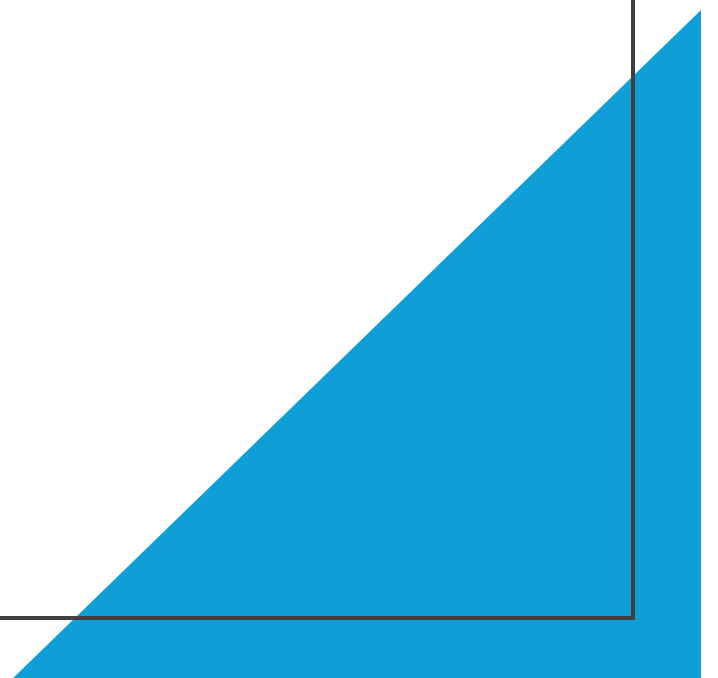
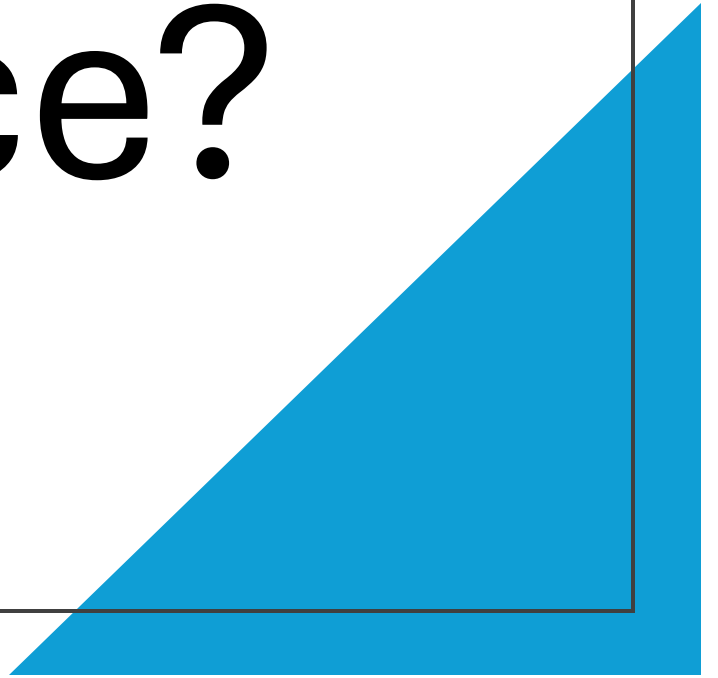


# REASONABLE SUSPICION

Policy Development, Implementation and Detection



# Drug and Alcohol Free Workplace?





# Facts....

## **Occupational Health Clinic**

- Over Six Months Period (Nov 24-May 25)
  - ~3600 Drug Screens
    - 270 True Positives
      - Marijuana
      - Methamphetamine
    - 28 Positive BAT

## **Industrial Pre-Employment Training Center**

- Jan. 1, 2025 through March 31, 2025
  - 2048 Drug Screens
    - 45 True Positives
      - Marijuana
      - Methamphetamine
        - Cocaine
  - 1930 BAT
    - 5 Positive

Drug	Detection Window in Urine	Notes
<b>Marijuana</b>	1 to 30 days	Casual use: 1 to 3 days, Chronic use: up to 30 days
<b>Stimulants</b>	1 to 4 days	Includes amphetamines, methamphetamines, and cocaine
<b>Alcohol</b>	7 to 12 hours	Detection window can be shorter, depending on liver health
<b>PCP</b>	Around 4 weeks or longer	Detection time depends on frequency of use
<b>Morphine and Opioids</b>	Morphine: 1 to 3 days, Opioids: 2 to 5 days	<b>Prescription drugs</b> (e.g., codeine, oxycodone, methadone, hydrocodone) may cause false positives
<b>MDMA</b>	1 to 3 days	Also known as “ecstasy”
<b>Barbiturates</b>	1 to 5 days to several weeks (up to 3)	Detection window varies by specific type
<b>Benzodiazepines</b>	1 to 5 days to several weeks (up to 3)	High affinity to linger in fat tissue, other tests often used

# Once upon a time.....

- Dana is working at her desk when she notices that her co-worker, Kevin, still hasn't come in yet 30 minutes after the workday has started. Kevin shows up 2 hours later, and Dana notices that his physical appearance is off. He was walking unsteadily, and breath and clothes smelled heavily of alcoholic beverage. As he began taking client's calls, Dana also noticed that he was being very short with them, and even getting irritated throughout some of their conversations. Upon noticing these observations, Dana decides to go to her manager and report Kevin to be under **reasonable suspicion** of being **under the influence**.

Friends/Co-Workers/Colleagues/Employees

“Friends Don’t Let Friends Drive Drunk”

?

Friend could be injured or killed.

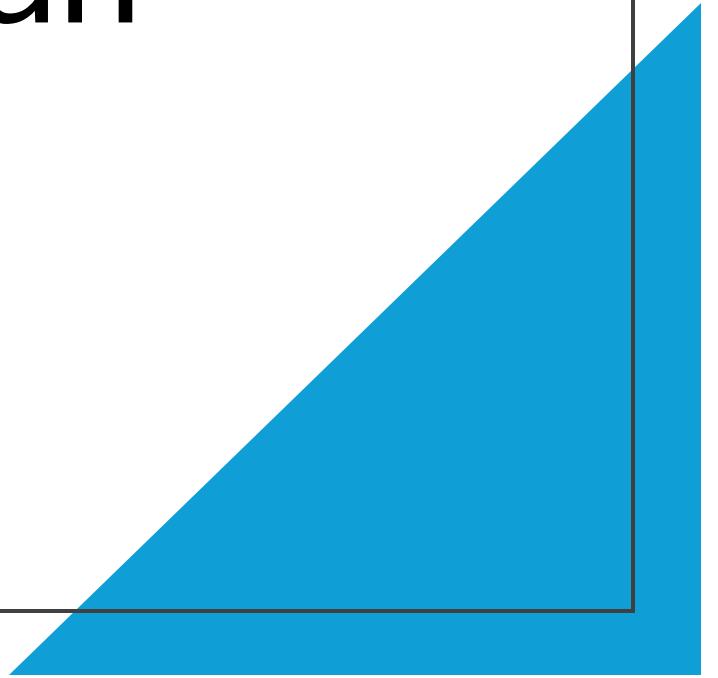
Friend could injure or kill someone else.

# How do/did you know your friend is drunk?

**Articulate**

A solid blue right-angled triangle is positioned in the bottom right corner of the slide, with its hypotenuse running from the bottom left towards the top right.

Would you say your friend  
was about to perform an  
“Unsafe Act”?

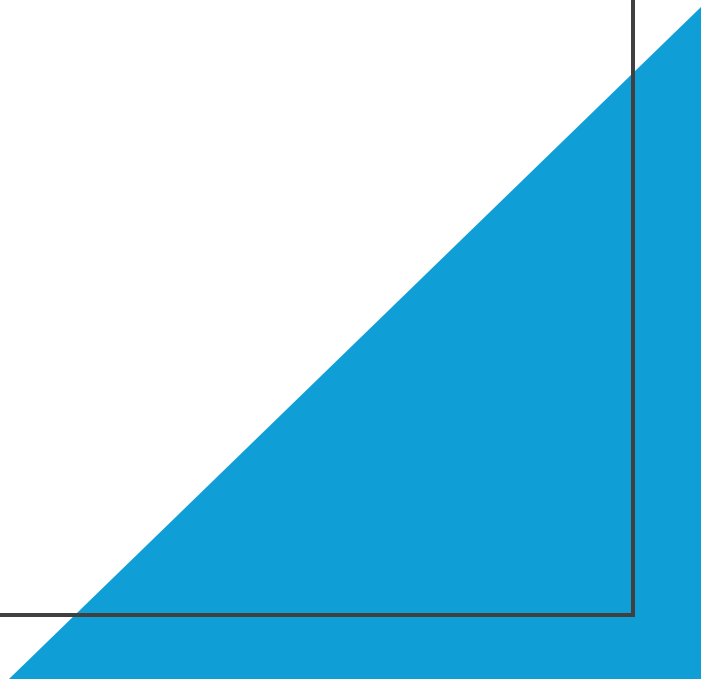




Where does  
Impairment  
Fall?

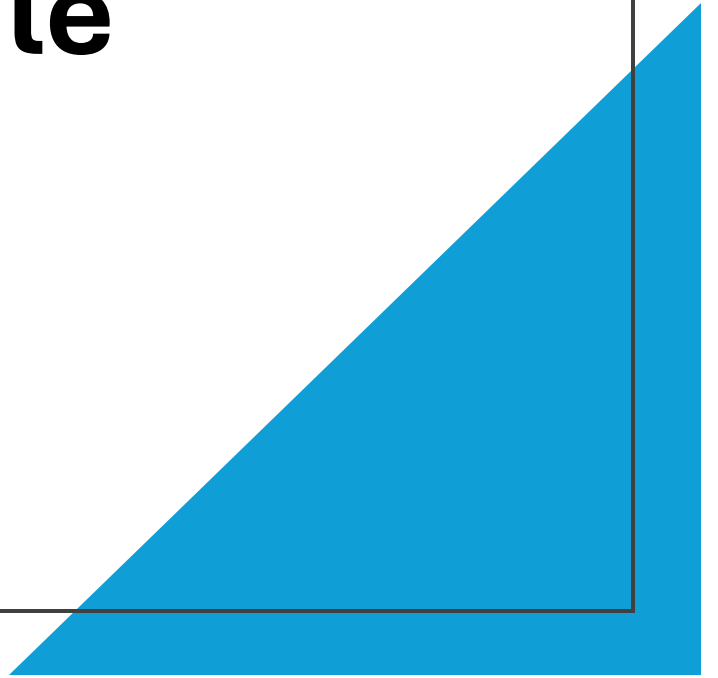


REASONABLE  
SUSPICION



**Reasonable suspicion-legal  
standard that requires a basis  
for suspecting undesirable  
activity.**

**More than a hunch.**



# Key Characteristics of Reasonable Suspicion

- Objective
  - The suspicion must be based on specific, **articulable** facts and rational inferences, not mere hunches or intuition.
  - Justifies A Concern or Action to Protect Life or Property
- Evaluated Objectively
  - Evaluated from the perspective of a reasonable Manager/Supervisor/Team Lead in the same circumstances.



# ARTICULABLE

- Dana is working at her desk when she notices that her co-worker, Kevin, still hasn't come in yet 30 minutes after the workday has started. Kevin shows up **2 hours later**, and Dana notices that his **physical appearance is off**. He was **walking unsteadily**, and breath and clothes **smelled heavily of alcoholic beverage**. As he began taking client's calls, Dana also noticed that he was being very **short** with them, and even **getting irritated** throughout some of their conversations. Upon noticing these observations, Dana decides to go to her manager and report Kevin to be under reasonable suspicion of being under the influence.

# Physical ARTICULABLE SIGNS

- Walking
  - Unsteady
  - Stumbling
  - Holding on to support
  - Staggering
  - Swaying
  - Falling/Fell

Suspect Medical Condition – Call for help.

Slip/Trip/Fall Incident – Call for help.

# Physical ARTICULABLE SIGNS

- Standing
  - Swaying
  - Feet Wide Apart
  - Unable to Support Self\*
  - Rigid
  - Staggering
  - Sagging at Knees\*
  - Dizzy\*

Suspect Medical Condition – Call for help.

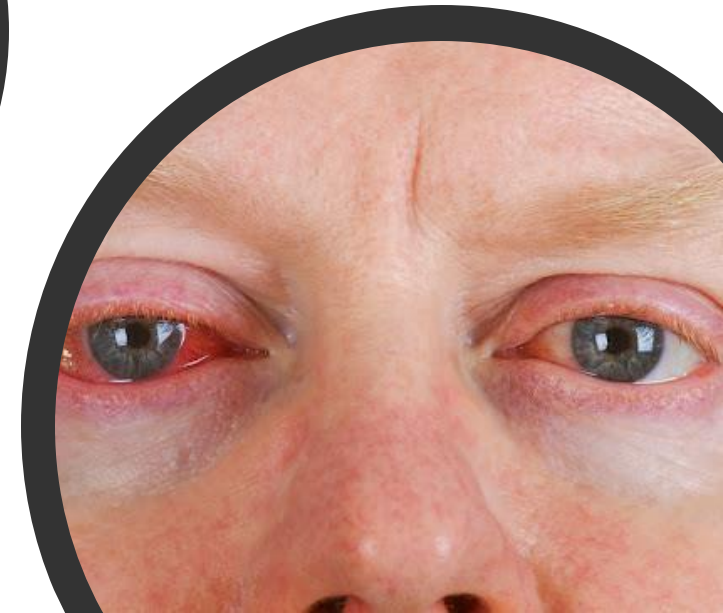
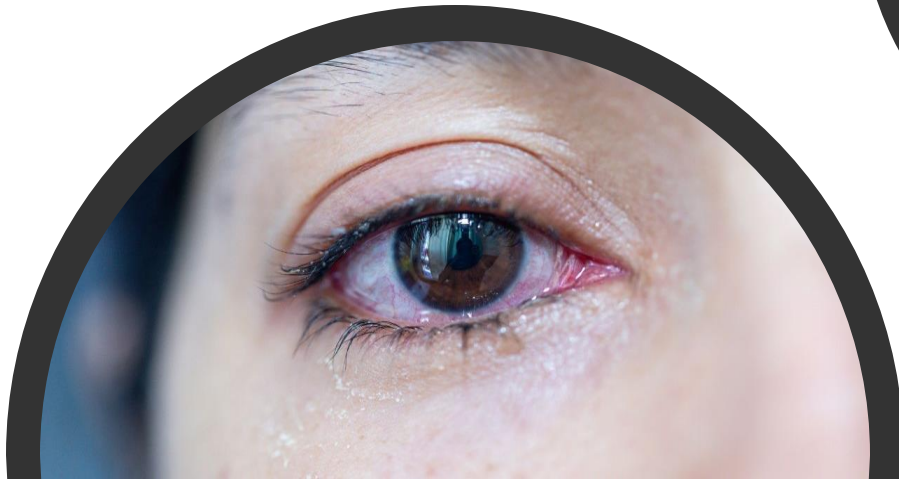
# Physical ARTICULABLE SIGNS

- Movements
  - Fumbling
  - Jerky
  - Nervous
  - Slow
  - Hyperactive
  - Reduced Reaction Time
  - Tremors
  - Not Following Tasks
  - Diminished Coordination



# Physical ARTICULABLE SIGNS

- Eyes
  - Bloodshot
  - Droopy
  - Watery
  - Slow Blinks
  - Dilated Pupils
  - Constricted Pupils



# Physical ARTICULABLE SIGNS

---

- Face
  - Flushed
  - Pale
  - Sweaty





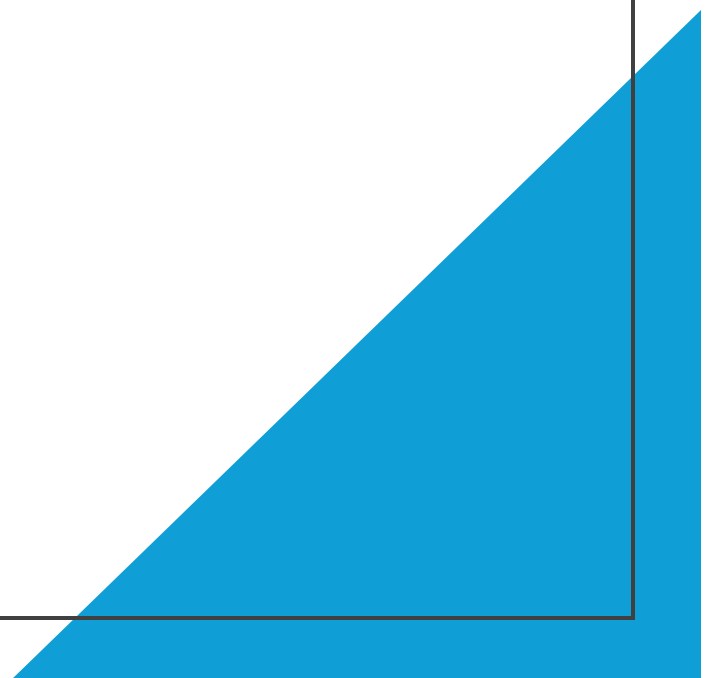
# Physical ARTICULABLE SIGNS

- Breath
  - Chemical Odor
  - Heavy use of breath spray



Physical  
ARTICULABLE  
SIGNS

- Speech
  - Whispered
  - Slurred
  - Shouting
  - Incoherent
  - Slobbering
  - Rambling
  - Slow
  - Mute



# Physical ARTICULABLE SIGNS

- Appearance
  - Unruly/Disheveled
  - Partially Dressed
  - Marijuana Odor
  - Burnt rope smell about person
  - Visible puncture marks or tracks
  - Excessive sweating in cool areas



# Behavioral ARTICULABLE SIGNS

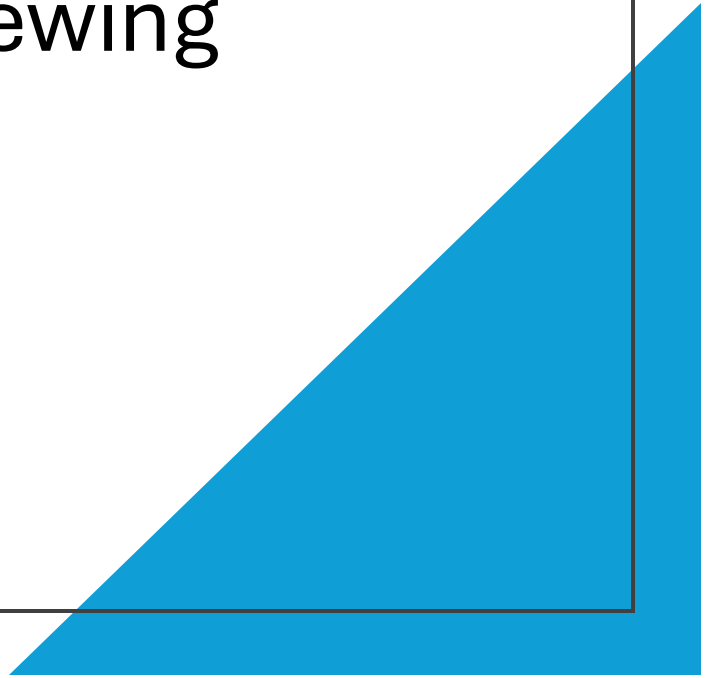
- Demeanor
  - Talkative/Rapid
  - Unusually Sarcastic
  - Sleepy
  - Crying
  - Excited
  - Sleeping on the job
  - Argumentative
  - Withdrawn
  - Mood Swings
  - Forgetful
  - Excessive Laughter (inappropriate)
  - Overreacts to minor things

# Behavioral ARTICULABLE SIGNS

- Actions
  - Hostile
  - Picking Fights
  - Profanity
  - Drowsy
  - Threatening
  - Erratic
  - Hyperactive
  - Resisting Communication
  - Paranoid
  - Baseless Panic
  - Possessing, using or distributing an illegal substance

Behavioral  
ARTICULABLE  
SIGNS

- Appetite
  - Always Chewing on something
  - Constantly Chewing Gum
  - Often popping mints/candy





# Miscellaneous ARTICULABLE SIGNS

- Presence of drugs in employee's possession or vicinity
- On-the-job misconduct/ Decline in performance/productivity
- Admission to Alcohol and/or drug use or possession
- Excessive absences in last 12 months
- Frequent Monday/Friday absences or other patterns
- Interferes with or ignores established procedures
- Acting withdrawn from others, secretive
- Money problems, borrowing or stealing money
- Involved in or cause of an accident

- Unsteady Walk
- Swaying side to side when standing still

SO you have an employee  
that is presenting with:

- The Approach....

Now you  
also  
observe:

- Diminished coordination
- Pale face with bloodshot eyes
- Strong odor of breath spray
- Slurred Speech
- Argumentative and almost hostile towards you.....

# SO you have an employee that is presenting with:

- Unsteady Walk
- Swaying side to side when standing still
- Diminished coordination
- Pale face with bloodshot eyes
- Strong odor of breath spray
- Slurred Speech
- Argumentative and almost hostile towards you.....

## •What are you going to do?

# What are you going to do?

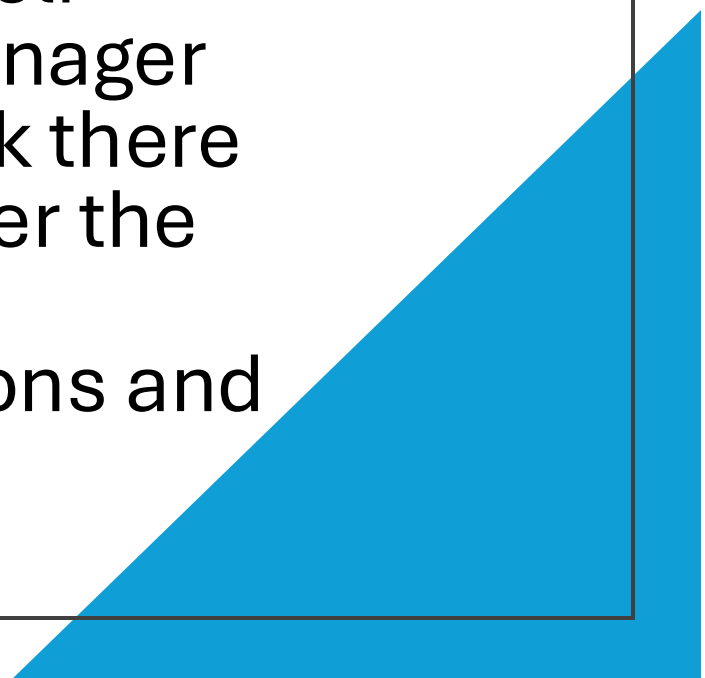
- Cease dangerous operations?
- Is this a medical call?
  - Stroke
  - Diabetes
- Get HELP/WITNESS

## DOCUMENTATION



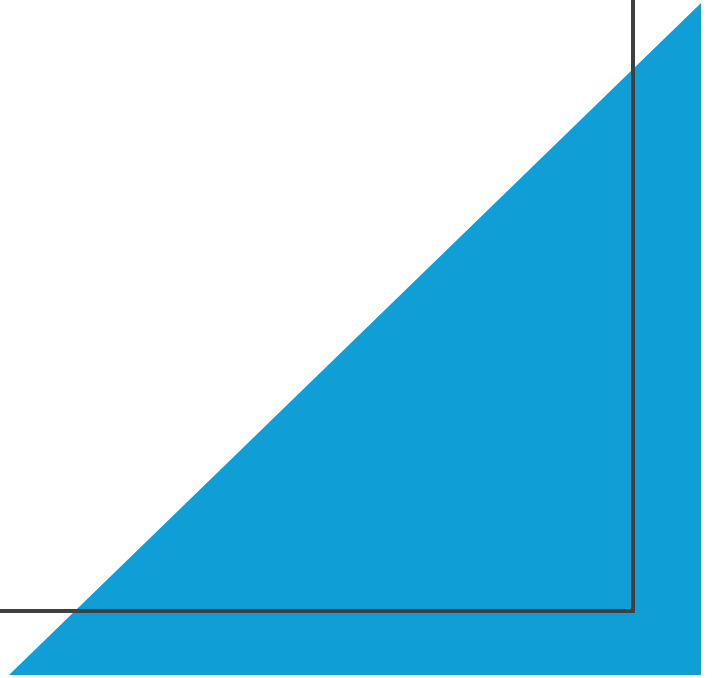
# Get Help/Witness - - - - -Document

Dana calls her manager and expresses her concern of reasonable suspicion of Kevin being under the influence. The manager visits Dana's and Kevin's work area to observe for herself Kevin's current state and actions. The manager observes signs that leads her to also think there is reasonable suspicion that Kevin is under the influence. Both Dana and the Manager independently document their observations and the Manager contacts HR.

A large blue right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top left.

# HR

Do we have a Reasonable Suspicion  
Policy/Procedure?

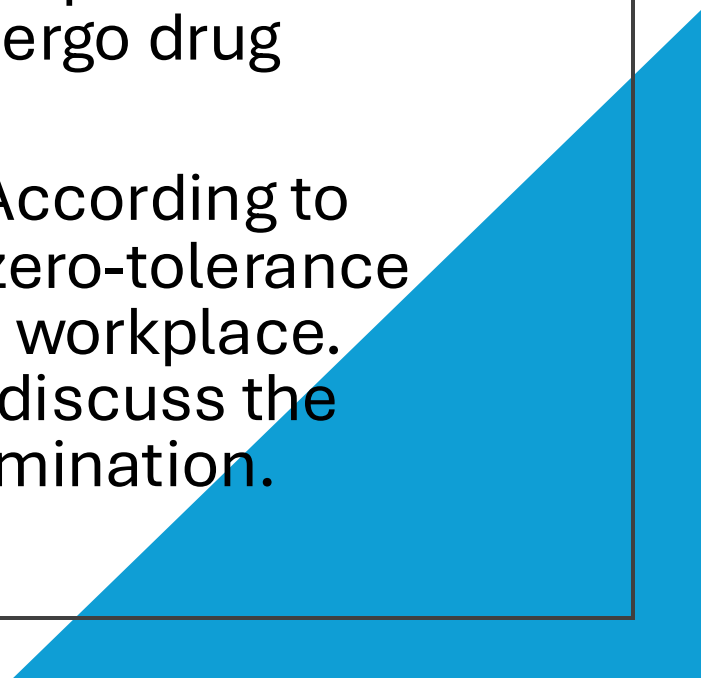


# Human Resources

The HR representative reviews the documentation against the company's policy on reasonable suspicion and decides that Kevin should undergo reasonable suspicion drug testing.

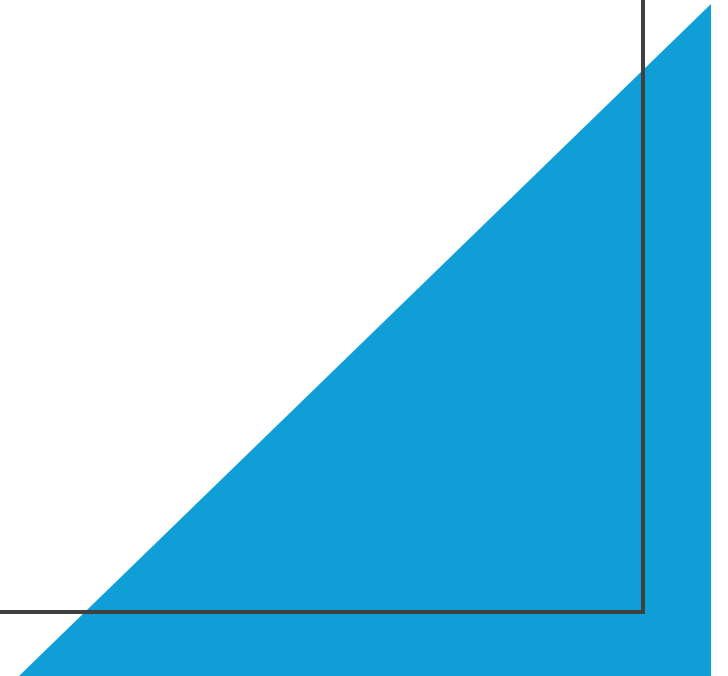
The HR representative has a meeting with Kevin to express the company's concerns and arranges for Kevin to undergo drug testing.

Kevin's test came back with a true positive result. According to this company's drug and alcohol policy, there is a zero-tolerance policy in place for drugs, drug-use or alcohol in the workplace. The HR representative has a meeting with Kevin to discuss the company's policy and the reasoning behind his termination.

A large blue right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top right.



**REASONABLE  
SUSPICION**



## Let's all agree....

- After the drug test, this person is going home no matter the result.
- For whatever reason; drugs, alcohol, stress, insomnia...if we have gone this far, this person does not need to be in the workplace.

# Arrange for Testing

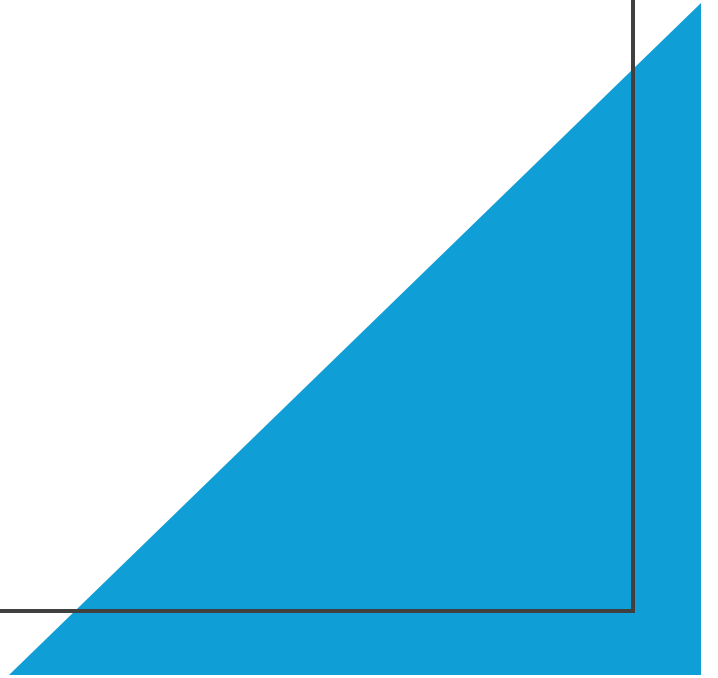
Non-Negative?

Laboratory Testing

Medical Review Officer

False Non-Negative or True Positive

# Policy Development- Implementation

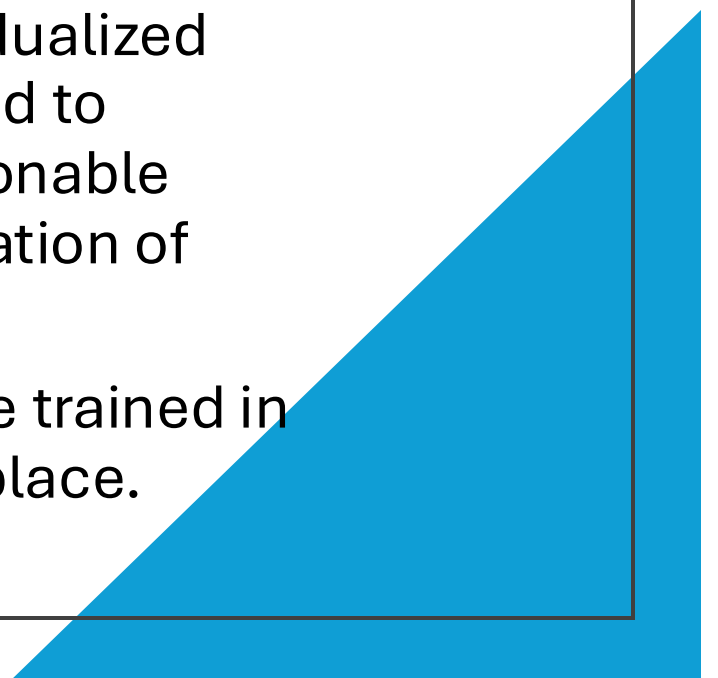


# What might be considered reasonable suspicion for drug testing?

Employers with a comprehensive drug testing policy as part of their drug-free workplace program often include reasonable suspicion testing, also known as for-cause or probable-cause testing.

Reasonable suspicion testing must be based on individualized suspicion of a particular employee, and employers need to document objective facts that would suggest to a reasonable person that the individual is under the influence in violation of company policy.

Supervisors, managers and HR professionals should be trained in recognizing the signs of substance misuse in the workplace.



# Reasonable Suspicion Checklist

To be used when there is reasonable suspicion that an employee is in violation of the Drug and Alcohol-free Workplace policy.

## EMPLOYEE INFORMATION

Employee Name/Job Title: \_\_\_\_\_

Supervisor Name/Title: \_\_\_\_\_

Observation Date: \_\_\_\_\_ Observation Time: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. \_\_\_\_\_

Location: \_\_\_\_\_

## OBSERVATIONS

Indicate with a checkmark if the employee exhibits any of the following.

### PHYSICAL

#### Walking:

- ☐ Unsteady ☐ Stumbling ☐ Unable to walk  
☐ Holding on ☐ Staggering ☐ Swaying ☐ Falling  
☐ Other (describe) \_\_\_\_\_

#### Standing:

- ☐ Swaying ☐ Feet wide apart ☐ Unable to stand  
☐ Rigid ☐ Staggering ☐ Sagging at knees ☐ Dizzy  
☐ Other (describe) \_\_\_\_\_

#### Movements:

- ☐ Fumbling ☐ Jerky ☐ Nervous ☐ Slow ☐ Normal  
☐ Hyperactive ☐ Reduced reaction time ☐ Tremors  
☐ Not following tasks ☐ Diminished coordination  
☐ Other (describe) \_\_\_\_\_

#### Eyes:

- ☐ Glassy ☐ Bloodshot ☐ Droopy ☐ Watery  
☐ Closed ☐ Dilated/constricted pupils  
☐ Other (describe) \_\_\_\_\_

#### Face:

- ☐ Flushed ☐ Pale ☐ Sweaty  
☐ Other (describe) \_\_\_\_\_

#### Breath:

- ☐ Chemical odor ☐ Sweet/pungent tobacco odor  
☐ Heavy use of breath spray  
☐ Other (describe) \_\_\_\_\_

#### Speech:

- ☐ Whispering ☐ Slurred ☐ Shouting ☐ Incoherent  
☐ Slobbering ☐ Silent ☐ Rambling ☐ Mute ☐ Slow  
☐ Other (describe) \_\_\_\_\_

#### Appearance:

- ☐ Neat ☐ Unruly ☐ Partially dressed ☐ Marijuana odor  
☐ Visible puncture marks or tracks ☐ Burnt rope smell on person  
☐ Excessive sweating in cool areas ☐ Other (describe) \_\_\_\_\_

### BEHAVIORAL

#### Demeanor:

- ☐ Cooperative ☐ Calm ☐ Talkative/rapid ☐ Speech ☐ Polite  
☐ Sarcastic ☐ Sleepy ☐ Crying ☐ Excited ☐ Sleeping on job  
☐ Argumentative ☐ Withdrawn ☐ Mood swings ☐ Forgetful  
☐ Excessive laughter ☐ Overreacts to minor things  
☐ Other (describe) \_\_\_\_\_

#### Actions:

- ☐ Hostile ☐ Fighting ☐ Profanity ☐ Drowsy  
☐ Threatening ☐ Erratic ☐ Hyperactive ☐ Calm  
☐ Resisting communication ☐ Paranoid ☐ Baseless panic  
☐ Possessing, using or distributing an illegal substance  
☐ Other (describe) \_\_\_\_\_

#### Appetite:

- ☐ Always chewing on something ☐ Constantly chewing gum  
☐ Often popping mints/candy  
☐ Other (describe) \_\_\_\_\_

### MISCELLANEOUS

- ☐ Presence of drugs in employee's possession or vicinity  
☐ On-the-job misconduct by employee  
☐ Employee admission to alcohol and/or drug use or possession  
☐ Employee involved in or cause of an accident  
☐ Excessive absences in last 12 months  
☐ Frequent Monday/Friday absences or other patterns  
☐ Major change in duty or responsibility  
☐ Interferes with or ignores established procedures

## CORROBORATING WITNESSES

List names of all witnesses to the employee's conduct below

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## OTHER OBSERVATIONS

List below any other observations not included in this checklist. Also provide details for any accident that the employee in question caused or was involved in

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## EMPLOYEE'S RESPONSE

Document below the employee's explanation or reasons for his/her conduct

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## ACTION PLAN

Once the above parts of this Reasonable Suspicion Checklist are completed, you will need to contact a Human Resources leader to develop an action plan to share with the employee.

Place a **checkmark** next to the applicable action that the employee has agreed to:

- ☐ Employee has agreed to testing  
☐ Employee has not agreed to testing  
☐ Employee referred to EAP  
☐ No further action at this time

Supervisor/Manager Signature

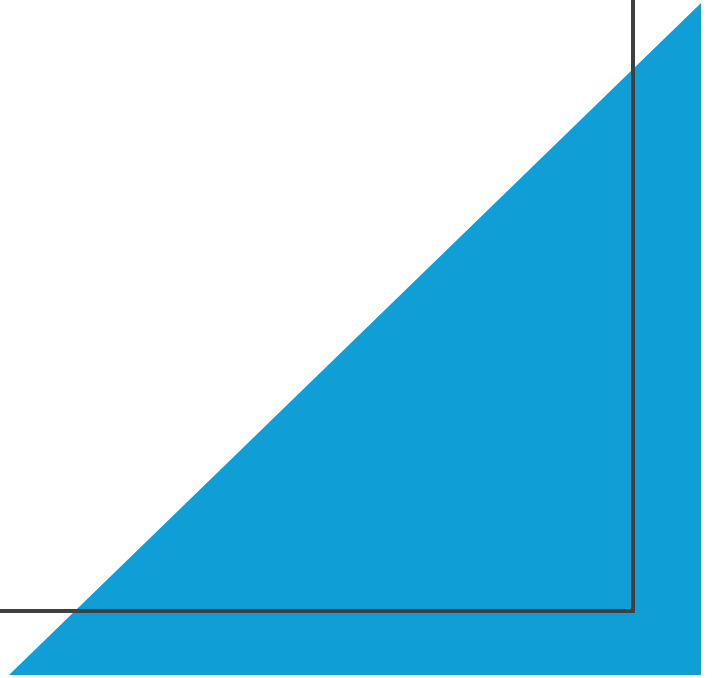
Date

HR Leader Signature

Date

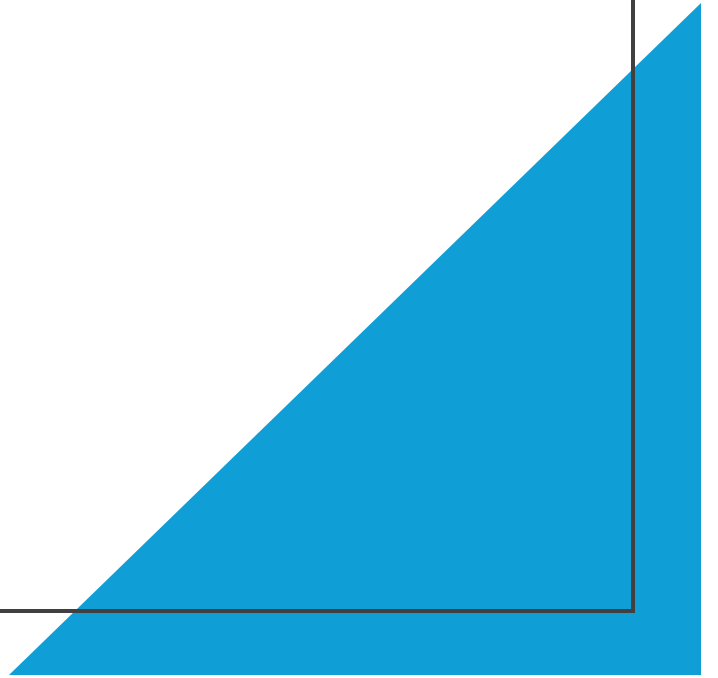
# Other Resources-

- Society for Human Resource Management (SHRM)
- HR ACUITY
- In House Counsel
- ?



# QUESTIONS?

- Comments?
- Concerns?
- Criticisms?
- Suggestions?







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