2 for Federal regulations.)

(Approved by the Office of Management and Budget under Control No. 0930-0099.)

I have read and understand the limits of confidentiality.

---

(Clients Initials)

---

(Date)

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution \_\_\_\_\_

\*Total # of Employees at Institution  
\*

Check one: **G** Mid-Year (10/1/9\_\_\_\_Thru 3/31/9\_\_\_\_) or **G** Annual (10/1/9\_\_\_\_thru 9/30/9\_\_\_\_)

EAP Coordinator (Name) \_\_\_\_\_

\*#EAP Counselors (Including EAP Coordinator) \*#EAP Counselors with:  
\* Doctorate\_\_\_\_\_  
\* Masters\_\_\_\_\_  
\* Alcohol/Drug Certificati

For each EAP Counselor, list current salary and % of work time during this reporting period spent performing EA duties:

Coordinator: Salary\_\_\_\_\_ % of Time\_\_\_\_\_  
Counselor 1: \_\_\_\_\_  
Counselor 2: \_\_\_\_\_  
Counselor 3: \_\_\_\_\_  
Counselor 4: \_\_\_\_\_

Do you have an outside EAP Contract? **G** yes; **G** no. If yes, contractor\_\_\_\_\_. Annual cost\_\_\_\_\_

Total # of employees covered under this contract\_\_\_\_\_

(\*\*PLEASE ATTACH MID-YEAR OR ANNUAL REPORT FROM CONTRACTOR\*\*)

Please list all training/courses offered to supervisors/managers during this reporting period:

	Course Title	#of Trainees	Course Duration (
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Please list the ways in which you advertise and promote your employee assistance program

EAP CONTACT INFORMATION

(Do not include contacts by contract EAP provider)

	Alcohol	Other Drugs	Emotional/Other
A) Total # of new/reopened employee cases..... (**Employees only**)	_____	_____	_____
<u>Referral Source</u>			
1) #of Self-Referrals.....	_____	_____	_____
2) #of Mgmt-Referrals.....	_____	_____	_____
<u>Outcomes</u>			
3) #Helped.....	_____	_____	_____
4) #Not Helped.....	_____	_____	_____
5) #For Whom "To soon to tell"....	_____	_____	_____
B) Total # of new/reopened family cases..... (**Family, non-employee only**)	_____	_____	_____
C) # of employees referred as a result of drug testing_____			

(\*\*NOTE: 1 + 2 = A AND 3 + 4 + 5 = A; "HELPE" = RESTORATION OF JOB PERFORMANCE)

(This form may be replicated via WP)

CN-01, September 25, 1996