

EMPLOYEE ASSISTANCE REPORT

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supporting EAP professionals

State of EAPA:

President Talks Issues with EAR

Employee Assistance Report had the opportunity recently to interview Dave Worster, director of EAP services for Concord Hospital in Concord, N.H., and president-elect of the Employee Assistance Professionals Association (EAPA) about EAPA initiatives and issues affecting employee assistance professionals. The following is an edited summary of that conversation.

EAR: In today's complex world, the need for EAP services seems to be greater than ever. And yet, with competition from so-called "give-away" services as opposed to true EAP; an apparent trend toward

online EAP; and what some feel are disappearing EAP core values, to name a few; the EAP field is clearly facing some perplexing dilemmas. What would you say are one or two key issues at the center of these quandaries, and what might be some solutions?

DW: Over the years, following the advent of managed care, EAPs have increasingly been seen as a commodity – and priced accordingly. In too many cases, businesses see EAP as a clinical product as opposed to a management-performance enhancement strategy.

They don't seem to mind the lack of utilization – they're content sim-



Dave Worster,
EAPA
president-elect

ply to offer an "EAP." Businesses appear to have little to no understanding of what a full-service EAP can offer them, so they accept lesser products. In some cases, businesses actually believe either that these lesser resources are a better fit for their needs, or they don't want to spend the money on their workforce for EAP-related services.

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If You're Planning on Going...

What: EAPA's 2008 Annual World EAP Conference

Where: Atlanta, GA

When: Oct. 15-18, 2008
(pre-conference training Oct. 14-15)

Keynote speakers:

- Erin Gruwell, Freedom Writers Foundation – Hear the story that inspired the movie, *Freedom Writers*.
- Dr. Paul Early, MD, FASAM – *Clearing a Path to Recovery*

EAPA's 2008



- Govan Martin and Shawn German – *Response to the Amish School Shooting: Lessons Learned by the Pennsylvania State Police Member Assistance Program.*

For more information:

For more information, or to register online, visit EAPA's website at www.eapassn.org. Exhibiting and sponsorship opportunities are available. Call (303) 242-2046.

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We need to sell the fact that true EA skills: problem solving with managers and supervisors; providing a different and creative perspective; and having a knowledge and appreciation for the nuances of each work culture, are a valuable asset.

Many times it appears that members of the profession collude in this process, opting for short-term gain rather than long-term development. There is no easy solution to this, but we need to continue the dialogue among all interested.

EAR: Part of the problem seems to lie in the lack of a consistent and well-defined operational definition of an "EAP." Would you agree with that statement? Could the recently formed Employee Assistance Research Foundation (EARF) help resolve that barrier? What other roles do you think the EARF should have in supporting the EAP profession?

DW: "Operational definition" is a difficult concept. There may be different levels of employee assistance that can be offered – taking into account that the business world ultimately drives how EAPs are structured.

That being said, it's critical that we have clearly articulated demonstrations of outcome and impact as a standard part of each level of service delivery. While this has generated a lot of discussion, there has yet to be a concrete solution.

The EARF is a marvelous practical step in the right direction for our profession. EARF is not only able to demonstrate outcomes and return-on-investment (ROI) for businesses, but it can identify best practices that are supported by empirical data, rather than anecdotal evidence and opinion.

We need to re-commit to communicating who we are and what we do for businesses and government lead-

“Providing management expertise is critical since many smaller companies cannot afford comprehensive human resources...”

ers, so misconceptions and misunderstandings are minimized. EAPs must focus on establishing areas of agreement regarding definitions and work to promote them, so we appear less fragmented and disorganized.

EAR: In general, how can the EAP profession thrive and keep from stagnating or even regressing?

DW: I think everything stems from developing workable plans for improvement and then implementing them. Small steps are acceptable as a start. We need to re-energize by getting younger practitioners interested in the workplace as a service venue. We need to revive efforts to reach out and "talk up" EAP in our business communities and make new connections as well as renewing old ones.

We can partner with like-minded groups to help in that process. EAPA is looking for more diverse constituencies to foster dialogue, focus energies, and continue to grow in our level of sophistication to approach the world of work.

EAR: However some of these matters unfold, it would appear that counseling needs to remain at the forefront of EAP services. Would you agree with that statement?

DW: The very term "counseling" in your question underscores the definition difficulties the field faces. In other words, some would suggest that a "true EAP" provides assessment and referral for individuals, as opposed to counseling per se. We need to decide if EAP is counseling in the workplace, or is it something else? Is it truly a tool for performance enhancement and a support

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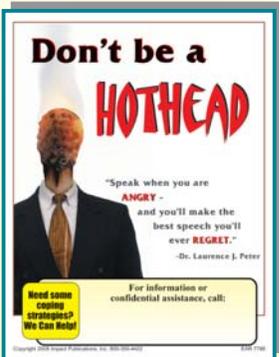
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for managers and supervisors? Is it a health benefit or a human resource?

We must also recognize that organizations outside the U.S. are different. To become a truly global organization, we need to think beyond an American mindset – not ignoring the issues that exist here, but understanding the need to maintain flexibility and awareness to meet changing needs of workplaces everywhere.

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EAR: Is the EAP field overlooking some areas in which it can make itself indispensable to corporate clients and other organizations? If so, would assisting in anxiety-related problems be among them? What might some others be?

DW: I still believe that the greatest service we can provide for business is to give them a strategy to address performance problems in their workforces without having to sort out people's personal problems themselves.

Understanding local resources and the organizational culture is what distinguishes us from other professions. Providing management expertise is critical since many smaller companies cannot afford comprehensive human resources or organizational-development programs.

Depression and anxiety continue to be major issues in the workplace, but they are currently poorly under-



Editor's Notebook

The recent workplace shooting incident in rural Kentucky was tragic, but one cloud in the silver lining is that the disaster may fuel additional interest in preventing workplace violence.

One aspect of workplace violence – workplace bullying – is addressed in this month's *Brown Bagger* and in an article in this month's newsletter. See also the April 2008 *EAR* for a more comprehensive look at workplace violence.

Kudos to Dave Worster for taking time out of his busy schedule to

address questions posed by *EAR* for this month's question-and-answer article. We hope you find his answers helpful and informative.

P.S. Need yet more proof how fast time flies? I wrote this month's note on July 1 – recognizing that this particular newsletter, which you now have in your hands, wouldn't mail until early August. Until next month – when Fall will more officially be upon us.

Mike Jacquot

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stood and addressed. For example, of the top 20 medications prescribed in 2006, eight deal with cardiovascular issues, three were gastrointestinal, and three were anti-depressants. Prescription drug sales increased 8.3% over the previous year. Many employees are now using prescription medications at work, sometimes inappropriately.

Providing planning services for pandemic health outbreaks, critical incident response, and other work-related issues offer additional opportunities for EAPs to demonstrate their value.

EAR: Could you discuss the current state of EAPA? What have been a few successes this past year that employee assistance professionals should be aware of? What are some goals or other challenges that lie ahead for the organization for the rest of 2008 and beyond?

DW: EAPA is in the process of marking our 6th-straight year of turning a profit as an organization. This has returned EAPA to a solid financial footing from which to launch our activities in support of the field. We have a new strategic plan that speaks simply, yet elo-

quently about targeting services to our members and services to the profession.

Some of EAPA's goals include: supporting the development of EAPs worldwide; marketing EAPA and increasing educational opportunities for members (and others) through distance-learning initiatives; and maintaining the fiscal health of the organization while increasing our influence for the profession by retaining members and attracting new ones.

EAR: What will be a few of the key topics discussed at the 2008 World EAP Conference in Atlanta? What are some practical aspects that you think attendees will be able to take back and apply on their jobs?

DW: This year's conference promises to be our best yet. There will be three days packed with presentations, both theoretical and skill building, by experts from all over the world – and targeted at every level of professional, from beginner to the seasoned practitioner.

While the conference content is

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always important, I am convinced that the most important reason to come to Atlanta is the networking opportunities that are available to spend time with and compare notes with like-minded colleagues. These relationships are invaluable for support and additional perspectives. There will be a number of networking opportunities built into this year's conference including one specifically for first-time attendees. (**Editor's note:** See the sidebar on page 1.)

EAR: What advice would you have for employee assistance professionals in their work?

DW: In an article I wrote for *EAR* last year, I suggested some possible strategies for EAPs that can serve as a good start going forward:

- Use core technology as a base, but be flexible to address workplace needs.
- Consider supporting the profession by obtaining a CEAP (if you don't already have one), and publicize the value of the CEAP by identifying qualified professionals to potential purchasers of service.
- Establish generally accepted performance measurement standards and common definitions of terms. In the interim, be clear about how you measure your services with employers.

- Identify areas of agreement with your colleagues on these definitions.
- Talk with local business leaders about what an EAP can do for them. Learn their language and what's important to them. Be sure you let them know how an EAP can help them achieve their goals.
- Be familiar with major workplace issues: the changing workplace, worker shortages, education and talent shortages; stress; and the need for greater resilience as well as productivity. Be sure to relate to these issues in business terms, and be specific about how EAPs can help. ■

In the News

Workplace Homicides Misunderstood

Earlier this summer, Wesley Higdon, a plastics plant worker in rural Kentucky, killed five co-workers and then himself. The June 25 shooting occurred hours after an argument between Higdon and his supervisor – allegedly over Higdon not wearing his safety goggles and using his cell phone while working on the assembly line.

In light of this tragedy, *Employee Assistance Report* asked a CEAP and an expert on workplace bullying what might enhance safety and protection in the workplace.

“American employers ignore general mistreatment not readily categorized as illegal discrimination,” said Dr. Gary Namie, director of the Workplace Bullying Institute. “The 2007 WBI-Zogby survey found that U.S. employers either ignore complaints of bullying (44%) that Higdon might have lodged earlier given the opportunity that a policy might have provided – or they worsen matters (18%).

“Our individualistic society and EAPs with a clinical orientation tend to overestimate the role of personali-

ty, dysfunctional or not, in workplace homicide,” Namie added. “The invisible factor is a chronic, toxic, dehumanizing work environment. All EU (European Union) laws target the environment and hold employers solely responsible for its effects on workers.

“In the U.S., since 2003, 13 states have introduced, but failed to pass, anti-bullying legislation for the workplace (workplacebullyinglaw.org),” Namie said. “It is employer-friendly legislation designed to encourage the creation of policies and credible enforcement procedures to prevent the escalation of bullying into homicide.”

Jon Christensen, CEAP and owner of OnBelay Workplace Services in Racine, WI, notes that many workplaces have zero-tolerance policies on violence, harassment, and other concerns relating to safety and wellness.

“There are many examples of policies and programs that work very well, but these incidents still occur far more often than they

should,” Christensen said. “The shootings make the news, but there are hundreds, if not thousands of incidents that often precede the more drastic response of a frustrated or otherwise impaired employee.”

Christensen adds he believes there is a possible strong link between workplace violence and school-age bullying behavior.

“If a person bullies on the school ground, what would make us think that they would automatically grow out of that behavior? It would follow that with this personal history, there will be bullying in the workplace – difficult situations arise involving difficult people.

“The solution? Well, it's not *more* laws or more policies as much as it is to use the policies, laws, training and education that *are* available and take early, appropriate, corrective action sooner,” Christensen added. “Everyone benefits, or everyone loses.” ■

Editor's note: Workplace bullying is addressed in greater detail in this month's *Brown Bagger* insert. Workplace violence was featured in the April 2008 *EAR*.

Court Rulings Impact Employer-Employee Relationship

By Dan Levine

Two recent Supreme Court rulings have impacted the employer-employee relationship and may very well change the way certain companies manage their employees.

On May 27th, the U.S. Supreme Court announced two significant rulings (*Gomez-Perez v. Potter*, *CBOCS West, Inc. v. Humphries*) providing a broader interpretation of workers' rights under two federal anti-discrimination laws, giving certain employees more leeway to sue if they face retaliation after complaining about age or race discrimination in the workplace.

The following are a few FAQs to assist companies in adapting to this change in the legal landscape:

What businesses are most affected by the new rulings?

While retaliation claims have been a significant part of anti-discrimination legislation prior to these rulings, the Court's *Humphries* decision impacts smaller (less than 15 employees) businesses by allowing employees

of these companies to sue if they suffer retaliation in connection with race discrimination complaints.

Additionally, employees of the federal government now have the ability to assert retaliation claims in connection with age discrimination complaints as a result of the *Gomez-Perez* case.

What is "retaliation?"

The courts have struggled to precisely define retaliation and whether a particular adverse employment action rises to the level of retaliation still is open to interpretation. On the one hand, terminations, suspensions with pay and demotions most likely will be considered retaliatory actions. On the other hand, transfers, unfavorable evaluations and minor disciplinary actions (warning letters) may not suffice.

How should HR departments readjust their disciplinary procedures and termination policies to avoid being characterized as retaliatory?

First of all, companies must have, if they do not already, a

clear policy in place that requires some level of documentation as to the reasons and justifications for terminating an employee. A sound termination procedure should cite the reasons why an employee is being fired, and provide either evidence or statements from the employee's superiors. Companies also should consider the timing of any termination decision once an employee has made a complaint of discrimination.

Companies and HR would do well to exercise additional precautions in their disciplinary procedures until this issue becomes more clearly defined by the courts. Companies should also be proactive and consult a qualified employment law attorney to review existing HR policies and procedures and discuss particular employment matters prior to taking any final action. ■

Daniel R. Levine, a shareholder with the law firm Shapiro, Blasi, Wasserman & Gora P.A., in Boca Raton, Fla., is Board-certified in labor and employment law by the Florida Bar. For more information, visit www.sbwlawfirm.com.

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Employers Recognizing ‘Pain at the Pump’

As gasoline prices continue to rise, more employers are offering additional benefits, such as telecommuting and flexible schedules, to help offset those costs, according to a new survey from the world’s largest human resources association.

Most organizations are using benefits, not increased pay, to help employees cope. Only 2% of surveyed employers offered a cost of living raise prompted by gas prices, or stipends to employees with long commutes. Instead, employers are

offering new benefits, and employees are also taking better advantage of existing benefits.

The Society for Human Resource Management (SHRM) survey showed that the most common tactic (42%) was to raise the mileage reimbursement to the IRS maximum. Other benefits include:

- Offering a flexible work schedule, 26%;
- Telecommuting, 18%;
- Public transportation discounts, 14%; and
- Rewarding employee perfor-

mance with a gas card, also 14%.

Other key survey findings include:

- Driving-related assistance has risen dramatically. For example, 13% of employers raised mileage reimbursement to the IRS cap in 2007, compared to 42% this year.
- Some employers (12%) assist employees organize carpools, while 7% offer priority parking to employees who carpool. ■

Source: The Society for Human Resource Management, www.shrm.org.

On the Job

Resources for Flood Victims

Have any of your corporate clients and their employees been impacted by recent flooding in the Midwest? EA professionals may simultaneously be dealing with your own damaged homes and upended lives. The following is a list of some available resources:

Home Safety and Flood Recovery

The Department of Health & Family Services of the State of Wisconsin has a terrific website at <http://dhs.wisconsin.gov/eh/DisasterHealthSafety/flooding.htm>. The site covers a number of flood-related issues including:

- ✓ Evacuating your home;
- ✓ Water safety;
- ✓ Food safety;
- ✓ Garbage precautions;
- ✓ Injury prevention;
- ✓ Increased insect activity; and
- ✓ Utility service interruption.

Areas to consider when re-entering a flood-damage home include addressing: 1) mold; 2) correcting water damage and clean-up; 3) utility service; and 4) food safety.

Mental Health Impact

The State of Wisconsin has also compiled advice to address the emotional impact of the flooding. The information listed on this website – www.datcp.state.wi.us/flood2008/mental_health.jsp is generic and suitable as a handout for EAP clients.

Federal Aid

The Federal Emergency Management Agency (FEMA) – www.fema.gov/assistance/index.shtml offers guidance to those who need to apply for federal aid or need to find out if they qualify.

Weather Conditions

According to the U.S. National Weather Service, damage from

flooding appears likely to reach hundreds of millions of dollars.

Thousands of homes and hundreds of businesses have been flooded – road damage is extensive, and many levees and dams have failed or are in jeopardy of failing. For up-to-date weather conditions, go to www.weather.gov.

Register As ‘Safe and Well’

The American Red Cross urges affected residents to register themselves and their loved ones on the “Safe and Well” website. Visit www.redcross.org and click on the “Safe and Well” link.

Shelters

The Red Cross also maintains a list of shelters in all affected states, as well as other resources. Go to <http://redcrossmidwestflooding.wordpress.com>. ■

Source: Reprinted with permission from the Employee Assistance Professionals Association (www.eapassn.org).

Identity Theft:

Pros and Cons of Identity Scoring vs. Credit Monitoring – Part I

Editor's note: In today's technological society, identity theft has become an increasing concern. Could it be an overlooked EAP niche? A leading authority on the subject addresses this topic in part one of a two-part article.

By Jim Collins

The Identity Theft Resource Center is a non-profit organization dedicated exclusively to the understanding and prevention of identity theft.

It defines identity theft as:

“a crime in which an impostor obtains key pieces of personal identifying information such as Social Security numbers and driver's license numbers and uses them for their own personal gain. It can start with lost or stolen wallets, pilfered mail, a data breach, computer virus, phishing, a scam, or paper documents thrown out by you or a business which result in 'dumpster diving.' The crime varies widely, and can include check fraud, credit card fraud, financial identity theft, criminal identity theft, governmental identity theft, and identity fraud.”

To make the situation worse, thieves want more than just your money. In 2007, the Federal Trade Commission reported that credit card fraud accounted for 23% of reported identity theft cases. However, non-financial types of fraud – including employment fraud – accounted for 14% while government documents and benefits fraud accounted for 11%. Non-financial types of identity

“In 2007, the Federal Trade Commission reported that credit card fraud accounted for 23% of reported identity theft cases.”

theft include utilities and phone fraud, medical, criminal, employment, and government benefits fraud and synthetic identity theft in which the identity is fictional rather than stolen.

Criminals can readily obtain our personal data without breaking into our homes. The U.S. Department of Justice reports that “in public places, for example, criminals may engage in ‘shoulder surfing’ – watching you from a nearby location as you punch in your telephone calling card number or credit card number – or listen in on your conversation if you give your credit-card number over the telephone to a hotel or rental car company.”

Once the predator has enough identifying information, they can take over that person's identity by falsely completing applications for loans and credit cards, making bank account withdrawals using the victim's information, and other unscrupulous activities, and inflict substantial damage on the victim's assets, credit, and reputation.

People are bombarded by offers of free credit card monitoring that

will reduce identity theft.

Enterprises that are compromised by data break-ins generally offer free credit report monitoring to potential victims. Are there limitations to the protection you receive from these free offers?

Unfortunately, there truly is no “free lunch.” A study conducted by Gartner Research revealed that “identity scoring and monitoring is more effective than credit report monitoring to watch for potentially fraudulent activity.”

Notebook computers filled with confidential employee information are stolen on a daily basis, and data breaches and criminal accesses also occur at retailers, payment processors, and other types of companies all the time.

Following a compromise, affected enterprises generally offer potential victims free credit report monitoring from one of three major credit bureaus: Experian, Equifax or TransUnion, which implies that credit report monitoring will protect customers from criminal use of their identity records for subsequent crimes.

NEXT MONTH: The differences between credit card monitoring and identity scoring are discussed. ■

Jim Collins is president of HR Plus, www.hrplus.com, a premier provider of background screening and pre-employment services, and a division of AlliedBarton Security Services, www.alliedbarton.com, a leading provider of highly trained security personnel.

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Study Reveals EAP Growth

Larger percentages of employers are providing employee assistance programs to help employees deal with problems and pressures, according to the Families and Work Institute's *2008 National Study of Employers*.

According to the study, 65% of employers are providing EAPs, up from 56% in 1998. There has also been an increase in wellness programs, with 60% providing these programs today, compared with 51% in 1998.

In addition, more employers are providing women with private space for breastfeeding today (53%) than in 1998.

Flexible Hours

There are two changes in the provision of flexibility between 2008 and 1998. An estimated 79% of employers now allow at least some employees to periodically change their arrival and departure time, up from 68%.

In addition, 47% of employers allow at least some employees to move from full time to part-time work, and back again, while remaining in the same position – down from 57%.

Health Care Coverage

Although there have been no cut-backs in the percentages of employers who provide health care coverage for employees and their families, employers are asking employees to pick up a larger share of the premiums.

Among employers offering personal or family health insurance, 34% increased employees' premium co-pay during the preceding 12 months. Only 4% pay all premiums, compared with 13% in 1998.

However, employers are more likely to provide health insurance for unmarried partners of employees – 31% in 2008, compared with 14% 10 years ago.

There has been a steep decline in offering pension plans – 29% in 2008 compared with 48% in 1998.

Summary

There have been serious reductions in how much employers pay toward benefits that cost money (health care, disability programs, and pension plans). However, employers have largely maintained or even increased the support they provide to employees in managing their personal and family lives.

Interestingly, employers with more diverse leadership at the top, and employers that are nonprofits, turn out to provide the best support for making work *work* for both employer and employee. ■

Reprinted with permission of Employee Assistance Professionals Association, www.eapassn.org. For the complete report, go to <http://familiesandwork.org> and then to the "New National Study of Employers released" link.

Washington Beat

Coalition Seeks Clarification of FMLA Regulations

What constitutes a serious health condition? How can an employer administer unscheduled leave in a way that's fair to all employees?

These are some of the questions that a coalition of employers and other organizations want resolved as improvements are made to the *Family and Medical Leave Act (FMLA)*.

The Society for Human Resource Management (SHRM), the world's largest association devoted to human resource management, leads a coalition that recently submitted lengthy comments to the Department of Labor, which is proposing regulatory

revisions to the 15-year-old law.

More than 100 associations and organizations co-signed the comprehensive comments submitted by the National Coalition to Protect Family Leave (NCPFL). The group is spearheading an effort to clarify regulations and improve *FMLA* administration for both employers and employees.

"Although some provisions within the *FMLA* regulations work well for both employers and employees, HR professionals have struggled to interpret other provisions," said Lisa Horn, SHRM manager of health care and chair of the NCPFL.

"The original purpose of the *FMLA*, as envisioned by Congress, will never be fully realized until both the employee and employer communities feel comfortable in their determination that an employee is rightly entitled to *FMLA* leave," Horn added. "Unless the department clarifies the *FMLA* rules, HR professionals will continue to encounter workplace challenges as a result of these complex regulations."

To learn more about the coalition, visit www.protectfamilyleave.org. ■

Source: SHRM, www.shrm.org.