



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 120

May 15, 1989

EMPLOYEE ASSISTANCE PROGRAMS

WHEREAS, it has long been recognized that alcoholism and alcohol abuse ("Alcohol abuse") and mental and emotional problems have a serious impact on the health, welfare, and social life of the individual, the individuals' family, co-workers, and the community; and

WHEREAS, when the problems of employees result in job-impairment they become an immediate concern to the City as an employer; and

WHEREAS, job-impairment problems have been recognized as any condition or abnormal behavior resulting directly or indirectly from alcohol abuse or the inability to cope with mental and emotional problems; and

WHEREAS, experience indicates that employee assistance programs constitute an effective means for ameliorating alcohol abuse and mental and emotional problems; and

WHEREAS, it is essential and desirable that all City agencies participate in an unified program to combat alcohol abuse and other mental and emotional problems in a humane and constructive manner;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered as follows:

Section 1. POLICY:

- (a) The City government, as an employer, is concerned and will take appropriate action when an employee experiences a job-impairing problem.
- (b) A job-impairing problem exists when the employee's competent or safe performance of assigned duties or dependability in performance is jeopardized as a direct consequence of a personal health problem such as alcohol abuse.
- (c) It is City policy that the employing agency initiate non-disciplinary procedures under which the employee is offered rehabilitative assistance when experiencing job-impairing problems.
- (d) This policy is not to be construed as waiving management's responsibility to maintain discipline or its mandate to invoke disciplinary proceedings in the event of work-related misconduct or substandard job performance which may result from, or be associated, with, the use or abuse of alcohol or untreated mental or emotional problems.

Section 2. Applicability.

The policies and program contained in this Order shall apply to all City employees except temporary employees.

Section 3. Employee Assistance Programs.

- (a) City-Wide Program. The Office of Municipal Labor Relations (OMLR) shall have the authority to implement the policies contained in this Order (and issued under separate memoranda) through the coordination of a Citywide system of Employee Assistance Program. The Employee Benefits Program at OMLR shall be responsible for coordinating that system of agency-specific programs.

OMLR shall, on a regular basis: review overall agency EAP policies and operations in conjunction with the Law Department, in order to ensure the legal conformance of individuals agency policies with the Federal, State, and City regulations on confidentiality and guidelines indicated in this

Order as well; make policy recommendations regarding the maintenance of agency EAP standards; and coordinate the services and support needed to enhance the quality of service provided to City employees.

OMLR shall be responsible for the promotion of existing Employees Assistance Programs and assist in the development of new Employee Assistance Programs as needed. It shall enlist, to the greatest extent possible, the active cooperation and participation of City agencies and employee organizations, and shall issue such further directives and instructions to agencies as are required, consistent with the policies enunciated in this Order.

OMLR shall also be responsible for the operation of the Central Employee Assistance Referral Unit, whose functions shall include providing coverage where no agency program exists.

OMLR shall furnish to agencies, on an as needed basis, such services as: liaison with treatment facilities; consultation on program planning; and administrative training for supervisors and counselors.

- (b) Union Sponsored Program. Where there is a union sponsored counseling program in existence, employees will be presented with a choice of attending either the union-sponsored program (e.g., DC 37 members may use the DC 37 Health and Security Plan's Personal Services Unit) or the City agency-sponsored program, or the Central EAP Referral Unit, where there is no agency-sponsored program. In the case where a member is otherwise covered by a union or agency-sponsored program, but first presents themselves to the Central EAP Referral Unit, the choice of programs will be presented by the Central EAP Referral Unit counselor at the first contract with the member to percent duplication of effort, and to facilitate coordination of services.
- (c) The Municipal EAP Task Force, acting in the capacity of an advisory body, shall meet with OMLR on a regular basis to make recommendations regarding: the program policies and operations of

existing EAPs so as to comply with Federal, State and City confidentiality regulations as well as the policies in this Order; the need for the development of new EAPs; the maintenance of agency EAP standards; coordination of services and support; and the need for administrative training of supervisors and counselors.

- (d) Agency Programs. Agency heads shall designate staff responsible for administering Employee Assistance Programs within agencies as an integral part of the Citywide Employee Assistance Program.

The agencies shall conduct training programs for supervisors and counselors, when needed, with the assistance of OMLR. Agencies shall make available to its employees referral services through designated staff.

Section 4. Employees.

- (a) No employee shall have job security or promotion opportunities jeopardized by a request for counseling or referral assistances.
- (b) Medical records of employees with job-impairing problems shall be preserved in the same manner as all other medial records. The confidential nature of these records will be governed by applicable State and Federal law.
- (c) Where an employee has exhausted sick and annual leave balances, the agency head may under certain conditions and at his or her discretion, grant the employee a medical leave of absence without pay to undergo a prescribed program of rehabilitation treatment.
- (d) Probationary employees, who are not permanent in another title, may utilize the service of or be referred to the EAP. However, probationary employees who have exhibited impaired job-performance must improve performance to the satisfaction of the employing agency before being granted permanent status. At the discretion of the employing agency, the employee's probationary period may be extended no longer than six months in order to participate in the EAP and improve performance.

Section 5. Reports.

OMLR shall submit an annual report to the First Deputy Mayor on the employee assistance programs. Agencies shall submit such monthly reports on the operations of their EAP as are requested by OMLR and these data shall form the basis of the annual report.

Section 6.

This order shall take effect immediately.



Edward I. Koch
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