

CLINTON TOWNSHIP POLICE DEPARTMENT

RULES AND REGULATIONS/POLICIES AND PROCEDURES

Clinton Township Police Department				
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SUBJECT: Employee Assistance Program				
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BY THE ORDER OF: Thomas DeRosa Chief of Police		April 13, 2009 September 4, 2013 May 21, 2021 May 4, 2022 June 21, 2022	2 8 2	
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POLICY

A law enforcement agency has an obligation to ensure that its employees are fit to safely, effectively, and lawfully perform their duties. If a law enforcement executive, supervisor, or Internal Affairs investigator has reasonable concerns regarding an employee's fitness, they may be obligated to have the employee evaluated by competent professionals.

In relation, the Township of Clinton recognizes that employees and/or their families may experience personal or job-related problems which, if left unresolved, can have a profound impact upon the employee's job performance and overall well-being. An employee's consultation with facilitative organizations often begins the process of resolving such problems. This, in-turn, helps restore the employee's work performance to an acceptable level.

The Township of Clinton further recognizes that law enforcement employees are often exposed to stressful and even traumatic experiences. Post Traumatic Stress Disorder is a very real risk to employees who are involved in critical incidents. Such exposure requires appropriate intervention. Early identification and referral to appropriate care are crucial to such intervention. Employee Assistance Programs assist with all of these functions. Employee Assistance Programs provide professional support as well as referrals to professional services for a variety of personal issues that employees may experience. As a result, the Township of Clinton has established an Employee Assistance Program to preempt and assist with the resolution of such problems in order to further the well-being of employees, their families, and the Township.

I. DEFINITIONS

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- A. Chief Executive Officer—that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Chief of Police or Officer-In-Charge. “Officer” as used in “Chief Executive Officer” need not denote sworn status.
- B. Counselor—a licensed psychologist, psychiatrist, peer counselor, police chaplain, or physician who gives advice and recommends a course of conduct.
- C. Critical Incident—an occurrence or event, whether natural or man-made, which may cause participants and/or witnesses to experience unusually strong physical, psychological, or emotional distress. Critical incidents include but are not limited to: mass casualty incidents, deaths of co-workers, suicides, shootings, use of deadly force, hostage situations, exposure to blood-borne pathogens, major disasters, terrorist attacks, rapes, fires, floods, hazardous materials incidents, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response, such as major planned events and law enforcement incidents.
- D. Early Warning System—as required by the New Jersey Attorney General’s ‘Internal Affairs Policy & Procedures,’ the Early Warning system is a mechanism used by police executives to track patterns of employee behavior which correlate with present or future misconduct. The purpose of the Early Warning System is to identify warning signs of employee misconduct in an attempt to stop improper behavior before it escalates into more serious infractions.
- E. Employee—everyone employed by the Clinton Township Police Department, including sworn and civilian personnel. Volunteers, though not technically “employees,” are considered employees when performing a function in the course of their official responsibilities.
- F. Employee Assistance Program—a confidential, non-disciplinary program provided by the Township of Clinton whereby a counselor can assist employees and their families with the resolution of suspected personal or work-related issues such as drug, alcohol, family, finance, and anger management problems; the mechanism put into place by the Township of Clinton and the Administration of the Clinton Township Police Department which is intended to maintain employee mental health wellness and provide for referral to such appropriate services.
- G. Supervisor—also known as a “supervisory officer” or “shift supervisor,” a supervisor is a member of the Clinton Township Police Department assigned to a position requiring the exercise of immediate supervision over the activities of employees.

PROCEDURE

II. EMPLOYEE ASSISTANCE PROGRAM OVERVIEW

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- A. The Township of Clinton has entered into a contract with The Civil Service Commission - Employee Advisory Service (EAS) for the provision of an Employee Assistance Program (EAP).
- B. <https://www.nj.gov/csc/employees/programs/advisory/eas.html>
- C. The Employee Assistance Program can be used by employees and their household members to address a variety of issues, including but not limited to:
 - 1. Personal problems,
 - 2. Family issues/martial conflict,
 - 3. Separation and divorce,
 - 4. Stress and anxiety,
 - 5. Trauma,
 - 6. Alcohol and drug use,
 - 7. Depression,
 - 8. Child and elder care,
 - 9. Bereavement,
 - 10. Anger management,
 - 11. Behavioral disorders,
 - 12. Financial problems, and
 - 13. Any other work-related or relationship concerns.
- D. The Employee Assistance Program is a confidential counseling service that helps employees effectively deal with problems that may be affecting their well-being, personal lives, or job performance.
- E. Employee Assistance Program counselors will try to assist clients (i.e., employees or their household members) with identifying personal problems, providing short-term counseling and, if necessary, referrals to service providers in the employee's local community who can meet the employee's needs for additional treatment.
- F. As stated, discussions between the Employee Assistance Program counselor and the client are confidential.

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1. This information will not be included in the employee's Personnel File.
 2. Records shall be kept in the Employee Assistance Program office, not at the employer's location.
 3. The client is protected from disclosure except as provided by law (see e.g., N.J.S.A. 2A:62A-17; 42 U.S.C. 290 dd-3 through ee-3).
- G. There is no fee for using the Employee Assistance Program. The Township of Clinton has already paid for all services.
1. If a client is referred to another professional or program in the community, there may be fees for that service. These fees shall be the client's responsibility.
 2. However, the client's health insurance may cover a significant portion of any fees the client may encounter.
 3. The client's ability to pay is taken into consideration before any referral is made.
- H. Ultimately, the decision to use the Employee Assistance Program is up to the client.
1. The program may be recommended if the employee is demonstrating job performance problems.
 2. Usual disciplinary procedures apply if job performance does not improve, regardless of whether the employee chooses to use the Employee Assistance Program.
 3. Nothing in this general order shall be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary action against an employee.
 4. However, participation in, and/or assessment results from, the Employee Assistance Program will not be used for disciplinary purposes, nor in any way shall restrict or jeopardize the participating employee's opportunity for advancement or other work-related alternatives.
 5. Any actions taken by management are based on job performance only, *not* on whether the employee chooses to utilize the Employee Assistance Program.
- I. During an emergency, the Employee Assistance Program team members are accessible on a twenty-four (24) hour basis by calling 1-866-327-9133.

III. OBTAINING SERVICES THROUGH THE EMPLOYEE ASSISTANCE PROGRAM

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- A. Any employee may obtain services through the Employee Assistance Program in two ways: 1) voluntary initiation, or 2) supervisory imposed referrals:

1. Voluntary Initiation

- a. The employee or any member of the employee's household may contact the Employee Assistance Program directly at the following phone number at the following location:
 - (i) Trenton, NJ – 1-866-327-9133
- b. In addition, the employee or any member of the employee's household may call the 24-hour 'Mental Health Specialist' at 1-866-327-9133 during a crisis.
- c. Employees and their household members are encouraged to utilize the Employee Assistance Program as soon as they experience personal or work-related problems.
- d. Supervisors may conduct informal interviews with employees in order to remind the employees that the Employee Assistance Program may be an effective option.
- e. An appointment can be arranged at a time and location that is convenient to the employee or the employee's household member.
- f. Day and evening appointments may be scheduled.
- g. Callers must identify themselves as an Employee Assistance Program client.
- h. Service is completely confidential and no notification to the employer occurs when initiation is voluntary.
- i. Employee Assistance Program counseling sessions will be utilized for assessment and either:
 - (i) brief problem-solving strategies, or
 - (ii) the appropriateness of referrals for further services beyond the scope of the Employee Assistance Program.

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- j. The client may decline the recommendations or referrals and may elect to seek a health service professional on their own.

2. Supervisory Imposed Referrals

The second way that an employee may obtain services through the Employee Assistance Program is by a referral from the subject employee's supervisor as part of the Early Warning System.

- a. Whenever a supervisor has reason to believe that an employee's performance, attendance, on-the-job behavior, or general conduct has significantly detracted from his or her job performance, and that these changes are related to such issues as those outlined in Section II(B) of this general order, sound management practices require corrective action such as mandatory referral to the Employee Assistance Program
- b. The supervisor shall cite specific reasons for the referral.
- c. There may be specific circumstances where a formal Fitness-for-Duty Evaluation is needed or recommended. In those cases, the Employee Assistance Program referral may be bypassed while the employee is sent for a Fitness-for-Duty Examination.
- d. In the alternative, the Employee Assistance Program may be utilized in conjunction with the Fitness-for-Duty examination.
- e. Referrals by supervisors shall not jeopardize an employee's job or promotional opportunities.
- f. Only the reason for the referral and the referral itself shall be documented on any forms that would ultimately be placed in the employee's Personnel File.
- g. Specific information regarding the problem or treatment is confidential (see 42 U.S.C. 290 dd-3 through 42 U.S.C. 290 ee-3 and N.J.S.A. 2A:62A-17).
- h. The referring supervisor shall be informed by the EAP Director or his or her designee if the employee complies with the necessary follow-up and whether the employee complies with the recommendations of the Employee Assistance Program.

IV. CRITICAL INCIDENT RESPONSE

- A. The Shift Supervisor shall be responsible for identifying all employees involved in a critical incident.
- B. Employees shall be removed from the critical incident area as soon as reasonably practical.
- C. The Chief Executive Officer may require employees involved in duty-related critical incidents to debrief with the Employee Assistance Program provider.
- D. The Employee Assistance Program will be asked to coordinate the needed services if requested by the Chief Executive Officer. Such services may include but are not limited to:
 - 1. Immediate short-term crisis intervention,
 - 2. One-on-one support and stabilization,
 - 3. Debriefing meetings,
 - 4. Support for family members directly affected,
 - 5. Follow-up services,
 - 6. Referral to external mental health providers or specialists for longer-term treatment,
 - 7. Assistance with benefit and insurance issues.
- E. Mandatory referral to the Employee Assistance Program after a critical incident shall not be construed as questioning the employee's ability to handle a traumatic event and/or stressful occurrences. Rather, it is sound management practice based upon an extensive body of research by mental health practitioners.
- F. The Operations Division Commander shall ensure that employees required to debrief do indeed attend all related Employee Assistance Program activities.

V. LIMITS ON CONFIDENTIALITY

The Employee Assistance Program provider may be required to disclose information without the written consent of the client in the following situations:

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- A. When the Employee Assistance Program provider receives a valid subpoena issued by a court of proper jurisdiction.
- B. When confronted with suspected violations of child welfare matters.
- C. When it is perceived that the client poses a serious risk to himself, herself, or others.
- D. In addition, information may be disclosed when the client consents to its release. When a client consents in writing to the release of information, he or she shall be required to be as specific as possible as to the nature of the information to be provided and the entities to whom it shall be shared with.

VI. TRAINING

The Training Officer shall ensure that employees receive periodic training regarding the Clinton Township Police Department's 'Employee Assistance Program.'

VII. ADDITIONAL RESOURCE

- A. 'Cop 2 Cop' is a confidential hotline for New Jersey law enforcement officers. It offers 24-hour/7-day a-week assistance from colleagues who understand law enforcement-related issues and who can offer support to handle officers' immediate needs.
- B. The 'Cop 2 Cop' hotline 1-866-COP-2COP is staffed by retired officers who are Licensed Clinical Social Workers, specially-trained mental health professionals, and volunteer retired officers who are trained as peer supporters.
- C. For more information, go to www.NJCop2Cop.com
- D. Horizon Blue Cross/Blue Shield of New Jersey – Behavior Health Service: <http://shbp.horizonblue.com/health-wellness> or call 1-800-991-5579.

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.