

REASONABLE SUSPICION GUIDE

1. INVESTIGATE

- a. Relieve the employee from duty and quietly move to a private area.
- b. Fill out [Report Form for Suspected Alcohol/Drug Impairment \(TS-77\)](#). If necessary, use the *Alcohol and Drug Indicator Checklist* in the [State of Nevada Alcohol and Drug Program](#). Additionally, your agency's human resources can be consulted for assistance in determining whether there is reasonable suspicion.
- c. When possible, seek assistance from another supervisor to observe and evaluate the situation. Do not bias the corroborating supervisor by saying that you suspect alcohol or drug use; instead, state that you are concerned about the employee's behavior and/or performance and would like him/her there to observe and or talk with the employee to get his/her opinion of the situation.
- d. (Both supervisors, if possible) Meet with the employee and ask for an explanation regarding observations about the employee's performance, behavior or fitness for duty (i.e., "I noticed the following things in your performance or behavior today at work. Can you explain why?")
 - i. Based on the response, the following questions are recommended (as appropriate):
 1. "Have you been drinking alcohol or using any illegal drugs on the job site **today**?"
 2. "Have you used an illegal drug before coming to work **today**?"
 3. "Have you consumed any alcohol before reporting for duty?"
 4. "Are you taking any medication that would explain what I am seeing in your performance or behavior?"
 - a. Do not ask about the identity or type of medication the employee is taking.
 5. "Are you aware of any medical condition that would explain what I am seeing in your performance or behavior?"
 - a. Do not ask about the type or identity of the medical condition.
 - b. In the event the employee discloses information on a medical condition or medication use to explain your observations, the employee can be instructed to obtain a written release from his/her physician or dentist that the medical condition or medication being taken will not affect the employee's ability to perform his/her job safely. The employee should not continue to work or be scheduled to work again until you have the medical release.

2. REQUEST CONSENT TO TEST

- a. If the employee admits to using alcohol and/or controlled substance **OR** if the employee denies using alcohol and/or a controlled substance but you (2 supervisors, if possible) feel there is reasonable suspicion to test, state:

“Based on my (our) observations of your behavior or performance today at work, I (we) am requesting that you submit to an alcohol and drug test to rule that out as a factor in your fitness for duty.” And request the employee indicate consent by signing the [Alcohol/Drug Test Consent Form \(TS-76\)](#).

1. 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. Keep your discussion focused on safety and fitness for duty.

- ii. If the employee **REFUSES** to submit to testing:

1. Ask the employee for the reason(s) why he/she is refusing to submit to drug and alcohol testing and document reasons on [Report Form for Suspected Alcohol/Drug Impairment \(TS-77\)](#).
2. 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.
3. Again, request the employee consent to alcohol and/or drug testing.
4. 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).

- a. 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. If employee agrees, have him/her sign the [Alcohol/Drug Test Consent Form \(TS-76\)](#) and complete the [Report Form for Suspected Alcohol/Drug Impairment \(TS-77\)](#).
- b. 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. **DRUG TEST ONLY**
 1. 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).
 - ii. **ALCOHOL TEST ONLY** (2 options)
 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).
OR
 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 the NPD-79 form (<http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Forms/Alcohol/NPD-79NonDOTBreathAlcoholTestRequestPDF.pdf>).
 - iii. **DRUG & ALCOHOL TESTS**
 1. In metropolitan areas (i.e., Las Vegas, Carson City, Reno), 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), 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>).
 2. 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 (see **i. DRUG TEST ONLY** above) and the breath alcohol test performed by law enforcement (see **ii. ALCOHOL TEST ONLY** above). It is recommended that the alcohol breath test be performed before the drug test.
- c. Arrange transportation to collection site (if appropriate). 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. 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.