

## Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Procedure

(Do not use this procedure in situations involving CDL drivers)

Pursuant to Northern Arizona University's [Alcohol and Other Drugs](#) policy, University employees, contractors, subcontractors, volunteers, affiliates, or agents are prohibited from reporting to or being present in the workplace while on duty when impaired by Alcohol or other drugs, including lawfully obtained prescription drugs. Impairment is determined by supervisors according to the University's "reasonable suspicion" standard, which is based on a supervisor's direct observation of the employee's behavior, appearance, or odor.<sup>1</sup>

A supervisor who receives a report or who directly observes an employee and believes the employee to be impaired should immediately follow this procedure while using the *Reasonable Suspicion of Alcohol or Drug Impairment in the Workplace Checklist* (the "*Checklist*") to respond to the situation. If the person suspected of impairment is not an employee, do not use the *Checklist*. Instead, contact the NAU Police Department to request assistance.

After the supervisor completes the *Checklist*, an employee determined to be impaired by alcohol or other drugs at work must be temporarily relieved of their duties and must immediately leave University property, either to be tested for alcohol or other drugs if that is their choice, or to return home. It is the supervisor's responsibility to ensure that the employee has safe transport to either location and is not allowed to drive a motor vehicle or ride a bicycle. If an employee refuses safe transport, contact the NAU Police Department to request assistance.

Anyone may report an employee suspected of impairment either to the employee's supervisor or a higher authority. If a volunteer or the employee of a contractor is impaired while on University property or while participating in a University activity or event, a supervisor who receives such a report should contact the NAU Police Department for assistance. If an employee suspects impairment of their own supervisor, the employee should advise the next higher-level authority.

All persons reporting suspected impairment are protected from retaliation. An employee's supervisor who receives a report or observes the employee and believes them to be impaired by alcohol or other drugs must immediately take action to determine whether the person is impaired, as explained below. Police or emergency personnel should be called if the employee appears verbally abusive, threatening, violent, or 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 *Checklist* and proceed as follows:

1. **Obtain an Observer.** This person should be a responsible individual, preferably another supervisor or a person of higher authority. If no observer is available, proceed with interviewing the employee according to the *Checklist* while documenting the interaction accordingly.
2. **Maintain Confidentiality to the Maximum Extent Possible.** Your interaction with the employee should occur outside of the immediate sight and hearing of others. Caution the Observer that the matter is to be held as confidential except as necessary to properly inform the employee's chain of command and Human Resources.
3. **Remain Calm, Respectful, and Firm.** Carefully follow the script provided in the *Checklist* in a non-judgmental and non-accusatory manner. Responding in a matter-of-fact way can help avoid escalating the situation.
4. **Determine Whether Medical Assistance is Necessary.** If your observations lead to a concern that the employee may be in danger due to severe intoxication or at the employee's request, contact emergency personnel. When in doubt, call 911 to request assistance.
5. **Observe the Employee.** Carefully observe the employee and check your observations with the responsible individual (if present) that is serving as your Observer for purposes of completing the *Checklist*. Check all the boxes on the *Checklist* that apply and write down any other observations that are not listed. Your recorded observations must be specific, multiple (2 or more), and articulable (able to be described clearly in writing). If only one of the

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<sup>1</sup> The "reasonable suspicion" standard is described in the *Alcohol and Other Drugs* policy. Capitalized terms used throughout this document are likewise defined in the policy.

listed behaviors is present, you may not conclude that the employee is impaired, unless the employee admits to being impaired or you directly observed by the supervisor using alcohol or drugs at work or immediately prior reporting for duty at work.

6. **Make Your Determination.** Once you complete the *Checklist* Section C(5), make the determination as to whether based on reasonable suspicion resulting from direct observation of the employee's behavior, appearance, or odor, the employee appears to be impaired in the workplace. If you conclude that the employee does not appear to be impaired the employee may return to work and this process concludes. If you are uncertain, you may decide to send the employee home for the day (on Administrative Leave with Pay) and must then meet with the employee when the employee returns to work on the next scheduled work day to ensure that the employee is not then impaired. If you are convinced, based on the reasonable suspicion as documented on the *Checklist*, that the employee does appear to be impaired, proceed to the next step.
7. **Determine Whether the Employee Elects to be Tested.** Inform the employee of your determination that they are impaired in the workplace and of their right to undergo testing at the University's expense to show that there was no impairment. Record the employee's decision regarding their election to be tested or to decline the opportunity to be tested in Section E of the *Checklist*.
8. **Testing Procedure.** Whenever possible, employees who elect to be tested should be tested onsite by the University's designated collection service. If this service is unavailable, the employee must be transported to a nearby testing facility. Instruct the employee not to eat or drink anything, or to ingest any drugs, between the time the employee requests testing and the time that the testing is completed. The supervisor or another responsible employee (such as a manager or another supervisor) must remain with the employee until the test is completed for safety reasons and to document that this procedure was followed. The specimen must be taken by the collector (on site or at the designated facility) within 4 hours after you have completed the *Checklist* and the employee has requested testing. If a sample cannot be collected within 4 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 four (4) 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.
9. **Determine Transportation.** Employees determined to be impaired must leave University property, either to return home or to travel to a testing facility. In cases where offsite testing is necessary, it is the responsibility of the employee's supervisor to accompany the employee to the testing facility, or to arrange for another responsible employee to accompany the employee, via safe transportation. The department must reimburse any transportation costs. Do not drive the employee to the testing facility yourself. If safety for all concerned cannot be assured, dial 911 to request emergency assistance. In cases where transport to an offsite testing facility is not necessary, the employee must find a safe way home. The employee may not be allowed to drive or to otherwise leave in an unsafe manner. Biking is also unsafe when impaired. The employee may call a friend or relative or take a taxi or Uber 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 NAU Police Department for assistance. Use Section F of the *Checklist* to document the transportation.
10. **Return to Work.** Employees who are found to be impaired at work are expected to return to work for their next scheduled workday 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 policies and procedures. When the employee returns to work, the supervisor must meet with the employee to ensure that the employee is fit to return to duty. An employee who does not return to work as scheduled due to continuing impairment by alcohol or other drugs (except when drugs are used as prescribed, as documented in a note from the treating medical provider) or whose alcohol or other drug use interferes with their ability to safely or professionally perform their jobs may be in need of professional help. Such employees should be made aware of and encouraged to take advantage of the University's Employee Assistance and Wellness services.
11. **Wrap-Up.** At the conclusion of the interview, mark the *Checklist* with the date and time and then the form should be signed by the supervisor, the employee, and the Observer (if any). The employee should initial the for where indicated to record their choice as to whether the employee: a) admits to being impaired; b) denies being impaired and request to be tested; or c) denies being impaired and declines to be tested. If the employee both denies impairment and declines to be tested, inform the employee that the supervisor's documented determination of impairment will stand as the final decision and this will subject the employee to corrective disciplinary action determined in accordance with established University policies and procedures. Lastly, if the employee admits to or requests help with a substance abuse problem, refer the employee to Employee Assistance and Wellness.