4 ways to navigate the rise in mental health conditions due to COVID-19

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BEST PRACTICE: COVID-19 has led to an overall increase in mental health conditions and the impact on the workforce is inevitable, Kalijarvi, Chuzi, Newman & Fitch attorney Nina Ren told ***cyber*FEDS®** in an exclusive interview.

So, agencies should be prepared to handle a rise in reasonable accommodation requests for mental health conditions that are worsening or arising for the first time, Ren said.

Being in a "constant state of fight or flight" as employees deal with the impact of COVID-19 on their lives can affect or trigger a variety of existing conditions, such as general anxiety disorder, depression, post-traumatic stress disorder, or substance abuse, she said.

To help agencies better manage mental health concerns as they arise, Ren suggested these best practices:

1. Make managers aware of rise in mental health issues. As employees return to the workplace, agencies should ensure managers "are aware of the pandemic's concrete impact on mental health" and are prepared to handle reasonable accommodation requests based on a mental health condition, Ren said. However, "managers should not diagnose employees themselves nor become the health care provider" by approaching employees who have not approached them with a mental health condition. "The goal is just to ensure managers are open and receptive when employees raise the issue and know how to respond."

2. Engage with the employee to determine needs and options. Responding to a reasonable accommodation request "is a fact-specific inquiry that depends on the workplace, position, and the employee's needs." If the position requires someone to complete X number of tasks per day, an employee with anxiety or depression may need more breaks or a flexible schedule, she said. So, managers must have multiple conversations with employees to determine how to assist them in fulfilling their position's requirements, she said.

3. Encourage more openness about mental health and distribute educational materials. "Mental health is something that people don't really talk about," Ren said. To

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create more openness about mental health, she said, agencies should consider distributing educational materials to both managers and employees about the pandemic's impact on mental health. This information should include data on how the pandemic is causing an increase in mental health issues, the signs of mental health conditions, the agency's resources, and procedures for requesting reasonable accommodations.

4. Dispel perceptions that getting help could endanger security clearances. Employees with security clearances are often reluctant to raise mental health conditions, but the Department of Defense is trying to dispel the misperception that getting help could endanger security clearances, Ren said. The security clearance adjudicatory process evaluates whether an employee can be trusted to protect confidential information, but employees fear that stereotypes about mental health will lead others to question their judgment. "Simply seeking counseling will not result in an adverse determination, and certain types of counseling don't even need to be reported." When administrative judges or panels do become involved in the process, they will assess whether employees addressed mental health issues responsibly, which includes whether they obtained help and followed treatment plans, as opposed to ignoring or continuing prior problematic behavior. For example, if someone goes to counseling for alcohol dependency but fails to follow the doctor's advice by "going on multiple benders," a judge will assess what the employee did to "get back on track" but could find that the person's judgment is impaired if the employee did nothing, Ren said. The same type of analysis applies to mental health concerns arising from the pandemic, she said. The judge will assess how the employee fared before the crisis, during the crisis, and after the crisis to determine whether the employee behaved responsibly. While judges will be sympathetic to the stresses caused by COVID-19, they will also be mindful that the pandemic is not used as an excuse for mismanaging a condition, she added.

June 1, 2020

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