



City of Pittsburgh
Operating Policies

Policy: Track I & Track II Employee Assistance Program Referrals and Track III Last Chance Agreement	Original Date: March 2010
	Revised Date: January 28, 2014

PURPOSE: To establish a policy and procedures for Track I, II and III employee referrals to the City of Pittsburgh's employee assistance program (EAP).

POLICY STATEMENT: The Track I and II Programs offer employees confidential assistance for personal problems that are affecting their work performance. The Track III Program is offered as a last chance agreement for employees with a positive drug and/or alcohol test result or other issues (as instructed by the Department Director/Bureau Chief) in lieu of terminating those employees. Participation in the program may be mandatory for certain types of employees (e.g., Firefighters, CDL Drivers) or at the discretion of the Department Director/Bureau Chief as a way to rehabilitate the employee without terminating him/her from employment. There are two parts to the program. The first part involves getting the employee to the right treatment provider. The second part begins once the employee finishes treatment and moves on to aftercare. Once an employee is referred to the Track III Program, he/she will be instructed to call the City's EAP provider, which will handle the referral to a treatment provider within three days from the date of the Department Director/Bureau Chief's letter.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

DEFINITIONS

EAP – Employee Assistance Program provider.

Case Manager – EAP employee responsible for maintaining records regarding the employee's compliance and monitoring his/her progress by communicating with the employee, treating therapist and/or facility, the Director of Personnel and Civil Service Commission (PCSC), and the employee's Director or designee.

Counselor – EAP employee who meets with City employee for initial intake assessment session. The Counselor will review and sign the Track III Agreement with the employee. The Counselor will make treatment recommendations and arrange for admission into an appropriate treatment facility.

PCSC Liaison – City of Pittsburgh Department of PCSC Employee Leaves Coordinator is responsible for maintaining confidential records of all employees participating in the Track III program.

PROCEDURE

Track I – Suggested Employee Assistance Program (EAP) Referral by Supervisor

When a Supervisor is concerned that an employee may be experiencing problems which are beginning to affect the employee's work performance, a *strongly suggested* referral to the EAP may be made. Similar to a self initiated referral, the EAP will assist the employee in accessing the appropriate care or services. When a suggested supervisory referral has been made, the employee is not obligated or mandated to contact the EAP to participate in any of the services offered by the Program.

The Supervisor will contact the EAP to begin the referral process. He/she must provide any/all information pertaining to the circumstances of the case (e.g., behaviors which have been observed, DAR information, etc.) in the event that the employee follows through with the strongly suggested referral.

Track II – Mandatory Employee Assistance Program (EAP) Referral by Supervisor

When a Supervisor is concerned that an employee may be experiencing problems which are adversely affecting the employee's work performance, and after a disciplinary action report (DAR) has been issued, a mandatory referral to the EAP may be made. The EAP will assist the employee in accessing the appropriate care or services. When a Mandatory Supervisory Referral has been made the employee is required to contact and participate in the care of services recommended by the EAP. The employee must be notified that disciplinary consequences will result for failing to participate in the services recommended by EAP.

The Supervisor will contact the EAP to begin the Mandatory Referral process. He/she must provide any/all information pertaining to the circumstances of the case (e.g., behaviors which have been observed, DAR information, etc.).

The Department Director/Bureau Chief will give the employee a mandatory EAP referral letter (see sample letter) which the employee has three (3) business days to make contact with the EAP.

Only when a release is signed by the employee will the Counselor at the EAP contact the referring Supervisor and confirm that the employee has fulfilled his or her obligation of contacting the EAP. The Counselor will not provide any additional information to the Supervisor in order to allow the employee to maintain as much confidentiality and anonymity as possible in the event he or she decides to pursue treatment. The EAP will not provide any information in response to any inquires regarding the employee's involvement with the EAP.

Track III – Last Chance Agreement Program Guidelines

The Track III Program is offered as a last chance agreement for employees with a positive drug and/or alcohol test result or other issues (as instructed by the Department Director/Bureau Chief) in lieu of terminating those employees. Employees may be given a drug and/or alcohol screen for various reasons (return to duty, random, promotional, post-accident, pre-injury, weapons discharge, fitness for duty, reasonable suspicion, charged with Driving Under the Influence (DUI) and the employee's job requires a driver's license).

Criminal charges for a DUI are independent of the City's random drug testing. If a firefighter receives a DUI, the Fire Chief will take appropriate action pursuant to the Collective Bargaining Agreement.

When an employee fails a drug and/or alcohol test or has other issues warranting a Last Chance Agreement, the procedures are as follows:

- **Firefighters, set forth in the Collective Bargaining Agreement**
 1. The Firefighter shall be ordered by the Fire Chief to enter the EAP Track III program.
 2. The Fire Chief must send a copy of the memorandum ordering the Firefighter to enter the Track III program to the EAP provider as authorization. A copy of this memorandum must also be sent to the PCSC Liaison.
 3. The Fire Chief may, at his/her discretion, forego termination and require the employee to participate in the EAP Track III program in accordance with the Collective Bargaining Agreement.

- **Public Works Employees, set forth in the Collective Bargaining Agreement**
 1. The Director of Public Works may, at his/her discretion, forego termination and require the employee to participate in the EAP Track III program in accordance with the Collective Bargaining Agreement. In this instance, the employee is required to sign the Track III agreement with a Department Representative. The Department Representative will have the Union Representative sign the agreement, if the employee is a member of the Teamsters bargaining unit.
 2. The Department Representative will call the EAP to set up an appointment for the employee while the employee is present.
 3. A copy of the signed Track III Agreement will be taken by the employee to the EAP as authorization for the employee to enter the Track III program. A copy of the signed agreement must also be sent to the PCSC Liaison.
 4. The Director of Public Works or his/her designee shall call the EAP and the PCSC Liaison regarding the employee.

- **All Other Employees**

1. Department Directors and Bureau Chiefs, at their discretion, may forego termination and require the employee to participate in the EAP Track III program. In this instance, the Department Director or Bureau Chief will issue a letter to the employee requiring him/her to enter the Track III program.
2. A copy of the signed letter is also sent to the Department of Personnel and Civil Service Commission (PCSC) liaison.
3. The Department Director or Bureau Chief or his/her designee shall call the EAP regarding the employee.

Role of PCSC Liaison

1. The PCSC liaison is responsible for the official tracking of all employees participating in the Track III program and for scheduling all follow up drug and alcohol testing.
2. Copies of all correspondence regarding Track III MUST be sent to the PCSC Liaison.
3. Copies of signed last chance agreement documents are maintained in the Absence Management Office in a locked file cabinet.

Referral to Track III

Once an employee is referred to the Track III Program, he/she will be instructed to call the Case Manager from the City's EAP provider. They will have a brief conversation in order to schedule an appointment with an EAP Counselor. At that appointment a number of things will happen:

1. The employee and the Counselor will review the Letter of Understanding and Track III Last Chance Agreement that the employee will be asked to sign.
 - The Letter of Understanding and Track III Last Chance Agreement are then faxed to the Department Director/Bureau Chief and PCSC liaison.
2. The EAP Counselor will assist in obtaining an appointment with an appropriate treatment facility for an evaluation.
 - The Counselor will ask the employee to sign releases of information so that the Counselor can discuss the case and treatment recommendations with the professionals involved.
 - The employee will then go to that facility and follow the treatment plan which is developed.
 - The employee will be required to follow all treatment recommendations set forth by the treatment facility.

3. The Counselor will advise the PCSC Liaison that the employee has completed treatment and can return to work.
 - o The PCSC Liaison will schedule a drug and alcohol test and a return to work medical, when required (jobs for which a medical exam is required at time of hire).
 - o Based on the results of the drug and alcohol test and/or return to work medical exam, the PCSC will notify the Department Director or designee that the employee can return to work.

Track III - Aftercare Program

Once the active phase of treatment is completed, the employee will be referred back to a case manager for the Track III aftercare program.

The Track III aftercare program consists of the following:

1. EAP will follow the employee for a period of one (1) year from the date of the signing of the Letter of Understanding and Track III Last Chance Agreement.
2. The treatment facility provides the EAP with the aftercare recommendations that the employee is to follow.
3. The employee and the EAP Counselor will meet for a second time. At this meeting the employee will review the aftercare requirements of Track III and the employee will be asked to sign the Employee Information sheet to indicate that the employee knows and agrees with the requirements. The employee will then be expected to comply with all requirements.
4. The employee and the EAP Counselor will then meet two more times during the Track III Program.
5. The employee will be required to call into the EAP on the first business day of the month and speak to his/her Case Manager between 8am and 5pm for a telephone monthly check in.
6. The employee will be required to fax meeting slips to his/her Case Manager at the assigned fax number on the 15th and 30th of the month. Slips may also be mailed to the attention of the employee's Case Manager.
7. The Case Manager will make 1 attempt to contact the employee if he/she does not receive the required attendance slips. This call will be placed on the 16th of the month (or the next business day).
8. If the employee does not meet the required aftercare recommendations for the month, the Case Manager will send a letter to the Department

- Director/Bureau Chief and PCSC representative on the 2nd day of the next month indicating that the employee is out of compliance.
9. To make sure that EAP can contact the employee, the employee must provide the EAP with a contact number where the employee can be reached or a message can be left.
 10. Once all meeting slips are in and all aftercare requirements are met, an appointment will be scheduled for the employee with the EAP Counselor.
 11. After meeting with the employee, the EAP Counselor will write a letter to the Department Director/Bureau Chief and PCSC representative stating that the employee met all Track III requirements.
 12. The Department Director/Bureau Chief will determine if the employee has completed the Track III program and can now be released.