

Leader Guide to EAP Mandatory Referrals

DATE 2020

Sometimes associates may have personal or work related concerns that impact their ability to do their job. When a person's work performance suffers, the entire work group can be negatively impacted. This guide is for supervisors considering using the Employee Assistance Program as a resource in getting a struggling employee back on track.

RECOGNIZE A PROBLEM

Recognizing that there is a problem in the workplace may seem obvious, but there are many reasons why a problem may not be acknowledged or addressed. Sometimes the supervisor doesn't know how to handle work performance problems or negative work culture, so they do nothing. Other times leaders may overreact using harsh, punitive measures to correct behavior. Employee Assistance Professionals are there to support you in managing your team, as well as help employees address any personal concerns that may be impacting their work.

START THE REFERRAL

When a supervisor makes a formal referral (also called a mandatory or supervisory referral) to the EAP, it is always necessary to get approval from your Human Resources department. Once it has been decided that EAP will be a part of the corrective action process you should contact EAP to notify them that the referral is taking place. Please note, it is best when this is done **before** you speak to the employee so EAP staff are prepared when the employee calls, and to answer any questions you may have about the process. EAP intake staff will want to know why the referral is being made, what changes the employee is expected to make, and the deadline for making the EAP appointment. It is the employee's responsibility to call and make an appointment.

CONFIDENTIALITY

The employer may feel free to share information about an employee's work performance as EAP staff will always keep that information confidential, however; counseling ethics and confidentiality laws prohibit the counselor from exchanging information with the supervisor without the employee's consent.



THE APPOINTMENT

At the initial appointment the EAP counselor will ask the employee to sign a release of information. This specifies what information may be shared and with whom. If the employee refuses to sign the release the counselor cannot disclose any information. If the employee does sign the release, you can expect to receive the following:

1. Attendance at scheduled appointments
2. Counselor recommendations
3. Whether the employee has agreed to follow through with the recommended course (which may include additional EAP sessions or referral to professional or community resources)
4. On-going progress or termination of services

VOLUNTARY

EAP is a voluntary program and no one can be forced to participate. Neither does EAP administer any type of discipline. The Employee Assistance Program is available to support, coach and guide employees to make positive changes. If the employee's job performance does not improve, the manager or supervisor should resort to normal corrective action procedures.

Mandatory Referral Checklist

- ___ Employee work performance is not meeting expectations; Supervisor and HR have decided to enforce corrective action with stipulation to attend an initial EAP session and follow counselor recommendations.
 - ___ EAP has been notified of the pending corrective action, including reasons for the action, expectations, work goals, and the date the employee is expected to call by.
 - ___ Corrective action letter was sent to EAP.
 - ___ Corrective action meeting was held with the employee. Stipulation to attend EAP session and follow counselor recommendations was explained. Deadline to call EAP was also explained.
 - ___ Supervisor/HR was notified by EAP whether or not the employee has called to make their appointment by the specified date, or that the employee has not called.
 - ___ Following the first appointment supervisor/HR was notified by the EAP counselor whether or not a release of information was signed. If so, they will also discuss recommendations, referrals and employee compliance.
 - ___ The EAP counselor has followed up (by phone or secure e-mail) with the supervisor/HR as needed to discuss progress, get feedback, and serve as a liaison between any referral sources and the employer.
 - ___ The EAP counselor has notified the supervisor/HR when the case is closed due to full compliance, or if the employee has decided not to participate any longer.
- Please note, the EAP counselor will never discuss an employee's personal issues, case notes, diagnosis, medical history, or subsequent treatment with the employer in order to avoid placing the employer in a situation where they may be liable for discrimination based on any of this protected information.