

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.¹

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 in accordance with this procedure and the *Checklist*. If an employee attempts to leave in an unsafe manner, such as by driving a motor vehicle or riding a bicycle, 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 as appropriate should be called if the employee is verbally abusive, threatening, violent, appears to have committed a crime, 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 *Checklist* script 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.

¹ The "reasonable suspicion" standard is set out in Section III(B)(1) of the *Alcohol and Other Drugs* policy. Capitalized terms used throughout this document are likewise defined in the policy.

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, and articulable**. “Multiple” indicators means at least two (2) or more. A single observation—for example, bloodshot eyes only—is an insufficient basis to make a finding of impairment unless the employee admits to being impaired while on the job or you directly observed the employee using alcohol or drugs just prior to or while on duty at work. Note that an unspecific, general sense or unease that an employee is “acting strange” or “is not themselves” is not enough.
6. **Make Your Determination.** Once you complete the *Checklist* Section C(5), make the determination as to whether based on reasonable suspicion resulting from your direct observation of the employee’s behavior, appearance, or odor, whether the employee is impaired in the workplace. If you conclude that the employee is not 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 again when the employee returns to work on their next scheduled work day to ensure that the employee is not then impaired. If, based upon the objective indicators that you personally have directly observed and documented using the *Checklist*, you conclude that the employee is impaired while on duty in the workplace, then proceed to the next step.
7. **Inform the Employee.** Inform the employee of i) your determination that they are impaired in the workplace; and ii) of their option to obtain their own alcohol or drug test from a local independent community provider to show that there was no impairment. Upon request, provide the employee with the *Alcohol and Drug Third-Party Testing Instructions* document and inform the employee that for the test to be accepted as valid, the specimen must be taken by the collector within four (4) hours. Also inform the employee that the University will reimburse the employee for the cost of a valid test. Record the employee’s decision in Section E of the *Checklist*. (In cases involving a criminal investigation, the law enforcement may conduct mandatory alcohol or drug testing. Criminal investigation procedures will always supersede this procedure.)
8. **Determine and Document the Employee’s Transportation.** Employees determined to be impaired must immediately leave University property in a safe fashion. The employee may not be allowed to drive or ride a bicycle. The employee may call a friend or relative or take a taxi or Uber at their own expense. Do not drive the employee yourself and do not allow any other employee to transport the impaired employee. If the employee is or turns abusive, appears to be potentially violent, or insists on leaving University property in an unsafe manner, contact the NAU Police Department for assistance. Use Section F of the *Checklist* to document the employee’s transportation.
9. **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 Employee Assistance and Wellness services.
10. **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 form 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.