

The Manager Mandate Process

Please note that this procedure may or may not be available, depending on whether or not your employer has adopted it as a part of the EAP. Please consult Human Resources for more details.

In certain circumstances, you may wish to make attending counseling sessions a **condition of continued employment**. Examples include, but are not limited to, positive drug tests (random or with cause) or unsatisfactory changes in work-related behavior as documented. The Manager Mandate is different from a routine referral from a supervisor in that if the employee does not follow through with the counselor's recommendations, he or she will be subject to termination of employment. Remember, **you must be willing to fire the employee if he/she does not cooperate or improve!**

If you wish to Manager Mandate an employee, there are a few simple steps to follow to maximize the efficacy of the procedure:

- The supervisor needs to fill out the employee information form, available under the HR/Supervisor login at the top right portion of our homepage, www.mseap.com. This form will be forwarded to the counselor to help him/her focus on the specific issues requested by the supervisor, so please write legibly or type. The EAP can also e-mail or fax additional forms to you.
- The supervisor should meet with the employee to discuss the situation, review the employee information form, and obtain the employee's signature on the Condition of Continued Employment (COCE) Information and Consent form. Use the guidelines for confrontation if necessary.
- Both the employee and the supervisor must sign the COCE. This agreement states that the employer is mandating the employee to have an evaluation done through the EAP or may otherwise be subject to termination and gives the EAP the right to obtain information about the employee's attendance and cooperation in counseling from the therapist.
- It is the responsibility of the supervisor to fax these three completed pages to the EAP at 717-901-5659, email them to info@mseap.com, or mail them to our office at 3207 North Front Street, Harrisburg, PA 17110, **prior** to the employee's initial call to us.
- If you have any additional documentation regarding performance issues and/or policy violations, please attach it with the mandate paperwork.
- Call your EAP Account manager at 1-800-241-5740 if you have any questions.

Confidentiality is the cornerstone of the EAP. Professional ethics dictate that information exchanged between the employee and EAP remain private. This information is confidential, just as an employee's medical record is confidential. However, with the employee's signed consent, you will be informed

regarding the following information: when the employee makes the initial call, if he or she is keeping the scheduled appointments, is being cooperative, and if there is anything you can do to help.

The mandate process is **optional**. You are always welcome to refer employees to the EAP without having to mandate them; the mandate process allows you to more closely monitor their attendance in sessions and provides a “last chance” arrangement in writing. If you choose to use the mandate process, please be consistent. We recommend including it as a part of your disciplinary procedures, and if you would like suggestions on integrating the mandate process into existing policy, do not hesitate to call us.

Remember: The mandate is not a “magic wand” that will turn a problem employee into your star performer. It is designed to help employees who have personal or substance abuse issues that are interfering with their ability to do their job correctly, safely, and/or efficiently. If an employee is unable to do their job from the start, for any reason, the mandate process may not help him or her at all. Also, the decision to change behavior is a conscious one that must be made by the employee: counselors do not change people, people change themselves. Your best indicator on whether or not counseling is helping the employee will be the employee’s job behavior and whether or not it improves. Even if the employee goes through counseling, you still have the right to terminate employment if job performance does not improve.

A NOTE ON CONFIDENTIALITY: Even though the employee has signed a release form, information shared with you concerning the employee’s treatment or participation in EAP is confidential and not to be shared with anyone without the employee’s written consent (see “Redisclosure” on page 36). The employee’s signature releases information ONLY to those people whose signatures share the COCE signature page. If additional people need to be contacted or kept apprised of the employee’s progress in treatment, please have them co-sign the COCE signature page.

What if the employee needs help beyond the EAP’s services?

Sometimes, the sessions provided through the EAP are enough to get an employee back on the right track. Other times, however, an employee may need to follow one or more of the following post-EAP recommendations:

- further outpatient counseling
- inpatient treatment/hospitalization
- other outpatient care
- psychological or physical testing

In order to fulfill the conditions of the mandate, the employee **must** follow any and all recommendations made by the counselor as well as any stipulations placed by the employer (performance improvement plan, random drug screenings, etc.). Failure to follow through with the counselor’s recommendations constitutes a lack of cooperation, which is grounds for termination. Any costs incurred by the employee are the employee’s responsibility, although some companies choose to assist employees on various levels. The decision to do that, however, rests with the employer; additionally, there must be consistency in how that assistance is applied. To pay for one employee’s extra sessions means that, as an employer, you will need to continue to do so for all employees who are in the same situation.