

Workplace Violence A Guide for Prevention and Response

from your Employee Assistance Program

Includes a special section on Domestic Violence

www.eap.wa.gov

The Washington State Employee Assistance Program is a service provided by the Department of Enterprise Services. Contacts with the Employee Assistance Program are confidential. Any disclosure of confidential information requires the written consent of the contacting employee.

Disclaimer

This guide provides general information for Washington State Managers and Human Resources personnel and may not apply to each specific situation. It is not meant to:

- Set your Agency standard.
- Replace legal, mental health and/or medical advice or counsel.
- Replace existing laws, rules, regulations, and directives.
- Guarantee an incident of violence will not occur.
- Protect from harm.

Remember: Intervening in threatening situations requires advice, support and help from not only your EAP, but HR professionals, your assistant attorney general, security experts, and possibly law enforcement.

EAP Mission Statement

The Washington State Employee Assistance Program supports the well-being of state employees to promote a resilient and productive work environment.

NOTES

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Overview

Violence is found in every segment of society, including the workplace. Many experts believe violent acts are happening more often. Every time an incident of workplace violence occurs, it is reviewed. In order to strengthen workplace policies and procedures and find better ways to respond in the future, employers, HR and EAP, and security professionals work to understand what led to the event. Progress is being made, but still there is no sure way to predict who will become violent or how to prevent all violence.

Employers have a legal and ethical responsibility to provide a safe workplace. To prevent loss of life and injuries as well as limit financial losses and potential liability, employers should institute policies and procedures that address workplace violence.

Enterprise Services is committed to helping public employers provide a safe work environment. This guide will help employers and employees:

- Prepare for and recognize acts of workplace violence.
- Take steps to minimize or prevent workplace violence.
- Respond appropriately if workplace violence occurs.

Definition of workplace violence

The National Institute for Occupational Safety and Health defines workplace violence as any physical assault, threatening behavior or verbal abuse occurring in the work setting. This includes, but is not limited to beatings, stabbings, suicides, suicide attempts, shootings, rape, psychological traumas such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as being followed, sworn at, or shouted at.

Definition of workplace

A workplace is any location, permanent or temporary, where an employee performs any workrelated duty. This includes, but is not limited to, buildings and surrounding areas, including parking lots or garages, field locations, vehicles, and traveling to and from work assignments.

Myth: Violent employees snap without any warning signsFact: Violent individuals often provide multiple clues to their behavior

Categories of workplace violence

Type of Perpetrator	Possible Intention	Prevention Measures
The perpetrator is or has been employed in the workplace.	Violence may be revenge for perceived unfair treatment, such as lay-off or loss of promotion.	 Violence in the workplace policies. Policies for disciplinary measures. Prohibition of weapons in the workplace. Security audits/hazard assessments. Training on hazards and safety reporting procedures. Employee Assistance Program.
The perpetrator is an external customer for whom an organization provides services.	The perpetrator has a valid relationship with the workplace but becomes violent during the course of business. Some workplaces may be more at risk.	 Panic buttons, alarms. Limit employee isolation with high risk customers. Established security communication methods. Mobile phones for field staff. Employee Assistance Program.
The perpetrator is a stranger with no valid relationship to the workplace.	The primary motive, similar to terrorism, has been to threaten or commit a criminal act.	 Security audits/hazard assessments. Silent alarms. Drop safes. Visible security. Employee Assistance Program.
Workplace violence related to a personal or domestic relationship.*	The perpetrator does not typically work in the organization but has a personal relationship with an employee.	 Controlled worksite access. Restraining orders. Employees urged to report safety concerns. Employee Assistance Program.

*See the special section on Domestic Violence beginning on Page 11

Myth: Teasing in the workplace is harmless. People who are bothered are just too sensitive. **Fact:** Teasing often crosses an emotional line, causing shame or humiliation in the person being teased. Mental health researchers have reported that abnormal styles of handling shame play an important role in workplace violence, and other personal and social problems.

Levels of violence

The following three levels of threats are not intended as a tool for diagnosis, but rather to provide helpful language in reporting your documentation to HR and your EAP. Be aware of your agency's policies and procedures.

Level of Behavior	Supervisory Intervention
Level One	
 Refuses to cooperate and argues with others including the supervisor. Spreads rumors and gossip to harm others. Acts belligerently toward others. Uses abusive language frequently. Makes unwanted sexual comments. Feels victimized by management and/or coworkers. 	Talk with the employee about their behavior and impact on the workplace. If there has been a change in behavior, express your concerns. Let the employee know the EAP provides confidential services to help resolve personal and/or work-related problems which may be available to them on work time. Share this information with your supervisor and/or your Human Resources. Document the behaviors and your responses.
 Level Two Argues more with others. Intimidates or harasses others by verbal contact, written notes, emails, or telephone calls. Refuses to obey company policies and procedures. Sabotages equipment or steals property. Threatens to harm co-workers and/or management. Sends sexual or violent notes to coworkers and/or management. 	Take immediate action. Contact your supervisor and Human Resources. Conduct and document interviews with the person(s) reporting the incidents as well as witnesses and the accused employee. Swift and appropriate action is important. Refer the employee to the EAP and consider referral of those who have been victimized to the EAP. Document your actions as well as any taken by employees.
 Level Three Frequent displays of anger resulting in: Suicidal or homicidal threats. Destruction of property. Use of weapons to harm or threaten others. Committing any violent act. 	Remain calm speaking slowly and softly. Secure your safety and that of other employees. Call 911. Contact or create a threat assessment team. Break the problems into smaller, more manageable tasks. Contact HR. Call EAP

Types of threats

Direct	Clear statements of harm	"I'm going to kill you."
Veiled	Indirect, vague, or subtle statements	"Be careful going home tonight." "I know where you live."
Conditional	If-Then language or restrictions	"If you report me, you'll regret it"
Implausible	Unrealistic statements	"The governor is investigating you."

Report and document all threats immediately

A Violence Prevention Program should include:

- Management and employee commitment and involvement.
- Fostering a friendly, fair and supportive work environment.
- Hazard assessment, prevention and control.
- Provision and documentation of regular training.
- Procedures for reporting and investigating threats.
- Documentation/record keeping expectations.
- Creating a Threat Assessment team.
- Using the Employee Assistance Program.

Performance Management:

- Use clear performance measurements.
- Explain, document, and discuss poor performance.
- Give employees the chance to improve; initiate training for improvement.
- No surprises. If an employee's job is in jeopardy, tell them formal action can be taken.

Preventing Workplace Violence During Termination:

- Offer Outplacement Counseling.
- Provide managers with a written script that tells them exactly what to say.
- Keep termination meeting brief.
- Allow departing employees to save face.
- Collect keys and access cards.
- Allow employees to return after hours for personal belongings.
- Communicate expectations to coworkers.
- Listen for fallout, and answer follow-up questions promptly.
- Take the threat of violence seriously, and resist the urge to return threats.

Myth: Working in a government position is especially safe.

Fact: Occupational groups that tend to be more at risk from workplace violence include: health care employees, correctional officers, social service employees, teachers, public employees and inspectors.

Workplace Considerations

Policy:	Does your agency have a written policy about violence in the workplace?
Response to threats or violence:	Are there procedures for employees and/or managers to report concerns about threats or to report safety concerns? Are your employees aware of these?
Standards of Conduct:	Are standards of conduct clearly explained and consistently enforced?
Discipline:	Is discipline fair and consistent?
Role Modeling:	Do supervisors and managers model positive behavior?
Hiring:	Are there adequate pre-employment screening procedures in place?
Supervisor Training:	Do you have an ongoing program of supervisory skills training?
General Training:	Do you provide training for employees and managers in sexual harassment, diversity, conflict resolution, and offer a process to seek resolution of problems and complaints?
Resources:	Do you use alternative resources such as mediation? EAP?
Pre-Planning for major workplace events:	Have you developed plans for downsizing/layoffs, major reorganizations and/or critical events? Plans could include consultation with the EAP; outplacement assistance; training supervisors to handle crises; enhanced communication efforts; and training employees in communication and conflict management skills.
Civility at work:	Are expectations about civil behavior in the workplace communicated to all employees, supervisors and management?

Fact: Clearly and fairly addressing negative behaviors as job performance issues and offering helpful resources such as the EAP are often positive interventions.

Do's and Do Not's of Confrontation

DO

- **DO** stay calm; control your emotions. Breathe deeply and slowly.
- **DO** treat the person respectfully.
- **DO** maintain eye contact, move slowly, and speak quietly and confidently.
- DO encourage the person to talk. Listen patiently to tone as well as words.
- DO acknowledge feelings. You don't have to agree with the person to validate he or she is emotionally impacted.
- DO ask open-ended questions. Use "I" instead of "You" to reduce defensiveness.
- DO accept criticism in a positive way and try not to take comments personally.
- **DO** set limits and define acceptable behaviors.
- **DO** use delaying tactics such as offering a glass of water to help the person calm down.
- **DO** keep a distance of 3-7 feet. Stand at a slight angle, a little to one side.
- DO arrange yourself so you have easy access to an exit. Create and maintain barriers between you and the hostile person.
- **DO** call a manager, security or 911 if the person becomes more hostile and threatening.
- DO follow policies and procedures and document, document, document.

DO NOT

- **Do Not** panic, beg or plead.
- Do Not criticize, act impatiently, challenge, or threaten the person.
- Do Not belittle the person or make him or her feel foolish.
- **Do Not** finger point or stare at the person. Avoid physical contact.
- Do Not forget your body language. Standing directly opposite someone, hands on hips, or crossed arms can be viewed as being challenging.
- **Do Not** reject all of the person's demands from the start.
- Do Not make sudden movements which may be seen as a threat.
- **Do Not** lie, make promises you cannot keep or bargain with the upset person.
- **Do Not** take sides or agree with distorted statements.
- **Do Not** try to give technical or complicated information when emotions are high.
- Do Not try to make the situation seem less serious than it is.

Taking Action

Documenting observable behaviors

Proper and careful documentation is essential to monitoring troubled and potentially violent employees. Without records that substantiate problem behaviors, effective confrontation may be difficult.

Perceptions of violence are not the same in every culture. Discuss concerns about cultural diversity as it relates to domestic violence and the workplace with your agency HR.

The "Behavioral 'Red Flags' Observation Checklist" and the "Work Performance Calendar" (Appendix D, E) are excellent tools to help a worker understand behavioral concerns.

As with all serious job performance problems, facts must be documented.

The objective data should include:

Docum	ent:		
Who?	Who was involved? Who were the witnesses? Who did you consult?	•	Don and Pam saw an incident between George and Tanya (coworkers) that they reported to their supervisor, Bob. Bob consulted with his HR.
What?	What happened? What action was taken? What was said?	•	George was heard yelling at Tanya, telling her she was "stupid and lazy". Tanya was crying. Bob and HR met individually with Tanya and George. George was verbally reprimanded. George had apologized and it was accepted. An EAP referral was made for both George and Tanya.
When?	When did it happen? (Date and Time)	•	The incident reported occurred on 4/21/08 at approximately 10:30 a.m.
Where?	Where did the event occur?	•	The event occurred inside the break room.
Why?	Why did it happen? (include possible motives)	•	George stated that he was angry because he had been getting too many calls from clients who were yelling at him because Tanya had not returned their calls. Tanya stated that she understands why George would be angry because she has been out of the office due to her father's illness.
How?	How was the workplace impacted?	•	Employees were a little uncomfortable but acknowledged the stress they have experienced.

The Special Case of Domestic Violence



Overview

Domestic violence doesn't remain at home when its victims come to work. Although related to workplace violence, the issue of domestic violence calls for special consideration. Victims of domestic violence may be male or female, in married or non-married, heterosexual or homosexual relationships. Over 90 percent of reported instances of domestic violence involve female victims.

It is vital that domestic abuse be seen as a serious, recognizable, and preventable problem. Like other workplace health and safety issues, domestic violence is costly in terms of increased health expenses, absenteeism and lowered productivity. U.S. Department of Justice statistics estimate the annual cost of lost productivity due to domestic violence exceeds \$700 million.

Domestic abuse is destructive behavior learned through observation and experience within one's culture, family or peer group. Domestic violence may be worse when issues of mental illness or substance abuse exist. Perpetrators seek control of the thoughts, beliefs and conduct of their partners, and will punish a partner perceived to resist control. Domestic violence is generally a pattern of abusive behaviors, and often becomes more severe and frequent over time. Victims respond to the cumulative pattern of abuse rather than to one episode or tactic.

Definition of Domestic Violence

Domestic violence is a pattern of behavior in which one intimate partner uses physical violence, coercion, threats, intimidation, isolation and emotional, sexual or economic abuse to control the other partner in a relationship. (American Bar Association Commission on Domestic Violence: *A Guide for Employees: Domestic Violence in the Workplace*)

Criminal violence includes physical assault (hitting, pushing, shoving, etc.), sexual abuse (unwanted or forced sexual activity), and stalking. Emotional, psychological and financial abuse are not criminal behaviors, but are destructive and can lead to criminal violence.

Myth: If you are only strong enough and just leave a violent situation, the perpetrator will get the message and leave you alone.

Fact: The period immediately following your leaving is the most dangerous time. Most domestic homicides occur during this period. Careful planning for safety is essential.

Characteristics of Domestic Violence

- Denial and Blame Perpetrator plays down or denies abuse and shifts responsibility by blaming the victim.
- Intimidation Perpetrator frightens victim with looks, actions and gestures that may include destroying property, abusing pets or displaying weapons.
- Economic Abuse Perpetrator prevents victim from keeping a job or controls financial access and information.
- Coercion and Threats Perpetrator threatens to harm victim, leave, commit suicide or report victim to authorities and may insist victim drop charges or commit illegal acts.
- Power and Privilege Perpetrator acts like the master, treats victim like a servant and is the one who defines men's and women's roles.
- Uses Children Perpetrator uses children to relay messages, often uses visitation to harass as well as threatens to take children by charging victim with neglect and abuse.
- Emotional Abuse Perpetrator attempts to make victim feel crazy or guilty by name calling and private or public criticism.
- Isolation Perpetrator controls victim's activities and involvement with family or friends, often using jealousy as the justification.

Observable Behaviors That May Suggest Domestic Violence

- Unexplained absences, unplanned leave, or tardiness.
- Unexplained change in job performance such as supervisors being aware of patterns of behavior (i.e. increased moodiness).
- Uncharacteristic moodiness, anxiety, depression or distraction.
- Isolation from coworkers or reluctance to participate in social functions.
- Disruptive phone calls, e-mails or visits, particularly from current or former partner.
- Financial problems that indicate lack of access to money.
- Unexplained bruises or injuries; noticeable change in makeup to conceal injuries; or inappropriate attire, such as sunglasses worn inside or a turtleneck worn in the summer.
- Requests to be moved from public locations in the workplace.
- Sudden change of address or a reluctance to give residence address.
- Victimized by vandalism or threats.
- Undue anxiety when ending an intimate relationship.
- Court appearances.

Workplace Considerations

- 75% of battered women are harassed at work.
- Is there an agency policy concerning domestic violence in the workplace? If there is none, recommend a policy be developed.
- Management support is critical to developing, implementing and maintaining your agency domestic violence policy.
- Consider federal, state and local laws that may restrict employers from making certain inquires about the health or home life of employees.
- Document observable behaviors and do not ignore signs of possible domestic abuse.
- Consult with HR and your EAP to determine whether it is appropriate for a manager/supervisor to make work-related inquiries.
- Consider the impact on the team directly or indirectly.

Legal Considerations

- Employers may be held legally responsible if an employee is assaulted by a domestic abuser and the employer knew or should have known about the risk of such an assault. (Kristen Bell at Jackson & Jackson Lewis LLP, 2006)
- Awareness of laws or regulations that affect your agency regarding domestic violence: city, state, federal. (OSHA, Workers' Compensation, Risk Management, etc.)
- Knowledge about restraining and protection orders as well as stalking laws.
- Training for supervisors and managers including documentation requirements when an abuser is harassing an employee.
- Knowledge about agency legal liabilities.
- Understanding how your agency honors privacy and confidentiality, including when securing a safe workplace takes precedence over these policies or existing standards.

Cultural Considerations

Perceptions of violence are not the same in every culture. Concerns about cultural diversity as it relates to domestic violence and the workplace should be discussed with Agency HR and your EAP.

Accommodation Considerations

- Leave policies.
- Flex time options.
- Transfer/flexible work assignments.
- Relocation within office or to different locale.
- Governor's Executive Order 96-05.

Issues to consider when an employee is at risk

- 1. Have you involved your HR and safety team?
- 2. Has a safety plan been developed, including information that might help identify the perpetrator such as photograph and written description?
- 3. Have you considered designating a code word or phrase to alert others of danger?
- 4. Has an assessment been made to determine workstation safety?
- 5. Is there a protection plan to deal with menacing phone calls?
- 6. Do you know when to call the local Domestic Violence Hot Line, Crisis Line or 911?
- 7. Impact on the team.

What if the perpetrator of Domestic Violence Works in Your Agency?

Action must be taken if an employee is observed during work hours making jokes about domestic violence, harassing a victim by telephone, or using agency vehicles to follow or visit the victim. Confronting the perpetrator can be difficult. Helpful strategies include:

- Tell the person domestic violence is serious and will be taken seriously. Say you are uncomfortable when people insult or put down their spouse or partner.
- Turn and walk away from stories or jokes about domestic violence.
- Never reinforce violent behavior. Don't agree with statements suggesting the partner is at fault. There is no excuse for domestic violence.
- Ask HR for your agency procedures addressing inappropriate behavior and disciplining employees who engage in domestic violence during work time.
- Remember EAP can assist as you prepare to talk with your employee or for additional resources.

Appendices

Appendix A

GOVERNOR'S EXECUTIVE ORDER ON DOMESTIC VIOLENCE IN THE WORKPLACE

An overview of **Executive Order 96-05** directs executive agencies to adopt and implement personnel policies that:

- Clearly direct that the state will not tolerate domestic violence in state offices, facilities, work sites, or while an employee is conducting state business;
- Provide assistance to domestic violence victims in a confidential setting;
- Assure that every reasonable effort will be made to adjust work schedules or location, to allow employees who are victims to receive medical treatment, counseling or to relocate for safety reasons;
- Encourage employees who are perpetrators of domestic violence to seek assistance;
- Provide training to employees on these policies and domestic violence awareness.

http://www.governor.wa.gov/sites/default/files/exe_order/eo_96-05.pdf

DOMESTIC VIOLENCE RESOURCES

Washington State:

Domestic Violence Hotline	1-800-562-6025
Office of Crime Victims Advocacy (OCVA)	1-800-822-1067 TTY 360-709-0305
Website: www.commerce.wa.gov/serving-commursafety/office-of-crime-victims-advocacy/	nities/crime-victims-public-
Coalition of Sexual Assault Programs (WCSAP) Website: <u>www.wcsap.org</u>	360-754-7583
Child Safety & Protection (CPS) Hotline	1-866-End-Harm 1-866-363-4276
Address Confidentiality Program Website: <u>www.sos.wa.gov/acp</u>	1-800-822-1065

"Get Help Now" provides information and resources in English, Spanish, Russian, and Vietnamese including domestic violence shelters and advocacy across Washington at: WA State Coalition Against Domestic Violence: <u>www.wscadv.org</u>

Department of Enterprise Services

Employee Assistance Program	
Olympia	360-407-9490
Toll free number	877-313-4455
Web site	www.eap.wa.gov

National Domestic Violence Hotline

1-800-799-SAFE 1-800-799-7233 TTY 1-800-787-3224 www.thehotline.org

For further information about domestic violence and victims' services, workplace policies, education, economic and legal issues, corporate social responsibility, or information on any of the above activities and how to implement them in your workplace contact:

 Public Education Specialist at the National Resource Center on Domestic Violence, 1-800-537-2238. Email: <u>nrcdvta@nrcdv.org</u>

Appendix C

SAMPLE

THREAT INCIDENT REPORT

(Agency) policy should require employees to report all threats or incidents of violent behavior which they observe or are informed about to the Designated Management Representative (DMR). The DMR should take the steps necessary to complete a threat incident report as quickly as possible, including private interviews of the victim(s), and witness(es). The report will be used by the Agency to assess the safety of the workplace and to decide upon a plan of action. The following facts should be included in the threat incident report:

- Name of threat maker and his/her relationship to the (Agency) and the recipient
- Name(s) of the victim(s) or potential victim(s)
- When and where incident occurred
- What happened immediately prior to the incident
- What past events may have triggered the incident (history)
- The specific language of the threat
- Any physical conduct that would substantiate an intention to follow through on the threat
- How the threat-maker appeared (physically and emotionally)
- Names of others who were directly involved and any action(s) they took
- How the incident ended
- Names of witnesses not directly involved
- What happened to the threat-maker after the incident
- Names of supervisory staff involved and how they responded
- The steps which have been taken to ensure that the threat will not be carried out
- Suggestions for preventing workplace violence in the future.

The DMR and the Threat Management Team should record elements of the threat incident report and any subsequent actions relating to the incident in a tracking system for use. Such systems range from simple card files to commercially available relational databases. The tracking system as well as all investigative files should be kept secure and maintained separately from other records.

> This document is a SAMPLE only. <u>Review your agency policy and review this document</u> with your Human Resources and Assistant Attorney General before use.

Appendix D

Behavioral "Red Flags" Observation Checklist

No one factor can determine if or when an individual will commit an act of violence. There are, however, factors that could be considered "*red flags*," that managers, supervisors and human resources personnel can consider in the referral of a troubled individual. These "red flags" will assist you in documenting your observations and will assist in your consultation with the EAP.

Workplace Events

Termination Passed over for promotion Perceived/real harassment Disciplinary actions Layoff/RIF/major reorganization Collective Bargaining campaigns

Domestic or Relational Problems

Personal relationship ending Family/child custody conflict Obsessive behavior

Personality Characteristics

Tends to blame others for problems Poor coping skills Difficulty accepting criticism Workplace seems to be employee's "whole world" Very opinionated

Personal Mannerisms

- Appearance or behavioral changes Incoherent, slurred, loud or unusual speech Unusual physical gestures, posture or mannerisms
- Changed or unusual facial expressions Changed or unusual topics or methods of conversation
- Discussions about death, suicide or harming someone else
- Obsession with guns or other weapons

Troubling Behaviors

Increasing irritability, agitation or tearfulness Inappropriate emotional displays Unusual fear Disregard for safety Increased drug/alcohol discussion or use Unfounded accusations Difficulty recalling instructions, data, or past behaviors Noticeable fatigue Unrealistic or grandiose statements Angry outbursts Demanding, rigid, inflexible behavior Excessive sweating or body tremors

Interpersonal Work Relationships

Changes in relations with subordinates, coworkers or supervisors Frequent or intense arguments Verbal or physical abuse Persistently withdraws or avoids involvement Expresses frustration or discontent Change in frequency or nature of complaints Cynical or distrustful behavior Unusual sensitivity to advice or critique of work

Warning Signs

Verbal or written threats Attempts to intimidate or instill fear Paranoid thinking or behavior Deteriorating work performance Resentment toward co-worker or supervisor Overreactions from passive resistance to extreme anger

Document specific behaviors, incidents and words:______

Appendix E: Work Performance Calendar

(For current version: <u>des.wa.gov/services/hr-finance-lean/employee-assistance-program-eap/eap-publications-trainings-and-resources/eap-performance-calendars</u>

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Employee Name:

O = Outstanding Performance U = Unscheduled Leave P = On the Job Problem A = Annual Leave R = Regular Day Off T = Tardy/Late S = Sick Leave

20

Appendix F:

Additional EAP Resources

Visit us at www.eap.wa.gov

Our site includes current versions of the following documents and publications:

- EAP presentations
- EAP brochures
- EAP Work Performance Calendar
- Supervisor's Guide
- Supervisor Newsletter
- Employee Newsletter
- EAP Handouts

Our EAP office and statewide contracted providers are available to serve you and your employees.

WA State Employee Assistance Program 1222 State Ave NE, Suite 201 P. O. Box 47540 Olympia WA 98504-7540 PH: 360-407-9490 FAX: 360-664-0498

Toll free number: 877-313-4455

As employees of Washington State, EAP staff understand the issues that face public service employees. EAP consultations are voluntary, confidential and available at no cost to covered employees and adult members of their households.