

REASONABLE SUSPICION TESTING PROCESS

The supervisor's documentation of observations, not a test, are sometimes the key elements in proving the university's case that an employee was impaired. The supervisor must be able to testify, in detail, what they saw, heard and/or smelled that indicated that the employee was under the influence. A supervisor that testifies that the employee "seemed drunk" merely states a conclusion which is unsupported by any factual evidence. The supervisor must be able to testify in concrete terms, such as "the employee was staggering and had slurred speech or had a strong odor of alcohol on their breath." Supervisors/managers should contact another supervisor/manager to serve as a witness and to assist with documentation.

Documentation of the incident in which the employee exhibited drunken or drugged behavior is critical to protecting the credibility of the supervisor. If the employee challenges any disciplinary action taken, the supervisor may be called upon to testify months after the incident occurred. The supervisor can avoid having to recall the incident from memory if he/she writes down an account of the incident immediately after it occurs. This documentation should be recorded using the **Reasonable Suspicion Checklist**. A copy of this checklist should be maintained by the supervisor/manager and University Human Resources.

Anytime a supervisor/manager observes behavior that indicates an employee may be under the influence of alcohol or drugs, the following steps should be followed.

1. The supervisor/manager will assess the situation. If there is an **immediate** threat of personal harm to the individual in question, to others, or the potential for damage to university property, notify the Ohio University Police Department (593-1911) if on the Athens Campus, the Athens Police Department (593-6606 or 911) if within the City of Athens, or the Athens County Sheriff's Department (593-6633) if outside the Athens City limits. Regional campuses should contact their local law enforcement agency. If an immediate threat is not present, proceed to Steps 2 through 8.
2. You should have a general conversation with the employee. You may ask how their day is, how they're feeling. While speaking with the employee look for indicators that the employee may be under the influence of alcohol or drug (examples of indicators are found on the Reasonable Suspicion Checklist). Do not touch the employee. Do not leave the employee alone. If you believe the person is under the influence contact another supervisor/manager to act as a witness and to later assist with documentation.
3. Following interaction with the employee, if the supervisor/manager and the witness believe that the individual may be in violation of the University's *Alcohol and Other Drug* policy, the employee should be escorted to an area where a conversation with the employee may take place in private. All interaction with the employee should be handled discreetly and any information obtained should only be shared with those that need to know. Note: If the

employee is covered under a collective bargaining agreement and request steward representation, the employee will have the right to consult with a union steward. Up to 15 minutes will be made available to obtain the consultation. If necessary, this can be done by phone.

4. Consult with your University Human Resources Liaison if possible.
5. Notify the employee that he/she may be in violation of the university's *Alcohol and Other Drugs* policy. Provide the employee with the *Reasonable Suspicion Testing Consent Form*. Review the form with the employee indicating that refusal to consent for testing may subject the employee to disciplinary action up to and including termination. Supervisor should also provide verbal referral to IMPACT EAP at this time.
6. **(A) If the employee signs the consent form agreeing to testing** the supervisor will complete the Ohio University Testing Authorization form and take it with them to the testing site. Both the supervisor and witness should transport the employee to the appropriate testing center (method of transport must be via departmentally owned vehicle or via Transportation and Parking Services 593-1917, Monday – Friday 7:30 –5:00 - ask for Operations Supervisor and tell them you are requesting a reasonable suspicion transport).

If the department does not have a state-owned vehicle and the situation occurs after 5:00 p.m. or on weekends, a cab service can be utilized for transport and reimbursement of the expense will be made.

Location and hours of operation for the testing centers are as follows:

OhioHealth WorkHealth
(Castrop Center)
75 Hospital Drive, Suite 370
Athens, Ohio 45701
614-566-WORK (9675)
7 a.m. – 4 p.m., Monday – Friday

OhioHealth Urgent Care Athens
265 West Union Street, Suite A
Athens, Ohio 45701
740-594-2456
9 a.m. – 9 p.m., Monday – Thursday
9 a.m. – 6 p.m., Friday – Sunday

OhioHealth O'Bleness Hospital
Emergency Department
55 Hospital Drive
Athens, Ohio 45701
After 9 p.m., Monday-Thursday only

After 6 p.m., Friday – Sunday only

The supervisor and witness will remain with the employee at the collection site until the testing process is complete.

Once the employee has been tested, the employee will be directed to not drive or return to work to complete the shift. Inform the employee to report to duty on their next assigned shift. The employee must arrange for transportation to return home. The supervisor may either wait with the employee at the testing center until the employee's transportation home arrives or the supervisor may wait with the employee at the work site for the transportation home to arrive.

(B) If the employee refuses to sign the consent form indicating non-agreement to testing, the employee will be directed to not drive or complete the work shift and will be required to arrange for transportation to return home. Inform the employee to report to duty on their next assigned shift.

(C) If the employee refuses to arrange for transportation home following either (A) or (B) above, the supervisor will call the State Highway Patrol 1-800-GRABDUI (1-800-472-2384) and advise them that the employee, who is believed to be impaired, is leaving the workplace.

7. After the immediate "crisis" has been handled, please complete the *Reasonable Suspension Checklist* and consult your Human Resources Liaison. The supervisor will provide their H.R. Liaison with the completed copies of the checklist, the consent form and any other relevant documentation.
8. University Human Resources will review the documentation and the test results. After review, consultation will occur with the supervisor and planning unit head.