



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

6.800.3

SEPTEMBER 18, 2025

EFFECTIVE DATE

(09-18-2025)

PURPOSE

- (1) This transmits revised IRM 6.800.3, IRS Employee Assistance Program and Work-Life Referral Services, Drug Free Workplace Program, and Domestic Violence, Sexual Assault and Stalking.

MATERIAL CHANGES

- (1) IRM title revised to IRS Employee Assistance Program and Work-Life Referral Services, Drug Free Workplace Program, and Domestic Violence, Sexual Assault and Stalking.
- (2) IRM 6.800.3.1, Program Scope and Objectives: Updated as required by IRM 1.11.2 , Internal Management Document System, Internal Revenue Manual (IRM) Process.
- (3) IRM 6.800.3.1.2, Authority: Added authorities for Domestic Violence, Sexual Assault and Stalking (DVSAS) to include Presidential Memoranda, Office of Personnel Management Memorandum and Fact Sheet, and Treasury Memorandum and Policy.
- (4) IRM 6.800.3.1.6, Terms: Added terms for DVSAS including dating violence, domestic violence, economic abuse, sexual assault, stalking and technological abuse. Removes the term for administrative time.
- (5) IRM 6.800.3.1.8, Related Resources: Added related resources for DVSAS including DVSAS IRS Source webpage, IRS Source safe leave webpage, and the IRS Source webpage to report threats and assaults.
- (6) IRM 6.800.3.3.2, Work-Life Referral Services (WLRS): Removed and replaced IRM 6.800.3.9, Residential and Community Resources as it is duplicative information.
- (7) IRM 6.800.3.3.3, Orientation and Educational Services: Replaced administrative time with administrative leave and updated time and attendance (T&A) system Organization Function Program (OFP) code to 990-59720.
- (8) IRM 6.800.3.3.6, Wellness Coaching: Removed and added information to the IRS Source.
- (9) IRM 6.800.3.4, Using Administrative Leave and Other Leave for Employee Assistance Program (EAP) Counseling and Services, Paragraph (1): Updated administrative leave T&A code for EAP counseling to 990-59720.
- (10) IRM 6.800.3.5, Referrals to Employee Assistance Program (EAP): Moved from IRM 6.800.3.8 to IRM 6.800.3.5.
- (11) IRM 6.800.3.8, IRS Drug Free Workplace Program (DFWP):
 - a. Paragraph (1): Added it is the policy of the IRS that its workplace be free from the illegal use, possession or distribution of controlled substances. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. The primary goal is to ensure that illegal drug use is eliminated, and that the IRS workplace is safe, healthy, productive and secure.
 - b. Paragraph (2): Added the IRS, as a result of its tax administration responsibilities, as well as the sensitive nature of its work, has a compelling obligation to eliminate illegal drug use from the

workplace. The most effective method to combat illegal drug use is through drug educational programs for employees and drug awareness training for managers. An integral part of the IRS DFWP is the EAP.

- (12) IRM 6.800.3.9, Domestic Violence, Sexual Assault and Stalking (DVSAS): Added the DVSAS policy and outlines resources for imminent threats or active emergencies, and violence in the workplace.
- (13) IRM 6.800.3.9.1, Safe Leave: Clarified that existing IRS leave and paid time off options (i.e., “safe leave”) are available to engage in qualifying safe leave activities.
- (14) IRM 6.800.3.9.1.1, Safe Leave Requests:
 - a. Paragraph (1) and (2): Clarified leave request procedures that *safe leave* must be requested and approved in accordance with current policy. Contacting law enforcement or filing an official report can never be a condition to accessing leave. Employees’ credible statements that they need time off for qualifying purposes should generally be sufficient, but additional information may be required. Supporting information may include, but need not be limited to, a service provider’s statement, medical records or doctor’s statement, protection order, police, or court reports. Employees are not required to provide personal details in their requests for leave. However, employees are required to provide enough information in their leave requests, so their managers know which type of leave is appropriate. Refer to IRM 6.630.1.2.1 and IRM 6.630.4.5.
 - b. Paragraph (3): Reiterated employees may request sick leave, sick leave for general family care, sick leave for care of a family member with a serious health condition, advanced sick leave, or Family and Medical Leave Act (FMLA) leave through a designated IRS health services provider. Refer to IRM 6.630.1.5.4, Safeguarding Medical Information.
 - c. Paragraph (4): Reiterated if employees are unable, for reasons beyond their control, to obtain advance approval for a valid *safe leave* purpose, managers should retroactively approve an appropriate form of approved paid or unpaid leave upon their return to work, e.g., employees charged absence without leave (AWOL) as a result of DVSAS, or related forms of abuse or harassment, may substitute a form of approved paid or unpaid leave upon return to work and with managerial approval. Refer to IRM 6.630.1.1.3 (7) and the *IRS Source, Time and Attendance Corrections webpage*.
- (15) IRM 6.800.3.9.2, Workplace Flexibilities: Reiterated existing workplace flexibilities for DVSAS including alternative work schedules (AWS), telework and hardship relocation.
- (16) Exhibit 6.800.3-1, Employee Assistance Program (EAP) Records and Confidentiality: Moved from IRM 6.800.3.6 to Exhibit 6.800.3-1.
- (17) Updated OS GetServices tickets to IRS Central (IRWorks) tickets throughout.
- (18) Editorial changes are made throughout to update organization names, references, hyperlinks and terminology.

EFFECT ON OTHER DOCUMENTS

This IRM supersedes IRM 6.800.3, IRS Employee Assistance Program and Work-Life Referral Services dated July 31, 2023.

AUDIENCE

All business units

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6.800.3

IRS Employee Assistance Program and Work-Life Referral Services, Drug Free Workplace Program, and Domestic Violence, Sexual Assault and Stalking

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6.800.3.1 (09-18-2025) Program Scope and Objectives

- (1) **Purpose:** This IRM provides policy and guidance for the IRS Employee Assistance Program (EAP) and Work-Life Referral Services (WLRS), Drug Free Workplace Program (DFWP), and Domestic Violence, Sexual Assault, and Stalking (DVSAS). Read and interpret this policy in accordance with applicable laws, governmentwide regulations, Treasury Human Capital Issuance System (HCIS) Directives and other sources as appropriate.
- (2) **Audience:** Unless otherwise indicated, the policies, authorities and instructions in this IRM apply to all business units. Bargaining unit (BU) employees should review the National Agreement provisions relating to subjects in this IRM. Should any of these instructions conflict with a provision in the National Agreement (if applicable), the National Agreement prevails.
- (3) **Policy Owner:** The IRS Human Capital Officer
- (4) **Program Owner:** The Human Capital Office (HCO), Office of Human Resources Operations (OHRO), Human Resources Shared Services (HRSS)
- (5) **Primary Stakeholders:** HCO, Office of Human Resources Strategy and Transformation (OHRST), Transformation, Policy and Engagement (TPE), Policy Office (PO)
- (6) **Program Goals:** The IRS EAP and WLRS are designed to help employees deal with personal, family or job-related concerns that could interfere with performance or conduct at work. The EAP is also a key resource for employees and their immediate family members who are dealing with drug-related issues or who are victims of violence. This IRM provides Servicewide policy and guidance to all business units on the IRS EAP and WLRS, DFWP and DVSAS.

6.800.3.1.1 (09-18-2025) Background

- (1) Pursuant to *5 USC 7901*, Federal agencies have the authority to establish health services for the promotion and maintenance of the physical and mental fitness of employees in the federal government.
- (2) The IRS recognizes the importance of its employees and realizes employees may experience a wide range of issues impacting their work-life balance, families, health and wellness, or job performance. The IRS offers resources for its employees, including the EAP and WLRS. The EAP is voluntary. Employees may freely use the EAP for access to resources, confidential counseling, health coaches, and legal and financial services.
- (3) This IRM provides policy and guidance on the EAP and WLRS including available services, administrative leave and other leave for counseling and services, privacy, records and confidentiality, disclosure, referrals to EAP, and on the IRS DFWP and DVSAS.
 - a. The EAP is a formal, non-disciplinary program designed to assist clients with a variety of issues, e.g., mental, emotional, familial, financial and legal issues as well as drug and alcohol abuse or DVSAS that may adversely affect both their job performance and personal life. Assistance is provided through consultation, evaluation, counseling, and/or referral to community resources and treatment facilities.
 - b. WLRS are available to help clients find solutions to the daily challenges of personal, work and family issues. They may use work-life concierge

services to answer questions on finding childcare, housing or legal guidance, and managing financial stressors or elder care concerns.

6.800.3.1.2
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Authority

(1) **Laws:**

- *5 USC 552a*, Records maintained on individuals
- *5 USC 7361 - 7363*, Drug Abuse, Alcohol Abuse and Alcoholism
- *5 USC 7901*, Health service programs
- *5 USC 7904*, Employee assistance programs relating to drug abuse and alcohol abuse
- *21 USC 1101 - 1194*, Drug Abuse Prevention, Treatment and Rehabilitation
- *42 USC 290dd-1*, Admission of substance abusers to private and public hospitals and outpatient facilities
- *42 USC 290ee-1*, First responder training, provides authority for substance abuse programs

(2) **Public Laws:**

- *Public Law 96-180*, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979
- *Public Law 104-191*, Health Insurance Portability and Accountability Act of 1996

(3) *Executive Order 12564*, Drug-Free Federal Workplace, requires agencies to establish drug-free federal workplace programs, including an EAP as an essential element in achieving a drug-free workplace.

(4) **Presidential Memoranda:**

- *Presidential Memorandum*, Establishing Policies for Addressing Domestic Violence in the Federal Workplace
- *Presidential Memorandum*, Supporting Access to Leave for Federal Employees

(5) **Regulations:**

- 5 CFR 792, Subpart A-Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees
- 42 CFR 2, Confidentiality of Substance Use Disorder Patient Records

(6) *Office of Personnel Management (OPM) Memorandum CPM 2024-11*, Maximizing Access to Leave to Seek Safety and Recover from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Related Forms of Abuse or Harassment (Safe Leave)

(7) *OPM Fact Sheet: Time Off for Safe Leave Purposes*

(8) *OPM and Department of Health and Human Services Handbook*, The Employee Health Services Handbook's Chapter on Administering Employee Assistance Programs

(9) *Treasury Memorandum for Bureau HR Officers*, Maximizing Access to Safe Leave

(10) **Treasury Human Capital Issuance System (HCIS):**

- *TN-12-003*, Treasury Drug-Free Federal Workplace Program
- *TN-14-001*, Domestic Violence, Sexual Assault and Stalking
- *TN-25-002*, Work Schedules Hours of Duty and Work-Life Programs

6.800.3.1.3
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Roles and Responsibilities

- (1) The IRS Human Capital Officer is the executive responsible for this IRM and overall Servicewide policy for work-life and employee wellness programs.
- (2) The HCO, OHRST, TPE, PO is responsible for updating, maintaining and publishing content for this IRM.
- (3) The HCO, OHRO, HRSS, Benefits Services Division, Benefits and Health Services Center (program office) is responsible for the operation and administration of Servicewide work-life and wellness programs, including the EAP and WLRS, DFWP, and DVSAS. The program office develops materials to increase Servicewide understanding, and it collaborates with stakeholders to support education and outreach activities. In addition, the program office is responsible for:
 - a. Monitoring daily operations of the EAP, DFWP, and DVSAS,
 - b. Analyzing reports received from the external EAP service provider,
 - c. Executing the EAP contract and collaborating with the contracting officer to ensure compliance, and
 - d. Promoting wellness initiatives.
- (4) The HCO, OHRO, Labor/Employee Relations and Negotiations (LERN) provides guidance and representation to managers in areas such as grievances and corrective action (e.g., discipline, performance issues) and contractual obligations with the National Treasury Employees Union (NTEU). LERN assists managers with the complex challenges of balancing employees' needs for flexibility in their work lives with the IRS's need to accomplish its mission.

6.800.3.1.4
(09-18-2025)

Program Management and Review

- (1) The program office gauges the effectiveness of the EAP and WLRS, DFWP, and DVSAS based on feedback from customers and stakeholders and considers the impact of any statutory or regulatory changes. During review and publishing, in partnership with HCO, OHRST, TPE, PO, IRM sections are revised, added or deleted based in part on this process.
- (2) **Program Reports:** Monthly reports from the external EAP service provider are located on the program office SharePoint site.
- (3) **Program Effectiveness:** Program goals are measured using results from EAP, DFWP and DVSAS webinar event surveys, and analysis of the external EAP service provider reports.
- (4) **Reviews:** Reviews are conducted on-site or virtually at the external EAP service provider's location and selected IRS on-site counselor locations. These reviews are performed to determine program effectiveness. The review requirements are subject to revisions as EAP and WLRS parameters are amended periodically and as the IRS procedures are changed. Refer to IRM 6.800.3.1.5, Program Controls, below for more information.

6.800.3.1.5
(09-18-2025)

Program Controls

- (1) It is important to continuously assess and evaluate all work-life programs to ensure IRS programs offer the desired effects and outcomes. Assessments of these programs help leadership:
 - a. Understand how often programs are used,
 - b. Track satisfaction rates and
 - c. Make improvements where applicable.
- (2) The PO is responsible for reviewing policies to ensure conformance with applicable laws and regulations.
- (3) The program office is responsible for implementing, monitoring and improving internal controls which are programs, policies and procedures that ensure:
 - a. Program goals are established,
 - b. Performance is measured to assess efficient and effective objective accomplishment,
 - c. Programs and resources are protected against waste, fraud, abuse, mismanagement and misappropriation,
 - d. Program operations are reviewed in conformance with applicable laws and regulations,
 - e. Financial reporting is complete, current and accurate, if required, and
 - f. Reliable information is obtained and used in decision making and quality assurance.
- (4) Annual program review requirements include the program office:
 - a. Ensuring the internal controls are complete, accurate and reviewed to promote consistent program administration, and
 - b. Reviewing the usage of work-life programs to determine which programs are most widely used or least used to adjust program administration accordingly.
- (5) The following activities ensure program success:
 - a. Conducting annual policy reviews,
 - b. Publishing educational articles and other materials, and
 - c. Presenting EAP, DFWP, and DVSAS webinar events.

6.800.3.1.6
(09-18-2025)

Terms

- (1) **Administrative Leave** – Leave without a loss of or reduction in: 1) pay, 2) leave to which an employee is otherwise entitled under law, or 3) credit for time or service; and that is not authorized under any other provision of law. Refer to IRM 6.630.4, Administrative Leave, Investigative Leave, Notice Leave, and Weather and Safety Leave, and IRM 6.610.1, IRS Hours of Duty, for more information.
- (2) **Alcohol/Drug Abuse** – The excessive use of alcohol or drugs in a manner that may impair a person's physical, mental, emotional, interpersonal, occupational and economic functioning.
- (3) **Assessment** – An ongoing process or evaluation in which professional expertise and skills are exercised to collect and analyze data that, in cooperation with the client, results in identifying, defining and prioritizing the client's physical, mental, and social issues or challenges. An assessment provides for an accurate diagnosis of the client and the basis for a treatment or issue solving plan.

- (4) **Client** – An individual who is eligible to receive EAP services. A client includes the employee, a retiree or a separated employee (who meets the requirements of IRM 6.800.3.2.1 (2)), or their immediate family members.
- (5) **Community Resources** – Organizations such as treatment and rehabilitation facilities and programs that exist in the community, such as Alcoholics Anonymous and other self-help groups.
- (6) **Critical Incident** – An event, usually sudden, unexpected and potentially life-threatening, in which a person experiences a trauma or feels overwhelmed by a sense of personal vulnerability and/or lack of control. Examples include a natural disaster, serious workplace accident, a hostage situation or violence in the workplace.
- (7) **Critical Incident Debriefing** – A meeting or series of meetings held with a workgroup following a critical incident.
- (8) **Critical Incident Stress Management (CISM)** – A group of services or activities that may be used by an organization to respond to and manage a critical incident. Services include, but are not limited to, debriefs, outreach to the workforce and anniversary responses.
- (9) **Dating Violence** – Violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim and where the existence of such a relationship is determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (10) **Domestic Violence** – The use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior, including acts or threatened acts, committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, emotional, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who:
 - a. Is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim,
 - b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner,
 - c. Shares a child in common with the victim, or
 - d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- (11) **Drug Free Workplace Program (DFWP)** – The laws, regulations and policies stemming from Executive Order (EO) 12564 dated September 15, 1986, and subsequently the Drug Free Workplace Act of 1988, that ordered federal employees to refrain from using illegal drugs, whether on or off duty. It mandates that the head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace. Elements of the plan shall include:
 - a. Establishing a program to test for the use of illegal drugs by employees in sensitive positions,
 - b. Training for managers and employees, and

- c. Establishing EAPs that emphasize high-level direction, education, counseling, referral to rehabilitation and coordination with available resources.
- (12) **Economic Abuse** – Behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use or maintain economic resources to which he or she is entitled, including using coercion, fraud or manipulation to:
 - a. Restrict a person's access to money, assets, credit or financial information,
 - b. Unfairly use a person's personal economic resources, including money, assets and credit, for one's own advantage, or
 - c. Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has fiduciary duty.
- (13) **Emotional/Behavioral Issues** – Issues, such as financial, family or marital difficulties that may have an adverse impact on employee performance, conduct or reliability. For example, financial or marital difficulties, psychiatric or physical illnesses, drug and/or alcohol abuse, death of a family member, and those stemming from personal interactions with another person, such as a manager, co-worker or spouse.
- (14) **Employee Assistance Program (EAP)** – An EAP is a worksite-based program designed to assist in the identification and resolution of work-related and non-work-related issues associated with employees impaired by personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional or other personal concerns which may adversely affect their job performance.
- (15) **External EAP Service Provider** – A company external to the IRS providing EAP services on a contractual basis.
- (16) **Immediate Family Member** – Any member of the employee's immediate household who is a dependent and/or spouse/domestic partner who shares financial and family caretaking responsibilities.
- (17) **Presenting Issues** – The personal concern or issue as described by the EAP client prior to assessment by the EAP professional.
- (18) **Release of Information** – A document signed and dated by a client, giving the EAP permission to release specific information about the client, to a person outside of the EAP.
- (19) **Safe Harbor** – A self-referral option that allows any employee to step forward and identify themselves as an illegal drug user for the purpose of entering a drug treatment program under the EAP. Safe Harbor allows employees to seek rehabilitative assistance from the EAP in accordance with Executive Order 12564, Drug Free Federal Workplace, prior to being identified through other means.
- (20) **Safe Leave** – An umbrella term that captures all types of existing, authorized IRS leave and paid time off that may be used for qualifying safe leave purposes for an employee or for an employee to assist a family member.

- (21) **Session** – A meeting between an EAP counselor and client, usually lasting 45 to 60 minutes.
- (22) **Sexual Assault** – Any nonconsensual sexual act, completed or attempted, or abusive sexual contact, including when the victim lacks capacity to consent.
- (23) **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for one’s safety or the safety of others or
 - b. Suffer substantial emotional distress.

Stalking conduct may include, but is not limited to, following, spying on or waiting for the victim in places such as home, school, work or recreation place; leaving unwanted items, presents or flowers for the victim; and making direct or indirect threats to harm the victim, the victim’s children, relatives, friends, pets or property. Stalking may occur through use of technology, including but not limited to email, telephone, voicemail, text messaging, and use of GPS and social networking sites.
- (24) **Technological Abuse** – An act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
- (25) **Work-life** – Consists of practices, policies and programs that support the efforts of everyone in the workforce to achieve success at work and at home.

6.800.3.1.7
(09-18-2025)
Acronyms

- (1) This table lists commonly used acronyms and their definitions:

Acronym	Definition
BU	Bargaining Unit
CISM	Critical Incident Stress Management
DFWP	Drug Free Workplace Program
DVSAS	Domestic Violence, Sexual Assault and Stalking
EAP	Employee Assistance Program
FECA	Federal Employees’ Compensation Act
FEHB	Federal Employees Health Benefits
FLSA	Fair Labor Standards Act
HCIS	Human Capital Issuance System

Acronym	Definition
HCO	Human Capital Office
HIPAA	Health Insurance Portability and Accountability Act
HRSS	Human Resources Shared Services
IRM	Internal Revenue Manual
LERN	Labor/Employee Relations and Negotiations
OFP Code	Organization Function Program Code
OHRO	Office of Human Resources Operations
OHRST	Office of Human Resources Strategy and Transformation
OPM	Office of Personnel Management
PO	Policy Office
PGLD	Privacy, Governmental Liaison and Disclosure
RIF	Reduction In Force
SAMC	Situational Awareness Management Center
SBU	Sensitive But Unclassified
T&A	Time and Attendance
TPE	Transformation, Policy and Engagement
WLRS	Work-Life Referral Services

6.800.3.1.8
(09-18-2025)

Related Resources

- (1) *The IRS Source, EAP webpage*
- (2) *The EAP SharePoint webpage*
- (3) *The IRS Source, EAP and WLRS Program contacts, including Law Enforcement Employee Access and Access Numbers for Overseas Employees*
- (4) *The Office of Personnel Management Federal Employee Assistance Programs: Guiding Principles, Framework and Definitions*
- (5) *The IRS Source, DFWP webpage*
- (6) *The IRS DFWP Plan*
- (7) *The IRS Source, DVSAS webpage*
- (8) *The IRS Source, Safe Leave webpage*
- (9) *The IRS Source, Report Threats and Assaults*

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6.800.3.2 (09-18-2025) **Employee Assistance Program (EAP) and Work-Life Referral Services (WLRS) Overview**

- (1) The IRS EAP and WLRS are short-term counseling and referral services that help employees and their immediate family members (clients) identify, assess and solve a variety of issues such as mental health, emotional, family, financial, elder and dependent care, and legal difficulties.
- (2) EAP consultants are highly trained masters and doctoral-level clinicians.
- (3) EAP provides clients with a maximum of four free one-hour counseling sessions per issue, per calendar year. For example, they may receive four sessions for grief and another four sessions for stress per calendar year. Refer to IRM 6.800.3.2.2 (1) for more information. When counseling is required beyond the number of sessions originally provided, a referral to the employee's Federal Employees Health Benefit (FEHB) plan or additional community resources will be provided.
- (4) Participation in the EAP and WLRS is voluntary and strictly confidential.
 - a. The confidentiality of all employees and managers in consults and de-briefings will be adhered to as required under the Privacy Act, Health Insurance Portability and Accountability Act (HIPAA), and Disclosure Laws.
 - b. Client information may not be released to anyone without the client's prior written consent, except as required by law.
- (5) Employees have the right to participate in the EAP and WLRS without fear of retaliation or adverse action. For example, participation will not jeopardize employees' job security or promotional opportunities.
- (6) Employees can contact the EAP directly. Contact information is found on the *IRS Source, EAP webpage*.

6.800.3.2.1 (07-31-2023) **Client Eligibility**

- (1) All IRS employees and their immediate family members (members of the immediate household who are dependents and/or spouses/domestic partners who share financial and family caretaking responsibilities) are eligible for the IRS EAP and WLRS.
- (2) IRS employees who separate (e.g., retirement, voluntary separation, involuntary separation) from the IRS are also eligible for six months of coverage from the date of separation. EAP and WLRS can offer additional assistance when employees separate because of agency technology, restructuring and workforce initiatives.

6.800.3.2.2 (09-18-2025) **Cost**

- (1) EAP:
 - a. Clients are entitled to a maximum of four free one-hour counseling sessions per calendar year for each presenting issue (e.g., four sessions for grief and four sessions for stress per calendar year).
 - b. If further counseling is needed after the four-session EAP limit, EAP counselors will assist clients in arranging assistance through their own health insurance plan or other community resources.
 - c. When clients use these referrals, they are responsible for paying for related services. Refer to IRM 6.800.3.2.2 (2) below.

(2) WLRS:

- a. The EAP will make referrals, when appropriate, of clients to outside community services, professional resources or their FEHB plan for treatment and/or rehabilitation.
- b. When clients accept these referrals, they are responsible for the fees charged by the facility and/or health plan.
- c. For illness or injury directly resulting from employment and compensable under the Federal Employees' Compensation Act (FECA), refer to IRM 6.800.1, Workers' Compensation Program.

6.800.3.3
(09-18-2025)
Available Services

- (1) The EAP provides telephonic, virtual or in-person clinical services.
- (2) WLRS help to find solutions to the daily challenges of personal, work and family life through consultation and referral to local and community resources.
- (3) Management may utilize the EAP services to assist employees who may need guidance in handling personal concerns and to help with organizational issues that may be affecting the mental health of employees.

6.800.3.3.1
(09-18-2025)
**Employee Assistance
Program (EAP) Services**

- (1) The EAP is available to clients 24 hours per day, 7 days per week, 365 days per year.
- (2) Clients may meet in person with a counselor (if at a campus) or in their community, over the telephone, or virtually. Virtual or telephonic sessions may be conducted from home or an alternate location, or the office (where appropriate for privacy).
- (3) The EAP can help address a variety of concerns, e.g.:
 - Marital and family conflicts,
 - Career transitions or job pressures,
 - Grief and loss,
 - Anxiety and stress,
 - Drug or alcohol abuse,
 - Physical or emotional abuse,
 - Major life changes, or
 - Depression.

6.800.3.3.1.1
(09-18-2025)
Changing Counselors

- (1) If a client is dissatisfied with the professional counseling received, they have the option to see another counselor (at no additional cost or loss of counseling sessions) until the EAP service is provided satisfactorily.
- (2) Clients are referred to the same counselor for each session unless otherwise requested by the client.

6.800.3.3.1.2
(09-18-2025)
**Management
Consultation Services**

- (1) Managers who have concerns about a specific employee or employees whose conduct or personal issues are affecting their performance, and the work group performance, can call the EAP to request a management consultation.
- (2) Specially trained consultants can:
 - a. Coach managers on how to refer their employees, who are experiencing issues, to the EAP, or

- b. Provide expert advice to leaders, managers, human resources and/or union representatives regarding managing potential or actual performance and conduct concerns.

6.800.3.3.2
(09-18-2025)
**Work-Life Referral
Services (WLRS)**

- (1) WLRS help clients find solutions to the daily challenges of personal, work and family life. The program provides information and referrals to assist with life events of all kinds. For concerns ranging from workplace stress to caring for a young child or an elderly relative, clients have access to a wide variety of resources to help manage their work-life balance.
- (2) Work-life consultants address a variety of concerns, including family issues, such as:
 - Child and elder care,
 - Purchasing a car,
 - Repairing a home,
 - Planning an event,
 - Understanding Medicare,
 - Moving/relocation, or
 - Locating pet care.
- (3) Confidential access to legal professionals dedicated to providing practical, understandable information is available to assist clients in resolving legal issues, including:
 - Divorce and adoptions,
 - Bankruptcy,
 - Debt obligations,
 - Real estate transactions, or
 - Wills and trusts.
- (4) Financial professionals are also available to discuss concerns and provide clients with the tools and information needed to meet financial goals. Clients may consult with financial specialists about personal money management questions and receive the information needed to make the best decisions on issues, such as:
 - Mortgages and insurance,
 - Getting out of debt,
 - Retirement planning, or
 - Taxes.
- (5) Employees can find expert information, resources and referrals on behavioral health, dependent care, and legal or financial matters on the external EAP service provider's website that is posted on the *IRS Source, EAP webpage*.

6.800.3.3.3
(09-18-2025)
**Orientation and
Educational Services**

- (1) The program office in partnership with the external EAP service provider offer formal and informal orientation and educational services (e.g., employee orientations, webinars, workshops, brown bag lunches, support groups, manager training, union briefings, and wellness and educational sessions) that encourage referral to the program. Specific options include:

- a. Orientation sessions to introduce employees to the EAP and its services.
- b. Manager training sessions to provide knowledge on how to use EAP services and how to use the critical incident and referral services for job performance issues. Management training is also provided in response to work setting changes—change management, redeployment, workplace stressors—by request of managers for their work groups.
- c. Sessions to help employees identify issues and see resolution through referral to EAP, including:
 - Webinars that provide information on specific topics, e.g., dealing with stress, conflict resolution, managing change, diet or exercise.
 - Education and counseling to employees in partnership with the IRS Tobacco Cessation Program.
 - Drug-free workplace training/education for employees and managers in partnership with the IRS DFWP.

Note: Employees should coordinate participation during business hours with their managers and management may allow administrative leave for employees to attend. Time for this purpose is posted to time and attendance (T&A) system OFP code 990-59720, Employee Assistance Program.

6.800.3.3.4
(09-18-2025)
**Critical Incident Stress
Management (CISM)
Services**

- (1) Critical Incident Stress Management (CISM) services are available to work groups affected by a critical incident. Examples of critical incidents include deaths, serious injuries, incidents involving children or coworkers, personal assaults, or workplace accidents.
- (2) Call 911 and the nearest available law enforcement/security for imminent threats or active emergencies. Instructions to report incidents to the Situational Awareness Management Center (SAMC) and for managers to report the death of an employee can be found on the *IRS Source, EAP, Critical Situations in the Workplace webpage*.
- (3) EAP specialists help managers develop an action plan to respond to a specific incident. This can include on-site critical incident debriefings as well as counseling services. Managers should contact the EAP directly to arrange for CISM services. Contact information is found on the *IRS Source, EAP, Critical Situations in the Workplace webpage*.
- (4) For less urgent matters (e.g., counseling post-CISM incident), managers may contact the EAP directly or they may submit an IRS Service Central (IRWorks) ticket by following the instructions located on the *IRS Source, EAP webpage*.

6.800.3.3.5
(09-18-2025)
**Transition Counseling
Services**

- (1) EAP transition counseling services provide support to employees impacted by reduction in force (RIF), technology and organizational changes.
- (2) Transition counselors are available for formal meetings/briefings to assist managers and employees as needed. Managers may request transition counseling services by contacting the EAP directly.

6.800.3.4

(09-18-2025)

Using Administrative Leave and Other Leave for Employee Assistance Program (EAP) Counseling and Services

- (1) Employees may be granted up to four, one-hour sessions, plus travel time, per calendar year to meet with an EAP counselor. This administrative leave is posted to T&A system OFP code 990-59720, Employee Assistance Program.
- (2) Managers may request, with the employee's written permission, proof of attendance at the counseling session. Confirmation of attendance will be provided by the EAP according to applicable confidentiality procedures.
- (3) Employees must coordinate the scheduling of an appointment during duty hours with their manager.
- (4) Employees who do not want their managers to know of their attendance must arrange appointments outside official duty hours or may request to use personal leave or other paid time off (e.g., previously earned credit hours, compensatory time off).
- (5) During any period(s) of treatment and rehabilitation through an outside resource, employees may request to use sick leave, annual leave, advanced leave, leave without pay (LWOP), other paid time off, Family and Medical Leave Act (FMLA) leave or leave under the Leave Sharing Program in accordance with applicable law, rules and regulations.
- (6) Employees undergoing prescribed programs or treatments may request to use sick leave on the same basis as any other illness when absence from work is necessary.
- (7) Refer to IRM 6.610.1, IRS Hours of Duty, for more information on administrative leave and credit hours. Additionally refer to IRM 6.630.1, Absence and Leave, and IRM 6.550.2, Premium Pay Under Title 5 and the Fair Labor Standards Act (FLSA) and Compensatory Time Off for Travel, for more information on leave and compensatory time off.

6.800.3.5

(09-18-2025)

Referrals to Employee Assistance Program (EAP)

- (1) **Self-Referrals:** Referrals to the EAP that occur at the employee's own initiative. The employee may voluntarily seek EAP assistance or seek EAP assistance at the recommendation of another, e.g., union representative, co-worker, friend, family member or nurse. When an employee self-refers, no one is notified of the employee's participation in the EAP, unless the employee requests that a third party be notified.
- (2) **Management Referrals:** Referrals to the EAP that are initiated by an employee's manager because of performance or conduct concerns. Such referrals can be oral or in writing and are not considered disciplinary actions.
 - a. If a manager observes certain patterns of behavior and/or work performance issues or has some other reason to believe that the EAP could provide needed assistance to an employee, they may recommend EAP services to the employee.
 - b. The manager should not attempt to diagnose the perceived issue or counsel the employee on personal issues. Managers should support the use of the EAP by their employees. The EAP counselor is better equipped to help an employee who is experiencing personal issues. The

employee has the option to refuse the referral, and the employee cannot be disciplined for lack of participation in EAP services, on the basis of personal issues.

- (3) **Mandatory Referral:** A mandatory referral to the EAP by the manager for an employee with a positive drug test or who is identified as using drugs in accordance with Executive Order 12564, Drug Free Federal Workplace. Refer to IRM 6.800.3.8.1, Referral and Availability for more information.
- (4) **Referrals from Others:** Interested parties, including but not limited to union representatives, employee health unit representatives, and human resource staff, may also refer employees to the EAP. They will be informed that written consent must be obtained from a referred employee before EAP will proceed with the referral.

6.800.3.6
(09-18-2025)
Privacy

- (1) The Privacy Act of 1974 (5 USC 552a) covers all EAP records. In addition, EAP records of clients with alcohol and drug issues are protected further by 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.

Note: For Privacy Act guidance, refer to IRM 10.5.6, Privacy and Information Protection, Privacy Act.

- (2) To protect employee privacy, EAP contracts must include the required sensitive but unclassified (SBU) data clauses. For more information, refer to IRM 10.5.1.4.7, Personnel in Contract Activities and the *PGLD contractor compliance webpage*.
- (3) EAP counselors must provide clients with a written notice concerning the confidential nature of EAP records along with the conditions when information discussed in counseling may be disclosed.
- (4) Depending on the location of the counseling site and the professional background of the EAP counselor, the EAP records may also be protected by state and professional licensing/credentialing laws and regulations. Generally, these laws and regulations prohibit EAP staff from sharing any information about clients to anyone outside of the EAP, without the specific written consent of the client.

Note: For more information about Privacy Act consent, refer to IRM 10.5.6, Privacy and Information, Privacy Act and the *PGLD Privacy Act consent webpage*.

- (5) Employee participation in the EAP is confidential and strictly voluntary. Generally, the counselor cannot discuss any information with third parties because that information is covered by the Privacy Act. However, if a manager or union steward recommends an employee seek EAP assistance, then, with the employee's written consent, the manager or union steward can be notified whether the employee attended the session and may request an assessment of how much work time will be needed for continuing counseling or rehabilitation.

6.800.3.7
(07-31-2023)
Disclosure

- (1) Employees who use EAP services are informed about disclosure policies and procedures by the external EAP service provider.

- 6.800.3.7.1
(09-18-2025)
Disclosure With Consent
- (1) Except when disclosure without consent is allowed (refer to IRM 6.800.3.7.2), the client's written consent must be obtained before any release of information can be made. This applies to all releases, including those to managers, treatment facilities and family members, without regard to the type of issue the individual is experiencing. Employees should use Form 15293, Consent for Disclosure of Non-Tax IRS Records Protected Under the Privacy Act, to authorize the EAP to disclose information. In section III of the form, employees may include other personal information to be disclosed, including date of initial appointment, treatment recommendations, compliance/non-compliance with recommendations, and completion of treatment recommendations.
 - (2) There are also times when the EAP must obtain confidential information from other sources. Use Form 15293, Consent for Disclosure of Non-Tax IRS Records Protected Under the Privacy Act, to authorize a person or organization to disclose confidential information to the EAP.
- 6.800.3.7.2
(07-31-2023)
Disclosure Without Consent
- (1) Disclosure without consent is only permissible in a few specific instances, such as:
 - a. To medical personnel in a medical emergency,
 - b. In response to an order of a court of competent jurisdiction or
 - c. To comply with *Executive Order 12564*, Drug Free Federal Workplace.
- 6.800.3.7.3
(09-18-2025)
Disclosure Not Covered by Federal Laws and Regulations
- (1) In certain situations, information provided to the EAP is not protected by the confidentiality regulations and policies and, due to the nature of the information, must be reported to the appropriate authorities. The situations are:
 - a. Under 42 CFR 2.12, the EAP is required by law to report incidents of suspected child abuse and neglect (in some states, elder and spouse abuse) to the appropriate state and local authorities. These disclosures are limited to information about the abuse.
 - b. If the client commits or threatens to commit a crime that would physically harm someone or cause substantial property damage, disclosures may be made to appropriate persons, such as law enforcement authorities.
- 6.800.3.7.4
(09-18-2025)
Releases of Information to and from Managers
- (1) In some cases, employees are referred to the EAP by managers because of work performance and/or conduct issues. Except as discussed above, no information will be released to managers without the employee's written consent, regardless of the nature of the referral.
 - (2) Employees are not compelled to release personal and/or health information to managers. When they choose to do so, they will sign a consent form allowing the release of such information. When consent is given to disclose the information to managers, the EAP will usually limit its discussion to:
 - a. Date of the initial appointment,
 - b. Treatment recommendations,
 - c. Compliance or non-compliance with recommendations,
 - d. Completion of treatment recommendations, and
 - e. Other information, as needed (if other information is being requested, it must be specified).

- (3) There may be instances when an employee may wish to sign a release of information, e.g., when an employee is seeking accommodation for a certain physical or emotional issue or as part of a last chance agreement (an agreement that gives employees a final chance to be retained in service). Refer to IRM 6.752.1, Non-disciplinary, Disciplinary, and Adverse Actions, for more information. Another example might be when an employee is involved in a potential disciplinary situation and wishes to demonstrate their sincerity in seeking assistance with the issue.

6.800.3.7.5
(07-31-2023)
Releases of Information to Human Capital Offices, Labor Relations Staff, Union Representatives and Other Programs and Organizations Who Work with the Employee Assistance Program (EAP)

- (1) As with all other releases of information, the EAP requires the employee's written consent to share any information with other programs or organizations including human resources, labor relations and union representatives.

6.800.3.7.6
(07-31-2023)
Secondary Disclosure

- (1) Any information disclosed with the employee's consent must be accompanied by a statement from the external EAP service provider that prohibits further disclosure, unless the consent expressly permits further disclosures. It shall be attached to any written information released or sent separately if the information was released orally.

6.800.3.8
(09-18-2025)
IRS Drug Free Workplace Program (DFWP)

- (1) It is the policy of the IRS that its workplace be free from the illegal use, possession or distribution of controlled substances. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. The primary goal is to ensure that illegal drug use is eliminated, and that the IRS workplace is safe, healthy, productive and secure.
- (2) The IRS, as a result of its tax administration responsibilities, as well as the sensitive nature of its work, has a compelling obligation to eliminate illegal drug use from the workplace. The most effective method to combat illegal drug use is through drug educational programs for employees and drug awareness training for managers. An integral part of the IRS DFWP is the EAP.
- (3) The DFWP was established in response to *Executive Order 12564*, Drug Free Federal Workplace and its implementing legislation. The program is intended to assist employees with concerns related to drug abuse as well as help assure that the IRS maintains an environment free of drugs. The IRS developed the *DFWP Plan* to set forth the objectives, policies and procedures for implementation and operation of the program. The EAP was given several responsibilities in the *IRS DFWP Plan*. They are:
 - a. To assist managers in dealing with the consequences of their employees' illegal drug use, and
 - b. To assist employees in their efforts to overcome current drug use and refrain from future use. The EAP will provide its regular services in response to these objectives.

- (4) In partnership with the DFWP, the EAP provides on-going drug education.

6.800.3.8.1
(09-18-2025)
Referral and Availability

- (1) Any employee identified to be using illegal drugs or with a positive drug test must be referred to the EAP by the manager in accordance with *Executive Order 12564*, Drug Free Federal Workplace. This type of referral is in writing in a memo addressed to the EAP. The referral memo is sent to the DFWP Program Office to forward to the external EAP service provider and counselor. While this referral to the EAP is mandatory, there is no authority or requirement to compel an employee to partake of EAP services, which are voluntary. Failure to do so, however, may have consequences for the employee. Employees use the IRS DFWP Authorization Form to authorize the EAP to disclose information. This form is provided to the employee's manager from the DFWP.
- (2) The EAP is administered separately from the drug testing program and is available to all employees without regard to a finding of drug use. The EAP provides counseling or referral for rehabilitation, as well as education and training regarding illegal drug use. The EAP is available to employees and their immediate family members who have drug issues.

6.800.3.8.2
(09-18-2025)
Assistance with Safe Harbor Provisions

- (1) Employees may also self-identify as illegal drug users to management under the Safe Harbor provision in the *IRS DFWP Plan*. This provision protects employees from disciplinary actions that may otherwise be taken against employees found to be using drugs illegally. These employees must:
- Voluntarily admit their drug use before being identified through other means,
 - Complete counseling/rehabilitation as determined and monitored by the EAP (or other counseling/rehabilitation entity),
 - Agree to random follow-up drug testing, and
 - Not use drugs again.
- (2) The Safe Harbor provision cannot protect employees from disciplinary actions or random testing if they refuse to notify their managers that they are seeking help for their drug issues. It also cannot protect employees who have been found to use drugs illegally a second time.

6.800.3.8.3
(09-18-2025)
Relationship with Drug Testing Provisions

- (1) The EAP is not responsible for the implementation or operation of the drug testing program but will provide counseling and assistance in dealing with drug issues. For more information regarding drug testing, refer to the *DFWP IRS Source webpage*.

6.800.3.9
(09-18-2025)
Domestic Violence, Sexual Assault and Stalking (DVSAS)

- (1) The IRS is committed to supporting employees and their family members, including those whose personal safety is threatened due to DVSAS and related forms of abuse or harassment. The IRS strongly supports the promotion of safe, healthy and thriving environments for all – whether at home, in school, online or in the workplace.
- (2) For DVSAS resulting in:

- a. Imminent threats or active emergencies – Call 911 and the nearest available law enforcement/security. Instructions to report incidents to the SAMC can be found on the *IRS Source, EAP, Critical Situations in the Workplace webpage*.
 - b. Violence in the workplace – Refer to the *IRS Source, Report Threats and Assaults webpage*.
- (3) The IRS partners with the EAP to provide support and resources to employees and their immediate family members requesting assistance related to *DVSAS*, and dating violence or related forms of abuse or harassment (including economic abuse or other forms of technological abuse). The EAP provides counseling and referrals to community or medical resources, programs for children, education and training on managing stress, communicating at work and other topics, and CISM services (refer to IRM 6.800.3.3.4 above). The EAP is a valuable resource for traumatic events such as domestic violence.

6.800.3.9.1
(09-18-2025)
Safe Leave

- (1) The IRS is committed to protecting the safety of its employees and supporting them as they go about rebuilding their lives after abusive or harassing events. Employees threatened by *DVSAS* or related forms of abuse or harassment may request “*safe leave*” (i.e., existing IRS leave and paid time-off options) to engage in qualifying activities, for themselves or to assist a family member such as the following:
- a. Seeking medical treatment, including seeking mental health services such as counseling or therapy,
 - b. Securing housing or relocating,
 - c. Obtaining services from organizations or groups that provide services for survivors of *DVSAS*, image-based abuse or human trafficking,
 - d. Participating in safety planning or taking other actions to increase safety,
 - e. Attending court to obtain a protective order, participate in child custody proceedings, or obtain legal or other victim services, or
 - f. Otherwise dealing with the consequences of abusive behavior (for example, arranging for childcare, enrolling a family member in a new school due to relocation).
- (2) *Safe leave* includes:
- a. Annual leave, advanced annual leave,
 - b. Sick leave, sick leave for general family care, sick leave for care of a family member with a serious health condition, advanced sick leave,
 - c. Earned compensatory time off, compensatory time off for travel, earned credit hours or time-off award hours,
 - d. FMLA leave,
 - e. LWOP,
 - f. Voluntary leave transfer or leave bank programs, or
 - g. Weather and safety leave.

6.800.3.9.1.1
(09-18-2025)
Safe Leave Requests

- (1) *Safe leave* must be requested and approved in accordance with IRM 6.610.1, IRS Hours of Duty; IRM 6.630.1, Absence and Leave; IRM 6.630.4.5, Weather and Safety Leave; IRM 6.550.2, Premium Pay Under Title 5 and the Fair Labor Standards Act (FLSA) and for BU employees, Articles 23, 24, 32-34, 36, and 50 of the National Agreement.
- (2) Contacting law enforcement or filing an official report can never be a condition to accessing leave. Employees’ credible statements that they need time off for

a qualifying *safe leave* purpose should generally be sufficient, but additional information may be required. Supporting information may include, but need not be limited to, a service provider's statement, medical records or doctor's statement, protection order, police or court reports. Employees are not required to provide personal details in their requests for leave. However, employees are required to provide enough information in their leave requests, so their managers know which type of leave is appropriate. Refer to IRM 6.630.1.2.1 and IRM 6.630.4.5.

- (3) Employees may request sick leave, sick leave for general family care, sick leave for care of a family member with a serious health condition, advanced sick leave, or FMLA leave through a designated IRS health services provider. Refer to IRM 6.630.1.5.4, Safeguarding Medical Information.
- (4) If employees are unable, for reasons beyond their control, to obtain advanced approval for an absence for a valid *safe leave* purpose, managers should retroactively approve an appropriate form of approved paid or unpaid leave upon their return to work; e.g., employees charged absence without leave (AWOL) as a result of *DVSAS* or related forms of abuse or harassment, may substitute a form of approved paid or unpaid leave upon return to work and with managerial approval. Refer to IRM 6.630.1.1.3 (7) and the *IRS Source, Time and Attendance Corrections webpage*.

6.800.3.9.2
(09-18-2025)
Workplace Flexibilities

- (1) Employees may request a new or change to their alternative work schedule (AWS). Refer to IRM 6.610.1, IRS Hours of Duty, for AWS options, eligibility and request procedures. BU employees should refer to Article 23 of the National Agreement.
- (2) In certain cases, telework can be a key part of a safety plan. Refer to IRM 6.800.2, IRS Telework Program, and for BU employees, Article 50 of the National Agreement for more information.
- (3) An assignment to place an employee in a different official duty station (post of duty), to ensure their safety, may also be considered. Refer to the *IRS Source Hardship Program webpage*.

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IRS Employee Assistance Program and Work-Life Referral Services, Drug Free Workplace Program, and Domestic Violence, Sexual Assault and Stalking 6.800.3

page 21

Exhibit 6.800.3-1 (09-18-2025)

Employee Assistance Program (EAP) Records and Confidentiality

All records of the EAP, whether written, oral or electronic are covered by this policy. This applies to records generated and/or maintained by the IRS employees who are EAP staff or external EAP provider staff.

The external EAP service provider is responsible for maintaining confidential records on clients and these records must be maintained in a secure system.

Note: To protect employee privacy and confidentiality, EAP contracts must include the required SBU data clauses. For more information, refer to IRM 10.5.1.4.7, Personnel in Contract Activities.

Only those individuals working directly with the program's clients have access to EAP client records. Additionally, designated persons in the IRS (e.g., program office) may have access to the records for the purposes of:

- a. Destroying EAP records at the end of their period of maintenance and
- b. Transferring EAP records from one external EAP service provider to another.

The external EAP service provider is the custodian of EAP records while under contract with the IRS. All EAP records are the property of the IRS, including those generated and/or maintained by the external EAP service provider. At the completion of any contract, EAP records still in existence will be surrendered by the external EAP service provider to designated persons in the IRS (the program office) or will be transferred to another external EAP service provider with express permission and instruction from the IRS staff responsible for the records.

The laws and regulations governing the EAP should not be construed to authorize any violation of state law, if state law has greater restrictions than these regulations. Also, no state law may either authorize or compel any disclosures prohibited by these regulations.

Confidentiality safeguards for records stored electronically must be maintained. EAP data systems shall be protected from entry by anyone outside the EAP. External EAP service providers must ensure the security, privacy and confidentiality of all electronic protected health information as required by law (Privacy Act and HIPAA).

Records are retained for three years after the employee has ceased contact with the EAP, whether or not the employee has terminated employment with the IRS. Records may be kept longer if required by the State where the records are kept or until any litigation involving the employee is resolved. When applicable, external EAP service provider staff may retain records past this period, for as long as required by any relevant state statutes of limitation. All EAP files shall be destroyed after the required period of maintenance.

