

101 KAR 2:160. Kentucky Employee Assistance Program (KEAP).

RELATES TO: KRS 18A.030(2)(i), 18A.110(7)(I), 18A.155(1)(e)

STATUTORY AUTHORITY: KRS 18A.030(2)(I), 18A.110(7)(i), 18A.155(1)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.030(2)(i), KRS 18A.110(7)(i), and 18A.155(1)(e) requires the Secretary of Personnel to promulgate administrative regulations which govern development, operation, and enforcement of programs to improve the work effectiveness of employees in the state service, including health, welfare, counseling, and employee relations. This administrative regulation establishes requirements relating to the Kentucky Employee Assistance Program (KEAP).

Section 1. Establishment of Kentucky Employee Assistance Program. The Personnel Cabinet shall establish and administer the Kentucky Employee Assistance Program (KEAP) to coordinate employee assistance programs that exist in state agencies and to supplement them with additional services.

Section 2. Eligibility for Services.

(1) An employee whose job performance is or may be adversely affected by personal problems may initiate a request for confidential personal or family services from the Kentucky Employee Assistance Program.

(2) An employee shall obtain a Kentucky Employee Assistance Program service without discrimination or reprisal.

(3) Participation of the employee in the Kentucky Employee Assistance Program shall not preclude an agency from taking disciplinary or a corrective action as needed in dealing with job behavior or job performance problem.

Section 3. Referrals.

(1) A supervisor may extend to an employee an offer of assistance through the Kentucky Employee Assistance Program if the employee's job behavior or job performance is unacceptable or deteriorating.

(2) An employee's participation in services offered by the Kentucky Employee Assistance Program shall be voluntary and confidential.

(3) An employee shall be allowed to contact KEAP for assessment or referral on state time with the prior approval of the supervisor.

(4) A supervisor may direct the employee to provide written confirmation of participation from KEAP, which shall provide confirmation upon the employee's written consent.

(5) An employee's participation in counseling or treatment upon referral by the Kentucky Employee Assistance Program shall take place on the employee's own time or while on leave.

(6) Employee involvement in the Kentucky Employee Assistance Program shall remain confidential as permitted by state and federal law, unless the employee authorizes release of specific information to a specifically identified person.

(7) Kentucky Employee Assistance Program services shall be free of charge to an employee and the employee's family for information, assessment, or referral. The Commonwealth shall not be liable for a counseling or treatment cost incurred, except as provided through health benefits.

(15 Ky.R. 889; eff. 10-12-1988; 16 Ky.R. 1214; eff. 2-3-1990; 26 Ky.R. 412; 715; eff. 9-2-1999; 41 Ky.R. 2121; eff. 7-6-2015; Cert. eff. 4-28-2022.)