

The following constitutes agreement between the Department of Veterans Affairs (VA) and the National VA Council, AFGE, regarding MP-5, Part I, Chapter 792 Appendix A, "Employee Assistance Program", Change_____.

NEGOTIATED CHANGES TO
MP-5, PART I, CHAPTER 792, APPENDIX A
Employee Assistance Program

- 1. b. Delete "generally" from second sentence
Delete last sentence

Change 3 to 4, 4 to 5, 5 to 6, etc. throughout document.

- 4. a. Add "or behavior" after "disease" in first sentence
- 4. b. Change "recovered alcoholic" to "recovering alcoholic" in last sentence
- 5. f. Add after "time" in first sentence "or unusual circumstances"
- 5. g. Delete "as appropriate" in first sentence
- 6. c. Add after fourth sentence "Upon request, data gathered for the annual report to OPM will be furnished to the labor organization."
Add before last sentence "Counselors will not use information from counseling sessions to advise management officials as to any action(s) to take against an employee."
- 6. d. (5) Delete "agency" from first sentence
- 6.d.(6)(b) Delete last three sentences and replace with "Supervisors should be careful not to elicit or entertain from the employee any specificity or detail about the nature of any illegal activity or conduct involved. However, when management has good reason to believe an employee is involved in criminal conduct directed toward or potentially harmful to the person or property of others - such as selling drugs or stealing to support a drug habit - supervisors have an obligation first to those persons or properties, and then to the employee. They may therefore first report the facts known to law enforcement authorities; these reports should be made through a management level at which the exercise of discretion is normally expected, and through which reports of other types of criminal activity are generally made."

- 6.e (2)(b) Change first sentence to read "Where an employee has a conduct or performance problem, recommend that the employee sign a written consent to disclose to the supervisor information that the employee is seeking assistance"
Add new last sentence "The only information that may be disclosed to the supervisor is that which is specifically authorized by the employee."
- 6.e.(3)g. Delete first sentence
- 8.a. Add to end of third sentence after "corrective action" - "such as disciplinary, adverse or performance based actions,"
Delete last sentence
- 8.a. Delete (1), (2), and (3)
- 8.b. Change third sentence from "should" to "will"
Change fourth sentence from "will not ordinarily" to "in some situations may"
Delete "However" from fifth sentence
8. Add new "(c)" - "Information obtained through the program may be disclosed or used only as permitted by law and regulation and may not otherwise be disclosed or used in any administrative proceeding. Thus, information obtained through an unauthorized disclosure cannot be used to support a disciplinary action."
- 10.b. Add new "(5)" - "Except as applied to disciplinary or separation action, official personnel folders shall not include information concerning employees alcohol or drug abuse problems."
- 12.b. Add new "(6)" - "To assure the cooperation and support of labor organizations, and to maintain open lines of communication with union leaders, union representatives will be included in briefing sessions and other training and orientation programs that will provide a mutual understanding of policy, referral procedure, and other elements of the EAP program."


For Management


For N.V.A.C.

8/8/90
Date