

Procedure: 4.9.4p

Employee Assistance Program

Revised: April 30, 2025, and October 29, 2014

Last Reviewed: April 30, 2025

Adopted: September 15, 2010



I. **PURPOSE:**

The Technical College System of Georgia (TCSG) recognizes the need to assist employees with addressing concerns that can adversely impact their personal and work lives, interfere with their job performance, or negatively affect the workplace. As a resource to eligible employees, the TCSG provides a comprehensive Employee Assistance Program (EAP) through a contract provider organization. The program is both an employee benefit and a management tool designed to build and maintain a quality workforce. Participation in an EAP neither protects an employee from warranted disciplinary action nor jeopardizes an employee's continued employment or career advancement.

II. **RELATED AUTHORITY:**

42 C.F.R. Part 2. (2012) – Confidentiality of Alcohol and Drug Abuse Patient Records (i.e., restricts the disclosure of alcohol and drug abuse patient records)

45 C.F.R. Part 160 and Part 164 – Health Insurance Portability and Accountability Act (HIPAA)

O.C.G.A. § 19-7-5 – Reporting of child abuse

O.C.G.A. § 30-5-4 – Reporting disabled or elder abuse, neglect, or exploitation

O.C.G.A. § 50-18-72 – Records not subject to mandatory public disclosure

TCSG State Board Policy 4.4.1. – Positive Discipline

State Personnel Board Rule 30 – Employee Assistance Program

O.C.G.A. § 20-4-11 – Powers of Board

O.C.G.A. § 20-4-14 – TCSG Established; Powers and Duties

III. **APPLICABILITY:**

All work units and Technical Colleges that are associated with the Technical College System of Georgia.

IV. **DEFINITIONS:**

Eligible Employee: a full-time employee of the Technical College System of Georgia's System Office, Quick Start, the Office of Workforce Development, or an associated Technical College.

Covered Individual: an eligible employee has recognized dependent(s) or other(s) living in the employee's household.

Employee Assistance Program ("EAP"): a confidential service provided to eligible TCSG employees to assist with coping, managing, and overcoming issues that may impact work behavior and/or performance

Employee Assistance Program Provider: a licensed clinician associated with the TCSG's contract EAP provider.

Full-time Employee: any individual who works thirty (30) hours per week in a salaried position and whose appointment is for nine (9) or more calendar months.

V. ATTACHMENTS: N/A

VI. PROCEDURE:

A. General Provisions:

1. All TCSG work units, including the System Office, Quick Start, the Office of Workforce Development, and all associated Technical Colleges, shall ensure that covered employees are aware of the TCSG-sponsored Employee Assistance Program (EAP) to include relevant contact information and scope of available services.
2. The TCSG's Employee Assistance Program is both a self-referral and management alternative that provides confidential referral services at no cost to full-time TCSG employees. NOTE: a Technical College is not precluded from entering into a separate contract agreement with the same or a different EAP provider (using college funds) to offer services to the college's workforce, which may differ in the scope of coverage, and which may include those employees not covered by the TCSG Employee Assistance Program.
3. Eligible employees needing counseling or other services beyond the scope of the TCSG contract or other specialized inpatients or outpatient services will be referred to an appropriate provider or facility by the EAP provider. The covered employee will bear all such treatment costs.
4. A management referral to an employee's voluntary or mandatory participation in the Employee Assistance Program is not an alternative to or a formal step of the TCSG Positive Discipline process.
5. The EAP provider may release specific information, disclosures, or communications only under the following circumstances:
 - a. When the employee has provided written consent;
 - b. When the EAP provider believes disclosure is necessary to reduce the threat of physical harm to the employee, the general public, or another person;
 - c. When disclosure is required by law, such as in the case of child abuse, elder abuse, or the abuse of a disabled individual;
 - d. In response to a court order;
 - e. When the Commissioner or their designee determines that disclosure is required to assist local law enforcement officials or medical personnel responding to a life-threatening or medical emergency.
6. The TCSG System Office will receive aggregate utilization data from the EAP Provider organization and may be required to report this information to the Department of Administrative Services Commissioner. These utilization reports do not contain personally identifying information regarding employees or other individuals utilizing the EAP during the designated reporting period. NOTE: If a Technical College has independently entered into a separate EAP contract utilizing the same or a different provider, the college's utilization data must also be made available to the Department of Administrative Services Commissioner upon request. In this circumstance, similar information should also be provided to the System Office's Executive Director of the Office of Human Resources.

B. Employee Self-Referral

1. An eligible employee who elects to use the Employee Assistance Program at their initiative may contact the EAP contract provider directly. An employee may voluntarily seek assistance from the EAP at any time.
2. The EAP provider will work directly and confidentially with the employee to assist them in identifying the cause of and work to resolve the employee's concerns.

3. Other than the narrow exceptions referenced in in this policy and otherwise required by law, no information regarding an employee's participation in the EAP will be shared with the System Office, the employing Technical College, or any other individual or organization absent specific written authorization provided by an employee.

C. Non-mandatory Supervisory Referral

1. Management may offer a non-mandatory referral when it recognizes that the EAP may benefit an employee with unsatisfactory performance or other work-related problems, or when an employee discloses a personal issue that may be negatively affecting work.
2. Managers and supervisors are encouraged to consult with the System Office's Office of Human Resources, or, as applicable, the Technical College Human Resources Office to discuss this and other alternatives to address the identified work-related issues.
3. An employee's participation in the EAP following a non-mandatory referral is voluntary, and they may accept or decline the referral without consequences. The employee is not required to share with management whether they elect to utilize EAP services in response to a non-mandatory referral.
4. If an employee elects to use EAP resources, their participation will remain confidential absent specific written authorization, unless disclosure is required in accordance with this procedure.

D. Mandatory Referral

1. A manager or supervisor may recommend a mandatory EAP referral, under the provisions of this section. However, any such referral may not be initiated without prior approval of the System Office General Counsel or the Executive Director of Legal Services.
2. A mandatory referral may be considered when documented behaviors indicate that the employee may pose a threat to themselves or others and in response to documented concerns regarding an employee's deteriorating job performance, workplace behavior or conduct, or patterns of attendance deficiencies/ difficulties. Mandatory referrals must be job-related and consistent with business necessity.
3. Positive Discipline may be used to address an employee with documented performance, conduct, or attendance issues, and may accompany a mandatory EAP referral; however, a mandatory EAP referral is not a part of the disciplinary process.
4. When a mandatory referral is issued, the reason for the referral should be communicated to the employee in writing.
5. An employee may be required to provide proof of attendance at mandatory EAP sessions. Provided written authorization is provided and absent the presence of expectations outlined in this procedure, information released to the System Office or Technical College is generally limited to:
 - a. An employee's attendance at provider-recommended counseling session(s);
 - b. General progress;
 - c. Anticipated completion date; and,
 - d. Any accompanying treatment plan recommendation(s)
6. All documents generated with the referral and made available to the System Office or Technical College shall be confidential in the employee's medical file.

E. Appointments and Work Time

1. Time spent participating in or receiving EAP services is not considered work time.
2. Managers and supervisors should make a reasonable effort to approve any

requested time off for this purpose. If a requested absence may qualify for leave under the Family and Medical Leave Act (FMLA), the supervisor should immediately consult with their Human Resources Office. If the absence qualifies for leave under FMLA, the System Office or Technical College must make the designation in accordance with TCSG Procedure 4.5.1p., Family and Medical Leave Act (FMLA).

3. If a System Office work unit or Technical College engages in a mandatory referral process, time spent receiving EAP services will be considered work time.

VII. RECORD RETENTION:

Any employee-specific documents provided to the System Office, or the referring Technical College by an EAP provider will be maintained in the employee's medical file and managed in a manner consistent with the State Government Records Retention Schedule