

Procedures for Reasonable Suspicion of Drug or Alcohol Impairment on the Job (Non-DOT)

Pursuant to the University Policy on Alcohol and Other Drugs (Employee Policy), policy No. 07.16.00, CSU Pueblo employees may not report to work or be at work while impaired by alcohol or drugs, even those lawfully prescribed, as determined under a reasonable suspicion standard. These procedures should be followed whenever an employee is reasonably suspected of impairment at work.

Anyone may report suspected impairment of an employee to the employee's supervisor or higher authority. If a volunteer or the employee of a contractor is impaired while on CSU Pueblo property and/or participating in a CSU Pueblo activity or event, a supervisor who receives such report shall take reasonable actions to remove the volunteer or contract employee from CSU Pueblo's property and/or activity or event.

If an employee suspects impairment of their own supervisor, the employee should advise the next higher level authority. Any person reporting suspected impairment is protected from retaliation in accordance with Colorado whistleblower and retaliation laws.

An employee's supervisor who receives a report or observes the employee and believes the employee to be impaired by alcohol or drugs must immediately take action to determine whether or not the person is impaired, as explained below. Police or emergency personnel should be called immediately if the employee appears violent, verbally abusive, or threatening, 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 **Reasonable Suspicion of Drug or Alcohol Impairment Checklist (Non-DOT)** (the "Checklist") and proceed as follows.

Checklist Section A

Record the required information. *If the employee works in a position subject to the DOT/Federal Motor Carrier Safety Administration (FMCSA) regulations (i.e., a commercial driver), contact the **Associate Athletic Director immediately at 719-252-8283** for assistance.*

Checklist Section B

Assess the situation to determine whether to call 911.

Checklist Section C

Step 1: Obtaining an observer: This person should be another supervisor (preferably within the same chain of command, however, a manager or supervisor from another unit may be engaged if necessary), a person of higher authority, or a Human Resources representative.

Step 2: It is important to maintain confidentiality to the greatest extent possible under the circumstances. Your meeting with the employee should occur outside of immediate sight and hearing of others to the greatest extent possible. The responsible observer should be cautioned that the matter is to be held as confidential except for the necessary administrators such as those in Human Resources.

Step 3: You should remain calm, respectful, and firm during all interactions with the employee. Asking the employee if they are under the influence of drugs or alcohol should be done in a non-accusatory manner.

Step 4: Determine whether the employee requires medical assistance, either at the employee's request, or because your observations are that the employee may be in danger due to severe intoxication. When in doubt, call 911.

Step 5: The employee must stop working until you have made your determination as to whether they are drug or alcohol impaired.

Step 6: Observe the employee carefully and check your observations with the observer. Check all the boxes that apply and write down any other observations that don't have a checkbox. Your recorded observations must be **specific**,

multiple (2 or more), and articulable (able to be described clearly in writing). If only one of the listed behaviors is present, this is not enough to conclude that the employee is impaired, unless the employee admits to being impaired or was directly observed by the supervisor using or alcohol or drugs at, or prior to, work. Once you have completed this section of the checklist, you should make the determination whether or not the employee appears to be drug or alcohol impaired. If you conclude that the employee does not appear to be impaired based on the observed behaviors and is safe to return to work, that should conclude the process. If you are uncertain, you may decide to send the employee home for the day (on Administrative Leave with Pay) and meet with the employee when they return to work on the next scheduled work day to ensure that the employee is not then impaired. If you are reasonably convinced that the employee does appear to be impaired based on your recorded observations, proceed to Step 7.

Step 7: After a finding of reasonable suspicion of impairment, the employee must find transportation home; they cannot be allowed to drive or otherwise leave in an unsafe manner. Biking is also unsafe when impaired. The employee may call a friend or relative or take other private transportation at their own expense. If the employee insists on leaving in an unsafe manner, it is the supervisor's responsibility to call the police (911).

Step 8: Employees 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) or unless otherwise instructed by their supervisor. 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 and departmental policies and procedures. When the employee returns to work, the supervisor should meet with the employee to assure that they are not impaired. Supervisors are expected to address the violation of the Alcohol and Other Drugs Policy as appropriate. *If the employee is a commercial driver under the FMCSA regulations, a different procedure applies; contact Associate Athletic Director immediately at 719-252-8283 as soon as possible when the reasonable suspicion of impairment arises.*

Step 9: Employees whose drug or alcohol use interferes with their ability to safely perform their jobs may be in need of professional help. Please make employees aware of the Colorado State Employee Assistance Program (CSEAP) and encourage them to [contact the CSEAP](#).

Checklist Sections D-E:

At the conclusion of the interview, the Checklist should be marked with the date and time and then signed by the supervisor, the employee, and the Responsible Individual observer. The employee is asked to check one of the boxes to indicate whether they admit to or deny being impaired. The supervisor should explain that violation of the Alcohol and Other Drugs policy subjects the employee to corrective action or disciplinary action in accordance with the applicable state and university policies and procedures for that employee. At any time during this process, you may call Human Resources (719-549-2441) for additional guidance. The Checklist will be placed into the employee's personnel file.

Contacts:

PCSO/Medical Emergency: **911 or 719-549-2373**

Human Resources: 719-549-2441

Associate Athletic Director 719-252-8283 (for DOT-regulated positions)

Office of the General Counsel: 719-549-2130