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Dealing With Mental Illness Issues in the Workplace, Newsday, ft. Keith Gutstein

Keith Gutstein, Esq., co-managing partner of the Long Island office of Kaufman Dolowich & Voluck, LLP and co-chair of the KD Labor & Employment Law practice group,was quoted in a *Newsday article written by Jamie Herzlich - July 7, 2019.*

Mental illness is sometimes referred to as an invisible illness, but its affect on the workplace is far from hidden.

The World Health Organization estimates depression and anxiety disorders cost the global economy $1 trillion annually in lost productivity.

In the United States, a recent report from Happify Health found that the mental well-being of employees reached a five-year low in 2018, with younger workers the hardest hit.

The prevalence of symptoms of depression among employees ages 18-24 was more than double the general population's, rising 39 percent over five years, according to Happify.

Beyond the younger generation, workplace depression in general is growing, with symptoms of depression overall among U.S. employees rising more than 18 percent from 2014 to 2018, according to Happify.

But many people don't talk about mental health issues on the job. The American Psychiatric Association found that roughly half of American workers say they're concerned about doing that.

Consider that psychological disabilities, just like physical disabilities, are protected under applicable federal and state statutes like the Americans With Disabilities Act, says Keith Gutstein, co-managing partner of the Woodbury office of Kaufman Dolowich & Voluck LLP.

If the employee comes forward with a psychological condition or there's evidence of some type of condition that might impact the employee's work, an employer can ask certain questions, including if they're able to perform their essential job functions, he says.

If an employee asks for a special accommodation, for example an adjusted work schedule, then an employer can ask for medical documentation to find out what accommodations are necessary through feedback from the doctor, says Gutstein. For more on accommodations, go to www.dol.gov.

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