



# The Frontline Supervisor

September 2021

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

A. You will be engaging with your employee when she returns to work. It is appropriate to ask how she is doing and show concern since the incident is common knowledge. Having this conversation in private may lead to her disclosing alcohol's role in the incident. You obviously cannot 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.

**Q. I formally referred my employee to the EAP, but it was on the Friday before the employee took a two-week vacation. Should I have waited? In addition, should I meet with the employee again when he returns, contact the EAP, or just expect that follow-through will happen?**

A. You have made the formal referral, but in the interest of good communication and to ensure follow-through, meet with your employee upon his return from vacation and inquire about the status of the referral. Presumably, you had contact with the EAP in the process of making the referral, so you could also start by inquiring whether a release has been signed and confirming his participation. Generally, when a formal referral to an EAP is needed and appropriate, making it in a timely manner is important. True, your timing in this instance is not advantageous for follow-through, but you did the right thing, as waiting allows a potentially serious problem to get worse and increases risks to others and the organization. In addition, in this case, waiting a couple weeks could have allowed your own sense of the importance of the referral to diminish, which would also be just as problematic. Following up now to ensure follow-through takes place is what is important here.

**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. Therefore, documentation seems unnecessary and a hassle. What am I missing?**

A. Not every performance issue has to be documented. However, 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 do not 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 cannot 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 do not protect employees from disciplinary actions by way of their participation; an employee cannot 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 made a formal referral 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 do not 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 formal referral to the EAP is not a punitive measure, and helping her participate in the program by making a formal 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.

