

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
SUBJECT: EMPLOYEE ASSISTANCE
PROGRAM (EAP)**

I. PURPOSE

To outline the nature and scope of the Fairfax County Sheriff's Office Employee Assistance Program (EAP).

II. POLICY

It is the policy of the Fairfax County Sheriff's Office to be concerned with the health and wellbeing of our employees. We recognize that employees and their families can experience difficulties such as family and marital, alcohol and drug, financial, legal, emotional/behavioral problems, etc. We also recognize the stress that is inherent in the work we do and that this in turn can impact on the personal life of employees, their families, and can also result in deteriorating job performance. We believe it is in the best interest of our employees, their families, the agency and the County to provide the opportunity to deal with personal problems.

The primary purpose of the EAP is to assist employees in effectively managing personal and/or job stress that may hamper job performance. In addition, the EAP aims to retain valued employees, increase job effectiveness and encourage a positive work climate. The program is designed to identify problems at their earliest possible stage, motivate employees to seek help and direct employees in receiving appropriate assistance. This service is provided free of charge to agency employees and their families. Persons using EAP services are assured of strict confidentiality.

III. DEFINITION

Employee Assistance Program - EAP is an assessment, short term counseling, referral, and follow-up service which has been established for employees of the Sheriff's Office and members of their immediate families.

IV. PROCEDURE

A. Administration and Staffing

1. The EAP is currently managed by CIGNA. Complete program information can be found in [Fairfax County Personnel Payroll Administration Policies and Procedures \(PPAPP\) Memorandum #32](#).
2. The EAP is staffed by mental health therapists who counsel and assist employees and members of their families with personal problems. The EAP Staff is available to agency supervisors for consultation.
3. Emergency assistance can be obtained 24 hours a day, 7 days per week, regardless of location, by calling the toll-free number.

B. Nature of Services Provided

1. Clinical

- a. Consultation: Through discussion with the EAP Counselor, problems are identified and clarified. During the initial consultation, the EAP counselor will assess client needs and recommend appropriate strategies, which may include short-term counseling or referral to outside resources.
- b. Referral: Depending upon the EAP counselor's assessment, referral to outside community resources may be recommended. Cost of outside

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STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
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services, clients' ability to pay for services, insurance coverage, and referral service expertise and philosophy are matters which will be discussed when an outside referral is recommended.

- c. Short-term Counseling: Problems which lend themselves to resolution through a few problem-solving sessions will be handled by the EAP staff.
- d. Case Management: When making a referral to a community resource, the EAP counselor will request that the client sign a Release of Information form. This release will allow the EAP to maintain contact with the client and the service provider to monitor progress and insure that client needs are being met. The EAP counselor will discuss this possibility with the client at the time the treatment recommendation is made. When treatment involves the use of extended leave, the EAP is available to assist the employee in arranging leave and in returning to work.
- e. Legal Referral Service: Call the EAP main number and they can refer you to their legal referral service, where you can find an attorney who specializes in what you need.
- f. Financial Planning: Call the main EAP number and they can refer you to a qualified specialist.

2. Education and Training

- a. Information about the EAP will be disseminated to employees and their families periodically. This is intended to promote early identification of problems and to encourage employees and members of their families to avail themselves of EAP services at an early stage before problems assume crisis proportions.
- b. Orientation and mandatory training seminars to maximize the effectiveness of the EAP shall be conducted periodically for supervisory personnel.

3. Program Evaluation

Occasionally, an EAP staff counselor will meet with the Sheriff or designated command staff to review program operations and objectives. A periodic review of the EAP will be conducted to provide an objective evaluation of its operation and performance and to insure quality of care. Strict confidentiality will be upheld in the evaluation process so that the anonymity of clients served by the EAP is preserved.

C. Procedure for Obtaining EAP Assistance

Participation in the EAP is voluntary. Consequently, no employee may be ordered or required to use this service. Employees using EAP services may terminate their participation at any time. No employee shall have his/her job security or promotional opportunities jeopardized because of his/her participation in the EAP. Nothing in this section shall limit the right of the Sheriff's Office to take disciplinary action against an employee in a manner consistent with agency and County regulations. The employee's legitimate access to grievance procedures will not be affected by participation in the EAP. Normal Fairfax County leave policies will apply and shall be granted for the purposes of assessment, evaluation, treatment, or rehabilitation.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
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1. Self-Referral:

- a. Employees and members of their families are encouraged to contact the EAP for assistance with personal or job-related problems. All communication will be treated with strict confidentiality.

2. Supervisory Referrals:

a. Informal Supervisory Referral

Problems of a general nature unrelated to job performance.

- 1) Supervisors may recommend that employees obtain assistance through the EAP for personal or family problems, as deemed appropriate. In these situations, the employee may have his/her supervisor contact the EAP provider on his/her behalf, or the supervisor may recommend or prefer that the employee initiate contact on his/her own volition.
- 2) No agency record (personnel or medical) will be maintained of these informal discussions and referrals.

b. Formal Supervisory Referral:

This kind of referral is based solely on job performance problems, e.g., a decline in an employee's work performance or a job-related incident which may involve an oral or written reprimand, or other unacceptable job-related behavior.

- 1) Supervisors are strongly encouraged to consult with EAP staff prior to meeting with an employee to discuss the most effective means of handling the situation.
- 2) The specific job performance problem or job-related incident should be clearly described to the employee and strategies for improvement identified.
- 3) The supervisor will urge the employee to contact the EAP due to observed job performance problem(s). The employee shall be advised that he/she is not obligated to follow through with the EAP referral, and that participation is voluntary. An informal written record will be maintained of the EAP referral whether or not he/she agrees to contact the EAP.
- 4) After meeting with the employee, the supervisor should contact the CIGNA Employee Assistance Contract Manager for Fairfax County to register the formal supervisory referral. The information will be recorded, and an appropriate counselor assigned. The counselor will contact the supervisor to discuss the specifics of the performance issues and to provide further consultation and support. Supervisors are encouraged to contact the EAP counselor at any point in the formal supervisory referral process.
- 5) If the employee accepts the referral, he/she should contact the EAP

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
SUBJECT: EMPLOYEE ASSISTANCE
PROGRAM (EAP)**

directly for an appointment.

- 6) The supervisor making the referral must complete the [EAP Supervisory Referral Form](#) (Fairfax County Personnel Payroll Administration Policies and Procedures (PPAPP) Memorandum #32, Attachment 3) for all formal referrals, whether or not the employee agrees to participate in the EAP.
- 7) A copy of the EAP Supervisory Referral Form will be given to the employee. The EAP Supervisory Referral Form will not be included in the employee's department file or be sent to the Department of Human Resources. The supervisor will retain the original copy of the EAP Supervisory Referral Form.
- 8) The EAP counselor will inform the supervisor if the employee has not called to schedule an appointment.
- 9) With the employee's written consent, the EAP will release information to the supervisor regarding the employee's:
 - a) attendance;
 - b) cooperation and compliance with the recommendations of the EAP counselor; and
 - c) Any other information the employee agrees to release.
- 10) As long as an employee agrees to participate in the EAP, it is his/her responsibility to cooperate in the designated treatment or rehabilitation plan.
- 11) If the employee rejects the EAP and the work problems do not recur after the interview with the supervisor, no further action is required. The supervisor should point out to the employee that the EAP services are available on a self-referral basis in the event the employee decides to do so later. No disciplinary action will be taken solely because he/she declines to use the EAP.

c. Disciplinary Diversion Referral:

A Disciplinary Diversion Referral, in lieu of serious disciplinary action (suspension, disciplinary demotion or termination), must have the approval of the Sheriff or Chief Deputy Sheriff. Factors such as the employee's length of service, job performance, the nature of the problem, and the likelihood of sustained job improvement will be considered when deciding if disciplinary diversion is appropriate in a given case. Division Commanders should recommend referrals only after consulting the Employee Relations Division of the Office of Personnel.

- 1) The Chief, Human Resources Branch, will consult with the EAP prior to initiating a [Disciplinary Diversion Agreement](#) (PPAPP #32, Attachment 4) to discuss the most effective means of instituting this referral.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
SUBJECT: EMPLOYEE ASSISTANCE
PROGRAM (EAP)**

- 2) If an employee chooses not to participate in the EAP or withdraw from the recommended treatment program, discipline will proceed as proposed.
- 3) If an employee chooses to participate in the EAP, discipline will be diverted until such time as the employee can demonstrate the necessary job improvement. The employee must successfully participate in the EAP and improve job performance or risk disciplinary action up to and including termination of employment.
- 4) The Chief, Human Resources Branch, and the employee will read and sign the completed EAP Disciplinary Diversion Agreement. The original will be placed in the employee's official personnel file. Copies will also be placed within the agency personnel file and the employee's supervisory file. The employee will be given a copy and an additional copy of this agreement will be forwarded to EAP staff, prior to the initial appointment.
- 5) Upon completion of the treatment or intervention plan, the EAP will provide a statement to the agency noting either successful completion or non-completion.
- 6) Upon completion of EAP intervention, a [Back to Work or Continuation of Work Agreement](#) (PPAPP # 32, Attachment 5) will be signed by the employee and the Sheriff. This agreement will be forwarded to the employee by the Sheriff. The agreement should clearly establish the conditions under which employment will be continued and state the expected performance standards with which the employee will be evaluated. The employee must also agree to future random drug/alcohol tests if relevant to the employee's reason for diversion. The discipline diverted by the execution of the agreement will be implemented if the employee violates any of the terms of this agreement.

D. Program Limitations

1. The EAP staff does not render opinions regarding disability or workman's compensation determination. EAP involvement in such matters is limited to referral to other resources for such determinations.
2. The EAP staff does not make a determination regarding an employee's fitness for duty. Fitness for duty determinations based on medical problems will be conducted by the Occupational Health Center. Fitness for duty determination based on psychological issues will be conducted by a contracted psychological specialist.

E. Confidentiality

All matters relating to clients seen through the EAP are strictly confidential. No information about an employee or member of his/her family will be released without written consent of the client concerned. The EAP is governed by policies concerning confidentiality outlined in regulations of the Virginia Department of Mental Health and Mental Retardation. Further, the EAP adheres to the American Psychological Association's Ethical Principles of Psychologists, and Standards for Providers of Psychological Services, as well as, the federal

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
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PROGRAM (EAP)**

regulation, 42 CFR, Part 2. Information will be released only under the following conditions:

1. With the written and informed consent of the client:
 - a. Disclosure with written and informed consent is made for the benefit of the client. Both the EAP Counselor and the client must concur that this release of information is, in fact, in the employee's best interest. Any information that is provided will be clearly identified as confidential.
 - b. A client's written consent to a disclosure specifies the following:
 - 1) Name of the program and the person making the disclosure;
 - 2) Name of person(s) and/or affiliate organization to whom the disclosure is to be made;
 - 3) Name and birthday of client;
 - 4) Purpose of the disclosure;
 - 5) Specific information to be disclosed;
 - 6) The date on which the consent will expire without express revocation. The duration of the consent shall be limited to a maximum of one year;
 - 7) Date on which the consent is signed;
 - 8) A statement that the client may revoke such consent at any time;
 - 9) Signature of client;
 - 10) Signature of witness.
2. When the EAP staff determines that there is a clear and imminent risk to the client or to the community:
 - a. "Clear and imminent risk" would include an individual who is actively suicidal, an individual who is likely to physically harm another person, and/or an individual whose ability to function on the job is so substantially impaired that he presents a serious risk to the community or work site.
 - b. If an individual is judged by EAP staff to be a "clear and imminent risk", the staff would attempt to resolve the situation in the least intrusive manner.
3. When required by Judicial order.
4. Child abuse must be reported in accordance with Virginia State Law.
5. Clients are informed in advance of these limits in the maintenance of confidentiality.

F. Maintenance of Records

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 028
SUBJECT: EMPLOYEE ASSISTANCE
PROGRAM (EAP)**


1. EAP Supervisory Referral forms shall be maintained by the supervisor/manager whether or not he/she agrees to contact EAP. This record is maintained solely to document the provision of the EAP referral should the employee allege that it was not provided during possible appeals of future disciplinary actions. EAP Supervisory Referral forms shall not be included in the employee's personnel files.
2. The Disciplinary Diversion Referral form shall become a permanent part of the employee's official personnel file and the agency's personnel record. After five (5) years of sustained job performance improvement, the forms may be removed at the written request of the employee and discretion of County Management and the Sheriff.

G. Inquiries

1. Sheriff's Office employees may address questions concerning the Employee Assistance Program to the Employee Relations Division in the Department of Human Resources at (703) 324-3495.

10/26/01
DATE APPROVED
08/19/19
EFFECTIVE DATE

Revised: December 2001, August 2019


**STACEY A. KINCAID
SHERIFF**