

NH BUSINESS
REVIEW

ADVERTISER

WEBINAR



Thursday, April 17, 2025
11 a.m.

Mental Health at Work: What Every Employer Needs to Know

Sponsored by

SHEEHAN PHINNEY

Panelists:



Liz Hodgkins
Deputy Director
NAMI New Hampshire



Jennifer Moeckel
Shareholder
Sheehan Phinney



Andrea Chatfield
Attorney
Sheehan Phinney

Moderator:

Ernesto Burden

*Vice President and
Publisher*
Yankee Publishing | New
Hampshire Group

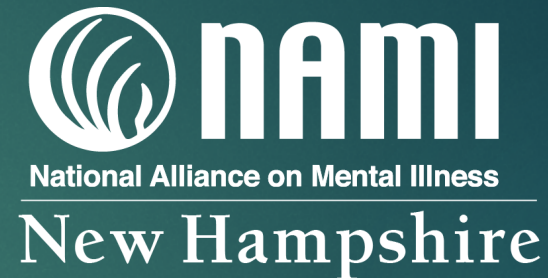


*Who is **NAMI NH**?*

NAMI New Hampshire is a grassroots organization working to improve the quality of life for all by providing support, education and advocacy for people affected by mental illness and suicide.

Comprised of a network of affiliate chapters and support groups, staff and volunteers, NAMI NH provides information, education and support to all families and communities affected by mental illness and suicide.

Who is Liz Hodgkins



Let's Check In

- Is your level of stress manageable?
- Are you engaging with your social supports?
- When is the last time you had fun?



Take a Look at the Numbers

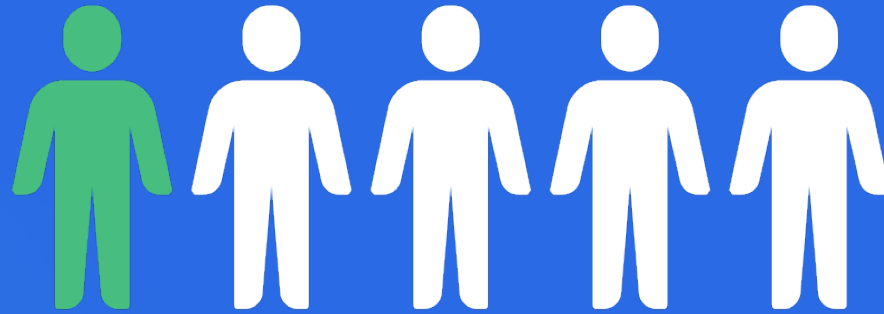
57% of workers indicated negative impact because of work-related stress (APA, 2023)

Globally, \$1 trillion is lost annually due to decreased productivity associated with mental health concerns (WHO, 2023)

Depression is the leading cause of disability claims worldwide (NIH, 2023)



Mental Health Concerns are Common



1 in 5 adults live with
a mental health concern



You are not alone.

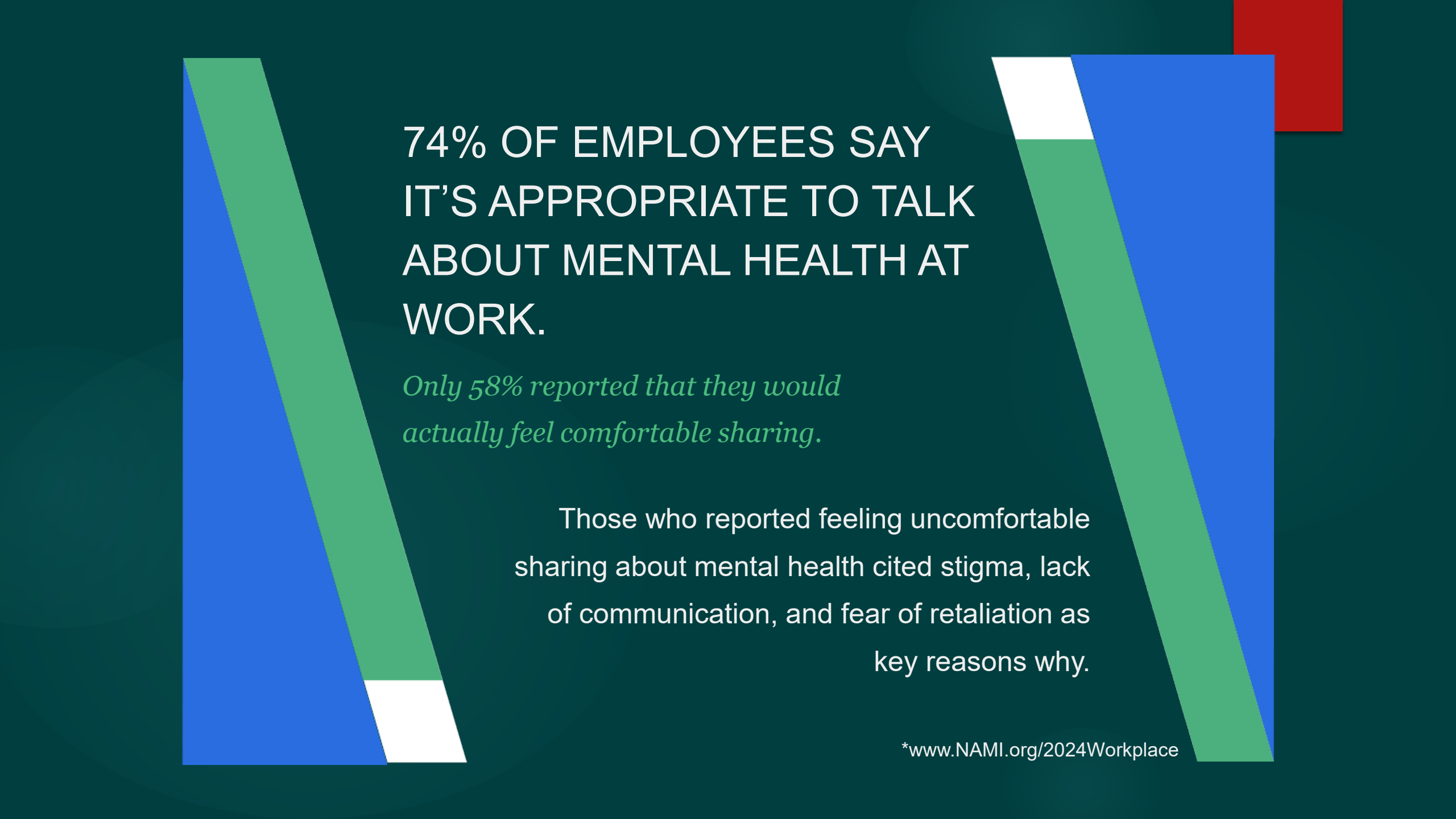




32% of adults reported
anxiety and depression
symptoms this year.

47% of young adults (18-29)
reported anxiety and
depression symptoms.





74% OF EMPLOYEES SAY
IT'S APPROPRIATE TO TALK
ABOUT MENTAL HEALTH AT
WORK.

*Only 58% reported that they would
actually feel comfortable sharing.*

Those who reported feeling uncomfortable
sharing about mental health cited stigma, lack
of communication, and fear of retaliation as
key reasons why.

*www.NAMI.org/2024Workplace

Stigma is **Real**



What can you do?

Increase Awareness & Education

- Learn more about mental health
- Help educate your coworkers and community

Create a Culture of Caring

- Lead by example by caring for your own mental health
- Notice the words you use
- Learn how to support colleagues and your team

Ensure Access to Care

- Ask about what benefits you have access to
- Ensure employees can access benefits when needed





Reach out for support

Employees who are less comfortable talking about their mental health at work are more likely to report feeling burnout and their mental health suffering because of work.

*www.NAMI.org/2024Workplace

Why is Creating a Caring Culture important?

Without mental health support at work, people may experience:



Feelings of isolation and loneliness



Reduced productivity & performance



Adverse physical & mental health consequences



Strained relationships at work & home



Potential risk of self-harm



Know the Early Signs of Mental Health Concerns



If >2 weeks you notice changes in how a colleague:

Feels

- Excessive irritability/anger
- Extreme worry
- Intense highs and lows
- Easily overwhelmed

Looks

- Exhausted, low energy
- Sudden weight loss/gain
- Fidgety, nervousness
- Drastic change in appearance

Acts

- More withdrawn/avoidant
- Drop in performance
- Alcohol/drug use
- Late or not showing up

Thinks

- Confusion
- Changes in concentration
- Persistent negative thoughts
- Self-harm thoughts

Start a Conversation

Do:

- Ask to talk privately
- Respect their boundaries
- Lead with listening and empathy
- Bring resources with you (988 for crisis)
- Share “you are not alone”

Don't:

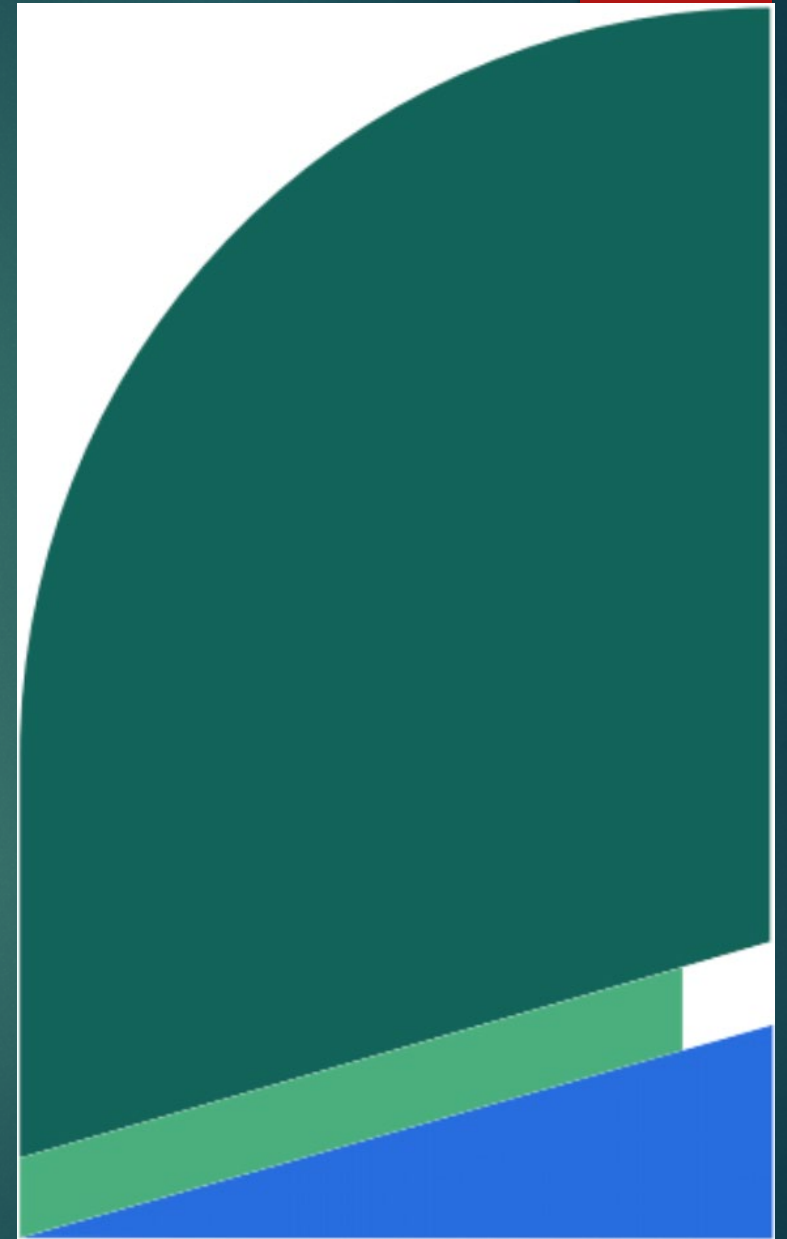
- Suggest diagnoses
- Minimize or dismiss
- Worry about being a therapist
- Be afraid to ask questions
- Jump in with solutions before asking



Language Matters

Learn how to talk about mental health safely.

- Replace “committed suicide” with “died by suicide”
- Do not use mental health diagnoses in everyday language
- Avoid using words like “crazy” and “insane”



SHEEHAN PHINNEY

**Employee Relations Considerations for
Reducing Chronic Workplace Stress and
Supporting Employees
with Mental Health Conditions**

Jen Moeckel, Esq.

The Workplace Effect of Chronic Stress

A Society for Human Resources (SHRM) survey in 2024 found:

44% feel burned out from work

30% often feel stressed

22% often feel anxious

Only 50% feel a sense of belonging

Only 40% feel fulfilled

The Workplace Effect of Chronic Stress

As quoted from Mental Health America's *Making the Case for Mental Wellness in the Workplace*:

**“Chronic workplace stress and burnout
can lead to mental health issues if not addressed.”**

Why Focus on Mental Health at Work?

To promote:

- Employee well-being
- A work environment in which all employees can thrive
- Attracting and retaining employees

To avoid:

- Absenteeism
- Presenteeism (physically present, mentally absent)
- Reduced productivity
- Reduced work quality
- Lack of engagement with work
- Turnover

What Can Employers do to Reduce Chronic Stress and Promote Well-Being?

In 2022, the then-US Surgeon General created and published a [Framework for Workplace Mental Health & Well-Being](#) which identified 5 essential areas of workplace well-being:

Protection from Harm (safety and security)

Connection and Community (social support and belonging)

Work-Life Harmony (autonomy and flexibility)

Mattering at Work (dignity and meaning)

Opportunity for Growth (learning and accomplishment)

Direct Conversations

Have timely, direct conversations about changes in attendance, performance, productivity, and behavior.

Like any other employee performance discussion:

- Make expectations clear;
- Ask what the employee can do to improve;
- Ask how you can help; and
- Offer resources, if appropriate.

If the employee says they are struggling with their mental health, or you have seen early signs of mental health concerns:

- Ask how you can help;
- Offer resources, if appropriate;
- Keep the focus on helping the employee to be successful – not on punishing the employee.

Direct Conversations

If an employee shares mental health concerns, listen supportively and:

- Pay complete attention;
- Ask, “**how can I help?**”
- Encourage the employee to seek support and use employer resources;
- Respect the employee’s privacy and share the information only with someone with a legitimate need to know – e.g., Human Resources. In the next segment of this panel, Andrea will discuss confidentiality requirements under the Americans with Disabilities Act (ADA).

Note:

- If you are not part of HR at your organization, focus on **listening** to what the employee wants to share, not on asking questions to learn the employee’s diagnosis, whether they are in treatment, etc.
- Your aim as a manager is to support the employee and help them to perform successfully - refer the employee to HR for the rest.

Employer Programs & Resources

- **Create an inventory** of all currently offered benefits and resources (e.g., EAP, ADA reasonable accommodation, FMLA, STD/LTD, PTO, bereavement leave, health insurance, fitness benefits/gym memberships, flexible schedules, crisis lines, pet friendly policies, etc.).
- **Organize** relevant resources together in one place so it is easily accessible to employees.
 - Mental health resources
 - New parent/family resources
 - Caregiver for disabled or elder family members resources
 - Bereavement resources
- **Educate** using consistent, smaller resource and benefit promotions like a weekly or biweekly email about one aspect of a benefit, in addition to information provided during the annual open enrollment period.

Employer Programs & Resources

Remove barriers to resource utilization. Consider awareness, access, ease of use, and support for using the benefit.

Example – support for taking a leave of absence:

- ✓ Help the employee organize workload to take leave;
- ✓ Cover workload for the employee; and
- ✓ Ensure a smooth transition back to work with good communication about how things were covered and where they stand.

Parting Thoughts from an Employee Relations Perspective . . .

- Stress, burnout, and mental health conditions are common. They are present in every workplace.
- Employees experiencing mental health conditions can be successful at work with support, resources, and accommodations.
- What you say and do matters - consider what role you can play as a leader in your organization in reducing chronic stress and providing resources that employees feel supported to utilize.

Available Resources Include . . .

- NAMI NH lists many free and specialized 24/7 [crisis hotlines](#) and provides free guides for employees, managers and leaders;
- **988** National Suicide and Crisis Lifeline (call or text) free and available 24/7;
- www.211nh.org: crisis, disaster assistance, food assistance, housing and utility payment assistance, veteran services, childcare, and more;
- SAMHSA's National Helpline **1-800-662-HELP** (4357) provides referrals for treatment, support groups, and community-based organizations for mental and substance use disorders; and
- Mental Health America has created a [Workplace Wellness Resource Center](#) which offers extensive resources for employers and employees.

SHEEHAN PHINNEY

**FMLA, ADA and New Hampshire Law
Protections for Employees with Mental Health
Conditions in the Workplace**

Andrea Chatfield, Esq.

Family & Medical Leave Act

- Applies to employers with 50 or more employees.
- Requires employers to provide covered employees with up to 12 weeks of unpaid leave for, among other reasons, the employee's or family member's "serious health condition."
- A serious health condition includes a mental health condition that:
 - Requires inpatient care, or
 - Requires continuing treatment by a health care provider (HCP), which includes:
 - the employee being incapacitated for more than 3 consecutive days, and
 - ongoing medical treatment (multiple appts or single appt with an HCP and follow-up care such as a prescription medication), or
 - a chronic condition that causes occasional periods of incapacity and requires treatment at least twice a year by an HCP (e.g. anxiety, depression, or dissociative disorders).
- Eligible employees must have worked at least 12 months for employer, have at least 1,250 hours of service, and work at or for a location that has at least 50 or more employees within a 75-mile radius.

Family & Medical Leave Act

- Leave may be needed for the employee's mental health condition or a family member's mental health condition.
- Leave may be taken in a single period or on a reduced schedule or intermittent basis. For example:
 - Employee needs 4 weeks of FMLA leave because they are receiving inpatient care with follow up therapy while adjusting to new medications to treat PTSD/depression; and thereafter
 - Employee may need intermittent FMLA leave when the employee is unable to work unexpectedly due to “flare ups” of her condition being triggered.
- Employee may need to take military caregiver leave (which can be up to 26 weeks) to care for a family member who is a veteran and who has a serious health condition that was incurred or aggravated during military service.
 - Includes a mental health disorder (such as PTSD or brain injury or depression) that manifests after military service ends.
 - For example, employee may need FMLA leave to care for spouse who is in treatment for PTSD a year after the spouse's military service ended.
 - Family member can be a spouse, parent, son, daughter or next of kin.

Family & Medical Leave Act

- Employee does not have to request FMLA leave by name. A change in behavior may constitute notice to the employer of a need for FMLA leave. Valdivia v. Township High School Dist. 214 (US Court of Appeals 7th Cir. 2019).
 - An admin employee who had a history of excellent performance reviews began to have insomnia, weight loss, uncontrollable crying, difficulty concentrating and exhaustion. She was late for work several times b/c she lacked energy, or had to leave work early b/c she could not stop crying.
 - She told her boss she felt overwhelmed and described in detail what was happening. Boss offered no help and employee resigned. Later, she tried to rescind her resignation.
 - Employee sued for violation of the FMLA and won. Court determined that, while employee was unaware she suffered from a serious health condition, the employer had indirect notice of the seriousness of her condition based on observable changes in her behavior and conduct.
- See [USDOL Fact Sheet on Mental Health Conditions and the FMLA](#).
- See also FAQ's and Resources at [Mental Health and the FMLA](#).

ADA and NHLAD

- The Federal Americans with Disabilities Act (ADA) applies to employers with 15 or more employees, and the New Hampshire Law Against Discrimination (NHLAD) applies to employers with 6 or more employees.
- Employees with mental health conditions that qualify as disabilities under the ADA and NHLAD have a right to reasonable accommodation that allows them to perform the essential functions of their jobs.
 - A disability includes a mental health condition that substantially limits a major life activity if left untreated, such as communicating, concentrating, sleeping, regulating thoughts or emotions, caring for oneself, interacting with others, or makes such activities more difficult, uncomfortable, or time-consuming compared to the way most people perform them.
 - Some conditions should “easily” be found to be disabilities: major depressive disorder, bipolar disorder, PTSD, OCD, and schizophrenia.
 - General irritability, anger management issues, or chronic lateness, by themselves, are not mental disabilities.
- ADA and NHLAD do not protect individuals currently engaging in the illegal use of drugs or being under the influence of alcohol or illegal drugs on the job, or who are engaging in unsatisfactory performance or misconduct.

ADA and NHLAD

- A reasonable accommodation is a change in the way things are normally done at work that enables the employee to perform the essential functions of their job or enjoy equal access to a job's benefits and privileges.
 - Altered break and work schedules
 - Additional time off for treatment (beyond FMLA)
 - Changes in supervisory methods
 - Eliminating non-essential job functions
 - Telework
 - Reassignment to a vacant position (as a last resort)
- Confidentiality: the ADA and FMLA both require employers to keep all information related to an individual's medical condition and requests for reasonable accommodation and/or leave confidential, with limited exceptions:
 - Supervisors/managers can be told of necessary restrictions and to implement accommodation
 - First aid/safety personnel, when appropriate
 - Government officials investigating compliance with ADA and other Federal laws
 - Relevant information in accordance with workers compensation laws and/or to insurance companies that require medical exams for insurance purposes.

ADA and NHLAD

- Responding to a request for accommodation –the Interactive Process:
 - Employer and individual work together to determine accommodation
 - When an accommodation is not obvious, the steps to an interactive process may include:
 - Consult with the individual to ascertain precise job-related limitations
 - Request medical information from professional HCP to verify disability and understand how limitations can be overcome with accommodation
 - Identify potential accommodations and assess effectiveness to enable the individual to perform essential functions (consider individual's preference but can choose different accommodation that is as effective)
- Resources for identifying possible accommodations: Jobs Accommodation Network (JAN): [Ask JAN - Mental Health Conditions](#).
- See also JAN's : [Accommodation Solutions for Executive Functioning Deficits](#) (e.g., time management, memory, concentration, organization and prioritizing, multi-tasking, paperwork, social skills, and getting to work on time).
- Another useful tool for the interactive process is the [EEOC's Guidance for Mental Health Providers Role in Client's Request for Accommodation](#).

Know Your Resources



Free Guides for Employees, Managers, and
Leaders

NAMI NH

Info & Resource Line:
1-800-242-6264 option 4
info@NAMINH.org
NAMINH.org

**National Suicide and Crisis
Lifeline
Call or chat: 988**



More Ways to Get Involved!

Join us for NAMIWalks NH, the state's largest mental health awareness and suicide prevention event!

Registration is FREE at NAMIWalksNH.org.

- Form a corporate team
- Sponsor NAMIWalks NH
- Donate in-kind goods or services



National Alliance on Mental Illness

New Hampshire

STIGMAfree



STIGMAfree



Thank you for attending today's webinar

Sponsored by

SHEEHAN PHINNEY

The recording of today's presentation will soon
be available at www.nhbr.com.