

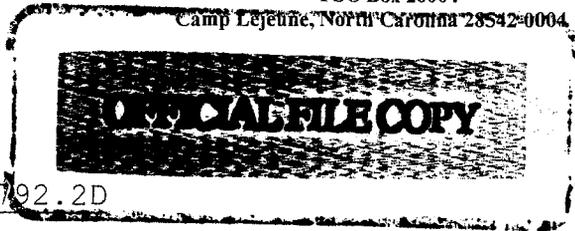


UNITED STATES MARINE CORPS

MARINE CORPS BASE

PSC Box 20004

Camp Lejeune, North Carolina 28542-0004



BO 12792.2D
HREL

JUN 03 2002

BASE ORDER 12792.2D

From: Commanding General
To: Distribution List

Subj: CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP)

Ref: (a) OCPM 12792.1
(b) BO 12430.4B
(c) BO 12432.1A
(d) BO 12792.3
(e) BO 12752.1A

Encl: (1) Definitions

1. Purpose. To publish, per reference (a), policy, procedures, and responsibilities relative to the CEAP. This program provides assistance to civilian employees whose misuse of alcohol or drugs or other personal problems adversely impact their job performance and/or conduct in the workplace.

2. Cancellation. BO 12792.2C.

3. Definitions. The terms used in this Order are defined in enclosure (1).

4. Policy. It is the policy of the DON and this Command:

a. To recognize alcoholism as a treatable illness and drug dependency as a treatable health problem.

b. That alcoholism and drug dependency are health problems in which the employee's job performance and/or conduct is impaired as a direct consequence and that employees having these illnesses will receive the same consideration and offer of assistance that is extended to employees having other illnesses or health problems.

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c. That management is concerned with the employee's use of alcohol only as it may affect job performance or the efficiency of the service. However, management does not condone employee drug activity or other actions contrary to law. Alcohol or drug abuse will not bar management from initiating corrective action, including removal, based on illegal activities or when otherwise warranted.

d. That employment or promotional opportunities will not be jeopardized because of prior alcohol or drug abuse or by a request for counseling or referral assistance. The confidential nature of counseling or medical records of individuals who participate in the program will be preserved.

e. To grant sick leave or leave without pay for alcohol or drug dependency treatment or rehabilitation as with any other illness or health problem. When an employee participates in the treatment of a condition personal to the employee, including alcoholism or drug dependency by a member of the employee's immediate household where family therapy is an element of the treatment regiment, sick leave is appropriate.

f. That employees with an alcohol, drug, or other personal problems are encouraged to voluntarily seek counseling and information from the designated CEAP counselors.

g. That employee referral to or participating in the CEAP will not be based on prohibited personnel practice or action that would constitute a finding of overt or presumptive discrimination on the grounds of race, color, sex, age, physical or mental handicap, religion, or national origin.

5. Responsibilities

a. Civilian Personnel Director. The Civilian Human Resources Office, Site Manager has general responsibility for the CEAP.

b. CEAP Administrator. The head of the Labor and Employee Relations, Civilian Human Resources Office, has been designated the CEAP administrator.

(1) Ensure the conduct of required education and training.

(2) Be the principal point of contact for all administrative matters concerning the CEAP.

(3) Maintain records and prepare required reports.

(4) Establish and maintain an up-to-date directory of community resources to which employees may be referred.

(5) Effectively publicize the CEAP.

(6) Maintain a current list of CEAP counselors and ensure that they are appraised of pertinent personnel management information and changes thereto.

c. CEAP Counselors. CEAP Counselors are responsible for:

(1) Confidentially consulting with employees who so request or are referred; objectively evaluating and identifying personal problems; identifying the best available source of assistance or services; recommending a course of action and providing aid in obtaining assistance; and providing guidance to the employee where appropriate.

(2) Referring the employee for medical, psychiatric, or other evaluation when evaluation or identification of the problem is beyond the capability of the CEAP counselor.

(3) Being aware of community referral resources and recommending additions to or deletions from the list maintained by the CEAP administrator.

(4) Advising supervisors on the use of CEAP procedures in dealing with a problem employee.

(5) Consulting or coordinating with the Civilian Human Resources Office staff without violating confidentiality regulations.

(6) Conducting necessary post-rehabilitation follow-up.

(7) Maintaining individual case files which will contain data necessary for the counselor's use and for required reports.

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d. Supervisors

(1) Supervisors are responsible for:

(a) Attending required training.

(b) Identifying and documenting instances of unacceptable work performance or conduct and patterns of performance deterioration.

(c) Determining the appropriate action to correct the unacceptable or deteriorating performance.

(d) Seeking guidance from the activity's CEAP administrator or the Civilian Human Resource Office or both.

(e) Discussing unacceptable or deteriorating work performance with the employee, providing the employee with documented instances of such performance and giving the employee a firm choice between seeing and cooperating with a CEAP counselor or receiving other management initiated corrective action.

(f) Effecting or initiating corrective action if:

(1) The employee declines to see or cooperate with a CEAP counselor.

(2) The employee undertakes the course of treatment recommended by the CEAP counselor but fails to improve work performance or behavior to an acceptable level within a reasonable length of time.

(g) Offering an employee suspected of reporting for duty or being on duty under the influence of intoxicants a competence for duty examination by a medical officer.

(2) Corrective action may be taken concurrently with referral to the CEAP counselor as explained elsewhere in this Order.

(3) Supervisors are not to make determinations as to whether alcoholism or drug abuse is present and a reason for the employee's unacceptable or deteriorating work performance or behavior.

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e. Employees

(1) Employees are responsible for:

(a) Being aware of the provisions and procedures of the CEAP.

(b) Participating in the CEAP when they become aware of any personal problems, which results or may result in a deterioration of their work performance.

(c) Cooperating with supervisors and CEAP counselors in matters relating to the CEAP.

(d) Correcting the unacceptable performance or conduct with or without assistance from the CEAP.

(e) Bearing the costs of any treatment or rehabilitation, which results from referral under the CEAP.

(2) The employee is not required to accept or act on recommendations made by the CEAP counselor and is entitled to seek other means to correct the personal problem and the unacceptable performance or conduct. However, if the employee is unable or unwilling to respond adequately to the recommended treatment or other actions and the unacceptable performance or conduct does not improve, corrective action may be initiated by management.

f. Personnel Management Specialists, Labor and Employee Relations Specialists, and Equal Employment Opportunity Program Officials/Counselors shall:

(1) Know the policies and procedures of the CEAP.

(2) Consider the CEAP when providing advice and guidance to employees and supervisors and in carrying out other responsibilities.

(3) Consult and coordinate with the CEAP administrator and counselors, when appropriate.

6. Referral Procedures

a. Involuntary Referrals. The supervisor is responsible for keeping sufficiently aware of the performance of all immediate

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subordinates as to recognize when their performance is in or reaches a status of less than satisfactory. When such is the case, the supervisor must follow the procedures set forth in references (b) and (c). At the first signs of a developing performance problem, however, supervisors should consider whether CEAP counseling assistance might help employees to overcome the performance problem. Supervisors are encouraged to call the administrator to discuss whether referral might be appropriate regardless of whether or not there are overt signs of alcohol, drug, behavioral, or emotional problems. If referrals are made, supervisors have met the obligation to offer assistance under the alcoholism/drug abuse program requirements.

b. Voluntary Referrals. Employees who suspect that they may have an alcohol or drug abuse problem, even in the early stages, and those who recognize that they have a personal problem not involving substance abuse, are encouraged to voluntarily seek counseling and information by contacting a CEAP counselor. The names of CEAP counselors are listed on Official Bulletin Boards. For additional information, employees may contact the CEAP administrator, Civilian Human Resources Office, Building 33, Marine Corps Base.

c. Counseling Referrals. If, after the initial counseling session with a CEAP counselor, the employee acknowledges the existence of a problem and desires further counseling, referral will be made to a medical officer, private physician, or community service organization, as appropriate. Employees who have made the decision to undergo a prescribed program of treatment and/or rehabilitation will be granted sick leave for this purpose. As for any other health condition, the employee is responsible for the costs of any treatment and rehabilitation, which result from referral under the CEAP.

7. 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 reference (d), 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 oneself 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:

- a. Voluntarily makes such disclosure to a superior official prior to being identified through other means.
- b. Obtains counseling and rehabilitation through the CEAP.
- c. Agrees to be tested by the activity during counseling and rehabilitation and during the post-treatment and evaluation phase until such time as the individual is released from testing by the attending medical professional.
- d. Consents, in writing, to the release of all records related to counseling and rehabilitation, including urinalysis test results, to appropriate management and CEAP officials.
- e. Thereafter refrains from using illegal drugs.

8. Relationship to Discipline

a. Alcoholism and drug dependency are treatable health problems where job performance or conduct is impaired as a direct consequence. They will be treated as handicapping conditions requiring reasonable accommodation prior to the use of any discipline for performance or conduct deficiencies when the employee involved voluntarily refers oneself as a user of illegal drugs under paragraph 7 and meets all of the conditions therein, or when the following three conditions are met:

(1) The employee involved is a qualified handicapped individual under the Rehabilitation Act of 1973.

(2) The employee can demonstrate that the handicapping condition of alcoholism or drug dependency directly contributed to the performance or conduct deficiency and the activity knew or should have known that the handicapping condition existed.

(3) Reasonable accommodation would not impose an undue hardship on the activity such as continuing an unreliable employee in a critical function or in duties, which could affect the health and welfare of others.

b. The CEAP supplements, but does not replace, existing procedures for dealing with employees who have drug or alcohol abuse problems. Performance or conduct problems relating to alcohol or illegal drug use conflict with mission accomplishment.

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Further, as provided in 29 CFR 1613.704, reasonable accommodation is not required when it would impose an undue hardship on the activity. An employee who is referred to the CEAP, but who declines to seek assistance or refuses to cooperate with a counselor or a facility designated to provide treatment and/or rehabilitation, has prevented the activity from continuing to provide reasonable accommodation. In these cases, the employee is subject to disciplinary action if deficient performance and/or conduct continues. Where an employee cannot or will not be rehabilitated, or is not entitled to reasonable accommodation for a handicapping condition, corrective action is proper under the provisions of reference (e).

c. A firm choice between seeking assistance through the CEAP or being subject to corrective action must be given to any employee who demonstrates continued performance or conduct problems. Subsequent performance or conduct problems shall be dealt with through corrective measures under the provisions of reference (e).

d. Trafficking in drugs is misconduct, which does not entitle an employee to reasonable accommodation. Accordingly, an employee who traffics in drugs will be subject to discipline, and may also be subject to criminal prosecution.

9. Confidentiality of Records. 42 Code of Federal Regulations, Part 2 provides specific requirements for maintaining the confidentiality of patient information. All persons performing an alcohol or drug abuse prevention function are subject to the provisions and the stated penalties for violating them. All personnel designated or expected to perform such prevention functions must be made thoroughly familiar with the statutory and regulatory confidentiality provisions, and impressed with the importance of adhering to them.

a. Persons performing an alcohol abuse or drug abuse prevention function (i.e., medical staff, and alcoholism/drug abuse or employee assistance program administrators, coordinators, counselors, and their staff) are prohibited from disclosing information obtained as a result of the performance of that function to unauthorized persons (which includes supervisors) without the written consent of the employee. Supervisors, therefore, cannot expect feedback on a referred employee's progress in the program without the employee's written consent.

b. Supervisor's notes are not subject to the requirements of the confidentiality regulations since supervisors, as such, are not performing an alcohol abuse or drug abuse prevention function. Supervisors are not to discuss employee problems with persons not having an official need to know.

c. Management may not require the release of patient information relative to alcohol or drug abuse for use in disciplinary situations. The patient may consent, however, to have pertinent information released if the consent is voluntary and not harmful to the patient or program.

d. Official Personnel Folders will not include any documentation relating to an employee's participation in the CEAP as a counselee.

10. Action. Organizational commanders, heads of command staff sections, and department heads will ensure all supervisors are thoroughly familiar with the contents of this Order and that the Order is made available to employees upon request.

11. Summary of Revision. This Order has been republished in its entirety and, due to the high level of interest in its subject, should be reviewed in its totality.

12. Concurrence. This Order has been coordinated with and concurred in by the Commanding Officer, Marine Corps Air Station, New River.


A. J. KARLE, Jr.
Chief of Staff

DISTRIBUTION: C

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DEFINITIONS

1. These definitions are only for the administration of the Civilian Employee Assistance Program (CEAP). They are not intended to modify or influence definitions applicable to statutory provisions and regulations, which relate to disability benefits or criminal or civil responsibility for an individual's acts or omissions.

a. Alcohol Abuse. Use of alcohol to an extent that it has an adverse effect on performance of duty, job-related conduct, mission effectiveness, physical or mental health, financial responsibility, or interpersonal relationships.

b. Alcohol and Drug Dependence. A chronic and progressive disease characterized by physical and/or psychological dependence on alcohol or drugs. It does not necessarily result in performance or conduct problems, especially in the early stages. Dependency must be determined by a licensed physician, medical officer, or clinical psychologist.

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

d. CEAP Administrator. The individual designated by the activity head to ensure that the provisions of OCPM 12792.1 are met.

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

f. Drug Abuse. Use of a drug in a manner or to a degree which interferes with the individual's health, interpersonal relations, social behavior, economic functioning, job performance, or job-related conduct. The wrongful or illegal possession or use of drugs in any amount also constitutes drug abuse.

g. Employee. An incumbent of a DON position that is paid for appropriated and nonappropriated funds in either a full-time, part-time, or intermittent status.

ENCLOSURE (1)

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

i. Qualified Handicapped Person. With respect to employment, a handicapped 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 and who, depending upon the type of appointing authority being used, meets the experience and/or education requirements of the position in question or meets the criteria for appointment under one of the special appointing authorities for handicapped employees.

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

k. Reasonable Accommodation. With respect to any employees who establish that their deficient performance or conduct is caused by a physical or mental impairment, reasonable accommodation is the referral to the CEAP for diagnostic counseling and referral for treatment or rehabilitation or assistance and a reasonable opportunity to demonstrate minimally acceptable performance or conduct.

l. Trafficking. The wrongful distribution 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 the CEAP.

m. 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. Treatment is a prelude to, and should not be confused with, rehabilitation.