

ARTICLE 12792

CIVILIAN EMPLOYEE ASSISTANCE PROGRAM

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## SUBARTICLE 1. GENERAL PROVISIONS

1-1. Background. The Civilian Employee Assistance Program (CEAP) replaced and expanded the Navy's Alcoholism and Drug Abuse Programs. This resulted from the fact that those activities with viable programs found that of people referred for counseling and assistance, a significant number had problems other than alcohol or drugs. Consequently, the expanded program provides for assistance, not only to personnel who have problems with alcohol or drugs, but also to personnel with other personal problems which affect their job performance, attendance or conduct. The program is designed to identify the employee problem at the earliest possible stage, motivate the person to seek rehabilitation, and direct the person toward the best source of qualified help available.

1-2. Definitions. These definitions are for the administration of the CEAP. They do not modify or influence definitions applicable to laws and regulations related to disability benefits or to criminal or civil responsibility for an individual's act or omissions.

a. Activity. A field installation, a headquarters command, or an office employing civilian personnel.

b. Alcohol Abuse. Use of alcohol to an extent that it has an adverse effect on performance, conduct, discipline, or mission effectiveness, and/or the user's health, behavior, family, or community.

c. Alcohol and Drug Dependence. The reliance on alcohol (alcoholism) or drugs following use on a periodic or continuing basis. Dependence may be psychological or physical or both. Dependency must be determined by a licensed physician, medical officer, or clinical psychologist.

d. CEAP. A program offering assistance to employees who have problems involving alcoholism, drug abuse, or other personal problems which result in or may contribute to deficiencies in job performance or conduct.

e. CEAP Counselor. An individual designated to conduct the initial interview with an employee, explain the provisions of the CEAP, determine the nature of the personal problem, and refer the employee to a source of assistance located within the local community.

f. Drug Abuse. Use of a drug to an extent that it has an adverse effect on performance, conduct, discipline, or mission effectiveness, and/or the user's health, behavior, family or community. The wrongful or illegal possession or use of drugs in any amount also constitutes drug abuse.

g. Disabled Person. One who has a physical or mental impairment which substantially limits one or more of the person's major life activities (including working), had a record of such impairment, or is regarded as having such an impairment.

h. **Qualified Disabled Person.** With respect to employment, a disabled person who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of the individual or others who, depending upon the type of appointing authority being used, meets the experience and/or education requirements (which may include a written test) of the position in question or meets the criteria for appointment under one of the special appointing authorities for disabled employees.

i. **Reasonable Accommodation.** With respect to any employee who establishes that his or her deficient performance or conduct is caused by a physical or mental impairment, reasonable accommodation is the referral to CEAP for diagnostic counseling and referral for treatment or rehabilitation or other assistance, the granting of leave for treatment, rehabilitation or assistance and a reasonable opportunity to demonstrate minimally acceptable performance or conduct.

j. **Rehabilitation.** The process of restoring to effective functioning individuals who have been impaired by alcoholism, drug addiction, or other dependencies. Rehabilitation occurs after treatment has been completed and may be in a clinical or nonclinical setting. Ordinarily, rehabilitation involves individual or group counseling or participation in self-help organizations such as Alcoholics Anonymous.

k. **Trafficking.** The wrongful distribution (including sale or transfer) of a controlled substance, and/or the wrongful possession or introduction into a military unit, base, station, ship or aircraft of a controlled substance with intent to distribute. Trafficking in drugs is misconduct which does not confer an entitlement to reasonable accommodation under CEAP.

l. **Treatment.** The process of alleviating the physical and psychological effects of substance abuse, including withdrawal symptoms and medical conditions resulting from substance abuse. Treatment is always under medical supervision. It is a prelude to, and should not be confused with, rehabilitation.

1-3. **Policy.** It is Government policy to assist employees in overcoming performance or conduct deficiencies caused by misuse of drugs or alcohol or by other personal problems.

a. Alcohol and drug dependency shall be recognized and managed as treatable health problems, where job performance and/or conduct are impaired as a direct consequence.

b. The program will provide problem identification and preventive counseling and referral to local community agencies for treatment, rehabilitation or other assistance.

c. Employees will refrain from the abuse of all drugs and will not report for duty under the influence of alcohol or drugs. Employees are responsible for seeking assistance, through CEAP, to overcome alcohol, drug or other personal problems which are adversely impacting on their performance and will cooperate with supervisors and CEAP counselors in matters relating to the program.

d. Activities may contract for the provision of CEAP services. Contracts may procure counseling services, including problem identification, referral for treatment or rehabilitation, and follow-up to aid in effective readjustment to the job.

e. CEAP shall not fund treatment or rehabilitation. Employees are responsible for all costs of treatment and rehabilitation. Sick leave, annual leave, and/or leave without pay may be granted for the purpose of treatment or rehabilitation as with any other illness.

f. The confidential nature of client records will be safeguarded and information therein shall not be disclosed except as provided by the confidentiality provisions of 42 Code of Federal Regulations (CFR), Part 2.

g. To the extent feasible, CEAP assistance will be provided to family members of an employee with personal problems and to an employee with a family member who has a personal problem.

#### 1-4. Responsibility

##### a. Activity heads:

(1) Ensure that supervisors attend required training and other activities that educate and inform activity personnel about CEAP.

(2) If necessary, provide facilities for counseling which allow privacy and confidentiality to employees seeking help from CEAP officials.

b. Activity heads with fewer than 100 civilian employees shall make sure that the provisions of the CEAP are made available to employees. This may include authorizing official time for an employee to visit or be visited by a qualified counselor who works outside the activity.

c. Human Resources Office (HRO). The HRO shall provide advice and assistance to the activity head(s) in the implementation of the local CEAP including:

(1) When needed, the establishment of contractual or cooperative agreements to provide counseling, referral, and/or educational services.

(2) The dissemination of policy and guidance issued by higher authority.

d. Supervisors are directly responsible for implementing the policy set forth in this article and ensuring program effectiveness. The success of this program depends upon the efforts of everyone in supervisory positions to carry out the program policies. Supervisors should:

(1) Identify and document instances of deficient work performance or conduct, with special attention directed to patterns of performance deterioration.

(2) Discuss the performance or conduct deficiencies with the employee and refer the employee to CEAP if, in their opinion, the noted deficiencies may be caused by a personal problem such as alcohol or drug abuse. Referrals shall be made in writing. The supervisor must discuss the choice facing the employee to raise performance or conduct to an acceptable level or face corrective action to deal with continued performance or conduct deficiencies.

(3) Give the employee a reasonable opportunity to improve performance or conduct following the discussion in which referral to CEAP is made.

(4) Initiate corrective action based on performance or conduct problems if, after a reasonable period of time, performance or conduct has not improved to an acceptable level.

(5) Refrain from diagnosing employee problems, but be alert to indications of personal problems, including alcohol or drug abuse.

(6) Refrain from ordering an employee to undergo a medical examination for the purpose of determining his/her fitness for duty.

(7) Seek the assistance of the servicing civilian personnel office and CEAP personnel in these matters.

## SUBARTICLE 2. PROGRAM ADMINISTRATION

### 2-1. Services Provided under CEAP:

a. General. The services provided to civilian employees include:

(1) Short term counseling related to problem identification.

(2) Referral for treatment and rehabilitation to an appropriate community agency or service. (Treatment and/or rehabilitation at government expense is prohibited.)

(3) Follow-up counseling to aid an employee in achieving an effective readjustment to his or her job during and after treatment or rehabilitation.

b. Illegal Drug Use Problems. To complement the effort of the DON to eliminate the adverse effects of illegal drug use in the workplace and ensure compliance with Executive Order 12564, (Drug Free Workplace), a voluntary referral procedure is established to encourage illegal drug users to seek counseling and rehabilitation without risk of disciplinary action. This is referred to as providing the employee "safe harbor." Accordingly, any employee who voluntarily identifies himself or herself as a user of illegal drugs, will be provided "safe harbor" and be exempt from disciplinary action for the admitted acts of illegal drug use, including possession incident to such use, provided the employee:

(1) Voluntarily makes such disclosure to his/her supervisor prior to being identified through other means.

(2) Obtains counseling and rehabilitation through CEAP.

(3) Agrees to be tested by the activity during counseling and rehabilitation and during the post treatment and evaluation phase.

(4) Consents, in writing, to the release of all records related to counseling and rehabilitation, including urinalysis test results, to appropriate management and CEAP officials.

(5) Thereafter refrains from using illegal drugs.

c. Voluntary Employee Referral. An important aspect of CEAP is its availability to employees on a voluntary basis. Activity CEAP publicity should emphasize this aspect and encourage employees to seek assistance for alcohol, drug or other problems, before these problems result in a negative impact on job performance or conduct.