

GUIDE – CAUSING BODILY INJURY OR PROPERTY DAMAGE DUE TO DRIVING A MOTOR VEHICLE (DRIVER ONLY)

TEST THE DRIVER, if the employee drives a motor vehicle in such a manner as to cause bodily injury to the employee or another or substantial damage to property (i.e., more than \$500 property damage or 2 property accidents within a year).

1. PROVIDE/ARRANGE FOR MEDICAL ASSISTANCE (as needed)

2. REQUEST TO TEST (no form needed for this step)

- a. Request the employee to submit to testing.
 - i. Never accuse the employee of using alcohol or drugs or being under the influence, impaired or high. Only an alcohol and drug test can provide objective proof of alcohol or drug use.
- b. If the employee **REFUSES** to submit to testing:
 - i. Ask the employee for the reason(s) why he/she is refusing to submit to drug and alcohol testing and document reasons.
 - ii. Inform the employee that the State policy requires an employee to consent to testing and that refusal is grounds for disciplinary action up to and including termination.
 - iii. Again, request the employee consent to alcohol and/or drug testing.
 - iv. If the employee still refuses to test, arrange transportation home for the employee (i.e., taxi, call a family member to pick up, or supervisor/co-worker can transport).
 1. If the employee refuses transportation, attempt to persuade the employee to change his/her mind. Do not detain or physically restrain the employee. Inform the employee that you intend to call the police unless the employee accepts transportation. Seek a corroborating witness (e.g., another supervisor) to verify employee's refusal of transportation. In cases where the employee refuses transportation and the employee's condition suggests that the employee presents a potential or actual safety risk to him/herself or other drivers, notify the police by calling 911. State: "I am calling because I am concerned about an employee by the name of _____. Based on my observations of his/her behavior and performance today at work, I am concerned about his/her ability to operate a motor vehicle". Relay your observations to the officer but **do not** voice an opinion about alcohol or drug use.

3. TEST

- a. Fill out forms necessary for type of testing and contact law enforcement or transport the employee to collection site along with, if possible, another supervisor of the same gender as the employee:
 - i. In metropolitan areas (i.e., Las Vegas, Carson City, Reno), take to a collection site that can perform both drug and breath alcohol testing (see *Collection Sites/Testing Contact Information* at <http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Publications/collectionsites5.16.pdf> for contact information), use a chain of custody form (see your agency HR for this form) and use the NPD-79 form (<http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Forms/Alcohol/NPD-79NonDOTBreathAlcoholTestRequestPDF.pdf>).
 - ii. In rural areas with no collection sites capable of performing breath alcohol testing or if after hours, the drug testing will be done at a collection site and the breath alcohol test performed by law enforcement. It is recommended that the alcohol breath test be performed before the drug test.
 1. Call Nevada Highway Patrol (see *Collection Sites/Testing Contact Information* at <http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Publications/collectionsites5.16.pdf> for contact information).
 2. Take to a collection site (see *Collection Sites/Testing Contact Information* at <http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Publications/collectionsites5.16.pdf> for contact information) and use a chain of custody form (see your agency HR for this form).
- b. Arrange transportation to collection site. Accompany the employee to the collection site (if transported by law enforcement can arrive separately) and wait until notified that the collection has been completed.

4. (Recommended) TRANSPORT HOME

- a. Regardless of where the employee is (at the office, a collection site or law enforcement office), if the test is positive or results are not immediately available (i.e., urine or blood tests) arrange transportation home for the employee (i.e., taxi, call a family member to pick up, or supervisor/co-worker can transport home).
 - i. Inform employee that he/she is on administrative leave pending test results.
 - ii. If the employee refuses transportation, attempt to persuade the employee to change his/her mind. Do not detain or physically restrain the employee. Inform the employee that you intend to call the police unless the employee accepts transportation. Seek a corroborating witness (e.g., another supervisor) to verify employee's refusal of transportation. In cases where the employee refuses transportation and the employee's condition suggests that the employee presents a potential or actual safety risk to him/herself or other drivers, notify the police by calling 911. State: "I am calling because I am concerned about an employee by the name of _____. Based on my observations of his/her behavior and performance today at work, I am concerned about his/her ability to operate a motor vehicle". Relay your observations to the officer but **do not** voice an opinion about alcohol or drug use.