EMPLOYEE ASSISTANCE REPORT

supporting EAP professionals

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The New Parity Law — What it Means for EAPs

By John Maynard, Ph.D., CEAP & Marina London, LCSW, CEAP

Speculation about the impact of the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act* on EAPs has ranged from one extreme to another. Some have expressed concern that if employers have to increase costs to meet parity mandates, they may see the EAP as a duplication of services and drop their EA programs as a way to recoup some of the additional insurance expense.

> ***"We are ushering in a new era of healthcare...If you have insurance then your mental health care must be equal to the benefits you get for any other disease."***
>
> — Sen. Pete Domenici (R-N.M.), co-sponsor of the *Paul Wellstone & Pete Domenici Mental Health Parity and Addiction Equity Act*

Others have predicted the opposite reaction, that some employers could avoid parity requirements by dropping mental health and substance abuse coverage in their health plans entirely and relying on the EAP to meet all mental health and substance abuse needs.

In any case, it's clear that the year-long process of crafting implementing regulations for the Parity Act, currently being undertaken by three government departments, is a crucial time. The Parity Act applies to health plans.

Therefore, as Dr. Ron Mandersheid, Director of Mental Health & Substance Abuse Programs for SRA International, notes, the impact of parity on an EAP will have much to do with whether the EAP is viewed as being a part of the company's health plan. This is a particularly important consideration for those EA programs that are structured as part of an integrated EAP-managed care service provided to a company by a single managed care vendor.

Even for EAPs not fully integrated with managed care plans, the parity law may have important implications. If employers see duplication between mental health or substance abuse services provided under their health plan and services provided by the EAP, they could be tempted to eliminate the EAP — or at least curtail some of the services offered by the EAP. EA programs, regardless of their organizational structure, will need to focus on services that are complementary to the

Parity Act at a Glance

➢ The *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act* requires that, if a health plan covers mental health and substance abuse services at all, then financial or treatment limitations on those services can be no more restrictive than financial or treatment limitations for medical or surgical benefits offered in the same plan.

➢ The requirement for parity includes provisions such as annual and lifetime benefit limits, co-payments, deductibles, limits on the fre-

continued on Page 3

FEATURED INSIDE

health plan, but not duplicative of the health plan.

Challenge for EAP Field

The challenge for the EA profession is highlighted by a recent survey conducted by the National Business Group on Health (NBGH), a non-profit organization representing over 300 of the nation's largest employers, which found that employers "may not sufficiently differentiate EAP services from employee health plan benefits…."

In response, NBGH recommended that, "In all circumstances, EAPs should be structured as an independent human resource function in relation to employee health benefit plans and related human resource functions." [Rothermel, S. et al (December, 2008). An Employer's Guide to Employee Assistance Programs: Recommendations for Strategically Defining, Integrating and Measuring Employee Assistance Programs. Washington, DC: National Business Group on Health; p. 18]

To define and align EAPs appropriately within an organization, the NBGH Employer's Guide identified three necessary defining EAP characteristics:

- "EAPs provide strategic analysis, guidance and consultation throughout the organization to enhance performance, culture, and business success.
- "EAP professionals are human behavior/psychological experts who are trained in and apply the principles of human behavior to direct interactions with management and employees.
- "The goal(s) of an EAP are established to optimize an organization's human capital potential."

These considerations reinforce EAPA's long-standing emphasis on defining EAPs as workplace performance programs instead of as health care benefits.

Dr. Eric Goplerud, Research Professor at the Center for Integrated Behavioral Health Policy at George Washington University, agrees. He says, "EAPs need to demonstrate that they are a unique business-oriented service…through research that shows their importance to the safety, productivity, and culture of the company."

Core Technology

For decades, effective EA programs have offered far more than just services that might be confused with health plan services. The seven components of the EAP "Core Technology," recognized as representing the essential components of any EA program, clearly differentiate between an EAP and a health plan. Four of the seven Core Technology functions (#1,5,6,7) do not involve direct services to individual clients at all.

The other three core functions may or may not overlap with health plan services depending on the particular design and structure of the EAP. [The Core Technology components and the EAPA Standards and Guidelines for EAPs can be found on EAPA's website at www.eapassn.org/public/pages/index.cfm?pageid=869 .]

Summary

EAPA will continue its leadership role in educating government policy-makers and those who are developing the implementing regulations. Meanwhile, we encourage all EA professionals to be thoughtful and cognizant of the implications of how they design and present their EA services to employers and employees.

When possible, we suggest that EA professionals begin a dialogue with the companies they serve to differentiate EAP from health plans by clarifying the full scope of the EA role and the potential value that carefully designed and constructed EA services can bring to the organization.

For the full text of the Parity Act, visit the Library of Congress THOMAS website at http://Thomas.loc.gov. Search for "HR 1424." ■

John Maynard is Chief Executive Officer with the Employee Assistance Professionals Association (EAPA), while Marina London is Manager, Web Services with EAPA. Parity legislation, its evolving implementation rules, implications for EAPs, and related marketplace developments will be explored fully at the 2009 Annual World EAP Conference, to be held Oct. 21-24 in Dallas, TX. For more information, visit www.eapassn.org.
***Editor's note**: See also the April 2008 article in EAR, "Mental Health Parity…New Law Seen as Important Step."*

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quency of treatment or on the number of visits or days covered, or other limits on the scope and duration of treatment. The Act also requires that out-of-network coverage for mental health and substance abuse must be consistent with out-of-network coverage for medical and surgical services.

➢ The law does not require that a plan must include mental health or substance abuse benefits; however if the plan does include such benefits, the requirements for parity apply. Currently, over 90% of employer-sponsored health plans do include coverage for mental health and substance abuse services.

➢ The law exempts individually purchased health plans and health plans sponsored by an employer with 50 or fewer employees.

➢ The law also provides a one-year exemption for employers that can demonstrate actuarially that implementing parity has increased costs by more than 2% in the first year or 1% in subsequent years. However, the Congressional Budget Office has estimated that parity is likely to increase costs by only 0.2%-0.4% per year.

➢ Health plans can still use managed care techniques, such as utilization review, to limit access to benefits. Upon request by current or potential participants, beneficiaries, or providers, plans must disclose the criteria they use to determine medical necessity, and they must disclose the reason behind any denial of a claim for mental health or substance abuse treatment. ■

— John Maynard & Marina London.

***Editor's note**: May is National Mental Health Month.*

Editor's Notebook

In my nearly 5 years as editor of *EAR*, I've never seen a topic dominate online "buzz" as much as mental health parity; hence it appears as the cover article for the second-straight month.

When one considers the ramifications of this landmark legislation, perhaps interest in this subject isn't so surprising. What lies ahead? Communication, for one, appears crucial. As the authors of this month's cover article state, "...we suggest that EA professionals begin a dialogue with the companies they serve to differentiate EAP from health plans by clarifying the full scope of the EA role...."

Unfortunately, it appears the full implications of this milestone bill on EAP will remain largely a guessing game until regulations governing parity are fully in place in 2010. In the meantime, I agree with William Moyers (see April *EAR*) that EAP needs to be in-tune with health care reform debate, or parity gains might end up being largely for naught.

* * * *

EAR recognizes the importance of covering *multiple* topics in this newsletter — and we are responding to requests for coverage about financial issues in wake of the current economy. Among others, also watch for upcoming stories on DOT and the SAP process, more grief in the workplace, and more about the impact of layoffs.

However, our editorial schedule is never etched in stone. We're happy to switch gears and publish additional items of interest at anytime. Call or email us with your questions or story suggestions. Until next time. ■

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Resources

🖱 ***EAPA Webinar Series Archive***. Need CEUs or PDHs on workplace mediation? Coaching? Ethical considerations? If so, visit www.eapassn.org/public/pages/index.cfm?pageid=1070.

📖 ***Taking Charge of Anger: How to Resolve Conflict, Sustain Relationships, and Express Yourself without Losing Control***, by W. Robert Nay, $16.95 list price, Guilford Press, www.guilford.com. If anyone has ever urged you to "*get a grip — or else,*" anger expert Dr. Robert Nay offers a six-step plan that can help you regain control, even in the most stressful, hot-button situations.

🖱 The ***Suicide Prevention Action Network*** is a nonprofit that channels the energy of those touched by suicide into action and advocacy, while promoting partnerships among all who are dedicated to preventing suicide. Visit www.spanusa.org.

📖 ***Treating the Aching Heart: A Guide to Depression, Stress, and Heart Disease***, by Lawson R. Wulsin, MD, $22.95, Vanderbilt University Press, www.vanderbiltuniversitypress.com. "Broken hearts" are *not* simply lyrics in songs — there IS a connection between depression and heart disease. The author explains how this cycle can be broken. ■

Keep Contributing to Your 401(k)

If you have a 401(k) plan, you've got a very good retirement-savings vehicle that's probably had a rough year. However, while you might have been tempted to toss your statements without looking at them, you don't want to throw away the opportunity to continue contributing to your 401(k).

The contribution limit for 401(k) plans increased from $15,500 in 2008 to $16,500 in 2009. And if you're 50 or older, you can put in an extra $5,500 in 2009, up from $5,000 in 2008.

Still, how can you reassure yourself you're making the right move by continuing to fund your 401(k) or similar plan. Consider:

☑ **Know your risk tolerance**. If big losses are causing you to lose sleep, you may be taking on too much risk. You may need to rebalance your portfolio so you have a greater percentage of conservative investments. Keep in mind, though, that because these plans are designed to build resources for retirement, you'll likely need some growth potential.

☑ **Don't overload on company stock**. Diversify holdings among the various investments available in your plan. While diversification cannot guarantee a profit or protect against loss, it can help reduce the effects of market volatility.

☑ **Adjust your investment mix over time**. Periodically evaluate and adjust the investment mix in your 401(k). When you're young, you can invest more aggressively because you have more time for the market to recover. As you get closer to retirement, you may want a more conservative portfolio that'll be less susceptible to big market drops.

Summary

Your employer may offer a matching contribution; if you don't accept it, you're literally walking away from "free money."

Certainly, declines in 401(k) statements are upsetting, but if you stop contributing you'll have a much harder time reaching retirement goals. ■

Source: Edward Jones Investments, www.edwardjones.com. Consult a local Edward Jones financial advisor for additional information. ***Editor's note****: For another Money Matters article, see also this month's Lifestyle Tips insert .*

How Smart Companies Bail *Themselves* Out

If you're a business professional or owner, you may well be wondering: Who's going to bail me out? The answer, of course, is "*No one.*" Not the government, not the new president, not your customers.

According to George Ludwig, an international speaker, trainer, and corporate consultant, the answer is to use smart, time-tested business and sales strategies to bail *yourself* out. The following are among Ludwig's suggestions:

➢ **Put the economy in perspective**. The economy has been *falling*, not *failing*. It's down, but it's down from the biggest economic boom of all time, the biggest housing boom of all time, and the easiest loan requirements of all time. "We're all going to have to work harder and smarter than ever before, but sales opportunities are still available," states Ludwig.

➢ **Replay the crises that you've overcome in the past**. Virtually every person and business has conquered at least one crisis. Now's a good time to reflect on those memories and remember how you came through those crises. Remind yourself that *tough times never last, but tough people do*.

➢ **Decide that you *will* make it through the slow economy**. We can't control the events of our lives, but we can control what we decide to think, believe, feel, and *do* about those events.

➢ **Keep training to get better**. If there's ever a time to keep getting better at what you do, it's during a down economy. Continuously learning and improving is the only way to be more effective and efficient.

➢ **Step up *high-impact* sales activities**. During a tough economy it becomes critical to spend a greater percentage of time selling or prospecting to well-qualified *ideal buyer types* face-to-face or on the phone. "Recent research confirms salespeople on average spend only 90 minutes per day in high-impact selling activities," Ludwig says. "That's a death rattle in a tough economy. Everyone must...schedule quality high-impact selling time every day...."

➢ **Take the modeling-for-success shortcut**. Find a mentor, coach, or colleague who's achieving the outcomes you desire and model his or her approach. "This is simply a shortcut as opposed to the trial and error approach most people take in their pursuit of success," Ludwig says.

Summary

"...We must participate in our own rescue, be accountable for our actions, and realize there is no point in waiting for the government or anyone else to throw us a lifesaver," Ludwig concludes. ■

George Ludwig is president and CEO of GLU Consulting, and author of "Power Selling: Seven Strategies for Cracking the Sales Code," $19.95, Kaplan Publishing, ISBN: 0-7931-8571-8.

Management Cited as Main Reason Good Workers Quit

When top performers decide to jump ship, managers may want to consider a little self-reflection, a recent survey suggests. More than one-third (35%) of executives interviewed said good employees are most likely to quit their jobs because of unhappiness with management. This is up from 23% when the question was asked five years ago.

Limited opportunities for advancement was the second most common answer, cited by 33% of respondents.

"Professionals seek strong leadership, particularly during times of uncertainty, and they also want managers they can learn from and who take an interest in their careers," said Max Messmer, chairman and CEO of Robert Half International, which conducted the study.

Andrew O'Keeffe, author of *The Boss*, adds: "In a bad economy, it's more difficult to find a new job, so managers find that their power-base is increased and workers discover that they have little choice but to cater to the whims of their superiors. ...In a civilized society, happy workers should not be a dying breed."

O'Keeffe cites other statistics from a number of studies to demonstrate this point:

- Of 23 factors that determine what most causes a person to stay or leave an organization, the leading reason is the quality of the manager (Corporate Leadership Council).
- In a study of 60,000 exit interviews, 80% of people who resign from their job do so to escape their immediate manager (Beverly Kaye and Sharon Jordan-Evans — *Love 'em or Lose 'em*).

Most employees who are looking for a new job will send out warning signals. Robert Half identifies the following five red flags for supervisors to be aware of:

➢ **A noticeable change in attitude.** A formerly enthusiastic staff member may seem withdrawn and indifferent. In addition to examining the individual's performance, look for changes in behavior in team settings.

➢ **Longer lunch breaks and frequent absences**. This may be a sign that someone is using the time for job interviews. It also could indicate the person is bored with the work.

➢ **Missed deadlines and increased errors**. Everyone misses a deadline from time to time, but apathetic workers make it a habit — one that can throw off the efficiency of an entire department or company. Numerous errors from a previously conscientious employee are a sign of disengagement and may signal lost interest and an impending departure.

➢ **More professional attire**. An employee who shows up for work wearing suits even though your company has a business casual dress policy may be going on job interviews with other firms.

➢ **A drop in productivity**. A decline in performance or work quality and increased forgetfulness about deadlines, meetings and appointments could indicate a worker who is gradually disconnecting from the job. ■

Sources: Robert Half International, www.rhi.com; and News and Experts, www.newsandexperts.com.

Get Everyone on 'the Same Page'

Conflict occurs when people have differences, yet they do not discuss them openly. The following are a few of the ways that organizations can help employees and managers prevent and resolve conflict:

☑ **Make sure there is a common understanding about deadlines and responsibilities**. Too many conflicts occur because managers fail to provide employers with information related to their job responsibilities and the company in general. It is imperative that priorities and deadlines are clear to everyone.

☑ **Recognize that conflict *will* occur**. Conflict is not a bad thing when it's done without anger, negativity, or hurt feelings. In fact, change and opportunity frequently involves conflict. This is actually much better than simply "rubber-stamping" decisions as they move up the corporate ladder.

> ***"The time spent in communicating these differences is well worth it..."***

Everyone needn't agree on a given topic, but different opinions should be hashed out objectively. Keep disagreements focused on the issue, not personalities, and conflict problems will be minimized.

☑ **Utilize personality assessment tools**. Personality assessment tools not only enhance hiring decisions — they also help co-workers and managers better understand different personalities. Armed with this understanding, conflicts can be reduced.

The Predictive Index®, for instance, uses colors to illustrate how personalities differ, and how these differences can affect decisions in the workplace. For instance, "oranges" are highly assertive personality types that may interpret a "gold" employee as not caring enough about his/her job or the company — when in fact this individual merely has a more subdued, laid-back personality. The time spent in communicating these differences is well worth it in terms of the misunderstandings and conflicts it'll help you avoid. ■

Sources: Patti Fralix, author of "How to Thrive in Spite of Mess, Stress and Less," and Dina Beach Lynch, former ombudsman for Fleet Bank. ***Editor's note****: See also this month's Brown Bagger.*

Leading in the Age of Anxiety

There isn't always a lot that can be about circumstances, but there *are* things that can be done about managing our *reactions* to them.

With this in mind, helping an organization manage excessive, chronic anxiety during these troubling times should be a high priority among workforce managers.

Overly anxious, emotional employees cannot truly be expected to think clearly, rationally, and objectively. Anxiety may exist in spades today, but the following are a few suggestions for managers and supervisors to at least *help* reduce anxiousness:

➢ **Strive to be a predictable leader**. The policies, procedures,

mission statements, etc., of an organization need to be aligned with the emotions of those in charge. Employees tend to disregard rational systems (e.g. company manuals, policies, etc.) when they see that the emotional aspects of the workplace rewards them for doing something else.

Put another way, the adage, *"values are caught more than they're taught"* also applies in the workplace. For instance, officially stated goals, job roles, etc., should fairly accurately describe the decisions and personalities of management. It simply doesn't add up if a supervisor preaches the need to be calm and rational, and then "flies off the handle" later in the day. If this is in fact the case, you most likely are working for an overly anxious organization.

➢ **"Detriangle" yourself.** Any relationship between two people seeks to stabilize itself by pulling

continued from Page 6

in one or more third parties. This process is called "triangling."

Suppose you have a conflict with a co-worker (let's call him Mike). Because the two of you can't reach an agreement, anxiety builds. You as the manager decide to draw in a third colleague (let's call her Mary) to get her "on your side" and relieve your anxiety. You've created a triangle: you and Mary against Mike. Triangles are natural to a certain extent, but they can create even *more* anxiety. To "detriangle" yourself:

1. Look for the objective cause of the anxiety that has led the triangle to rise.

2. Take sides with *issues*, not people.

3. Maintain an independent one-on-one relationship with *each* of the individuals in the triangle.

Summary

Since anxiety is a complex phenomenon, these suggestions represent only a tip of the iceberg. An organization may need professional help (such as the EAP) in identifying its many forms and sorting out its root causes.

But don't despair — managers who make an effort to rise above their own anxiety, may start a "ripple effect" that transforms the entire company. ■

Source: Jeffrey Miller, management consultant, coach, and author of "The Anxious Organization, 2nd Edition: Why Smart Companies Do Dumb Things," $19.95, Facts on Demand Press. For more information, visit www.anxiousorg.com.

Let's Call PowerPoint What it Really is — *Corporate Karaoke*

By Chris Witt

Have you ever been bored by a PowerPoint presentation? Of course you have — it's an endless succession of bullet points, cheesy graphics, and lame special effects. And the presenter regurgitating everything that's on a slide you've already read. Who *wouldn't* be bored?

Let's call PowerPoint what it really is — corporate karaoke. We endure it even though it bores audiences, trivializes content, and pushes speakers to the side of the stage where they interact with their slides, not with the audience.

Businesspeople (and those outside the business world) have come to equate giving a presentation with using PowerPoint. But this program, even when used well, should be used sparingly. It addresses the facts, but it doesn't motivate, inspire, or influence an audience.

Increase the impact of your speech or presentation by decreasing your reliance on PowerPoint and by following these rules:

1. **Be yourself**. Use the same words and phrases typically used in conversations. Use the same gestures as well, only make them slightly bigger.
2. **Establish rapport with your audience**. Get settled first; arrange your notes, adjust the microphone, etc. Next, establish eye contact with one person. Take a breath. Look at another person. Take another breath. Then, and only then, speak. Your quiet confidence will get the audience's attention and add power to your message.
3. **Show people how they'll benefit**. *Tell* your audience — don't make them guess — how your idea, product, or service will help them solve a problem or achieve a goal.
4. **Be brief**. People are busy, stressed, and distracted. Say what you need to say as powerfully and as briefly as possible and sit down.
5. **Be clear**. Limit the scope of your presentation. Present only as much evidence and explanation as your audience needs.
6. **Tell a story**. Audiences enjoy and remember stories. Tell about something in your life that changed how you think or feel.
7. **Use Q and A well**. Question-and-answer sessions engage the audience, and give you a chance to gauge how well they're grasping the main points. For every eight to 10 minutes you'll be speaking, allow two to five minutes for Q&A.

Summary

Stop assuming that you have to use PowerPoint just because everyone else does. Treat it like karaoke — something that should be used rarely and only under the right circumstances. ■

Chris Witt is the founder of Witt Communications, and author of "Real Leaders Don't Do PowerPoint." For more information, visit www.wittcom.com.

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Tips for Leading Through Layoffs

As massive layoffs continue to make national headlines, people believe it's not a matter of if, but when, their organization will be next.

According to a recent online poll conducted by VitalSmarts, a Utah-based corporate training company, 3 out of 4 people believe their organization is likely to issue layoffs in the next 12 months. And 1 in 3 workers believe their job is at risk today.

But perhaps no one fears layoffs more than the managers who have to issue them. Feeling the pressure of doing such a dirty job, managers become so embroiled in crisis that they surrender their leadership focus. The result is shattered trust and battered morale among leftover employees.

Joseph Grenny, co-author of the bestseller, *Crucial Conversations*, says that in a downturn, the fundamental job of leaders is to ensure that surviving employees focus on building the future. He offers tips to help leaders lead through layoffs to restore trust, productivity, and morale:

1. **The way you treat those leaving determines the trust you have with those staying**. Workplace "survivors" watch and draw conclusions about how management treats them in tough times. Be honest, proactive, generous, and caring. If you come across any less, you'll pay for it for years to come.
2. I**f you can't offer job security offer job predictability**. Clearly communicate the timing of future reductions, where they will be targeted, and how much notice employees will receive. Helping reduce the psychological costs of fearing the unknown increases trust between labor and management.
3. **Build confidence in the future as much as you share bad news about the present**. Leaders become so defensive about announcing bad news that they hide from employees. Instead, leaders need to sell their plan to secure the future even more than they talk about the tough decisions of today. If they don't, employees lose confidence and suffer "survivor's syndrome" as they simply wait for the next shoe to drop. ■

Source: VitalSmarts®, www.vitalsmarts.com.

Managing Off-site Employees a 21st-century Reality

With businesses becoming increasingly global, maintaining dispersed employees and identifying key tools for optimizing their efficiency have become even more vital to business success.

To make managing an employee off-site work, several factors must be taken into consideration, according to a report recently released by The Conference Board.

"The issue of whether or not to allow employees to work at a distance is no longer a cost benefit issue — it is simply the reality of doing business," says Linda Barrington, research director and labor economist at The Conference Board. "And effective management of dispersed employees is a key to success in that new reality."

Key findings of The Conference Board repor t include:

➢ More than 60% of the respondents surveyed agreed that managing same-site employees is easier than managing distance employees.

➢ Nearly 80% of respondents believe that the extra costs of enabling employees to work at a distance pay off.

➢ Managers' perceptions of the job they're doing differs from that of distance employees — 53% of managers surveyed reported spending more than an hour a week developing working relationships with distance employees, whereas only 18% of employees believed that their managers spent that much time with them.

➢ Five practices were found to be effective in distance teams:

- In-person meetings;
- Clear agreements on accessibility;
- Good use of group software;
- Adequate company support; and
- Clearly defined roles for members.

"Great distance managers must first and foremost be inclusive, empowering, supportive, and trustworthy," states Pete Linkow, author of the report. "Then, they must master the fundamentals of management, like setting goals, evaluating, giving feedback, and coaching. Finally, they must be superb at three competencies – cultivating relationships, focusing on outcomes, and developing employees." ■

Source: "Meeting The Challenges of a Dispersed Workforce: Managing Across Language, Culture, Time and Location," Research Report #1432-08-RR, The Conference Board, www.conference board.org.