

Question: We are reviewing our practices around mandatory EAP referrals and fitness for duty evaluations. When responding, please indicate if you may be contacted for further questions.

1. Do you ever utilize a mandatory (condition of employment) EAP referral?
 - a. In what cases do you refer an employee for mandatory EAP?
 - b. Who decides if the mandatory EAP is warranted?
 - c. What do you do if the employee does not comply?
2. Do you utilize Fitness for Duty examines?
 - a. Does your EAP provider perform the FDD exams or do you use a vendor?
 - b. Who bears the cost of the exam – HR, the business, the employee?

Julie La Saracina, Chubb Group of Insurance Companies, 6/13/2012

COMPANY & CONTACT NAME	COMMENTS
<p>Chevron Sara Kashima</p>	<p>1. Do you ever utilize a mandatory (condition of employment) EAP referral? Yes</p> <ol style="list-style-type: none"> a. In what cases do you refer an employee for mandatory EAP? Fitness for duty b. Who decides if the mandatory EAP is warranted? Management, Security, Medical, and/or EAP WorkLife Services c. What do you do if the employee does not comply? Termination of employment <p>2. Do you utilize Fitness for Duty examines? Yes. I have an article we published a few years ago on one of our FFD program (truck drivers) if you want a copy, let me know and I can send a PDF. It describes one of our FFD programs and some of the supports we provide to employees.</p> <ol style="list-style-type: none"> a. Does your EAP provider perform the FDD exams or do you use a vendor? Mostly a vendor. b. Who bears the cost of the exam – HR, the business, the employee? The business unit, the costs are charged back to the employee's business unit. There is not one corporate cost center that absorbs all of the fees.
<p>Chevron John Dillon Riley</p>	<p>1. Do you ever utilize a mandatory (condition of employment) EAP referral? Prologue: We have an internal EAP in available in US locations with larger number of employees and 17 vendored EAPs globally in different regions. This is a model which many benefits consultants, primarily</p>

concentrating on cost containment, describe as a “dinosaur” model. At Chevron, after 43 years of EAP experience, we contend this model is “cutting edge” because our company takes behavior health and psychological wellness as a significant variable in sustaining safe operations and enhancing productivity and attraction and retention. Maintaining internal EAP professionals is considerable more expensive than the outsourced model, however the ROI on the costs of these services is huge and the risk management capability not comparable to an external model. Prologue completed

We never mandate to EAP directly, but do mandate to Occ Health within which EAP sits. If it is a psych or drug abuse case it goes to EAP but internally once inside medical. This distinction is important and addresses other questions related to fitness for duty below. Managers or HR professionals are not trained to diagnose the underlying medical or psych conditions that may be contributing to alarming or inappropriate workplace behaviors. They are trained to recognize that the behaviors are inappropriate, possibly related to health conditions, and can best be referred to company medical as the place to address whatever may be underlying these behaviors. Relieving the manager of tagging this as a referral to EAP and making it a more general medical referral makes the referral process much less threatening to both manager and employee.

a. In what cases do you refer an employee for mandatory EAP?

Mandatory referrals in on the job situations are made in three specific instances:

1. A positive drug or alcohol screen
2. Communications by an employee to a supervisor that they are considering harming themselves or others
3. Actions, remarks, or behaviors that suggest some kind of impairment that raise concerns about safety of either the employee engaged in the behavior or of other employees and raise a concern about threats to the environment.

Other instances for Fitness for Duty clearance:

4. When employees moves from a non-safety sensitive job to a safety sensitive job, Fitness for Duty exams are required.
5. When employees have been off work for extended non-occ or occ disability, a Fitness for Duty “clearance” is typically required which could include a “Functional Capacity Exam” for safety sensitive jobs and, where psych is the disabling illness , a clearance through the EAP

b. Who decides if the mandatory EAP is warranted?

Typically in the first three instances above, supervisor or manager observing the behavior makes the referral ... Optimally, time permitting, after consult with HR or medical/EAP

c. What do you do if the employee does not comply?

Mandatory referrals are only made where health or safety risks require them to be made. Employees are placed off work and

	<p>directed to comply. Refusal is subject to discipline up to and including termination.</p> <p>2. Do you utilize Fitness for Duty examines? Yes</p> <p>a. Does your EAP provider perform the FDD exams or do you use a vendor? Internal EAP will do preliminary and possibly reach resolution. Often however, this preliminary will result in referral to an independent medical examiner (psychiatrist or psychologist)</p> <p>b. Who bears the cost of the exam – HR, the business, the employee? Never the employee -- since this has been requested by the workplace and since the results of the exam will, with the employees permission, be released to company medical and EAP. Typically the business unit will pay for the exam. Any resulting recommended treatment will come under the employees benefits/insurance or private pay.</p>
<p>Raytheon Barry Collamore</p>	<p>Do you ever utilize a mandatory (condition of employment) EAP referral? Answer: Yes. Mandatory EAP referrals are in the Employee Assistance Policy</p> <p>In what cases do you refer an employee for mandatory EAP? Answer: In most cases the referral is tied to a performance issue that has begun the process of formal disciplinary action.</p> <p>Who decides if the mandatory EAP is warranted? Answer: Human Resources</p> <p>What do you do if the employee does not comply? Answer: Compliance or Non-compliance is reported to Human Resources. It is within their purview to determine next steps.</p> <p>What is your practice when an employee makes suicidal comments? What role does the manager, security, HR, EAP play? Do you require the employee to leave the office or call an emergency contact to pick them up? Answer: Suicidal ideation is considered a medically urgent situation. HR and Security are involved in initially responding. The employee is taken to an onsite medical clinic or to a designated occupational health clinic near the worksite. The medical staff determines if additional resources are needed. The employee may voluntarily access EAP at any point.</p> <p>What is your practice when an employee exhibits abnormal behavior? What elements do you look for in abnormal behavior? What role does the manager, security, HR, EAP play? Do you require the employee to leave the office or call an emergency contact to pick them up? Answer: Abnormal behavior may fall into two primary categories, potentially harmful or fitness to work. When threat of harm to self or other is determined by</p>

management, security is called to respond. If there is a question of fitness to perform the job, occupational health is called.

Do you ever place employees on a paid or unpaid leave? For what duration?

Do you consider it medical leave, conduct leave or another type of leave?

Answer: Paid or Unpaid leave is uses at the discretion of Human Resources and Management, often pending determination of medical leave and Short Term Disability.

Do you utilize Fitness for Duty examines? Does your EAP provider perform the FDD exams or do you use a vendor? Who bears the cost of the exam – HR, the business, the employee?

Answer: FFD exams are performed by a vendor, not EAP. The cost of the exam is passed along to the business.

As a result of FDD, who makes the decision to place an employee out on medical leave and/or return them to work? Do the employees need to obtain a doctor's note to clear them to return to work?

Answer: The Corporate Chief Medical Officer makes the determination of return to work following a FFD evaluation.

Do any of the responses above vary if the employee indicates or you suspect a threat to employees?

Answer: If an employee is suspected of posing a threat to self or other employees, the Workplace Violence Policy dictates that a Workplace Violence intervention team be formed to manage the situation.