

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

**MD 10.122 EMPLOYEE ASSISTANCE AND WELLNESS SERVICES PROGRAMS**

**DT-19-13**

*Volume 10,* Personnel Management  
*Part 5:* Benefits, Health Services, and Employee Safety

*Approved By:* Miriam Cohen, Chief Human Capital Officer

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*Issuing Office:* Office of the Chief Human Capital Officer

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**EXECUTIVE SUMMARY**

Management Directive (MD) 10.122, "Employee Assistance and Wellness Services Programs," is revised to align with the revised record retention requirements of Employee Assistance Program (EAP) records in the National Archive and Records Administration standards.

The Office of the Chief Human Capital Officer's (OCHCO) Web site provides detailed guidelines on separate Web pages for the—

- [Employee Assistance Program \(EAP\)](#), and
- [Wellness Services Program \(WSP\)](#).

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**I. POLICY**

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to establish and manage the agencywide Employee Assistance and Wellness Services Programs.

**II. OBJECTIVES**

- Establish and maintain integrated programs to provide services that address current and future health and wellness needs to create an organizational culture of health and wellness, and to complement the physical and mental wellbeing of NRC employees.
- Contribute to increasing productivity, improving recruitment and retention, reducing absenteeism, enhancing employee engagement, and reducing the incidence of preventable illness and injury.
- Inform employees of the services provided by the Employee Assistance and Wellness Services Programs to provide employees with opportunities and resources to nurture the mind, body, and spirit and increase awareness of healthy and positive lifestyle choices.

**III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY**

**A. Executive Director for Operations (EDO)**

Oversees the NRC Employee Assistance and Wellness Services Programs.

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**B. Chief Human Capital Officer (CHCO)**

1. Develops, implements, and evaluates the Employee Assistance Program (EAP), as required by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4541 et seq.); the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1101 et seq.); and Section 503 of Public Law 100-71, "Supplemental Appropriations Act of 1987."
2. Implements requirements of Section 503 of Public Law 100-71 to achieve and maintain a drug-free Federal workplace, specifically, by providing mandatory supervisory training and employee education on illegal drugs in the workplace.
3. Develops and implements agencywide wellness services, including health, fitness, and ergonomics programs, as authorized by the Authorization for Heads of Agencies to Establish Employee Health Services Programs (5 U.S.C. 7901).
4. Establishes policies, administrative standards, and procedures for the programs.
5. Ensures that employees are aware of the agency's EAP and health, fitness, and ergonomics programs and how to obtain services.
6. Appoints the Employee Assistance Program Manager and the Wellness Services Program Manager.
7. Authorizes the Employee Assistance and Wellness Services Programs contracts.
8. Advises and assists regional administrators in the application of administrative standards and procedures.
9. Serves as liaison with other Federal agencies on policy and administrative matters relating to the program.

**C. Regional Administrators**

1. Designate regional contacts to serve as liaisons with the Employee Assistance Program Manager and the Wellness Services Program Manager to implement the EAP and health and fitness services for their respective offices.
2. Provide oversight for each region's dissemination of program information.
3. Ensure compliance with the provisions of Management Directive (MD) 10.122.

**D. Office Directors and Supervisors at All Levels**

Ensure compliance with the provisions of MD 10.122.

#### **IV. APPLICABILITY**

- A. The policy and guidance in this directive apply to all NRC employees.
- B. Where provisions of the Collective Bargaining Agreement (CBA) between the U.S. Nuclear Regulatory Commission and the National Treasury Employees Union are in conflict with this directive, the provisions of the CBA shall govern bargaining unit employees.

#### **V. DIRECTIVE HANDBOOK**

- A. Handbook 10.122 contains information for personnel who administer, and those who use, the NRC Employee Assistance Program and Wellness Services Programs.
- B. The OCHCO Web site provides detailed guidelines on separate Web pages for the Employee Assistance Program (EAP), <http://drupal.nrc.gov/ochco/catalog/304>, and the Wellness Services Program (WSP), <http://drupal.nrc.gov/nrc/health>.

#### **VI. REFERENCES**

##### ***Code of Federal Regulations***

42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records"  
(as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended).

45 CFR Part 164, "Security and Privacy."

##### ***National Archives and Records Administration Schedule***

National Archives and Records Administration Disposition Standards for Employee Health and Safety Records:

<https://www.archives.gov/records-mgmt/grs.html>.

##### ***Nuclear Regulatory Commission Documents***

Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union.

Management Directives—

10.62, "Leave Administration."

10.130, "Safety and Occupational Health Program."

NRC's Privacy Act System of Records, NRC-14, "Employee Assistance Program Files" (80 FR 16934).

NRC's Privacy Act System of Records, NRC-43, "Employee Health Center Records" (80 FR 16956).

NRC's Privacy Act System of Records, NRC-44, "Employee Fitness Center Records" (80 FR 16957).

OCHCO's EAP Web Site:

<http://drupal.nrc.gov/ochco/catalog/304>.

OCHCO's Wellness Services Program:

<http://drupal.nrc.gov/nrc/health>.

### ***United States Code***

Alcohol and Drug Abuse Amendments of 1983 (42 U.S.C. 201 note).

Authorization for Heads of Agencies to Establish Employee Health Services Programs (5 U.S.C. 7901).

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4541 et seq.).

Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1101 et seq.).

Drug-Free Workplace Act of 1988 (41 U.S.C. 81).

Federal Employees Substance Abuse Education and Treatment Act of 1986 (5 U.S.C. 7301 note).

Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-1320d-9).

Privacy Act of 1974, as amended (5 U.S.C. 552a).

Rehabilitation Act of 1973, as amended (29 U.S.C. 791 et seq.).

Supplemental Appropriations Act of 1987 (5 U.S.C. 7301 note).

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<i>Issuing Office:</i>	Office of the Chief Human Capital Officer	
<i>Contact Name:</i>	Tracy Scott	Servicing Human Resources Specialist (names and phone numbers are listed <a href="#">here</a> )
<p><b>EXECUTIVE SUMMARY</b></p> <p>Management Directive (MD) 10.122, “Employee Assistance and Wellness Services Programs,” is revised to align with the revised record retention requirements of Employee Assistance Program (EAP) records in the National Archive and Records Administration standards.</p> <p>The Office of the Chief Human Capital Officer’s (OCHCO) Web site provides detailed guidelines on separate Web pages for the—</p> <ul style="list-style-type: none"> <li>• <a href="#">Employee Assistance Program (EAP)</a>, and</li> <li>• <a href="#">Wellness Services Program (WSP)</a>.</li> </ul>		

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**I. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**A. Purpose**

The purpose of the Employee Assistance Program (EAP) is to provide U.S. Nuclear Regulatory Commission (NRC) employees with a voluntary, confidential program to assist employees (including management) in identifying and resolving various life challenges that may affect job performance or conduct, health, and personal wellbeing to optimize the NRC’s success; as well, as to accomplish the following:

1. Assist employees in identifying and resolving personal concerns that may affect job performance or conduct, including alcohol and drug abuse, emotional distress, chronic illness, marital and family problems, childcare and elder care concerns, work-related difficulties, and legal and financial issues.
2. Provide education to managers and supervisors on NRC’s drug-free workplace and workplace threats and violence programs and assist them in managing employees whose personal problems are negatively affecting job performance or conduct, interfering with productivity, or creating a hostile or unsafe work environment.
3. Provide education to all employees on the NRC’s alcohol and drug policies, the types and effects of drugs, and the effects of drugs on performance and conduct; treatment and rehabilitation; and confidentiality issues. Provide education and information on mental health and related topics of employee interest.
4. Publicize the EAP so that all employees are aware of the services available.

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## **B. Services**

EAP services are authorized under 5 U.S.C. 7901, "Authorization for Heads of Agencies to Establish Employee Health Services Programs," and include, but are not limited to, crisis intervention and referral, counseling and referral services for a variety of problems, education on a variety of health and assistance topics, and training for managers and supervisors on handling work-related issues.

### **1. Type of Services**

- (a) Crisis intervention and referral are available through contractor personnel on a 7-day-per-week, 24-hour-a-day basis by a toll free 800 telephone number. Clients are referred to local mental health providers or other appropriate professionals.
- (b) Assessment and short-term problem resolution and/or referral is provided by in-house and contractor personnel for up to six visits per case. If the EAP assessment indicates that a problem cannot be resolved within six visits, the employee is referred to a local health provider or to his or her managed care provider for treatment.
- (c) Employee education is provided on substance abuse, mental health, and related issues by means of onsite training, lunchtime workshops and seminars, videos, health fairs, and distribution of newsletters and other written materials.
- (d) Supervisory consultation and education are provided when requested by a supervisor or manager. Services include individual meetings to deal with specific management issues and work group sessions to address a specific topic. EAP staff can provide guidance to managers on intervening with employees whose personal problems have negatively affected job performance or conduct.
- (e) Mandatory supervisory training, "Supervisory Drug Education on NRC's Drug Free Workplace Plan," will be offered on an as-needed basis. It is a basic supervisory core course for new supervisors and managers. All supervisors and managers are required to take a refresher course every 5 years. The course includes an overview of NRC's drug-free workplace policies and programs, guidelines on preventing workplace violence, education on drugs, and resources available within the agency to assist supervisors.

### **2. Eligibility for Services**

All NRC employees are eligible for services. Family members of employees may also be eligible for counseling services. All NRC managers and supervisors are eligible to use the Employee Assistance Program for supervisory consultations. See Section I.B.1(d) of this handbook for a description of supervisory consultation and education.



### 3. Accessing Services

- (a) Participation in the EAP is strictly voluntary. An employee may self-refer; may be referred by a manager, a Health Center staff member, or other agency representative; may be referred as the result of a positive drug test; or may be referred because of voluntary disclosure of illegal drug use and request for “safe harbor” under the NRC’s Drug-Free Workplace Program. An employee may request an appointment with a contract provider by the toll-free telephone service. At the headquarters office, an employee may also request to speak with an onsite counselor.
- (b) Participation in the EAP is strictly voluntary; however, the continued employment of an employee who tests positive for illegal drug use or who invokes “safe harbor” will depend on that person’s willingness to participate in the EAP and successfully complete whatever program has been recommended by the EAP.

### 4. Cost of Service and Leave Status

EAP services are free of charge to the employee; however, any treatment initiated as the result of an EAP referral is the responsibility of the employee. Employees may be granted excused absence to obtain EAP services; however, an employee who chooses to keep their participation confidential may schedule appointments before or after work hours or during lunchtime, or request sick or annual leave.

## C. Confidentiality

Confidentiality is the cornerstone of the EAP. Employee information and records are protected by Federal confidentiality regulations, Title 42 of the *Code of Federal Regulation* (CFR) Part 2, “Confidentiality of Alcohol and Drug Abuse Patient Records,” and privacy statutes. Access is limited to the EAP staff, with the following exceptions:

1. To others when directed by, and with the written consent of, the client.
2. To medical personnel to respond to a bona fide medical emergency.
3. When a client threatens imminent harm to self or others.
4. In child or elder abuse or neglect cases.
5. When authorized by appropriate court order (records cannot be subpoenaed).
6. To qualified personnel conducting scientific research or program evaluations (client identity is protected).

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## II. WELLNESS SERVICES PROGRAM

### A. Purpose

The purpose of the Wellness Services Program is to provide NRC employees with health and wellness services that address current and future needs of employees and to provide a health promotion and disease prevention strategy that contributes to the enhanced job performance and employee engagement, increased productivity, improved recruitment and retention, reduced absenteeism, and reduced incidences of preventable illness and injury.

### B. Services

Employee health services programs are authorized under 5 U.S.C. 7901, and the NRC may establish, within the limits of available appropriations, a health promotion program to promote and maintain the physical and mental fitness of employees. Therefore, the services provided are subject to change. Worksite health and wellness interventions may include, but are not limited to, onsite health and/or fitness facility, health education, nutrition services, lactation support, physical activity promotion, screenings, vaccinations, traditional occupational health and safety, social and environmental supports, disease management, and linkages to related employee services.

#### 1. Eligibility

All NRC employees are eligible to voluntarily participate in health services programs unless limited or restricted to a specific population (for example, physical examinations, if offered). NRC contractors and visitors are only eligible to receive emergency medical services in an onsite health facility (if available), and to receive lactation support services. Membership is required to use the NRC Fitness Center facilities (including the showers and group exercise rooms). NRC contractors and visitors are not eligible for NRC Fitness Center membership.

#### 2. Service Providers

Health and wellness services may be provided through a negotiated agreement with another Federal agency or contracts with qualified private or public resources for professional wellness services.

#### 3. Cost of Services and Leave Status

##### (a) Health Services

Health program services provided under the direction of the NRC and through the headquarters Health Center are provided free of charge to eligible employees, and employees may be granted excused absence for the time necessary to obtain, or participate in, the services provided under the Wellness

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Services Program, as specified in Management Directive 10.62, "Leave Administration."

(b) Fitness Services

The cost to the employee of NRC-sponsored fitness services depends on the location of the employee, the headquarters Fitness Center membership fee established at the time, the membership fee requested by regional and remote site employees for subsidization, and the availability of funds to sponsor such programs. The NRC provides a subsidy for fitness facility membership for regional and remote employees (membership dues at the headquarters fitness center is not subsidized). Unless physical fitness is a designated job requirement, employees participate in fitness programs on their own time; excused absence is not permitted.

**C. Confidentiality**

Employee information and records are confidential and protected by Federal confidentiality regulations and privacy statutes. Access to Wellness Services Program records is limited and information cannot be released without the employee's explicit consent, unless required by law.

**III. RECORDS AND REPORTS**

**A. Employee Assistance Program Records**

Records on employees who have participated in the NRC EAP are maintained in accordance with the requirements of 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," and the NRC's Privacy Act System of Records, NRC-14, "Employee Assistance Program Files."

1. Case Records

- (a) Individual case files are maintained according to the NRC's Privacy Act System of Records, NRC-14, "Employee Assistance Program Files." The system contains information on those individuals who have been counseled by or referred to the EAP; specifically, information as to the nature of the problem, subsequent treatment, and progress.
- (b) Information is maintained on paper in file folders and on computer media. It is kept in a safe, under the immediate control of the Employee Assistance Program Manager. Files are accessed by the EAP identification number and the name of the individual.
- (c) Employee Assistance Program records and case files should be retained in accordance with National Archives and Records Administration [disposition](#)

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[standards for Employee Health and Safety records](#). (Go to GRS 2.7, “Employee Health and Safety Records,” click on the PDF, and review “Employee Assistance Program Counseling Records.”)

2. Statistical Reports

Anonymous information is collected, that is, the number of employees counseled at each NRC location, the number of sessions attended, and categories of problems. This information is maintained by the Employee Assistance Program Manager and discarded when no longer needed.

**B. Wellness Services Program Records**

1. Case Records

Medical, health, and fitness records generated by the Wellness Services Program are maintained in accordance with the requirements of 45 CFR Part 164, “Security and Privacy”; the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (42 U.S.C. 1320d-1320d-9); and NRC’s Privacy Act System of Records, NRC- 43, “Employee Health Center Records,” and NRC-44, “Employee Fitness Center Records.”

2. Statistical Reports

Anonymous information and aggregate data collected and used to evaluate the program effectiveness and to prepare periodic program reports are maintained by the Wellness Services Program Manager. This information is destroyed when no longer needed.