Employee Resources Program (ERP)

PURPOSE:
It is the policy of East Carolina University to offer resources that will assist employees with personal problems that may adversely affect job performance. The purpose of the program is to combine sound management principles with a humanitarian approach to assist troubled employees in handling personal problems. This program seeks to restore individual health and productivity, improve efficiency, and retain experienced employees.

ELIGIBILITY:
All permanent ECU employees (including permanent employees in their probationary period) who are working no less than a 50% appointment are eligible for the Employee Resources Program. Dependents of eligible employees are also covered.

PROGRAM ACCESS:
Contact information is for available resources:

ValueOptions (stress/mental health):
- Achieve Solutions
- Beacon

State Health Plan (general info):
- North Carolina State Health Plan

Office of State Human Resources:
- State Employee Resources

LEAVE TIME:
An employee will not be charged leave time for the initial assessment if the supervisor is notified of the scheduled appointment in advance.

The employee should use appropriate leave credits to attend any subsequent treatment that may be recommended.
PROGRAM COST:
Any cost associated with recommended treatment with a professional resource is the employee's responsibility and is determined by services provided and applicable insurance deductibles, copays, etc.

The cost of the fitness-for-duty/risk evaluation is the responsibility of ECU as the university is requesting the evaluation.

CONFIDENTIALITY:
Federal and state statutes, along with professional ethics, require that ECU exercise the highest standards concerning client confidentiality. ECU may disclose information to providers in the course of receiving consultation or in making a referral. The provider may only disclose client information to the employer with the written consent of the employee. The written consent will outline specific information that will be disclosed to management.

Federal and state statutes do require the disclosure of information in certain circumstances. These circumstances include the following situations:
- **Employees Deemed Potentially Harmful to Self or Others**
  - Confidentiality laws require providers to disclose confidential information when there is imminent danger to the health and safety of the client. If a client is deemed imminently harmful to others, providers are legally obligated to disclose confidential information to avoid risk or harm to the safety of any identifiable victim.
- **Child or Disabled Adult Abuse**
  - Providers have a “duty to report” to appropriate authorities when there is reason to suspect that a child or a “vulnerable handicapped adult” is being abused or neglected.
- **Court Order**
  - Specified information may be released to a court as required by a court order.
- **Medical Necessity**
  - Disclosure of appropriate information to medical personnel is permissible in a medical emergency.

TYPES OF REFERRALS:
This program utilizes four types of referrals:
- **Self Referral**
- **Supervisory Referral**
- **Mandatory Referral**
- **Fitness-for-Duty/Risk Evaluation**
I. Self Referral

A Self Referral is a voluntary referral initiated by the employee to obtain assistance for personal and medical problems. The employee may contact the provider directly and select a face-to-face or a telephone assessment. This referral is strictly confidential.

Management should encourage the use of available resources if they have knowledge that the employee is experiencing personal or medical problems. The encouragement to utilize services will be considered a self referral and feedback from the provider will not be provided.

The action on the part of the employee to seek help for personal problems shall be viewed as a responsible action, and shall be supported by management.

II. Supervisory Referral

The Supervisory Referral is designed to provide a management tool for addressing unsatisfactory job performance or personal conduct. This referral should be used if disciplinary action is in process.

If the employee accepts the offer of help, the supervisor should encourage the use of available resources and be prepared to provide background information about the employee and details of the job performance or personal conduct that are of concern, but only with the employee’s consent.

Although an employee might decline the offer of help, this option can be repeated any time the supervisor feels the employee may have become more receptive.

Unlike self referrals, which are strictly confidential, limited information from supervisory referrals can be provided to the supervisor with the written consent of the employee. This information is limited to:

- whether or not the employee kept the initial appointment
- whether or not the employee agreed or disagreed to follow recommendations
- continuing compliance updates
- closure of services

Disciplinary action may be continued, regardless of the employee’s active participation in available resources should performance or conduct issues not be resolved. However, supervisors are encouraged to provide for a reasonable length of
time after an initial referral before taking additional disciplinary action to provide the employee an opportunity to address personal or medical concerns.

III. Management Directed Referral

The Management Directed Referral is defined as an referral that is used to address employee situations that requires immediate attention and for which an employee should not be allowed to remain in the workplace until the problem is resolved. The purpose of the referral is to protect the work setting from disruption and to develop a plan of action to resolve the situation. This referral may be used when an employee has demonstrated:

- behavior which is determined to present a potential or present health/safety danger to himself and/or others
- impairment on the job (misuse of alcohol or use of controlled substances on the job)
- testing positive for alcohol or controlled substances

Management must present the employee with a choice between accepting these services, prior to returning to work, or relying solely on the disciplinary process to resolve the matter. Management will have an obligation to explain to the employees the options that are being considered in a manner that helps the employee understand both what is expected and what action will likely occur.

Disciplinary action that will occur in each of the following events should be defined for the employee in advance of the employee’s choice:

- if the employee refuses to accept services and relies solely on the disciplinary process
- if the employee agrees to accept services and complies with the recommended course of treatment
- if the employee agrees to accept services but fails to comply with the recommended course of treatment

The employee always has the right to accept or refuse the services. However, in maintaining that right, refusal by the employee to participate in these services is not the grounds for disciplinary action but rather the job performance or conduct issue that prompted the referral.

If the employee accepts the offer of help, the supervisor should contact the ECU Office of Prospective Health in advance of the appointment to provide background information about the employee and details of the job performance or personal conduct that are of concern.

Limited information from the management directed referral will be released to ECU with the written consent of the employee. This information is limited to:

- whether or not the employee kept the initial appointment

EFFECTIVE DATE: July 1, 2006
Reviewed/revised: October 1, 2008; May 17, 2016
IV. Fitness-for-Duty/Risk Evaluation

The Fitness-for-Duty/Risk Evaluation is defined as a referral to address extraordinary situations where an employee poses a serious and/or immediate hazard or risk to themselves or others in the workplace. It may also be used to determine an employee’s medical or psychological fitness to perform their essential job functions.

Unlike the Management Directed Referral, management will receive an evaluative summary from the evaluating resource regarding the employee’s fitness-for-duty. The ECU office of Prospective Health will conduct the fitness for duty/risk evaluation and facilitate referrals to other qualified medical resources as deemed appropriate.

When considering a Fitness-for-Duty/Risk Evaluation, management must first consult with Employee Relations in Human Resources.

The following information must be provided to the Office of Prospective Health in advance of the referral:
- precipitating event(s)
- documented performance and/or behavioral concerns
- pending or previous disciplinary action
- employee’s job description and essential job functions

Management must communicate the following information to the employee:
- specific reason(s) for the Fitness-for-Duty/Risk Evaluation
- expectations for compliance in resolving the concern(s)
- consequences for failure to accept all conditions of the referral which includes:
  - compliance with the directive to undergo a Fitness-for-Duty/Risk Evaluation
  - compliance with recommendations from the Office of Prospective Health or other qualified medical resources to whom the employee was referred by the Office of Prospective Health or any other conditions of the evaluation, or
  - make the required improvements in performance or conduct

The evaluative summary findings will recommend one of the following courses of action:
- Fit to return to duty without specific recommendations. The evaluator has determined that the employee is fit for duty and does not pose a hazard or risk to self or others.
• **Fit to return to duty with specific recommendations.** The evaluator has determined that the employee is fit for duty and does not pose an immediate hazard or risk to self or others. However, the evaluative findings recommend that the employee should undergo treatment as a condition of employment.

• **Not fit to return to duty until specific recommendations have been met.** The evaluator has determined that the employee is *not* fit for duty and may pose a hazard or risk to themselves or others. Management shall consider the recommendations in the evaluative summary and shall state the terms and conditions that must be met before the employee shall be allowed to return to work.

ECU shall advise the employee of their leave options should an evaluative summary recommend that an employee not return to work. These options include Family and Medical Leave, Voluntary Shared Leave and Short Term Disability based on the course of action recommended.

The cost of the Fitness-for-Duty/Risk Evaluation is the responsibility of ECU as the university is requesting the evaluation. ECU is considered the client; therefore, the evaluative summary will be provided directly to the Human Resources Office. The cost associated with recommended treatment shall be the employee’s responsibility.

The Office of Prospective Health will recommend and monitor the employee’s compliance with treatment recommendations and progress towards fitness-for-duty and will maintain ongoing communication with ECU until closure.

**INVESTIGATORY PLACEMENT WITH PAY:**
Certain situations may occur which would support the Investigatory Leave with Pay policy when determining whether an employee should remain on the worksite. Management’s decision should consider the best interests of ECU and the employee in deciding to use the Investigatory Placement with Pay provisions. These provisions may be appropriate to:

• Investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action. (Examples: an employee may pose a hazard or risk to themselves or others in the workplace, or pending the results of an alcohol or drug test)

• Avoid disruption of the workplace and to protect the safety of persons or property. (Examples: when medical and/or psychological information is needed, or pending the results of an alcohol or drug test)

• Provide time to schedule and conduct a pre-disciplinary conference.