

EAP—The Steward's Role

Nearly every day, stewards find themselves involved in interactions with their fellow carriers on the workroom floor. Much of this time is spent filing grievances or otherwise enforcing the national agreement. However, in many cases, stewards' interactions with co-workers relate to problems or stresses that the employee is experiencing. These problems may be work related or they may involve personal or family issues.

As a result of their position, stewards are often viewed as leaders in the workplace. It is therefore natural for many employees to seek out a steward with whom they can discuss their personal or emotional problems.

A steward can also end up dealing with an employee's personal issues once they start to affect his or her work. For example, an employee's difficulty in handling grief following the death of a parent may result in attendance issues and attendance-related discipline. It is practically inevitable that stewards filing grievances on such disciplines will find themselves discussing, with the employee, the personal problems that triggered the attendance discipline.

One place that employees can turn to for help in coping with life's problems is the Employee Assistance Program (EAP). This is a benefit that is available to Postal Service employees, although some of them may not even be aware of it. In those cases, the steward can help the employee by providing basic information and also by directing him or her to EAP.

The steward also has another role with regard to EAP. That is, there are employee rights that have an EAP connection. These are rights that must be enforced. Examples may include the contents of an employee's personnel file and the right to privacy. Stewards must be aware of the employee's rights so that they will be able to enforce them.

This article will do two things. First, it will provide the steward with basic information on EAP so that he or she will be able to speak to employees on the subject when necessary. The second is to inform stewards about employees' rights associated with EAP for contract enforcement.

Employee Benefits

As union activists know, the steward's role requires knowledge about more than just the national agreement. To increase effectiveness, a steward broadens his or her knowledge of the law, legislation affecting working men and women, workers' compensation and so on. Having an understanding of EAP is another way that a steward can more effectively serve or represent his or her fellow employees. If an employee asked you, as the steward, what benefits are available under EAP, would you know how to answer?

A common misperception about EAP is that it is only for assistance with drug or alcohol problems. In fact, that is only one small part of what EAP does. The program provides counseling for employees and

their immediate families for a wide variety of issues, including:

- Family/relationship problems
- Problems in the workplace
- Health and behavioral issues
- Personal/emotional difficulties
- Financial or legal issues

EAP not only provides initial assessments for people with these types of issues, but also provides short-term counseling, as well. If a particular issue indicates long-term treatment, EAP will offer a referral for continued sessions using the employee's health plan.

To make EAP readily accessible, there is a toll-free number which employees can use 24 hours a day, 7 days a week. (See box below) For employees who know about the toll-free number, there is often another misperception—that calling the number will result in reaching voice mail or reaching some other type of recording. However, through the toll-free call, an employee or family member can actually get access to a licensed professional counselor. Through that phone call, an individual may be referred to an EAP counselor for face-to-face sessions, a financial

EAP Access

**Phone: 1-800-EAP-4-YOU
(1-800-327-4968)**

TTY: 1-877-492-7341

Internet: www.EAP4YOU.com

consultant, a legal consultant, or other community resources.

The fact that EAP provides free access to counselors for financial or legal problems is largely unknown to most people. Financial counselors can assist with normal everyday questions. For example, an individual can receive assistance with questions such as whether it is better to lease or buy a car, deciding which credit card to pay off first, family budgeting, or determining how much is needed to save for a comfortable retirement.

Stewards should be aware of another benefit—the fact that the employee's first visit to EAP is on the clock. An employee will be paid as long as he or she authorizes the EAP provider to confirm with management that fact that he or she did attend an EAP session. Management will receive no other information from EAP other than a confirmation of attendance. EAP counselors are bound by strict rules of confidentiality.

Employees sometimes express concern that management will learn about whatever is said during a counseling session. However, counselors are not Postal Service employees. They work for Magellan—an independent health service provider. Not only that, but privacy is always protected by strict federal and state confidentiality laws and regulations, as well as the professional ethics standards followed by the counselors. Information shared with EAP may not be released to anyone without the individual's prior written consent, except as required by law (e.g., when a person's emotional condition is a threat to him or herself or others, or there is a suspected abuse of a minor child, and in some states, spousal or elder abuse).

Enforcing employee rights

Armed with an understanding of employee rights related to EAP, a steward is equipped to protect these fundamental rights. The law and the national agreement form the basis for those rights. Section 870 of the Employee and Labor Relations Manual (ELM) covers EAP and is incorporated into the national agreement through Article 19.

Right to the first visit on the clock:

ELM Section 871.35

Scheduling—An employee's first visit to EAP is on the clock, whether the visit is initiated by management, the union representative, or the employee, unless the employee prefers to visit the EAP unit on his or her own time. Subsequent consultations are on the employee's own time. If a reasonable period of time has elapsed since a management referral or a previously disclosed self-referral, the manager or supervisor may, at his or her discretion, approve an additional on-the-clock session. To receive pay for an on-the-clock session, the employee must authorize the EAP provider to disclose to management the employee's attendance.

Right to protection from mandatory referrals:

Employees who have been around for a while may remember the days when a supervisor could issue a mandatory EAP referral to

an employee. In such cases, the employee had no choice but to go grudgingly to an EAP session against his or her own will—solely at the supervisor's discretion. The rules changed in 1999 and this is no longer permissible. Prior to 1999, the ELM language stated, "Management has the authority to require the employee to attend an initial EAP interview." (ELM 13, June 1998, Section 872.42)

It is hard to picture how forcing an employee to go to any sort of counseling session would produce positive results. The ELM provisions changed in 1999, thus allowing EAP to be what it was meant to be—an employee benefit, not a punishment issued by an angry supervisor. The current language states:

ELM Section 872.221

If a supervisor or manager observes the characteristics listed in 872.21, or has some other reason to believe that the EAP could provide needed assistance to an employee, he or she may refer the employee to the EAP. . . The employee has the option to refuse the referral, and the employee cannot be disciplined for noncompliance with the referral.

The only exception to this is if attendance is required as part of an agreement, as described in ELM Section 872.221:

Exception: In instances when there is a Last Chance Agreement, or when the employee has signed a settlement agreement requiring EAP participation, the employee can be disciplined for noncompliance with the terms of the agreement.

(Continued on page 14)

EAP—The Steward's Role

Continued from page 13

Right to privacy:

The Postal Service is required to handle certain information in accordance with the Privacy Act. Information related to an individual's participation in EAP must be held in strict confidence. Stewards should know that, if a member's privacy related to EAP is violated, this would be a sound basis for filing a grievance.

There are a number of ways this could happen. One example of a violation of the Privacy Act would be a supervisor who spreads information on the workroom floor about an employee's attendance in an EAP session. However, another lesser known violation occurs when management retains a copy of a written EAP referral in an employee's Official Personnel Folder (OPF). The steward should request that the record be removed, and grieve the situation if it is not.

ELM Section 871.33

Confidentiality—Inquiries regarding participation in EAP counseling are confidential, pursuant to the provisions of 874.4. EAP records may not be placed in an employee's official personnel file (OPF).

Referring a fellow employee

As described above, part of the steward's role with regard to EAP is enforcing the contract. However, when it comes to EAP, the steward's role can also be one of confidant or advisor. Employees may want to confide in their stewards about

problems they are struggling with. The steward may quickly realize that the employee would benefit from EAP, but not know how to make a referral.

For instance, the steward might be concerned that an employee would react negatively to the steward's suggestion of EAP. The potential for this is even greater where the employee does not approach the steward for help, but instead simply seems to need assistance in the steward's estimation. In cases like this, a steward's hesitancy to bring up the subject of EAP is certainly understandable. There's a chance that the steward may be met with resistance, defensiveness, or hostility. This type of reaction can come from the fact that some people may feel uneasy or embarrassed about seeing a counselor for personal problems.

However, if the steward chooses to not suggest EAP because of the risk of experiencing that sort of reaction, he or she may be depriving an employee of a valuable resource. Rather than not referring at all, it may facilitate the referral conversation if the steward reminds the employee that everyone is faced with challenges that are difficult to resolve independently. Seeking assistance for personal problems is just as important as receiving assistance for medical problems.

For stewards who need help in figuring out how to make a referral, EAP counselors will consult with or train union representatives how to approach employees. Counselors will educate stewards in how to identify and interact with employees who need assistance. Stewards can call EAP for a confidential consultation on making the referral. Remember, a steward need not become the counselor, but can help a

fellow employee by directing him or her to the counselor.

Finally, never discuss the employee's problems with anyone else. A steward is bound by the rules of confidentiality, just as management is. EAP is a very sensitive issue and benefit, and the rights of employees must be carefully guarded. Careless talk about a fellow employee's EAP referral, even if not done with ill intent, could be just as destructive as the situation that brought the employee to EAP in the first place.

EAP following a crisis

Problems that individuals are having is only one focus for EAP. A steward can facilitate an EAP response when tragedy strikes at a given office. Following a traumatic event—such as an employee's unexpected death, the death of an employee's family member, a natural disaster—employees as a whole may become anxious, depressed, and unable to concentrate.

Stewards should be aware that EAP can provide on-site individual or group intervention after a tragic event takes place. Such sessions allow employees to learn about stress reactions to tragedy and also the associated symptoms. The goal is to provide coping skills that can lead to healing.

NALC connection to EAP

Before 1992, EAP was administered solely by the Postal Service. In those days, many employees were suspicious of these assistance programs because it was controlled by the Postal Service.

However, the Service no longer has sole jurisdiction of EAP. A Na-

tional Joint EAP Committee was established under Article 35 of the National Agreement between NALC, the Postal Service, and APWU. NALC's representative on that national committee is Director of Safety and Health Brian E. Hellman. This committee provides oversight of EAP and also guides the program at the national level.

The branch and EAP

"EAP is such a valuable tool for us. We integrate it into our tool-

box—where we have the contract, the grievance procedure, route inspection tools. EAP is just another great tool," said Miami Branch 1071 Treasurer Laurie Miale.

President Dave Gwin of Kansas City Branch 30 points out how EAP is all the more relevant for employees in his branch. "Especially now, EAP is a great help. Now that we have mandatory overtime and people working six days, it really wears on families. Children and spouses are getting involved in the process," said Dave.

A demanding and hectic workplace can make an individual's personal problems all the more difficult to deal with. EAP is a benefit of employment that is free and as easy to access as picking up the phone. A steward can't be the therapist, and shouldn't try. But a wise steward will help an employee find the resource that is also a benefit. Wisdom isn't knowing all the answers; wisdom is knowing where to go to get help in finding the answers. ■