
----- WHAT'S UP, DOC? -----

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"Creating Leadership Solutions for Profit and Growth"

THIS MONTH'S THEME: MANAGING CHALLENGING PEOPLE

A subscriber writes: "I'm a manager and it seems to me that there are more and more mentally ill people in the work force these days. It's very difficult to deal with some of the situations that arise. Any thoughts or advice you might have as to how to effectively deal with employees who are bi-polar, extremely narcissistic and who may or may not be on medications for their conditions would be greatly appreciated - especially since there are many legal implications to dealing with situations involving these employees. A compounding reality is that some of these employees are from different cultures or nationalities... Food for thought." For him, and for others of you who share an interest in managing challenging people at work, this month's newsletter is for you. I'll examine this issue from the psychological perspective and from the legal perspective, with help from my colleague and U. S. labor attorney extraordinaire, [Michael Stevens](#) of [Arent Fox, PLLC](#).

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THIS MONTH'S QUOTES:

"There are three ingredients to the good life; learning, earning, and yearning." -- Christopher Morley

"It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something." -- Franklin Delano Roosevelt

"The art of progress is to preserve order amid change and to preserve change amid order." -- Alfred North Whitehead

1. MANAGING CHALLENGING PEOPLE, PART ONE: THE PSYCHOLOGICAL PERSPECTIVE

MENTAL AND EMOTIONAL DISORDERS ARE NOW MORE COMMONLY UNDERSTOOD AND TREATED THAN IN THE PAST
In the West, emotional disorders and mental health diagnoses have become more common, not necessarily because we have gotten any sicker, but because we understand mental health better. Some mental health issues, like occasional feelings of depression that approach or even reach clinical significance, are as common as the common cold. There are fewer stigmas attached to mental health challenges than there used to be. In the past, mental health challenges were often seen as failures of personal character or willpower, but fewer people feel that way today. If you are a manager, the question is not IF you will encounter mental health challenges among your people, but WHEN, and with what degree of intensity or frequency.

MANAGING DEPRESSIVE AND BIPOLAR PEOPLE

Just about everyone experiences some depression in life. Symptoms of depression normally occur when close friends or relatives die, but other losses we experience, and even disappointments, can trigger bouts of depression. Some people are more prone to depression than others, and for some people, bouts of depression are chronic, due perhaps to external factors (chronic poverty, abusive relationships), or to internal ones (individual biochemistry), or to both. Bipolar disorder is most likely related to internal chemical causes that bring a person from one depressive extreme to heights of prolonged excitement, high energy or feelings of invulnerability. Both depressive disorders and bipolar disorder fall under the category of "mood disorders," and those who suffer more intractable or extreme bouts of either will probably require treatment with medication. Many very highly functioning people do live much more fulfilling lives through the use of medication.

For a manager, depressive people will require extra encouragement when they hit their lows, and perhaps some leeway while they get themselves back on track (see the discussion of "reasonable accommodations" in the next section written from the legal perspective). As a manager, you will also have to be sure that the chronic negativity and cynicism that accompanies depression does not infect a whole department. It is one thing to maintain a tolerance for healthy skepticism and independent

thinking, but it is quite another to allow the destructive demoralization of one person to cast a pall on a whole team. The theme here is to allow for some compassionate flexibility, but within certain necessary boundaries: you are not running a rehabilitative center, but rather an organization with a mission to accomplish. Bipolar people similarly may require some leeway, but at the same time, they will need clear boundaries for acceptable behavior, and clear consequences for violating them when their manic flights take them toward saying and doing things that may be destructive to the work environment or to the organization's mission.

MANAGING NARCISSISTIC PEOPLE

I don't want to get into psychobabble or clinical jargon, though I find the word "narcissistic" is often casually misused. For our purposes here, let's just describe chronically narcissistic personalities as being the kind of people who possess an incredibly heightened sense of their own importance. They are quick to perceive or imagine slights, and they tend to be contentious and highly argumentative. Underneath it all, they are very insecure people, but that does not necessarily make them come across as being any more sympathetic! Sometimes they are in fact high achievers, even geniuses in their fields. Other times. . . well, not so much!

For a manager, chronically narcissistic people are a royal pain. They are not very likely to seek out treatment, but occasionally they do. They don't think they are mentally ill, but think instead that other people are sick, stupid, rude. . . whatever. For a manager who has a very highly achieving, prima donna of a narcissistic person, the challenge is to keep the golden goose happy enough to lay the golden eggs without disrupting the entire office. That often means being the one, as the leader, to create a buffer around such persons to keep them from interacting too much with, or otherwise disrupting, others on the team. When the narcissistic individual is not such a high achiever, then the key for the manager is to expect and enforce universal standards of conduct in the office. Does that sound unfair? Does it sound like giving preferential treatment to the narcissistic high achiever, over and above the one who performs like a shlub? Well, maybe it is: but the mission of the organization is not primarily to create a happy work environment, but to get its work done. The second comes before the first. It is surely possible to have a high achiever cross the line and be appropriately fired for doing so, but the wisest leaders know how tightly to draw these lines for chronically narcissistic people, depending on how well they perform. Even a well constructed, consistent set of performance standards will allow management some room for discretion.

MANAGING ANXIOUS PEOPLE

There are a whole host of anxiety disorders, and they as a class are just as common as mood disorders. Some are negligible and don't affect performance, and others can be tougher. They range from simple phobias

(for example, elevators) to fears of crowded spaces, heightened and persistent fears of social interactions, or even occasional anxiety or panic attacks. Obsessive-compulsive disorders fit this category, such as obsessive hand washing or hyper-cleanliness, to a debilitating level of checking appliances, stoves, etc. to be sure they are unplugged or deactivated. Most anxiety disorders are highly treatable, through cognitive behavioral therapies, desensitization strategies and sometimes through medication management.

The same principle I outlined for dealing with depressive people applies here: be flexible, but within reason. Don't make people who are rather socially phobic attend office parties or make presentations. Let people who may be prone to anxiety or to panic attacks know they are safe, that you are on their side and that you will support them. If panic attacks are so severe or frequent that they prohibit a person from performing a job, then you've got to go through some of the processes highlighted in the section below regarding the law. However, most anxiety disorders of the milder variety are harmless, and don't prohibit people from doing their jobs.

Want to improve your effectiveness in dealing with all kinds of people?
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To purchase your copy of "99 Negotiation Nuggets for Winners" at a 10% Holiday Discount for "What's Up, Doc?" subscribers, just click [here](#).

CREATE CLEAR BOUNDARIES, EXPECTATIONS AND REWARD SYSTEMS FOR POSITIVE BEHAVIOR

You will hear me return to this point before this newsletter is done, but the best way to manage an office environment, which is bound to include some people with occasional, if not chronic, emotional or mental health challenges, is to have some clear boundaries and expectations for the ways that people will behave and perform. One way to do this would be to make use of the Team Member's PLEDGE I offered in [last month's newsletter](#). Of course, you should also have well written and developed human resource policies and codes of organizational conduct, including

ethics, which will delineate clear boundaries that frame the employment relationship. Measure the right things that will define excellence in job performance and be sure to reward what you intend to reward. If you need help putting your human resource policies together, or your employment agreements, call me – I know some people! And if you need some help sorting out what you need to measure for a particular set of jobs, based on your strategic priorities, then I humbly submit I could probably help you there myself. [I don't usually shill (too much!) in these newsletters, but there's no sense in pretending I can't help you, if you think you might need a hand!]

WISE PERSONNEL SELECTION IS WORTH FAR MORE THAN WISE PROBLEM MANAGEMENT!

Now, I don't recommend you purge your organization of people with mental health challenges because they have mental health challenges. I think (or I hope) that I have made clear enough in this newsletter that some amount of behavior we might label as being related to mental health is just plain normal. But it is also true that some people have chronic or seriously debilitating personal problems that do or will meaningfully interfere with their abilities to perform their work up to expected standards. And I would say to any leader or manager that it is best not to hire such people in the first place. It's not right to screen, in most jobs, for mental health. But you can screen for and look for evidence of high functioning, and the consistency of high functioning, otherwise known as high performance.

That's what the job interviewing and recruitment process is all about: no controversy there. But most companies do a much more miserable job of this than they think they do. Everyone thinks he or she is a great interviewer, and clearly, not everyone is! Most people try to glean far too much from résumés or from academic credentials, which are all well and good, but which don't tell you a lot about a person beyond what can be known from the surface. I am an advocate of, and formerly was in the business of developing, validated, job related screening instruments that measured elements of people's personalities as they relate to job performance. They are tools, and not in and of themselves to be seen as decisive. But the best ones vastly improve your odds for success as a hiring manager. Many of the options out there are of poor quality, based on insufficient research and on clinical or generic personality theory, rather than on actually measured job performance. The method I recommend is a proprietary one developed by [Talent+, Inc.](#) (While I have friends there, I don't have any financial incentive for you to do business with them, so the recommendation you're getting is an uncomplicated one).

THE QUESTION OF CULTURE

There are real problems, at times, with superimposing our own norms and expectations for behavior, here in the West, on members of other cultures. “Mental illness” is a concept fraught with danger and sometimes sloppy application, and different underlying mental illnesses can manifest themselves in different ways in different societies. What’s more, what we label in the West as a “mental illness” may simply be our way of describing a behavior we don’t like. After all, since when did “shyness” become “social phobia?” Members of different cultures may communicate differently and appear to us in the West to have problems they do not in fact have. This whole topic is too big for me to tackle here, but let me refer you to an [article I have online that deals with cross-cultural communication](#). I’ll talk more in the next section about the legal side of non-discrimination as it relates to the management of challenging people, and any potential confusions of mental illness with cultural differences.

2. MANAGING CHALLENGING PEOPLE, PART TWO: THE LEGAL PERSPECTIVE

DISCLAIMER AND OVERVIEW: The following reference information does not constitute legal advice. My thanks go to [Michael Stevens of Arent Fox, PLLC](#) in Washington, D.C. for taking the time to share his expertise with me on behalf of the subscribers to this newsletter. As an employer, the legal issues involved with managing those who possess mental disorders begin when you as an employer become aware of the impairment (or even regard someone as being impaired), through whatever channels that disclosure may follow. Below I’ll review some of the areas of law with which you should be familiar as a manager in the U. S., but be sure to get your own advice and counsel from an attorney or from your company’s human resource department for any actual situations you may face.

THE AMERICANS WITH DISABILITIES ACT (ADA)

The ADA is a federal law that applies to employers with 15 or more employees, and it protects qualified individuals with physical or mental conditions which substantially impair major life activities. It also protects those who are regarded as having, and those who have a history of, such conditions. Many states, counties and cities have passed laws similar to the ADA. The ADA does not list specific diagnoses that are covered by the law, and as a result, the EEOC and the courts have defined what disorders or impairments the law has covered. The issues get complex, and rulings can vary by jurisdiction. The U.S. Supreme Court has ruled that conditions that are treated or controlled effectively by medication or

some other interventions (for example, vision impairment that is corrected through the use of lenses, or high blood pressure treated through medication) generally do not constitute disabilities under the ADA. There are no clear precedents at the Supreme Court level like this related to mental disorders, but any American manager should get up to date advice on these matters from an attorney.

Now, if because of a mental illness, an individual is not performing work up to standards, a manager generally can lawfully discipline that person. The point here is that the discipline follows non-performance, and is not based on the mental illness per se. It is generally incumbent on the worker to disclose that he or she has a mental illness, and once the manager is aware of this fact, the law requires that managers attempt to make some reasonable accommodations to allow the worker to perform work according to the organization's expectations. The law does not require management to offer the specific accommodation requested by the employee; it simply requires that the accommodation be "reasonable." For example, if an employee with a phobia regarding airplane travel can be assigned work that might require only travel to areas that can be easily reached by car or by rail, this might constitute a reasonable accommodation. Sometimes the granting of alternative work schedules can qualify as reasonable accommodations, depending on the impairment that is being accommodated. Alternative work schedules or special arrangements for leave taking may allow an employee to attend treatment sessions, for example. However, reasonable accommodations should not, in the view of the law, place an undue hardship on a business. Moreover, if the employee's condition cannot be reasonably accommodated and he or she is unable to perform all of the essential functions of his or her job, the employee generally is not protected by the ADA.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The FMLA is also a federal law that applies to businesses with 50 or more employees. Several states have also passed FMLA laws that apply to smaller employers. If the business is covered by the FMLA, then an employee may be entitled to take up to twelve weeks of unpaid leave to deal with a serious health condition, such as a mental disability or treatment. Employers should check with their attorneys or with their human resource departments to see if they are covered by the FMLA.

DISCLOSURE OF AN ILLNESS AND CONFIDENTIALITY

The ADA prohibits employers from asking applicants if they have a disability and the nature and extent of the condition. An employer generally may make inquiries about an existing employee's medical condition if it is job-related and consistent with business necessity. An employer may also become aware of an employee's mental disorder through various means. An employee may voluntarily disclose the

impairment, or even voluntarily disclose the fact of impairment during some other performance-related counseling that management may initiate. Some employers may make mandatory referrals to an Employee Assistance Program for some employees when a potential impairment seems to be job related and consistent with business necessity, and so the awareness of a potential impairment may begin at that point.

The ADA generally requires employers to treat medical information about employees confidentially. This information must be kept in a separate confidential file. Only supervisors and managers should have access to it. In addition, HIPAA (the Health Insurance Portability and Accountability Act) is a federal law that governs a wide range of health insurance and medical information issues that makes it increasingly difficult for employers to gain access to protected health information. Be sure to consult an attorney to ensure that your organization is in full ADA and HIPAA compliance, and that your organization is keeping information about an employee's impairment confidential and available to others on a strict need-to-know basis.

If as an employer, you know an employee is being treated for a mental health issue, and you need information about the nature of the impairment to enable you to decide what reasonable accommodations you should make, you can require the employee to have his/her physician provide you with information about the nature and extent of the condition, what if any effect the condition has on the employee's ability to come to work on a consistent basis, and what if any accommodations are necessary to allow the employee to come to work and perform their duties consistently.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) GUIDANCE

If a member of a minority culture or ethnicity has a mental disorder, then management must be sure that they are treating that minority individual in exactly the same way, with the same procedures used, for any member of the majority. Protected classes of groups protected against discrimination are defined by federal law, but also defined by individual states, counties and cities. Be sure you know what classes are protected where you do business. The EEOC, a federal agency that deals more directly with issues of discrimination, has put together a very helpful guide for dealing with employees with mental illnesses, and it is available on the web at this [link](#).

EMPLOYEE FAIRNESS AND EMPLOYER LEGAL PROTECTION

When it comes to the protection of both the employee and the employer, the critical thing is to have solid, and consistently applied human resource policies and procedures in place for dealing with performance appraisal, employee counseling and employee discipline. I made the same point above from a psychological and from a leadership perspective, so the

lawyer and the shrink agree. As a manager, you should have your systems of job performance and appraisal well articulated, and you should review them in depth at least every three years, so that they will be up to date with laws as they evolve, and so that your performance systems actually measure and reward what is strategically necessary for your business given changes in your market and in your business priorities. Prevention is worth more than a pound of cure, and as nice a guy as my friend [Michael Stevens](#) is, you probably want to avoid having to call him if you can (though I highly recommend him if you need him!).

3. RECOMMENDED BOOKS AND ENTERTAINMENT

BOOK: “Make the Rules Or Your Rival Will” by G. Richard Shell, Crown Business, New York 2004.

This is a terrific book for the senior business executive, the business strategist and the entrepreneur. This book identifies how some of the most successful companies in the world have understood the law well enough to integrate legal strategy into their strategic growth plans. Rick Shell is one of my favorite business writers, and I’ve recommended his book, “Bargaining for Advantage,” many times. His latest work is a must-have for the senior business leader’s bookshelf. And it helps that Rick’s work is always highly readable and accessible. You can find the book at Amazon [here](#).

ENTERTAINMENT: Music CD “Body and Soul Revisited,” by Coleman Hawkins, Verve (a division of Universal Music Group), 1993.

Coleman Hawkins was one of the signature and groundbreaking jazz artists of the 20th Century, and his 100th birthday would have been just a couple of weeks ago. This collection of his work in the 1950’s is just about perfect. His warm, inviting saxophone plays with the beat, falling just behind it, then moving ahead of it, crafting inventive musical lines that never feel contrived or “pushy.” Among jazz saxophonists, he is often known for his romantic tone that nevertheless avoids saccharine sentimentality. For anyone who would like to become more familiar with American jazz as an art form, or just have a great disc to play in the background when guests arrive for dinner, I highly recommend this album. You can buy it almost anywhere, though here is the [link](#) to it on Amazon.

4. CHUCKLES

Okay, with all this legal stuff, and with apologies to Mike, I could not resist a lawyer joke, below. (I'll balance it with a shrink joke, just to be fair!):

A lawyer's dog, running around town unleashed, heads for a butcher shop and steals a roast. The butcher goes to the lawyer's office and asks, "if a dog running unleashed steals a piece of meat from my store, do I have a right to demand payment for the meat from the dog's owner?" The lawyer answers, "Absolutely."

"Then you owe me \$8.50. Your dog was loose and stole a roast from me today."

The lawyer, without a word, writes the butcher a check for \$8.50. The butcher, having a feeling of satisfaction, leaves.

Three days later, the butcher finds a bill from the lawyer: \$100 due for a consultation.

Q: How many psychologists does it take to change a light bulb?

A: None. The light bulb will change itself when it's ready.

Q: How many psychologists does it take to change a light bulb?

A: Just one, but the light bulb really has to want to change.

Q: How many psychologists does it take to change a light bulb?

A: Just one, but it takes nine visits.

5. PROMOTE YOUR OWN GROWTH

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options and available coaching plans, just click [here](#) now.

6. ABOUT DR. SCHULER

A. J. Schuler, Psy. D., an expert on leadership, negotiation and organizational change, provides consulting services, keynote presentations and seminars for client companies. His trademark is highly personalized service that leads to measurable increases in productivity, profit and growth. He also provides personalized leadership education and coaching for highly motivated clients.

Dr. Schuler, President of Schuler Solutions, Inc., has served diverse organizations in the private and public sectors, including The Ritz-Carlton Hotel Company, Sony Development, Nomura Securities and the Executive Office for Immigration Review.

A graduate of the Wharton School of Business, Dr. Schuler has successfully led the profitable growth of a dynamic, international consulting firm while serving as Operations Director, and has successfully coached over five hundred CEO's and corporate executives.

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8. NEWSLETTER STATEMENT OF ETHICS

NEWSLETTER ETHICS: This e-Newsletter will be sent to subscribers only upon REQUEST, though subscribers may forward this letter to anyone they wish. Subscriber identities or contact information will NOT

BE DISCLOSED to any other persons or entities under any circumstances. (An attorney friend recently pointed out that, technically, I'd have to give up my list if compelled to do so by a court of law. He's technically right, of course, but let's face it: that won't happen!)

Have a great month. . .

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"Make each day your masterpiece." -- John Wooden

P.S. - Remember to send in your comments and successes, and to forward this newsletter to at least one friend! Thanks . . . AJS