

Frequently Asked Questions

Q: If an employee seems mentally unstable or impaired, can we require that they get psychological counseling?

Q: If an employee is having anger issues, can we require that they attend anger management training?

A: These are two similar situations that can have extremely different consequences and can be tricky from a legal standpoint. The main point to consider is the nature of the employee's problem. You will want to tread carefully if the employee is dealing with emotional illness or a mental disorder that can be covered by the Americans with Disabilities Act. You cannot make medical treatment a condition of continued employment.

However, if the employee's misconduct is violating company policy or compromising employee safety in any way, you as the employer are obligated to remedy the problem, using discipline up to and including termination. This deals more with employee actions that can affect others. If an employee poses a threat to the workplace, you may be able to require that s/he attend anger management training as a condition of continued employment. Note that if the employer is requiring it, then the employer would usually pay for the training.

Be sure to document all disciplinary actions and discussions in an unbiased, factual manner, omitting personal opinions and hearsay.

Q: What can I do if an employee is a victim of domestic violence?

A: This is a personal issue that can heavily impact an employee's workplace. According to the Department of Justice, domestic violence costs employers between \$3 billion and \$5 billion annually due to missed work, increases in health care costs, lost productivity, and turnover rates.

Terminating victims is not an ethical or legal option since many states have laws protecting them from adverse action by employers. It would be beneficial to have a written company policy on domestic violence, offering unpaid leave, an EAP, and assistance in getting in touch with shelters and experts. Companies should also have specific safety plans ready.

EMOTIONAL ISSUES

Although many of us would like to avoid it, emotions are a big part of an employee's life and can easily affect the workplace. This issue is dedicated to dealing with emotional issues in a constructive way.

BOILING POINT

When stress in the workplace reaches a high enough point, it can turn into anger and put the entire company at risk. Prevention is key in avoiding anger-fueled catastrophes. A poor manager or supervisor can often contribute to anger in the workplace, making it critical that managers are equipped with actual people skills and not just the technical know-how. Following are some common problem areas:

- **Communication:** Bosses should not only keep an open-door policy, but also personally make sure lines of communication are flowing. Meet with employees individually at least once per week to discuss current projects, deadlines, and obstacles. Ask employees for their opinions and input regularly.
- **Pay:** When employees are promised a raise or promotion, managers should follow through in a timely manner. Unequal pay among employees with similar duties and skills can also lead to resentment, so managers should regularly look at each employee's pay.
- **Expectations:** Supervisors can sometimes have unrealistic expectations. Match ability to output to keep employees from working above or below their skill levels.
- **Attitude:** A supervisor who criticizes employees frequently can cause high levels of stress and anger. A 360-degree evaluation, in which employees evaluate the supervisor, may be effective in finding areas for improvement.

Following are some ways that employees can take responsibility for their feelings and actions and work to reduce anger and stress:

- **Know thyself:** Identify your anger and know how to diffuse it.
- **Be healthy:** exercise regularly and get enough sleep.
- **Take time:** count to 10 (or even 100), stretch, or breathe deeply before responding to a stressful situation.

To avoid negligent retention, managers must take immediate action if an employee poses a threat to others. Following are some ways to deal with employee anger:

- If other employees have complained or you see concerning behavior, meet with the employee to discuss the concerns and make a specific plan for improvement. If needed, use progressive discipline up to and including termination for offenses. Carefully document every step.
- Refer employees to the Employee Assistance Program (EAP). Nextep offers an EAP through www.lifebalance.net, 800-854-1446 (English-speaking), or 877-858-2147 (Spanish-speaking). Lifebalance offers articles on dealing with anger and also has comprehensive information on choosing a counselor or anger-management training. Employees can be assured that all EAP counseling and assistance is confidential. Contact Nextep for the username and password for www.lifebalance.net.
- If terminating an employee whom you fear may become overly agitated, emotional, or angry, have an HR member or counseling professional present to talk to the employee afterwards. Be straightforward in why you are terminating his/her employment, answer any questions, and give him/her time to cool down.
- If an employee poses an immediate threat, remove him or her from the workplace immediately. Contact either the police or building security to handle the situation if necessary. Employers may use immediate suspension or termination of employment in these circumstances to ensure the safety of coworkers.

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