

guidance on making an employer-mandated employee assistance (EAP) referral

When work performance problems, unrelated to skills or knowledge deficits, continue in spite of your attempts to address them, or a major violation of company policy has occurred, a Mandated EAP Referral may be indicated.

Why make a Mandated EAP Referral?

- When an employee displays observable and/or measurable work performance issues or policy violations, despite being provided with adequate training, direction, support and direct counseling by a manager(s) about specific issue(s), a Mandated EAP Referral may be initiated by an employer manager or HR representative. A Mandated EAP Referral includes telephonic assessment, referral for in-person assessment and counseling, monitoring of compliance and reporting.
- Through feedback, provided with the consent of the employee, a Mandated EAP Referral provides the manager/HR representative with the assurance that the employee has been offered an opportunity to address any issues in the employee's personal or family life that may be adversely affecting their performance at work.
- A Mandated EAP Referral is usually included as one part of a verbal or written Last Chance Agreement between the employer and the employee, stipulating that the employee must attend and comply with EAP recommendations as a condition of on-going employment. The other condition(s) must be resolution of the observable or measureable job performance issue(s).

What to expect following a Mandated EAP Referral

With the employee's consent, the Manager/HR or other designated contact will receive phone or voicemail updates on the employee's participation in the EAP program and notification when EAP services are completed.

- There are two parts to the report that the Manager will receive from FEI:
 - a. First, a report that the employee has called into the EAP and follow-up reports on the employee's attendance (or not) at each scheduled session with a local counselor in their community. (This is called compliance with attendance).
 - b. Second: Compliance with recommendations made by the local counselor. For example, if the employee has presented with a substance abuse problem and treatment at a substance abuse facility is recommended by the counselor, FEI will report on the employee's attendance at the first session offered by the provider of the follow-up plan. If further information is required, the Manager/HR should request that the employee make arrangements for that provider to convey further information as needed.

What not to expect following a Mandated EAP Referral

- Information about the employee's personal life.
- Reports about clinical information in regard to mental health or substance abuse diagnosis or status.

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- Reports about the employee's capacity to work or return to work. This fitness-for-duty assessment and determination is made by a psychiatrist or psychologist with special training. The EAP can accept a Mandated EAP Referral as part of a return-to-work plan.

What the EAP expects of the manager or HR representative

Feedback about the employee's current work performance and any changes in his/her employment status.

The Mandated EAP Referral process

- The employee's manager/HR representative observes and documents work performance issues or policy violations and discusses them with the employee, including clear improvement goals and time frames. The manager confirms that appropriate training, equipment, time and direction have been provided to the employee. Discussions should focus on work performance, not personal matters.
- If work performance or policy violation issues persist, the manager or HR representative should call the organization's toll-free EAP number and ask to speak with the EAP Account Manager.
- The Account Manager or a member of the EAP Account Management Team will provide consultation.
- If a Mandated EAP Referral is indicated, the Account Manager will record the specifics about the precipitating event(s) and the contact information for the manager(s) or HR representative(s) who will be primary and secondary contacts accepting reports on compliance. Included is a time frame for the employee to make contact with the EAP Service Center to initiate the referral.
- The manager or HR Representative then meets with the employee and makes the referral, instructing the employee to call the toll-free EAP number within the agreed-upon time frame.
- The employee should be assured that the only information that will be supplied by the EAP will be in regard to attendance and compliance. No personal or clinical information will be shared, and that only with the consent of the referred employee.
- The EAP Service Center will provide periodic compliance reports to the primary contact, or secondary if the primary contact is not available, by phone or voicemail.
- If services beyond the EAP are recommended, the EAP Service Center will inform the company reporting contact that a follow-up plan for the employee is in place. No information about the type of program or the actual provider is released by the EAP Service Center. Company representatives are free to approach the employee and request that he/she facilitate further reporting by the provider.
- As always, all employment decisions and communication with the employee regarding continued employment or disciplinary action are the responsibility of the employer

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Please Note:

A Mandated EAP Referral should not be used or seen as a disciplinary action. Used this way it will likely breed a negative attitude toward counseling and not yield a positive outcome. Rather, this type of referral should be presented and viewed as a support to the employee in resolving job performance issues. Similarly, a Mandated EAP Referral should not be seen as providing immunity for the employee from the normal consequences of job performance issues. A Mandated EAP Referral does not ensure a resolution of work performance issues. As in all counseling situations, progress depends on many factors including the employee's motivation, insight and capacity for change. A Mandated EAP Referral does provide assurance that the employee has been assessed and guided toward developing and executing an appropriate work and life improvement plan. It's up to the employee to take advantage of this service and any health and welfare benefits offered by the employer.