

Employee Mental Health: Making it a Priority in Today's Workplace

PRESENTED BY:

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hello



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Today's Session

- Why is this important?
- What does the law require?
- What else can employers offer?
- What I do when...?

Why is this important?

- Widespread National Issue
 - At least 1 in 5 adults in the USA experiences a mental health condition
 - Pandemic triggered an increase in depression and anxiety
- Employers often unprepared or uncomfortable





Workplace Stressors

- Adapting to changes in workspace, schedule or rules
- Learning new job tasks and taking on more responsibilities
- Learning and using new communication tools
- Dealing with technology issues
- Concerns about work performance and productivity
- Blurred work/life boundaries
- Balancing work with other caregiving responsibilities
- Concerns about hostile patrons, customers
- Physical demands and safety concerns
- Job Stability


Barriers to Care

Workplace Culture

- Leaders who compartmentalize
- Unsupportive, distant, and untrained managers
- Generational differences
- Lack of psychological safety
- Wellbeing shaming

Access

- 42% of diagnosed adults said they can't afford treatment (2023)
- Only 1 provider available for every 350 people needing services



What
does the
law
require?

FMLA vs. ADA: What's the difference?

Family Medical Leave Act (FMLA)

- Only applies to some employers and employees
- Provides unpaid time off

Americans with Disabilities Act (ADA)

- Applies to ALL employers and employees
- Requires “reasonable accommodation” of disabilities

- ✓ **Employee needs time off?** FMLA first (if applicable), then ADA.
- ✓ **Employee needs something else?** ADA.

Family Medical Leave Act (FMLA)

- ✓ Up to 12 weeks of unpaid leave per year
- ✓ “Serious Health Condition”
 - inpatient care
 - continuing treatment by a health care provider.
- ✓ Covered Employer: 50+ employees at a worksite
- ✓ Eligible Employee:
 - 12 months of service (not continuous)
 - 1,250 hours worked in the past year
- ✓ No “undue hardship”



Family Medical Leave Act (FMLA)

Types of FMLA leave

- Continuous leave (block of time)
- Reduced Schedule
- Intermittent
- Who decides? Employee's medical professional.

What triggers the FMLA?

- Employer “put on notice” of potential need for leave that may qualify

Americans With Disabilities Act (ADA)

- ✓ Requires employers to provide “reasonable” accommodation for individuals with disabilities, absent “undue hardship”
- ✓ Applies to all employers and employees

What triggers the ADA?

- ✓ Disclosure of disability + asking for something

Americans With Disabilities Act (ADA)

What's a disability?

- Something that substantially limits a “major life activity”
- Many mental health diagnoses are covered

What's an accommodation?

- Changes to physical workplace
- Equipment
- Schedule changes
- More frequent breaks
- Policy exceptions
- Training/Work Aides
- Remote work
- Time off

ADA Considerations

- What issues/limitations is the employee experiencing and how do they effect the employee and their job performance?
- Are there specific job tasks that are problematic?
- What accommodations are available that will allow the employee to complete the essential functions of their job?
- Has the employee and their doctor discussed possible job accommodations?
- Engage in the interactive process
- Is the given job accommodation effective?



Substance Abuse

**Proactive disclosure =
protected under the ADA**

**Policy violation =
NOT protected under the ADA**



Fitness For Duty

We can require a **Fitness for Duty exam** when:

- ✓ Condition appears to prevent employee from performing essential duties
OR
- ✓ Employee poses a direct threat to themselves or others

Review with an expert and/or legal counsel and proceed with caution




Illinois State Laws

Victims' Economic Security and Safety Act (VESSA)

- Domestic violence and related situations
- Unpaid time off and reasonable accommodation

Family Bereavement Leave Act (FBLA)

- Death of a family member
- Unpaid time off



What
else can
employers
offer?

Employee Assistance Program (EAP)

- Outsourced personal help for employees
- Services vary, but can include:
 - Crisis support
 - Mental health referrals and/or counseling
 - Referrals and support for childcare, elder care, substance abuse, financial issues, legal issues, etc.
- Often cover employee and immediate family

Benefits Education

- FMLA and other leave programs
- ADA accommodations
- Employee Assistance Program (EAP)
- Health Insurance Wellness Benefits
 - Physical wellness benefits
 - Mental health coverage
 - Telehealth options



Other Ideas

- Encourage employees to unplug
- Encourage use of vacation and other paid time off programs
- Provide Company-wide mental health days
- Shorten meeting times by 5 minutes to allow employees time to get up and stretch between meetings
- Encourage employees to step away from their desks for lunch
- Instead of sending out business emails late in the evening, using timedelay, so they're not sent until the following morning
- Create a culture of empathy, understanding, and inclusiveness



What
do I do
when ... ?

Scenario #1: Self-Disclosure

An employee comes into your office and tells you they have been feeling very depressed and anxious in the past month. They share that they want to get help but are afraid of taking time off and letting the team down.

- “What can we do to help?”
- Ask clarifying questions
- Make a plan for next steps: FMLA, ADA, EAP referral, etc.

Scenario #2: Manager Concern

One of your managers is worried about their direct report. The direct report seems distracted and unfocused at work and their performance is declining. They used to be very social with colleagues, but lately they keep to themselves. They come in late occasionally, which never happened before. The employee has never mentioned any health concerns to the manager.

- Don't make assumptions
- Bring forward objective observations and business outcomes
- Ask open-ended questions: “Is something going on that we should be aware of? “What can we do to help?”, etc.

Scenario #3: Disclosure During Discipline

Despite coaching and additional training, an employee's job performance is subpar, and you deliver a formal verbal warning. During the disciplinary meeting, the employee reveals a mental health diagnosis, says their performance issues are a result of the condition, and requests accommodation.

- Disciplinary action can stand
- Begin the ADA interactive process
- Monitor performance alongside the accommodation
- Performance standards don't need to be modified

Scenario #4: Crisis at Work

The youth services librarian at your library is an excellent employee. One evening during their shift at the youth services desk, the individual is observed mumbling to themselves, doesn't respond when approached by patrons, and makes occasional loud, threatening statements.

- Remove the employee from the workplace
- Don't make assumptions
- Consider requiring a fitness for duty exam
- Afterward: "What can we do to help?"

FMLA “Cheat Sheet”

- ✓ Once “put on notice,” issue the Eligibility Notice & Rights and Responsibilities Form (WH-381) and the appropriate Certification form
- ✓ Employee has 15 days to return it
- ✓ Evaluate, and issue the Designation Notice (WH-382) within 5 days



ADA “Cheat Sheet”

- ✓ Employee discloses disability and asks for something
- ✓ Meet and ask clarifying questions
- ✓ If needed, issue Medical Inquiry Form with 10-15 day deadline
- ✓ Continue interactive process to find a reasonable accommodation



thank you

Any questions?

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