

Brown Bagger Recap

The following is a list of *Brown Bagger* inserts that have appeared in 2014. (Watch for a more extensive list of 2014 articles in the January 2015 issue of *EAR*.)

Month	Topic	Title
January	Generation gap	Don't Build Walls, Build Bridges
February	Men's mental health	Man Therapy Scope & Outcomes
March	Conflict resolution	Tips on Dealing with Difficult People
April	Affordable Care Act	Obamacare Paralysis?
May	Returning veterans	Veteran Post-Deployment Update
June	Conflict management	Employee Rivalry
July	Technology	Better Technology = Better Communication?
August	Technology	Online Therapy...
September	Technology	Recovery 2.0
October	Management consultation	Resolving Performance Issues
November	Returning veterans	The Workplace Warrior
December	Domestic violence	Offer Online Interventions...

In the News

EA Archive Offered Online

The Employee Assistance Archive is a free, publicly accessible depository created to preserve important historical documents in the EA field and to provide a depository for significant EA-related articles and publications.

EA professionals are encouraged to help build the archive by posting original works, historical documents, or related papers. The digital archive is hosted by the University of Maryland, Baltimore. Check out: <http://archive.hshsl.umaryland.edu/handle/10713/2345>. ■

Workplace Survey

Avoid These Office Faux Pas

If you work in an open office space and want to stay on good terms with colleagues, consider keeping your phone calls private. In an Accountemps survey, employees were asked to name the biggest breach of workplace etiquette.

Using a speakerphone or talking loudly on the phone topped the list (36%); loitering or talking around a colleague's desk ranked second (23%).

Do you commit any of these work etiquette offenses? Better shape up or your career could suffer. More than eight in 10 survey respondents said being courteous

to co-workers has an impact on a person's career prospects. However, 70% of workers believe people become less courteous as they climb the corporate ladder.

The following were additional breaches of workplace etiquette named in the survey:

- Eating foods that have strong odors, 15%;
- Keeping a messy or cluttered workspace, 14%;
- Leaving the phone ringer on loud, 8%. ■

Source: Accountemps (www.accountemps.com).

EMPLOYEE ASSISTANCE REPORT

17 years of service!

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supporting EAP professionals

Responding to Employees affected by Domestic Violence

By Sandra Molinari

It might surprise you to learn that homicide is the leading cause of death on the job for women in the United States. Did you also know that almost 8 million paid workdays were lost due to domestic violence in 2003? That's the equivalent of 32,000 full-time jobs!

“Add to these incidents the abuse occurring outside of work, and the result is employees who are often fearful, anxious, depressed, and sleep-deprived, struggling to maintain their focus in the workplace.”

Domestic violence (DV) is clearly not just a family matter: it affects employees' morale and performance, as well as the overall safety of the workplace and the

business's bottom line. As a result, it is of the utmost importance that employers address the issue of DV among their employees.

In this article, I'll educate EA professionals about the effects of DV on employees' well-being and workplace performance, provide recommendations for supporting those employees affected, and share best practices and resources for maintaining a safe working environment for all. (Editor's note: Additional information, including a list of resources from Sandra, appears in this month's *Brown Bagger* insert.)

Defining Domestic Violence

Roughly one out of three American women (31%) report being physically or sexually abused by a husband or boyfriend at some point in their lives. The term “domestic violence” refers to physical, sexual, or psychological harm – as well as financial control and abuse – caused by a current or former partner or spouse. Although women are much more likely than men to be victims of both DV and on-the-job intimate partner homicide, men are victimized as well, and DV occurs in both heterosexual and same-sex relationships.

Domestic violence involves the use of a *multitude of tactics* by one partner to control and manipulate the other. Victims often suffer from verbal and emotional abuse on a daily basis, including humiliation, degrading language, isolation from family and friends, threats, and attempts to sabotage

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their efforts to assert some independence. (This includes working outside the home and having access to their own finances, which is helpful to understand in this context.)

How does Domestic Violence Manifest in the Workplace?

An abusive individual's power and control tactics are likely to manifest at the workplace in the form of repeated harassing phone calls and/or text messages to their partner, causing the victim to take frequent breaks to reply for fear of retaliation (which might include an unexpected hostile visit from the abuser). Such constant harassment produces great stress for the victim.

Add to these incidents the abuse occurring *outside* of work, and the result is employees who are often fearful, anxious, depressed, and sleep-deprived, struggling to maintain their focus *in* the workplace. Is it any surprise that victims are likely to experience high rates of absenteeism and tardiness?

In fact, it may be the very motivation of the abuser to sabotage their partner's job performance, cause them to lose workdays (and wages) and eventually the job altogether, thus making the victim more financially vulnerable and dependent on the abuser.

Perpetrators of domestic abuse at the workplace is another cause for concern. They too tend to perform their work tasks less effectively: as mentioned previously, they are likely to spend a significant amount of time calling or texting their partners to keep tabs on them.

If the victim does not respond in what they consider to be a timely manner, the perpetrator becomes more distracted and dedicates greater energy to tracking down their partner and possibly leaving the workplace to harass them in person.

A perpetrator's behaviors at the workplace can also turn disruptive or violent – endangering everyone's safety – and may have public relations implications for the business.

Finally, the negative effects of DV at the workplace are *not* limited to victims and perpetrators. Concerned, empathetic co-workers may lose focus on their own work tasks as they seek to help a victim; their morale is dampened by the situation that they are witnessing, and they may fear for their own safety.

Workplace Responses – Best Practices

Employers have everything to gain in addressing DV at the workplace: minimizing productivity losses and employee turnover, maintaining a safe work environment for everyone, keeping health care costs down (when employees are physically and mentally healthier) and showing they truly care about the well-being of their employees.

Employers have the power to create safe, supportive and productive workplaces by putting in place practices and policies that respond to DV, including:

- ❖ Creating a Domestic Violence Response Team (DVRT) with representatives from a variety of departments, including EAP, and offering them training on the dynamics and effects of DV and how to respond to victims and well as perpetrators.

- ❖ Adopting a protocol and implementing leave, benefit, and referral policies that address DV in the workplace.

- ❖ Educating employees about DV through EAP-led workshops, newsletters, informal brown bag lunches, etc.

EMPLOYEE ASSISTANCE REPORT

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- ❖ Creating a supportive work environment where employees feel safe disclosing abuse. This includes maintaining requests for confidential assistance and respecting the choices of adult victims in response to the difficult situations they are experiencing.

- ❖ Informing staff who may be suffering or perpetrating DV about the community resources that are available.

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Obtaining, Retrieving & Protecting Clinical Records

By Sandra G. Nye, J.D., MSW

Recent changes have taken place in health information privacy. Covered entities include health care providers, clinics, hospitals, health insurance companies, company health plans and government programs that pay for health care benefits such as Medicare, Medicaid and military and veterans' health care programs.

The Health Insurance Portability and Accountability Act (HIPAA) sets minimum requirements for privacy protection. One of the most significant reforms prevents insurance companies from disclosing a worker's medical history to an employer. Employees still fear that they will be discriminated against.

Scramble to Comply

As more information is stored electronically that could potentially get into the hands of the wrong people, patients' medical records need to be shielded more than ever. Some providers are now keeping them under lock and key at all times, removing patients' names from outer covers and putting old records through a shredder instead of tossing them in a trash can.

Covered entities are required to safely maintain health care records and disclose them only to help carry out their health care function. The Privacy Rule



requires that health care and business entities disclose patient information *only* for the proper management and administration of the business associate. A business associate is a person or entity that performs functions or activities involving the use or disclosure of protected information on behalf of, or provides services to, a covered entity. However, a member of the covered entity's *workforce* is *not* a covered entity.

Pursuant to the Privacy Rule, business associate agreement activities or functions that use or disclose protected health information include payment of health care operations such as claims processing, data analysis, processing or administration, utilization review, quality assurance, billing, practice management and pricing. Business associate services (45 CFR 160-103) are legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, and financial.

Business associate contracts must contain the elements contained at 45 CFR 164.54(e): safeguards against use of disclosure of protected health information except as set out by a contract. A covered entity aware of a material breach or violation of the contract must report the problem to the HHS Office for Civil Rights (OCR).

Who Owns the Patient Record?

The general rule is that the provider owns the records – BUT as a general rule the patient, an appropriate person or agent may obtain a copy. Each state has passed legislation with regard records, and no two state laws are the same. For the most part, each state generally controls its own documents.

What happens to patient records if the provider closes? If the record has been removed to another provider or state for storage, that provider or state generally has custody of the records. It may be that resort to which a court will be required to obtain the material. Ordinarily, if there is a problem between the state and federal courts, litigation may be required.

An experienced attorney is very important as the bottom line in such cases is frequently a court. ■

Sandra Nye is the author of the popular "Employee Assistance Law Book." She may be reached at sandra@nyelawyer.com. Editor's note: This article originally appeared in the 4th quarter 2014 issue of the "Journal of Employee Assistance."

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'Moving Forward' is a Helpful Guide

Veterans and service members generally do well adjusting to civilian life following their service. Sometimes, however, they face difficulties with relationships, financial responsibilities, and loneliness, along with other difficulties related to their return home.

The Departments of Defense (DoD) and Veterans Affairs (VA) developed *Moving Forward*:

Overcoming Life's Challenges to help veterans and service members strengthen problem-solving skills and overcome difficulties such as these.

Moving Forward is a free, confidential, online educational and life coaching program that can be useful to anyone with stressful problems. Based on evidenced-based Problem-Solving Therapy, *Moving Forward* teaches skills to identify goals, problem solve,

reduce stress, and increase optimism. The self-paced online course and app allows veterans and service members to take the eight module training at their convenience. EAP providers may consider referring veterans and service members to *Moving Forward* to bolster problem solving and offer additional support. *Moving Forward* can be found at: www.VeteranTraining.VA.gov/apps/MovingForward. ■

Clinical Perspective

Do Wellness Programs Lower Obesity Costs?

Are the employee-sponsored wellness programs sprouting up in corporate America to get employees healthier and drive down the cost of health benefits succeeding, especially regarding obesity?

A study presented during "Obesity Week" has found that wellness programs are commonly setting weight goals for employees, but most often they are paired with employer health plans denying coverage for evidence-based obesity treatment.

The first-of-its-kind study was conducted by Ted Kyle, RPh, MBA, of ConscienHealth, and Joe Nadglowski of the Obesity Action Coalition (OAC). The study surveyed more than 5,000 employees

who are required to participate in wellness programs to qualify for full health benefits. The investigators found that most employer-sponsored health benefit plans (59%) do not cover obesity treatment, even though these same employers commonly set weight, diet, and exercise goals for employees.

"Our study shows how some programs can amount to a subterfuge for discrimination," Kyle stated. "All too often, a wellness plan that sets weight goals for employees is paired with a health plan that denies coverage for evidence-based obesity treatments. By doing this, an employer risks alienating more than one-third of its employees." ■

Resources

📖 *Turning Good Employees into Great Managers*, \$99 PDF download, PBP Executive Reports, (800) 220-5000; www.pbpexecutive-reports.com. Managing successfully requires a different set of skills and a whole new mindset that has to be learned. This report shows how.

📖 *Managing Gossip*, \$99 PDF download, PBP Executive Reports, (800) 220-5000; www.pbpexecutive-reports.com. **Sixty-five hours a year per employee are wasted gossiping about the workplace.** Do the math. Suddenly the grapevine looks like an enormous money pit. This report shows how to remedy this costly, morale-sapping problem.

📖 *Business Adventures: Twelve Classic Tales from the World of Wall Street*, by John Brooks, www.amazon.com. The fundamentals of this book remain just as true today as when they were written, according to Bill Gates, who endorses this title. (So does Warren Buffett.) ■

❖ Taking the proper security measures to ensure the safety of all employees, especially the victims. It's a good idea to work with victims to put in place individual safety plans.

❖ Holding perpetrators in the workplace accountable for their actions; it should be made clear that DV will *not* be tolerated any more than other acts of violence at the workplace.

Despite the best of intentions, HR and EA professionals can feel overwhelmed and powerless in the face of DV. Therefore, it's recommended that employers collaborate with the local DV crisis center when developing an effective workplace response. Experienced advocates can provide guidance and support, as well as training. In other words, *EA professionals do not need to become experts on DV, but they can still be very effective by serving as a "bridge" between employees and the local crisis center.*

Summary

In closing, I'd like to acknowledge that talking about DV is neither easy, nor comfortable. Most people – and many employers – would rather just write it off as a family issue, to be dealt with by the concerned parties. As we have seen, however, it is a widespread ill in our society, and pretending to be an ostrich with one's head buried in the sand will ultimately hurt businesses and organizations.

Sandra Molinari is a trilingual gender-based violence (GBV) professional with 12 years' experience in program coordination, training and prevention, both in the US and Latin America. For more information or a list of references used in this article, she can be reached at s_molinari@hotmail.com.

Editor's Notebook



The Ray Rice saga is still big news as I write this column, but who knows... it

may have cooled off considerably in the media by the time you receive this particular newsletter.

But for a victim of domestic violence, this is really a moot point isn't it? Unlike the Rice story, for a victim of DV, the fear, stress, verbal abuse, etc. does NOT go away. That's why Sandra Molinari addresses this vital workplace topic in this month's cover story.

It is *so* easy to sweep this issue under the rug, dismissing it as strictly a personal matter. However, the EIGHT MILLION paid workdays lost to domestic violence would indicate otherwise; this *is* a workplace issue!

But, you might say, my experience as an EA professional does not qualify me to address a delicate issue like this. No matter. As Sandra suggests, "EA profession-

als do not need to become experts on DV, but they can still be very effective by serving as a 'bridge' between employees and the local crisis center."

The Employee Assistance Professionals Association (EAPA) receives numerous phone calls about who owns patients' records, how does the HIPAA Privacy Rule apply, etc. Sandra Nye discusses the topic in this issue of *EAR*. (The article previously appeared in the *Journal of Employee Assistance*.) Since no single article can address all of the nuances involved, readers who still have questions may contact her at sandra@nyelawyer.com. Until next time.

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We've Got You Covered!



Whether it's monthly – or quarterly – the *Employee Assistance Report (EAR)* and the *Journal of Employee Assistance (JEA)* are the publications that EA professionals need to stay on top of trends and other developments in employee assistance.

An electronic subscription to *EAR* offers the same great benefits of our printed newsletter – but at a fraction of the cost – a \$130 savings annually! Each month, links to the newsletter and its inserts are emailed directly to your inbox. Going electronic helps the environment, too!

The *JEA* – published quarterly by the Employee Assistance Professionals Association – is a core benefit of EAPA members. The *JEA* features a broad range of important EAP topics – including international, legal, and technological issues – every three months.

Both publications are edited and designed by Impact Publications, Inc. ■

Successful People Don't Bring Smartphones into Meetings

By Travis Bradberry and Kevin Kruse

You are annoying your boss and colleagues any time you take your phone out during meetings, says new research from USC's Marshall School of Business, and if you work with women and people over 40 they're even more perturbed by this behavior than everyone else.

The researchers conducted a nationwide survey of 554 full-time working professionals earning above \$30K and working in companies with at least 50 employees. They asked a variety of questions about smartphone use during meetings and found:

- 86% think it's inappropriate to answer phone calls during meetings;
- 84% think it's inappropriate to write texts or emails during meetings;
- 66% think it's inappropriate to write texts or emails even during lunches held off-site; and
- The more money people make the less they approve of smartphone use.

The study also found that Millennials are three times more likely than those over 40 to think that smartphone use during meetings is okay, which is ironic considering Millennials are highly dependent upon the opinions of their older colleagues for career advancement.

Why do so many people find smartphone use in meetings to be inappropriate? When you take out your phone it shows a:

❖ **Lack of respect.** You consider the information on your phone to be more important than the conversation at hand, and you view people outside of the meeting to be more important than those sitting right in front of you.

❖ **Lack of attention.** You are unable to stay focused on one thing at a time.

❖ **Lack of listening.** You aren't practicing *active* listening, so no one around you feels heard.

❖ **Lack of power.** You are like a modern-day Pavlovian dog who responds to the whims of others through the buzz of your phone.

❖ **Lack of self-awareness.** You don't understand how ridiculous your behavior looks to other people.

❖ **Lack of social awareness.** You don't understand how your behavior affects those around you.

Summary

It's important to be clear with what you expect of others. If sharing this article with your team doesn't end smartphone use in meetings, take a page out of the Old West and put a basket by the conference room door with an image of a smart phone and the message, "Leave your guns at the door." ■

Kevin Kruse is a best-selling author, and accomplished speaker. Travis Bradberry is the co-author of "Emotional Intelligence: 2.0" and the co-founder of Talent Smart.



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Blunders in 'Tech-etiquette' are Common

The use of electronic "gadgets" such as smartphones and other handheld devices may make employees more productive, but they haven't made the workplace more polite, a survey suggests.

More than half (51%) of chief information officers (CIOs) interviewed have seen increased instances of poor workplace etiquette resulting from frequent use of mobile electronic devices.

Robert Half Technology, which conducted the survey, identifies five types of tech-etiquette offenders, and offers tips for making sure that you (or someone you know) aren't one of them!

❖ **The misguided multi-tasker** – This person thinks that emailing or texting during a meeting of conversation demonstrates efficiency. But others may regard it as a sign that they prize their BlackBerry more than the company they keep. Unless you want

to create potential animosity at work, use your handheld device only in an urgent situation and even then, step out of the room to reply.

❖ **The email addict** – If you've ever played email tag with a colleague, you've likely encountered this person. He or she relies on a constant stream of emails or texts to communicate all of his/her needs, often thinking it will save time. But excessive messaging, particularly regarding trivial things, can be inefficient and disruptive. A phone call or in-person discussion can often resolve issues more quickly.

❖ **The broadcaster** – This person has no shame when it comes to using his/her cell phone anytime, anywhere – including hallways and restrooms – to discuss anything. It's disrespectful. Limit private conversations to private places.

❖ **The cyborg** – It's rare that you will see this person without the blinking glow of a Bluetooth headset or iPod earbud nestled in his/her ear. Keeping a wireless earpiece or headphones constantly plugged in signals to others who may not need to speak to you that you're not available. Show that you *are* accessible to colleagues by using earpieces in the office with discretion and consideration for those around you.

❖ **The distractor** – This person may have good intentions in setting his/her phone to vibrate rather than torturing colleagues with a cheesy ringtone, but hearing it repeatedly buzz loudly on a desk-top or during a meeting can be just as distracting. A better solution: Set the phone to silent or keep it in your pocket. ■

Source: Robert Half Technology (www.rht.com).

EAPs Save Employers Money!

❖ For every dollar invested in an EAP, employers generally save anywhere from \$5 to \$16 (USDL, *What Works: Workplaces without Drugs*).

❖ United Airlines estimated it gets nearly a \$17 return for every dollar invested in employee assistance. (*Substance Abuse: A Guide to Workplace Issues*).

❖ The Warner Corp. realized an estimated \$1,750 savings per employee, per year, because of lower workers' compensation costs and fewer on-the-job accidents, due to having an EAP (Marsh & McLennan Companies, *The Economics of a Drug-Free Workplace*).

❖ The Gillette Company saw a 75% reduction of in-hospital alcohol

and other drug abuse treatment costs (*The Economics of a Drug-Free Workplace*).

❖ McDonnell Douglas estimated that its EAP saves the company \$5.1 million annually due to fewer days missed from work, reduced turnover, and lower medical claims of employees. ■