

CHAPTER 3
EMPLOYEE SUBSTANCE ABUSE PROGRAM
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CHAPTER 3
EMPLOYEE SUBSTANCE ABUSE PROGRAM

1. PURPOSE.

a. The purpose of the Employee Substance Abuse Program (ESAP) is to encourage employees to seek help when faced with problems of alcoholism, alcohol abuse, and/or prescription drug dependency by offering information, assistance, and support.

b. The Department recognizes alcoholism is a disease. It is a medical problem that deserves the same attention and understanding as more traditional illnesses. Alcoholism is known to cross all race, gender, social, and economic boundaries and may adversely affect an employee's job performance. Alcoholism can be treated and employees should not hesitate to seek professional assistance for themselves or offer help to fellow employees affected by the disease.

c. The term "substance abuse" when used in this chapter, includes alcoholism, alcohol abuse, or nontherapeutic dependence on drugs lawfully prescribed for the treatment of a medical condition only. Unlawful obtainment, possession, or use of any substance defined under the California Uniform Controlled Substance Act constitutes criminal activity and is cause for dismissal.

2. POLICY.

a. It is the policy of the California Highway Patrol (CHP) to assist any employee who seeks help with a substance abuse problem. If an employee requests assistance prior to becoming the subject of an adverse action for misconduct involving alcohol or prescription drug abuse, the request shall be treated in a confidential manner. Such a request will not be used to initiate disciplinary action. Promotional opportunities and job security will not be jeopardized on the basis of an employee's request for or acceptance of help with a substance abuse problem.

b. This policy does not exempt employees from the responsibility of meeting job performance standards and abiding by established laws and regulations, nor does it relieve management and supervisors of their responsibility of monitoring employee performance. Illegal activity, violation of Department policy, or continued unacceptable job performance may result in adverse action, including dismissal.

c. Employees who receive assistance for substance abuse are responsible for cooperating fully in their own recovery. While the Department will help the

employee identify available resources, the employee is responsible for the cost of treatment services which are not covered by the Employee Assistance Program (EAP) or personal health plans.

d. In accordance with Highway Patrol Manual (HPM) 10.3, Personnel Transactions Manual, Chapter 21, Sick Leave and Bereavement Leave, use of accumulated sick leave credits may be authorized for any employee receiving substance abuse treatment provided under the supervision of a licensed health care specialist.

e. Nothing in this policy shall be construed to limit, alter, or replace existing policy, guidelines, and procedures pertaining to substance abuse testing and the use of alcohol and other drugs by employees (HPM 9.2, Substance Testing Manual, and HPM 10.3, Chapter 14, Inconsistent and Incompatible Activities).

3. CONFIDENTIALITY.

a. The ESAP is a confidential program. Information derived from an employee's contact with the ESAP shall not be divulged to anyone unless required by law.

b. Supervisors shall also maintain the confidentiality of an employee's request for help with a substance abuse problem.

c. Employees shall be advised that confidentiality will be strictly maintained, except in the following circumstances:

(1) The protection of confidentiality within the Department shall not apply to employee misconduct which constitutes criminal activity. All ESAP volunteers shall divulge information obtained from an employee who acknowledges participation in misconduct which constitutes criminal activity to the employee's commander and in any subsequent departmental administrative investigations.

(2) Confidentiality cannot be maintained should an ESAP volunteer be subpoenaed to testify in court concerning information shared by an employee.

(3) Should an ESAP volunteer, while providing ESAP services to an employee, obtain information that causes a volunteer to believe the employee may be an immediate danger to themselves or others, the ESAP volunteer shall immediately notify the employee's commander and the Office of Employee Safety and Assistance (OESA) supervisor who will assist in determining what steps should be taken. The OESA supervisor shall notify the OESA commander.

(4) An employee may give written consent to disclose personal information. Written consent must specify the nature of the information to be disclosed, as well as the parties with whom the information may be shared.

4. STRUCTURE OF THE PROGRAM. The ESAP is administered by the ESAP coordinator assigned to OESA. The ESAP coordinator should possess an extensive knowledge and understanding of chemical dependency. The ESAP coordinator will work in conjunction with ESAP volunteers selected from employees who have knowledge and understanding of substance abuse gained through their own recovery or personal experience assisting a recovering person. The ESAP volunteers are overseen by the ESAP coordinator.

5. RESPONSIBILITIES.

a. Program Coordinator.

- (1) Develop and maintain a support network for employees who are recovering from alcoholism or prescription drug dependency.
- (2) Promote and facilitate a substance abuse education program for employees.
- (3) Act as a resource for managers, supervisors, employees, and family members who have questions about substance abuse and treatment.
- (4) Maintain a list of professional resources for potential referrals.
- (5) Attend training seminars to maintain expertise in substance abuse treatment.
- (6) Develop and distribute substance abuse education materials to employees.
- (7) Act in an advisory capacity to management on matters involving substance abuse.
- (8) Provide reports of ESAP activities, as requested, to the OESA commander.
- (9) Coordinate training of ESAP volunteers.

b. Volunteers.

- (1) Recognize participation in the ESAP is voluntary and be available to provide support and make a reasonable attempt to remain available to an employee if contacted.
- (2) Maintain the confidentiality of an employee seeking or receiving help through the ESAP, except as provided in the confidentiality policy statement in paragraph 3. of this chapter.
- (3) Provide information and support to employees seeking help for an alcohol or prescription drug dependency problem.
- (4) Maintain close personal contact with employees through all phases of the recovery process to ensure each employee receives the support needed to maintain continuous sobriety and recovery.
- (5) Obtain information on local recovery resources and facilities and provide such information to employees in need and the ESAP coordinator.
- (6) Maintain contact with the ESAP coordinator for ongoing review of ESAP activities and provide activity reports as requested.
- (7) Abstain from intimate social relationships (e.g., dating) with any employee, employee's family member, or departmental personnel to whom the ESAP volunteer is providing support.
- (8) Assist in the presentation of OESA-related programs to employees.
- (9) Abstain from religious or financial entanglements with employee.
- (10) Avoid espousing any particular moral standard or philosophy to employees.

6. SELECTION OF VOLUNTEERS.

- a. The commander of OESA, the ESAP coordinator, and the OESA supervisor and/or their designee(s) shall select and interview recommended employees for volunteers based upon their qualifications, experience, knowledge of substance abuse, recovery, and departmental needs.
- b. Employees interested in serving as ESAP volunteers shall submit a memorandum to OESA, through channels, indicating their interest and describing their experience with substance abuse and recovery.

c. Commanders will make a recommendation regarding the employee's suitability for participation based upon job performance, observed interpersonal skills, maturity, judgment, and personal and professional credibility. Commanders should review the employee's personnel folder to ensure the employee has not been the subject of an adverse action that might adversely affect the function of the ESAP. Recommendations will be submitted to the respective Division commander for comment and forwarded through channels to the ESAP coordinator. Recommendations may be withdrawn at any time by notifying the ESAP coordinator.

7. DISQUALIFICATION OF VOLUNTEERS.

a. An ESAP volunteer who fails to fulfill any of the responsibilities of an ESAP volunteer may be removed from the ESAP at the discretion of the ESAP coordinator, the OESA supervisor, the OESA commander, the employee's commander, Division commander, or Executive Management.

b. The integrity of the ESAP is essential to its effectiveness. Any breach of confidentiality or other inappropriate activity by an ESAP volunteer shall be sufficient cause to be removed from the ESAP.

c. An ESAP volunteer may permanently or temporarily remove themselves from the ESAP by notifying the ESAP coordinator in writing.

8. TRAINING.

a. All ESAP volunteers shall receive 16 hours of initial training consisting of:

(1) Skills in intervention, active listening, providing support, and making referrals to professionals.

(2) Information on departmental substance abuse policies, legal issues, and the responsibilities and limitations of the ESAP volunteer.

(3) Information on the nature and treatment of chemical dependency.

b. All ESAP volunteers shall receive eight hours of annual training consisting of:

(1) Updates on relevant information.

(2) Maintenance of skills.

(3) Specialized training topics.

9. OBTAINING SERVICES.

- a. Employees may contact the ESAP coordinator or an ESAP volunteer at any time. Departmental or supervisory approval or notification is not required and an employee does not have to be experiencing a job problem to receive assistance. Self-referrals are welcome and strongly encouraged. Participation in the ESAP is strictly voluntary.
- b. Supervisors may refer employees to the ESAP; however, the ESAP coordinator will neither confirm nor deny an employee has contacted the ESAP coordinator unless authorized in writing by the employee.
- c. The ESAP volunteers do not diagnose or treat employees. Employees who contact the ESAP for help will receive support and personalized information about substance abuse and resources for recovery. These resources may include the EAP, individual health plans, treatment centers, and self-help groups such as Alcoholics Anonymous and the Peace Officers Fellowship.
- d. The ESAP volunteer will continue to support an employee's recovery efforts as long as the employee indicates such support is desired.

10. TIME REPORTING/STATE VEHICLE USAGE.

- a. An ESAP volunteer shall notify their commander and receive approval prior to accepting and responding to a request for peer assistance, whether on or off duty.
- b. Use of a state vehicle is authorized provided a vehicle is available. If a state vehicle is not available or is impractical, the ESAP volunteer's commander shall approve reimbursement for the use of a private vehicle.
- c. Approval of the appropriate Commissioner is required for use of departmental aircraft.
- d. An on-duty ESAP volunteer will be allowed to claim regular shift time when approved by their commander.
- e. An off-duty ESAP volunteer shall be allowed up to four hours of compensating time off when approved by their commander.
- f. The ESAP volunteers shall record approved peer support activity on the appropriate timesheet; a CHP 415, Daily Field Record; or CHP 71, Attendance Report, under the appropriate *Regular* or *Overtime* column utilizing Beat Code 915 in the *Beat Hour Summary* column. Overtime Duty Code 20 will be used when

recording time in *Section 4, Overtime*. The letters "ESAP" shall be entered in the Notes section of the CHP 415 and/or the *Remarks* section of the CHP 71 and "RDO" if overtime was worked on a regular day off. The name of the employee to whom support was provided shall not be noted. The assigned command shall be entered for the entire shift or any overtime claimed, regardless of where ESAP activities were conducted.

g. Any ESAP activities which are not approved by an employee's commander are strictly voluntary and are to be conducted on the ESAP volunteer's own time. Such activities shall not interfere with any regular work obligations.

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