■ **Allegedly, an employee I directed to the EAP a year ago who was treated for a severe cannabis addiction is now drinking. Alcohol abstinence was part of his post-discharge treatment plan. Job performance remains satisfactory, so I have not taken any action. What is the guidance for this scenario?**

Your primary concerns should remain attendance, behavior, conduct, and the quality of work, but this does not preclude your contacting the EAP to share your concerns. Your confronting the employee would not be proper and would likely be ineffective. Although you do not need a signed consent for the release of confidential information to speak with the EAP, the reverse is not true. The EAP may or may not be aware of the issues you describe, an older release may have expired, or other issues may exist associated with your employee's treatment or the EAP's management of the case. There are obviously a lot of possibilities; however, you can rely on the EAP to make the best decision about how it should proceed. Note that you will likely not have the privilege of learning what the EAP decides. Some supervisors find these unknowns to be frustrating, but the easy answer is to focus on performance, Hence, the advice is to focus on performance, standards, work rules, and guidance from HR as needed.

■ **Will the EAP give me advice on the management of an employee's performance, specifically the type of discipline that would be appropriate, given the worker's temperament, psychiatric issues, or other considerations?**

The EAP is a resource for the organization's employees and management, but it will not provide guidance on how you should proceed regarding performance management and disciplinary matters specific to an employee. This is beyond the scope of what an employee assistance program does or was designed to do. Turn to your manager or HR advisor regarding this sort of guidance. Supervisors are primarily accountable for the performance and conduct of their employees. Supervisors must exercise leadership and judgment in determining appropriate disciplinary measures based on their knowledge of the situation and organizational policies. Furthermore, HR advisors are professionals who can advise on actions that comply with legal and regulatory requirements, such as labor laws, employment contracts, and union agreements. EAPs cannot comment authoritatively on these matters, and trust in the program would be seriously undermined if any legal issues or considerations were overlooked and the organization faced potential liability as a result.

■ **I suggested my employee visit the EAP for a personal issue. She's a competent worker but could likely improve. I didn't request**

From the EAP's perspective, this would be treated as a self-referral, but if the employee-client mentions your role, it may be considered an "informal supervisor referral." Not all EAPs recognize informal supervisor referrals, but it can be important to an organization to know that supervisors are proactive in referring employees to any degree. This helps establish program

feedback from the EAP because I don't think the issue is serious. Is this considered a supervisory referral or a self-referral?

value. The assumption is that a supervisor who prompts a referral formally or informally often is identifying employees who are less likely to self-refer. Some severely troubled employees may not self-refer because of denial that they have a problem, stigma, or fear of what may be entailed with appropriate treatment. These roadblocks can lead to greater risk for the organization. When making an informal referral for an employee, consider contacting the EAP to mention your role. The EAP may decide later that there is a good reason to have the employee sign a release enabling limited information to be provided to you that will be beneficial to the employee's care.

■ **Employees are often defensive when confronted about their conduct and performance issues. Please offer tips on helping reduce the likelihood of this defensiveness in a constructive confrontation.**

A **"constructive confrontation"** or corrective interview is undermined if the employee is not receptive and cooperative. The supervisor has a key role in setting the tone for such meetings so they are not conflict-laden. 1) Make sure you can clearly describe what performance is not acceptable. Plan, because a vague or awkward description of the performance complaint will become a prompt for defensiveness. 2) Have your meeting in a private place. 3) Set enough time to relay your comments and for the employee to respond. 4) Seek confirmation that the employee understands your concerns. 5) Avoid any focus on personality style, which can be difficult if you have experienced much frustration. 6) Maintain a constructive tone. Stay calm. 7) Seek cooperation, not confrontation, by remembering that your goal is to improve the employee's performance. A good approach is to "team" with the employee to resolve the problem and end on a positive note because both of you have the same goal.

■ **When making a supervisor referral to the EAP, is it helpful to have the employee take a copy of the performance issues upon which the EAP referral is based, even if I have consulted with the EAP by phone and separately with the employee?**

Yes, nothing beats this sort of clear communication. Be sure the EAP anticipates the written information to arrive with the employee, even if you have spoken to both parties separately and provided each with the same information. Failure to have this information in writing will make it easier for the employee to claim that the supervisor has not justified the performance complaints or that there is a difference in understanding regarding the details of the performance issues. This conflict or confusion would naturally reduce cooperation with the EAP and its recommendations or make them more difficult to determine. If the employee arrives for an assessment and recognizes confusion or inconsistency in communications, the EAP assessment and its effectiveness are typically more difficult.

NOTES