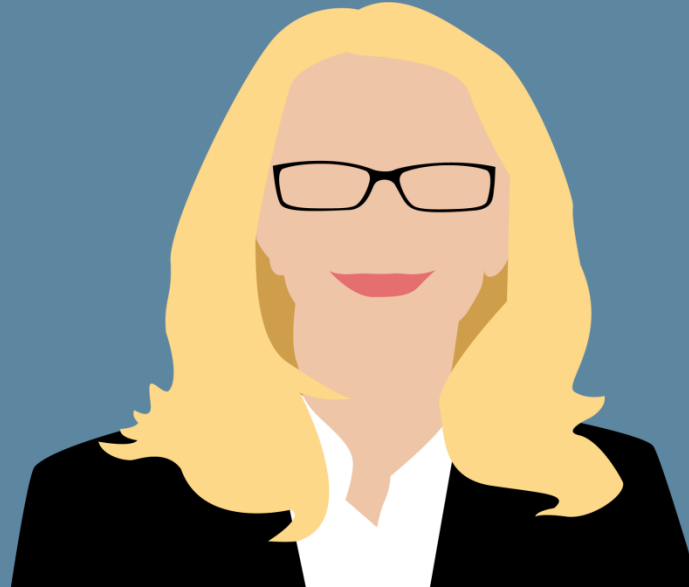


# Legal Lunch with Laura



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# Dealing with the Disruptive Professional: *An Alternative* to Termination

Presentation by  
Michael C. Heitt, PsyD  
Laura L. Rubenstein, Esq.

# Today's Webinar

- Today's webinar will be 1 hour
- Objective is to discuss the disruptive professional in the workplace from a legal and psychological perspective.
- Discuss complicating factors

Disclaimer: This webinar is provided for informational purposes only and is not legal or psychological advice. Participation in this webinar does not create an attorney-client relationship (with Attorney Rubenstein) or a doctor - patient relationship (with Dr. Heitt). The opinions expressed throughout this webinar are the opinions of Dr. Heitt and Attorney Rubenstein, and may not necessarily reflect the opinions of their respective firms.

# Lunch Dates for 2012 Webinars

**Tuesday, September 18**

**Tuesday, November 20**

\*Note – this is the third Tuesday of every other month from  
12:00 – 1:00 p.m.



## *Clinical and Corporate Consulting Services*

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- Forensic Consultation
- Professional/Executive Impairment, Dysfunction and Disruption
- Leadership/Enhancement Coaching and Remedial Coaching
- Medical Records Review
- Professional Ethics Tutorials and Consultation
  
- Individual Diagnostic Assessment
- Individual Psychotherapy
- Couples Therapy and Relationship Issues
- Career and Life Transition Concerns
- Medical Malpractice Stress Management/Support

# Defining the Problem

## What is a disruptive professional?

A disruptive professional can take many shapes in the workplace.

- The crude jokester
- The harasser who creates a hostile work environment
- The discriminator who treats people differently on the basis of their age, sex, religion, race, disability, etc.
- The angry, intimidating bully who is feared by everyone

# Eye of the Beholder

- Similar to sexual harassment/hostile work environment
- Disruptive to whom?
  - Professional, Coworkers, Contractors or Customers
- Vulnerability of hierarchical corporate models
  - Higher standard/Greater implications

# Common Presentations

- Interpersonal relations
  - Communications, social skills, emails/texts
  - Hostility, intimidation, threats, violence
- Self-sabotage/“Success neurosis”
  - Work-Life imbalance
  - Low confidence
- Boundary crossings/violations
  - Joking, harassment, hostile work environment



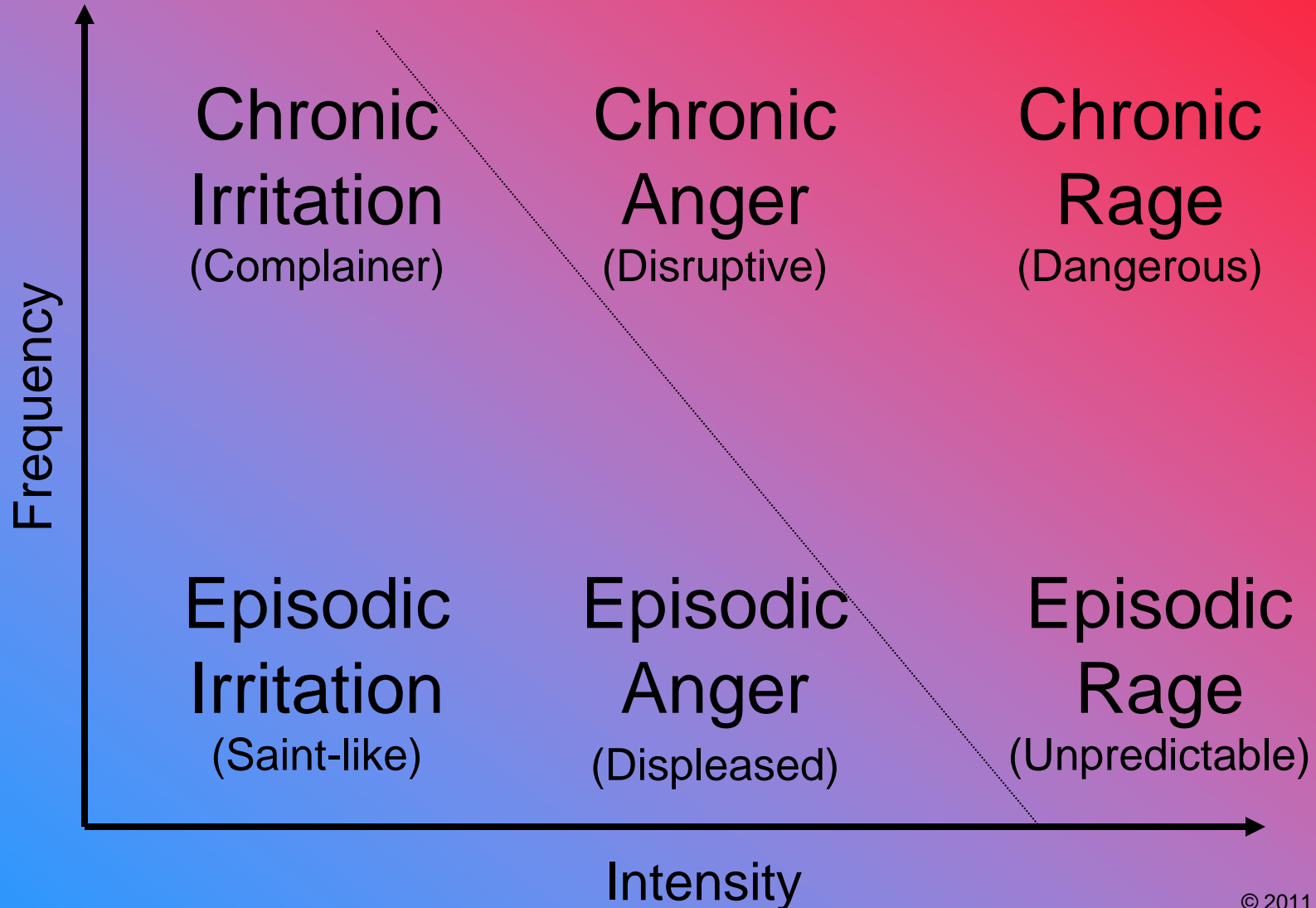
# Common Presentations

- Performance problems
  - Productivity, negligence, errors
- Systems mismatch
  - “Fish out of water”
- Difficulty leading effectively
  - Staff turnover, grievances
- Impairment
  - Axis I and Axis II psychiatric disorders

# Impairment-Related Disruption

- **Axis I Co-morbidities:**
  - Mood Disorders (Depressive, Bipolar)
  - Substance-related (Alcohol, Opioid)
  - Sexual Paraphilias (Pornography, Exhibitionism, Frotteurism)
  - Cognitive Disorders (Dementia, TBI)
- **Axis II Co-morbidities:**
  - Cluster C (OCPD)
  - Cluster B (Narcissistic, Antisocial, Borderline)
  - Cluster A (Paranoid)
- **V-Code Co-morbidities:**
  - Relational problem
  - Bereavement
  - Occupational problem

# Anger Classifications



# Webinar Poll

What types of “disruptive behavior” have you encountered in the workplace? (Check all that apply.)

- Interpersonal communications problems, poor social skills, inappropriate emails/texts, jokes, harassment
- Hostility, intimidation, threats, violence
- Self-sabotage/Poor leadership
- Systems mismatch
- Substance abuse, psychiatric illness, dementia

# Implications

- Productivity and Efficiency
  - Communication breakdown
  - Fear, avoidance (preventing errors)
  - Allocation of resources/time
- Morale
  - Job satisfaction
  - Talent recruitment/retention
  - Investment in work/organization
- Financial
  - Corporate liability
  - Staff turnover
  - Harassment/Hostile work environment
- Continuation/Modeling of behavior
  - Norming of enabling behavior
  - Reactive acting out cycle

# Systemic Influences

- What “systemic forces” influence the behaviors of the disruptive professional?
  - Personal (“type A”, psychiatric illness)
  - Family (birth of child, marital distress)
  - Work demands/climate (schedule, volume, policy interpretation)
  - Profession/Specialty (new technology, litigation trends)
  - Politics, Economics (corporate policy, global economy, tax laws)

# Intervention

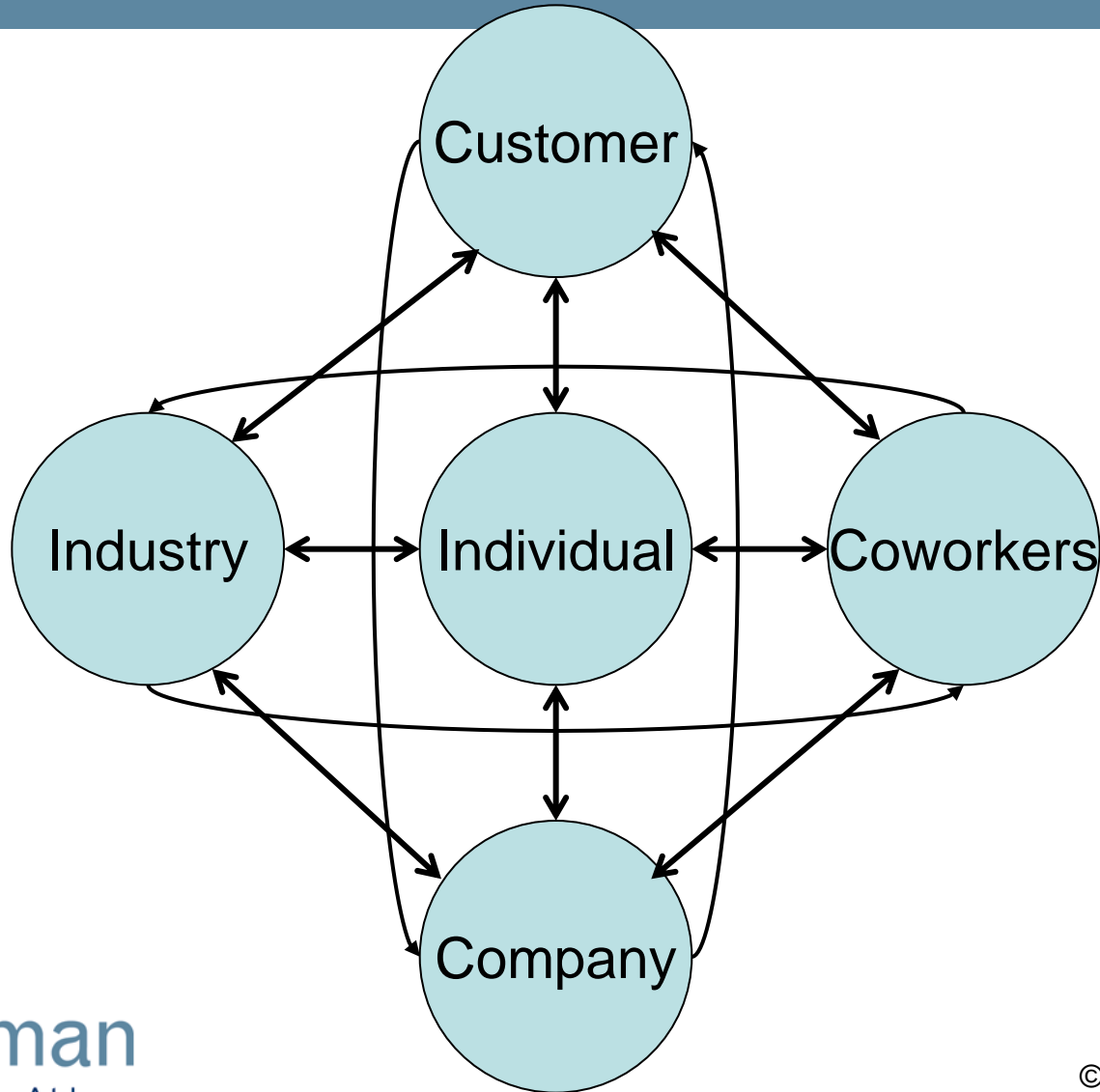
- Documentation
  - Progressive disciplinary action
- Compassion/Collegiality/Shared goals
  - Beneficence and Nonmaleficence
  - Respect, caring, timely
  - Customer-, Career-, Family-, Health-oriented
- Due Process
  - Adaptation of existing policies/procedures
  - Code of conduct
  - Protect confidentiality
- “Zero-tolerance” ≠ Termination
  - Flexible yet consistent

# Intervention (cont'd)

- Gather collateral information
- Consult with relevant third parties
  - General Counsel, HR
  - Board of Directors
- Consultant/Evaluator (Disinterested, objective, neutral, organizationally and clinically focused)
- Opportunity to respond, correct behavior
  - If safe to do so
- Use ultimatums judiciously



# Protection/Best Interests



# An Alternative to Termination

Can “remedial coaching” or psychotherapy be an effective alternative to discipline or discharge?

What can I do if the problematic, disruptive behaviors persist during the remedial coaching/therapy process?

# Webinar Poll

Have you ever recommended coaching or counseling for a disruptive professional in your current or former workplace?

- Yes
- No
- Not applicable

# Webinar Poll

For those of you who recommended coaching/counseling for a disruptive professional at your current or former workplace, what contributed to or detracted from its success?

Please type your response in the “question bar” to the right.

# Reminder: 2012 Lunch Dates

**Tuesday, September 18**

(Employment Insurance)

**Tuesday, November 20**

(Employee Handbooks)

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Thank you to my guest,

**Michael Heitt, PsyD**

**Heitt Clinical & Corporate Consulting, LLC**

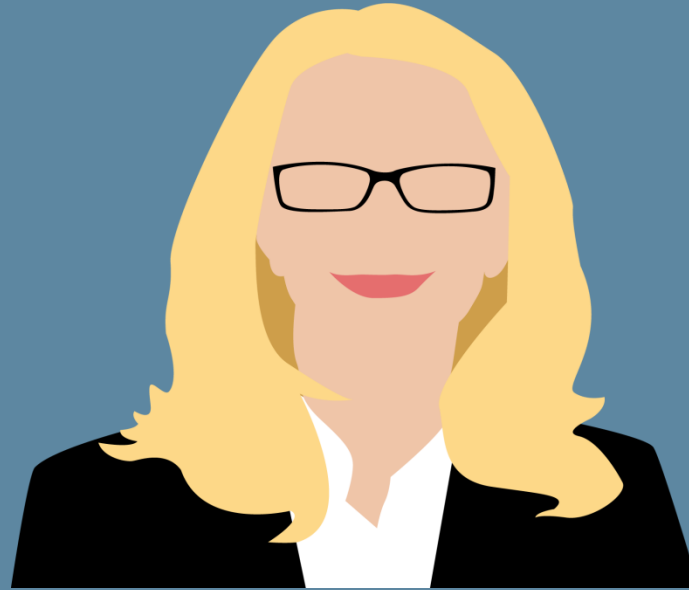
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