

Procedures for Reasonable Suspicion of Drug or Alcohol Impairment on the Job (Non-DOT)

Pursuant to the [University Policy on Alcohol and Drugs](#), policy No.6-8004-001, CSU employees may not report to work or be at work while impaired by alcohol or drugs, even those lawfully prescribed, as determined under a reasonable suspicion standard. These procedures should be followed whenever an employee is reasonably suspected of impairment at work.

Anyone may report suspected impairment of an employee to the employee's supervisor or higher authority. If a volunteer or the employee of a contractor is impaired while on CSU property and/or participating in a CSU activity or event, a supervisor who receives such report shall take reasonable actions to remove the volunteer or contract employee from CSU's property and/or activity or event. Inquiries regarding these circumstances may be made to the Office of Risk Management & Insurance (RMI) (970-491-6745) (<http://rmi.prep.colostate.edu>).

If an employee suspects impairment of his or her own supervisor, the employee should advise the next higher level authority. Any person reporting suspected impairment is protected from retaliation in accordance with the university's [policy on retaliation](#) (<http://www.oeo.colostate.edu/retaliation>).

An employee's supervisor who receives a report or observes the employee and believes him or her to be impaired by alcohol or drugs must immediately take action to determine whether or not the person is impaired, as explained below. Police or emergency personnel should be called immediately if the employee appears violent, verbally abusive, or threatening, appears to be having a medical emergency, or requests immediate medical assistance. If police or emergency personnel are not warranted, the supervisor should refer to the **Reasonable Suspicion of Drug or Alcohol Impairment Checklist (Non-DOT)** (the "Checklist") and proceed as follows.

Checklist Section A

Record the required information. *If the employee works in a position subject to the DOT/Federal Motor Carrier Safety Administration (FMCSA) regulations (i.e., a commercial driver), contact EHS immediately at 970-491-6745 for assistance.*

Checklist Section B

Assess the situation to determine whether or not to call 911.

Checklist Section C

Step 1: Obtaining an observer: This person should be a Responsible Individual. This means another supervisor (preferably within the same chain of command, however, a manager or supervisor from another department may be engaged if necessary), a person of higher authority, or a college or department's Human Resources liaison. If no one is available, you may proceed with interviewing the employee, using the Checklist and making notes of what occurs.

Step 2: It is important to maintain confidentiality to the greatest extent possible under the circumstances. Your meeting with the employee should occur outside of immediate sight and hearing of others. The Responsible Individual observing should be cautioned that the matter is to be held as confidential except for the necessary administrators such as those in Risk Management & Insurance and Human Resources.

Step 3: You should remain calm, respectful, and firm during all interactions with the employee. Asking the employee if he or she is under the influence of drugs or alcohol should be done in a non-accusatory manner.

Step 4: Determine whether the employee requires medical assistance, either at the employee's request, or because your observations are that the employee may be in danger due to severe intoxication. When in doubt, call 911.

Step 5: The employee must stop working until you have made your determination as to whether he or she is drug or alcohol impaired. At this time, the employee's status is Leave Without Pay. If the employee subsequently chooses to be tested for drug or alcohol impairment, then the employee's status will be Paid Administrative Leave until the testing is complete and the employee leaves the workplace or testing facility. This is to protect the employee's rights when disputing the finding of impairment based on observed behaviors.

Step 6: Observe the employee carefully and check your observations with the Responsible Individual observer, if present. Check all the boxes that apply and write down any other observations that don't have a checkbox. Your recorded observations must be **specific, multiple (2 or more), and articulable (able to be described clearly in writing)**. If only one of the listed behaviors is present, this is not enough to conclude that the employee is impaired, unless the employee admits to being impaired or was directly observed by the supervisor using or alcohol or drugs at, or prior to, work. Once you have completed this section of the Checklist, you should make the determination whether the employee appears to be drug or alcohol impaired, or does not. If you conclude that the employee does not appear to be impaired based on the observed behaviors and is safe to return to work, that should conclude the process. If you are uncertain, you may decide to send the employee home for the day (on Administrative Leave with Pay) and meet with the employee when he or she returns to work on the next scheduled work day to ensure that the employee is not then impaired. If you are reasonably convinced that the employee does appear to be impaired based on your recorded observations, proceed to Step 7.

Step 7: When a determination has been made that an employee does appear to be impaired, he or she has the right to undergo drug and alcohol testing, **at the University's expense**, in order to show that there was no impairment. This testing will take place, whenever possible,

on site by the University's designated collection service. If for any reason the service is unavailable, then the employee has the option of going to a designated nearby testing facility. The list of testing facilities is available from Risk Management & Insurance (RMI) (<http://rmi.prep.colostate.edu/risk-management/csus-reasonable-suspicion-drug-alcohol-test/> or 970-491-6947). The testing protocol includes tests for alcohol by breath sample and drugs by urine sample. The included drugs are: Amphetamines, Barbiturates, Benzodiazepines, Opiate Analgesics, Marijuana, and Cocaine/Crack. A complete list is available on the RMI website. Testing is at the University's expense and the facility will send the bill to RMI. The test results will be sent to a Medical Review Officer (MRO) for interpretation.

Transportation to the testing facility will be by taxi, if available. The department is responsible for paying the taxi company, but RMI will provide a taxi voucher if this can be reasonably done at the time. In Fort Collins, the taxi company's number is 970-224-2222. The employee who is to be tested must not drive but may be driven by a friend or relative (not someone working for CSU). Remember, if safety cannot be assured, emergency assistance should be called (911).

The employee is instructed not to eat or drink anything, or take any drugs, between the time he or she requests testing and the time that the testing is complete.

The breath or urine sample must be taken by the collector (on site or at the designated facility) *within 2 hours* after you have completed the Checklist and the employee has requested testing. If a sample cannot be collected within 2 hours for reasons outside the control of the employee to be tested, then the test will not be valid and formal disciplinary action cannot be taken based on the incident. If the test is not completed within 2 hours because of delay caused by the employee, then the supervisor's observations will stand as the basis for any corrective or disciplinary action that follows.

Step 8: After a finding of reasonable suspicion of impairment (and drug and alcohol testing, if applicable), the employee must find transportation home; he or she cannot be allowed to drive or otherwise leave in an unsafe manner. Biking is also unsafe when impaired. The employee may call a friend or relative, or take a taxi at his or her own expense. If the employee insists on leaving in an unsafe manner, it is the supervisor's responsibility to call the police (911).

Step 9: Employees are expected to return to work for their next scheduled work day or shift unless they are medically unable to do so (according to a written note from a medical provider). An employee who returns to work while impaired cannot be allowed to remain and must be sent home in a safe manner (as described above). If this occurs, or if the employee fails to report for work as scheduled, appropriate corrective or disciplinary action should follow in accordance with University and departmental policies and procedures. When the employee returns to work, the supervisor should meet with the employee to assure that he or she is fit to return to duty. *If the employee is a commercial driver under the FMCSA regulations, a different procedure applies; contact EHS as soon as possible when the reasonable suspicion of impairment arises.* An employee who does not return to work as scheduled due to continuing impairment by alcohol or drugs (except when drugs are used as prescribed, as documented in a note from the treating medical provider).

Step 10: Employees whose drug or alcohol use interferes with their ability to safely perform their jobs are in need of professional help. Please make employees aware of the Employee Assistance Program (EAP) and encourage them to contact the EAP.

Checklist Sections D-E:

At the conclusion of the interview, the Checklist should be marked with the date and time and then signed by the supervisor, the employee, and the Responsible Individual observer. The employee is asked to check one of the boxes to indicate whether or not he or she admits to being impaired, denies impairment and chooses to undergo testing, or denies impairment but declines to undergo testing. The supervisor should explain that if the employee denies being impaired and declines to be tested, then the supervisor's determination as to impairment will stand as final, and that a determination of impairment subjects the employee to corrective action or disciplinary action in accordance with the applicable University policies and procedures for that employee (these vary as between state classified staff, administrative professionals, and faculty. At any time during this process, you may call Human Resources (970-491-6947) for additional guidance.

Contacts:

Police/Medical Emergency: **911**

Office of Risk Management & Insurance: 970-491-6745; Information on Drug/Alcohol Testing <http://rmi.prep.colostate.edu/risk-management/csus-reasonable-suspicion-drug-alcohol-test/>

Human Resources: 970-491-6947

Environmental Health Services: 970-491-6745 (for DOT-regulated positions)

Aegis Client Services (on-site drug/alcohol testing provider): 1-800-533-7052

Office of Policy & Compliance (policy questions) 970-491-5257 (<http://policies.colostate.edu>), policy: <http://policylibrary.colostate.edu/policy.aspx?id=551>