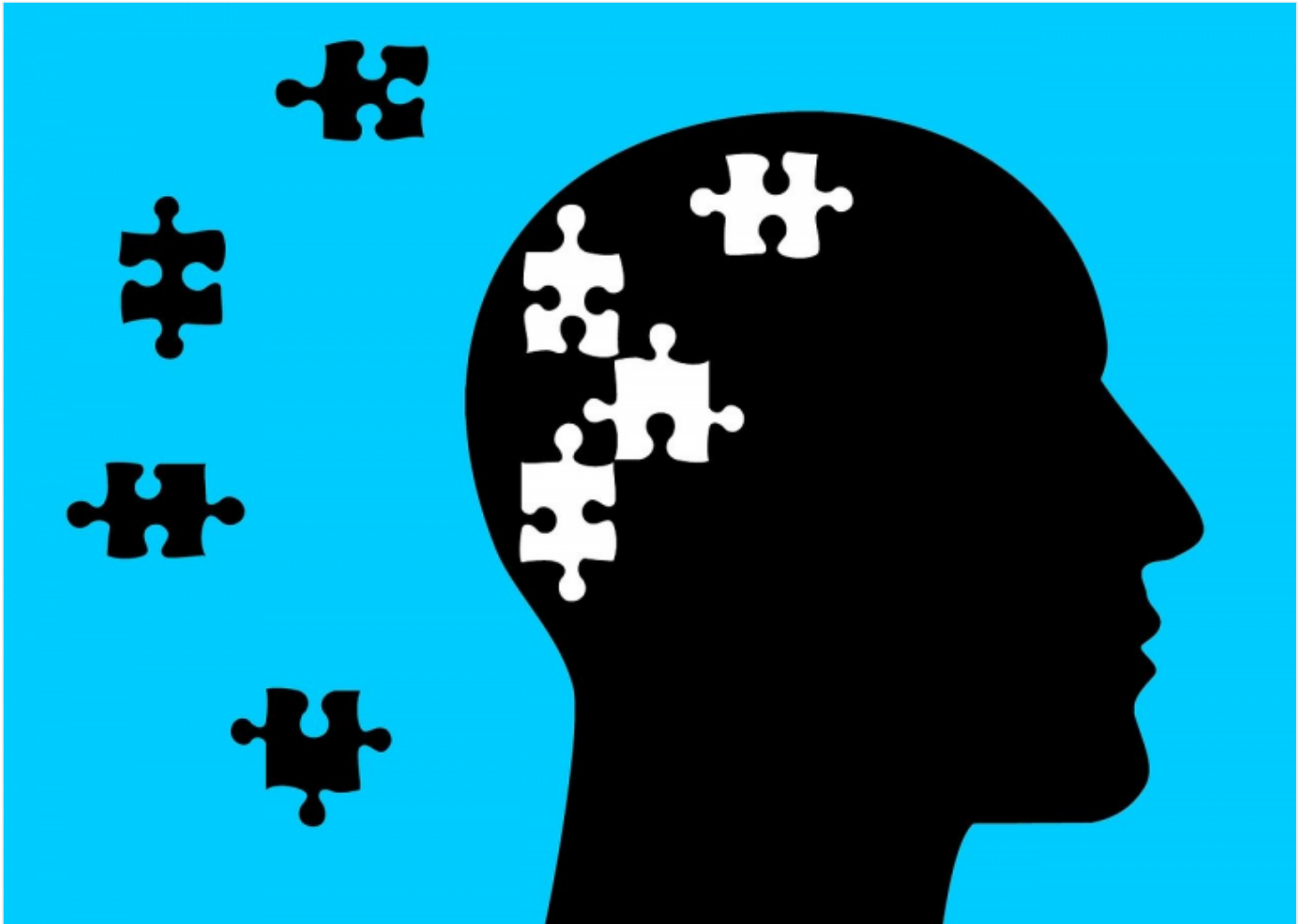


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resources for employees suffering from mental health issues. The goal is to help them address their condition and hopefully resume contributing to their own success and...

Richard D. Alaniz • Mar. 03, 2021



In March 2020, shortly before the COVID-19 pandemic began, I wrote an [article on the impact of mental health issues](https://www.cpapracticeadvisor.com/21130927) (<https://www.cpapracticeadvisor.com/21130927>) in the workplace and the lack of attention that the subject received at the time. The article noted that according to the National Alliance on Mental Health, 43.8 million

people experience mental health issues in any given year. Approximately 10 million

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losses nearly across the board. Many of those who lost their jobs have all but given up hope for some light at the end of the tunnel.

It may yet be some time before we see the full effects of the pandemic-related changes to our daily existence on our collective mental health. While the increasing availability of effective vaccines has put us on a slow path to ending the pandemic, the end is still at least months away. We have already begun to hear about the psychological impact of months of school closures on many school-aged children. A recent report cited a 31% increase in mental health visits to emergency rooms among 12 to 17-year-olds. Sadly, even suicides have been reported. In Chicago, the country's third largest school district, and in other parts of the country as well, there finally appears to be some limited progress on returning the children to the schoolroom. Unfortunately, the mental health issues conceivably precipitated by school closures could have long term effects on these children.

Many parents have had to confront perhaps even more stressful circumstances. In addition to caregiving difficulties, they have had to deal with the fear and anxiety about the risk to themselves and their families over possible exposure to COVID-19 at work. Uncertainty about workplace changes, the future of their jobs, and the ability to provide for their families are certain to take their toll on workers' mental health.

Workers in essential and non-essential industries alike have been laid off by the millions. The unemployment rate is currently 6.3%, an improvement from the high of 14.7% in April 2020, but still approximately twice the pre-pandemic unemployment rate, when employers in many industries were desperately seeking additional employees. Employees in most industries were benefiting as wages were being increased in an effort to attract applicants.

The impact of the sudden reversal of fortunes on the mental health and well-being of many affected workers has been and will continue to be devastating. Many of the

millions laid off will have no job to return to when the pandemic ends with their

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and uncertainty would result in some form of depression for many. In fact, even without the trauma of a pandemic, major depression is the single most common mental health illness in the U.S.

Innumerable symptoms of conditions classified as mental illness could impact an employee's ability to perform the essential functions of their job. In many cases the illness manifests itself in conduct, behavior, or performance issues that affect co-workers, as well. Given the likelihood that such issues may become more prevalent as a result of the pandemic, employers need to be more vigilant of what is occurring in their workplace.

Employers often become aware that an employee may be suffering from a mental condition that is affecting them and the workplace through reports from fellow employees. In most cases, some problem behavior or incident triggers concern among co-workers. A major change in personality, argumentative behavior, lack of engagement with others, or other uncharacteristic conduct may be signs of a problem. Sometimes it is the employee's supervisor that becomes aware of a problem when having to respond to a complaint about an incident involving the employee. Given that such mental health issues are almost always protected disabilities under the federal American with Disabilities Act (ADA) and similar state laws, an employer must proceed cautiously in attempting to addressing these issues. Medical privacy rules similarly require discretion in addressing any and all employee health conditions.

The EEOC has stringent standards regarding what and when an employer may ask an employee regarding the employee's mental health. The four circumstances under which an employer may inquire into an employee's mental health condition are the following: 1) After a job offer has been extended, assuming all applicants in a given job category are asked for the same medical information; 2) When an employee has

requested a reasonable accommodation; 3) When the employer is engaging in

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