

Q. My employee was slightly injured in a water-skiing accident over the weekend. I hear it was pretty scary—a close call that could have been something worse. Reportedly, he was drunk when it happened. The employee is returning to work today, and there are no job issues. So I assume I can't intervene or refer him to the EAP, right?

A. You will be engaging with your employee when he returns to work. It's appropriate to ask how he's doing and show concern since the incident is common knowledge. Having this conversation in private may lead to him disclosing alcohol's role in the incident. You obviously can't diagnose your employee, and this incident happened on personal time, but showing concern and empathy and not behaving judgmentally may facilitate a suggestion regarding the use of the EAP for an assessment. Close calls and near misses are windows of opportunity for those with alcohol or drug problems; they occur regularly as the disease progresses. Addicts and alcoholics make moves toward treatment at these times, but the motivation period is short. Your suggestion has a better chance of being accepted this close in time to the incident, but the key is to avoid enabling her by minimizing the incident. When persons with influence or leverage in an alcoholic's life do not enable someone at these moments, follow-through that results in the person who needs it getting help often happens.



UR Medicine EAP
315 Science Pkwy
Entrance C
Rochester, NY 14620

(585) 276-9110
1-888-764-3456

Email:
EAP@urmc.rochester.edu

Website:
urmc.rochester.edu/EAP

Q. Documenting an employee's performance issues is sometimes difficult for me because I am a supervisor who quickly addresses problems when I see them, gets a situation fixed, and then moves on. So, documentation seems unnecessary and a hassle. What am I missing?

A. Not every performance issue has to be documented. But there are risks associated with not creating documentation frequently enough. One risk is not developing an aptitude for knowing when something is important enough to be documented. Poor quality of documentation is another. Supervisors who don't document effectively can also undermine the work of human resource managers who are attempting to execute job actions requiring written justification. Documentation is a learned skill. You can get rusty at it. A serious matter to which some supervisors fall victim is suddenly discovering the need for documentation that does not exist, prompting them to quickly attempt to produce it from memory. This is sometimes called "papering the file." When documentation that should have been produced weeks, months, or years ago is suddenly generated for a disciplinary purpose, it can create liability when it is not viewed as being "contemporaneous." Accusations of retaliation or employment claims can then follow, undermining supervisor credibility. Do you need to brush up on documentation skills? Contact the EAP—the professionals there can help you.

Q. What does it mean when EAPs are described as "non-disciplinary"? Does this simply mean the EAP does not institute disciplinary actions?

A. Non-disciplinary means that the EAP is not used by the organization for disciplinary purposes; referral to it is not a punitive step. It also means that participation in the EAP can't stain an employee's performance record or be used against him or her in promotion, hiring, or decisions regarding work assignments. These are all foundational principles of EAP application within work organizations. Non-disciplinary also means that EAPs do not recommend for or against disciplinary actions, or interfere with or thwart management's deliberations on how to manage job actions with troubled employees. On another note, EAPs don't protect employees from disciplinary actions by way of their participation; an employee can't claim "safe harbor" as a way to block disciplinary actions.

Q. My employee's husband showed at work and engaged in a shouting match with her in the lobby. It lasted about 30 seconds, but it shook everyone up. I referred the employee to the EAP based upon this disruption. Did I do the right thing? This was not a performance issue, but it must not happen again.

A. Yes, you did the right thing, and based your referral on the disruption everyone witnessed. This is a domestic violence incident spilling into the workplace. Your employee could be a domestic violence victim, or conceivably, the perpetrator of domestic violence. We don't really know. However, the EAP will assess the situation and make a determination regarding how to proceed. This will include an assessment of the risk to the employee and the organization, and if need be, communication with a signed release so you can feel assured that any issues regarding this situation are being properly handled. Remember, a referral to the EAP is not a punitive measure, and helping her participate in the program by making a referral was a smart move. Domestic violence cases can spill into the workplace, and many historical accounts have included injury and death of fellow workers.