



## **BEHAVIORAL HEALTH SYSTEMS**

Behavioral Healthcare Programs for Business & Industry Since 1989

**BHS Employee Assistance Program**

# **Supervisor's Resource Guide:**

## **How to Use the EAP**

## Recognizing and Responding to the Troubled Employee

Managing employees who have personal problems or personal issues affecting their work performance may be one of the greatest challenges you will face in your management career. You, as the supervisor, are the one who must handle work performance problems – absenteeism, mistakes, conflicts and deteriorating performance.

It is essential that you be proactive to effectively resolve the situation with a troubled employee. Being proactive may help your company avoid costly terminations and legal consequences. Intervening at a crucial time may successfully guide the employee to job improvement. You may be the individual most able to successfully intervene with a troubled employee and motivate changes in behavior.

By providing an Employee Assistance Program (EAP), your company offers an opportunity to help troubled employees. This handbook summarizes how to use the EAP to everyone's advantage.

## Performance Problems

Personal and work related issues may result in performance problems. Regardless of the underlying issues, as a supervisor, your focus must be on the employee's work. You have a right to expect good performance and to give good feedback. You also have an obligation to promote a safe workplace, to get the job done and ensure high quality work.

It is important to note the difference between a troubled employee and a difficult employee. A troubled employee has performed at acceptable levels in the past while a difficult employee has never shown competency in the requirements of the job.

Troubled employees are often unable to resolve their personal problems on their own. In fact, many personal problems, such as addictions, become worse over time. Early intervention is key.

As a supervisor, it is important for you to understand that continued performance-related issues will result from one of two underlying problem areas:

### Personal problems

- Marriage & Family
- Financial
- Stress
- Emotional Problems
- Substance Abuse

### Work-related problems

- Conflict with others
- Changes in job duties, hours, etc.
- Lack of understanding expectations
- Inability to advance
- Fear of layoffs, mergers, etc.

It is *never* the supervisor's role to diagnose or determine the employee's specific personal problem. Instead, explore the possibility of work-related problems. Determine if the poor performance can be eliminated by additional training, equipment or by clarifying policies and/or assignments. If employee performance improves after such changes, the problem is most likely work-related and not personal. If it does not, the problem may stem from personal issues.

### Avoid Diagnosing

*Avoid statements such as, "I believe your drinking / family problems / anxiety disorder is causing you to miss work / behave inappropriately", etc.*

Regardless of the underlying reason, you should remain focused on the changes in performance and the documentation of those changes. Acceptable levels of performance should always be clearly defined to employees. Employees should know consequences for unacceptable behaviors. One important point is to be as consistent as possible with documentation of performance. Make sure you document performance problems of *all* employees and not just some.

The responsibilities of the supervisor, at all levels, do not include solving employee's personal problems but ensuring a safe work environment, high productivity, and high quality work.

### **Performance Problems May Include:**

- Excessive tardiness or absences
- Poor quality work; increased errors
- Irritability; emotional outbursts
- Inability to concentrate
- Incomplete tasks or assignments
- Defensiveness or over sensitivity about job performance

## **Recognizing Warning Signs**

Warning signs are indicators that there may be a problem. Warning signs indicate the need to look more closely at a situation to determine if further action is warranted. Look for patterns of any major changes which may signal that an employee is in trouble. Major changes in personal appearance, attitude or behavior should warrant further investigation. A reduction in job efficiency or productivity should be addressed immediately, before discipline is necessary. A change in personal relationships, failure to communicate or becoming overly defensive is also warning signs that an employee may be in trouble. Substance abuse or serious mental illness, such as psychosis or depression, may also contribute to the employee experiencing problems in the workplace.

The most predictive sign of potential violence is a history of violent behavior. However, because someone has never been violent does not mean they will never become violent. Serious stress in the employee's life increases the risk of inappropriate or violent behavior. Be aware that employees who seem more anxious or agitated than usual may not react in their usual manner. An individual

with an unusual interest in or preoccupation with weapons should be observed for other warning signs.

Supervisors should take notice of changes in *patterns* of behavior. For example, if an employee who is usually very talkative is quiet for one day, you may want to inquire as to the employee's well-being; however this brief change does not necessarily indicate that a problem exists. On the other hand, if the employee continues to be withdrawn, or is withdrawn on specific days or at specific times, this pattern of behavior should be noted. In general, troubled employees will show *continued* increases in some behavior (e.g., absenteeism, tardiness, and accidents), while at the same time showing *continued* decreases in others (e.g., efficiency, quality of work and productivity). It is these types of work related patterns that should be documented.

*Note: An observable behavior is a description of a person's action(s) that can be seen or heard by another.*

## Preparing to Give Feedback

Confronting an employee about job performance problems should be done in private. Only involved supervisors and the employee should be present, unless otherwise specified by the employee's contract, such as with unionized environments. Do not initiate a confrontive talk when you are upset, frustrated or angry. Avoid periods when the employee is upset, if possible. You may prefer not to give notice of the meeting.

Never begin a meeting by attacking or criticizing. Begin by sharing how the employee has been a responsible, productive employee in the past. When discussing the inappropriate behavior or performance of the employee, rely on your written documentation. Be clear, concise, and specific in your documentation. Include the date, time and details of the event. Include the names of any witnesses. Check with your Human Resources department to determine if a statement from witnesses is necessary.

The more specifically the observed behavior or action is described the less disagreement and ambiguity there will be when discussing it with the employee.

Record notes as if you observed a video of the event without inserting judgments or diagnosis.

Allow the employee an opportunity to explain. Ask what needs to happen for performance to improve rather than why performance has declined. Do not speculate about the existence or impact of personal problems. If the employee offers personal problems as the reason for declining performance, remain focused on performance. Encourage the employee to seek assistance from the EAP while stating clearly that performance must improve. Remind the employee that you will not know if he/she utilized the EAP and, regardless of his/her decision to participate, there will be accountable for performance on the job.

If an employee admits a performance problem and needs help, determine an action plan. Set an appropriate time frame for performance to improve. Schedule a meeting with the employee to review his/her performance. Preferably, this follow-up is within ten to thirty days.

If performance problems continue, further action may involve progressive discipline or a supervisory referral to EAP.

## Supervisory Referral to EAP

Supervisors may choose to make a mandatory referral to EAP in lieu of terminating an employee. When company policy has been violated and documentation exists to warrant termination, the supervisor, in conjunction with HR, may offer an employee a Last Chance Agreement. Typically, a Last Chance Agreement offers the employee an opportunity to remain employed if an EAP assessment and treatment recommendations are followed. HR will be involved with all Last Chance Agreements. BHS is also available to assist in the preparation of a Last Chance Agreement. Your BHS coordinator should be notified prior to the meeting with the employee and provided details of the supervisory referral.

### Encourage the Employee

*"I encourage you to do what is necessary to bring your performance back to acceptable standards, including using the EAP. It is free and confidential."*

## Referral Process

In conjunction with HR, call BHS and speak with a Care Coordinator about the referral including details of the incident that required the referral. Be prepared to forward documentation regarding the incident and the employee's job description. A time frame will be established for the employee to contact BHS. The employee must sign a Release of Information (ROI) that allows BHS to communicate with the supervisor and/or appropriate HR representative.

When the employee calls BHS, a Care Coordinator will schedule an appointment with a BHS affiliated clinician. Appointment information will be communicated to the designated company representative named in the ROI. A verbal report will be made to the representative named in the ROI with a written report to follow upon completion of the assessment.

### Components of a Supervisory Referral

- Observe
- Document
- Call BHS
- Confront
- Develop action plan
- Follow up

All supervisory referrals are submitted for independent physician review. There is ongoing monitoring and communication between BHS and the supervisor and/or HR representative. Coordination with drug testing is also utilized if necessary.

You should contact your BHS Care Coordinator with any questions you have or if you have information relevant to the employee's participation in the program.

The following questions are routinely answered in the assessment process:

- Can the employee return to work with or without restriction?
- Should limitations or modifications be made to the job duties?
- Is the person reliable and trustworthy?
- Is the person free from the influence of legal or illegal substances?
- Is the person impaired mentally or physically?
- Does the person have a condition that might adversely affect the person's ability to safely and competently perform the duties of the job?

When indicated, a FFD/RTW (fitness for duty/return to work) statement shall be included. The FFD/RTW will include a diagnosis(es) and a treatment plan including:

- medications and continued therapy
- fitness for duty based on the job description
- absence or presence of intent to harm self or others recommended work restrictions

It is the responsibility of the company representative to inform the BHS Care Coordinator of their agreement with the approved plan in order for the Care Coordinator to initiate the plan. If continued treatment is required, the Care Coordinator is responsible for monitoring the employee's compliance and level of participation with the treatment plan. Any instances of non-compliance will be reported to the company designee.

During the treatment phase, your BHS Care Coordinator will report weekly to the company designee. You should contact your BHS Care Coordinator with any questions you have or if you have information relevant to the employee's participation in the program. For instance, if the employee begins missing work or has other signs of deteriorating work performance, you should contact the BHS Care Coordinator.

## **Release of Information (ROI)**

A Release of Information (ROI) allows the BHS Care Coordinator to disclose to the designated person(s) within your company the date(s) of assessment, a return to work recommendation and length of treatment. A ROI must be very specific and only information specified in the ROI will be released. The ROI should be signed by the employee during the initial meeting with the employee and supervisor(s).

Because information cannot be released without the ROI, it is important that the employee understands that this is a requirement of the company.

## What to Expect When Your Employee Returns to Work

When the employee returns to work, your expectations should be the same as for any other employee. Utilizing the EAP, even for a mandatory referral, does not excuse the employee from following company policy. Supervisors should continue to document areas of poor performance and meet with the employee to determine time frames for improvement. Likewise, areas of improvement should also be clearly communicated to the employee. Many employees report feeling embarrassed that a mandatory referral was necessary. It is important to continue to focus on work performance, reiterating to the employee that the return to acceptable levels of performance remains the goal.

## Contacting Your BHS Care Coordinator



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