



REASONABLE-SUSPICION DRUG TESTING GUIDE

Learn the do's and don'ts, common pitfalls with employees, and negative result scenarios and prepare with a testing checklist and confrontation planner.

Reasonable-suspicion drug testing may be called for when an employee is suspected of having performance or safety issues that might be explained by drug or alcohol abuse. Some of the signs to look for include behavior, speech, and performance indicators. For this reason, supervisors and decision makers need to be trained on what to look for. For reasonable-suspicion testing, you should have both alcohol and drug tests performed. You are not to attempt to determine what

substance the employee might be intoxicated with, which is why both tests should always be done in a reasonable-suspicion case.

Managers should be trained and refresh their training annually on the proper procedures for reasonable-suspicion testing. This guide provides additional insight and tools to ensure you're following best practices when using this testing with employees.

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CONFRONTATION DO'S AND DON'TS

INITIATING THE TEST

Please note that in a situation where the supervisor is going to request a reasonable-suspicion test, the supervisor's directions and responses should be reasonably short and to the point. The supervisor's demeanor and tone of voice is the key to handling these situations. Remain calm and, if questioned, respond in a non-threatening tone of voice. The key is to remain completely professional and remind yourself that a supervisor has the responsibility

to request a reasonable-suspicion test when the circumstance meets the requirements. Again, the supervisor is not tasked with diagnosing any of these chemical problems; rather, he or she just identifies the workplace actions and demeanor. Pay strict attention to privacy and ensure confidentiality is maintained at all times, starting with the initial interview with the employee:

DO'S FOR SUPERVISORS

DO remember that most problems only get worse if left untreated.

DO plan exactly what steps you intend to cover in the interview.

DO plan to conduct the interview in a very private place.

DO emphasize you are only concerned with work performance or demeanor and nothing else.

DO have a complete set of written documentation on the interviewee's work performance.

DO plan exactly what your work or demeanor improvement expectations are and give the covered employee a copy if appropriate.

DO plan to schedule a second meeting to measure improvement.

DO your homework and be able to give written reference to any employee assistance program (EAP) that may be available in the community.

DO explain that the EAP, if applicable, is voluntary and confidential and is only there to assist with employee problems.

DO call the EAP, if applicable, to discuss how you could make a referral.

DON'TS FOR SUPERVISORS

DON'T try to diagnose the problem. Again, you are only there to treat work performance and demeanor.

DON'T moralize in any way. Limit your comments to job performance or demeanor issues.

DON'T discuss drug or alcohol use. Stick to the topic of job performance.

DON'T be misled by sympathy-evoking tactics. See pitfalls (listed next).

DON'T cover up for people. Remember, if you protect people, it enables them not to change. That will generally make the situation worse and more dangerous.

DON'T make threats that you either can't or don't intend to carry out. If you threaten disciplinary actions, you must follow through.

COMMON PITFALLS OF NOTIFYING EMPLOYEES OF A REASONABLE-SUSPICION DRUG TEST

AVOIDING THE PITFALLS

As individuals, it can be easy for managers to succumb to pitfalls that the employee may offer. Sympathy, emotional reactions, and apologies are only a few ways that employees may distract

from the purpose of your initial meeting/interview regarding their reasonable-suspicion test. These are common pitfalls to be aware of:

1. **SYMPATHY:** The interviewee attempts to get you involved in their personal problems.

ANSWER: Remind them you are only there to make sure the work gets done correctly and safely, and then immediately suggest the employee assistance program (EAP) that might be available to help them with their problem.

2. **REASONS:** The interviewee has excuses and explanations for everything that happened no matter how suspect they may seem.

ANSWER: While it may be best to listen, at some point you must inform him that the reasons or excuses make little difference. The work and demeanor must improve.

3. **TEARS:** The interviewee has a strong emotional reaction, cries, and wants you to know how sorry they are this has happened.

ANSWER: Stand up and tell the interviewee that you are going to leave the room and give him a few minutes to compose himself. When you come back to the room, start exactly where you left off.

4. **PITY:** The interviewee attempts to get your pity by emotionally blackmailing you, i.e., suggesting you ought to be more understanding of the situation.

ANSWER: While you can say you are sorry they are having to go through the situation, you must turn the conversation back to the circumstances, reiterate that you are only there to make sure the work gets done correctly and safely, and once again suggest whatever EAP is available.

5. **SORRY:** The interviewee tells you he is very sorry, promises that things will change and that the situation won't repeat itself.

ANSWER: While you may say you are glad to hear that, you must go right back to the process and re-state that the meeting and agreements from the meeting will assure management that the changes will be made.

6. **ANGER:** Becoming loud, obviously angry, and taking on an intimidating behavior.

ANSWER: One method of combating this approach is to let the interviewee finish the outburst or tell them you are going to give them a moment to compose themselves and leave the room. Once you have reached the end of the outburst, by whatever means, go right back to the confrontation process.

7. **DIVERSIONS:** The interviewee attempts to get you talking about other issues at work.

ANSWER: Remind him you are only there to discuss his situation, and return to the confrontation process.



NEGATIVE REASONABLE-SUSPICION DRUG TEST SCENARIOS

PREPARE FOR THE RESULTS

There is also no reason to apologize for your actions afterwards, even if the test result is negative. Here are common employee scenarios after negative test results and suggested responses. Check with HR or your supervisor for further direction.

- Should the employee take a “told you so” attitude, a reasonable response from the supervisor could be: “I am glad that the situation turned out in this manner. I hope that is the last time we will have to deal with that type of an occurrence.”
- Should the employee threaten to sue, a reasonable response from the supervisor could be: “Anyone is entitled to sue anyone at any time. Please let me know if you decide to proceed so I can inform HR.”
- Should the employee complain about the situation or the supervisor’s actions, a reasonable response could be: “I am pleased that the test result was negative; however, given the same set of circumstances, I will be required to take the same actions again. I sincerely hope we can avoid that.”

Continue to the next page for a checklist and planner to use in future reasonable-suspicion drug tests.

REASONABLE SUSPICION TESTING CHECKLIST

Review the following checklist before ordering a reasonable-suspicion drug test.

| | | | |
|-------------------|--|---------------------|-----------|
| Employee Name: | | Employee Job Title: | |
| Facility: | | Location of Event: | |
| Observation Date: | | Time: | a.m./p.m. |

Was employee performing a safety-sensitive duty? ☐ Yes ☐ No

Explain _____

The following observations were made of the employee identified above:

Check all specific and contemporaneous observations and document the following:

BEHAVIOR

- ☐ unsteady gait, stumbling
- ☐ drowsy, sleepy, lethargic
- ☐ agitated, anxious, restless
- ☐ hostile, belligerent
- ☐ irritable, moody
- ☐ depressed, withdrawn
- ☐ unresponsive, distracted
- ☐ clumsy, uncoordinated
- ☐ tremors, shakes
- ☐ flu-like illness complaints
- ☐ suspicious, paranoid
- ☐ hyperactive, fidgety
- ☐ frequent use of mints, mouthwash, breath sprays, eye drops

APPEARANCE

- ☐ flushed complexion
- ☐ cold, clammy sweats
- ☐ bloodshot eyes
- ☐ tearing, watering eyes
- ☐ dilated (large) pupils
- ☐ constricted (pinpoint) pupils
- ☐ unfocused, blank stare
- ☐ disheveled clothing
- ☐ unkempt appearance

SPEECH

- ☐ slurred, thick
- ☐ incoherent
- ☐ exaggerated enunciation
- ☐ loud, boisterous
- ☐ rapid, pressured
- ☐ excessively talkative
- ☐ nonsensical, silly
- ☐ cursing, inappropriate speech

BODY ODOR

- ☐ alcohol
- ☐ marijuana

Other observations: _____

| | | | |
|---|--|----------------------------|--|
| Supervisor Name (<i>print or type</i>): | | Supervisor Signature Date: | |
| Additional Witnesses (<i>optional</i>): | | Witness Signature Date: | |

TEST DETERMINATION

- ☐ DOT ☐ Non-DOT
- ☐ Reasonable-suspicion alcohol test
- ☐ Reasonable-suspicion drug test
- ☐ No test required
- ☐ Employee refused test
- ☐ No Test Conducted
- ☐ 8 hours elapsed for alcohol test
- ☐ 32 hours elapsed for drug test
- ☐ Employee transported for medical care
- ☐ Other (explain):

Employee transported to collection site by:

| | |
|----------------------|-----------|
| Time of Transport: | a.m./p.m. |
| Collection Facility: | |



CONFRONTATION INTERVIEW PLANNER

Use this planner when confronting an employee about reasonable suspicion or when entering other consultation interviews.

| | |
|-----------------------------|--|
| Supervisor's Name: | |
| Employee's Name: | |
| Other individuals involved: | |
| Date: | |

STEP 1 – Gather and list documentation.

STEP 2 – Confrontation meeting information.

| | |
|---------------------------|--|
| Time and date of meeting: | |
| Location: | |
| Other Participants: | |

STEP 3 – Points to cover in meeting: *(Check them off as you cover the points in the meeting.)*

- ☐ A. Your concern for their safety
- ☐ B. Company performance requirements
- ☐ C. Go over documentation you have gathered
- ☐ D. Record employee response
- ☐ E. Get agreement and a signature on the list of required improvements
- ☐ F. Provide a copy of the signed list of performance requirements to the employee
- ☐ G. Explain any available employee assistance program services
- ☐ H. Set date and time for follow-up meeting with employee

List points you wish to discuss as a supervisor.

A. _____

B. _____

C. _____

D. _____

E. _____

F. _____

Other _____

Supervisor's Notes: _____
