

UCCS CAMPUS PROCEDURE

**Procedure Title: Reasonable Suspicion of Drug or Alcohol Impairment at Work
Related Policy Number: 100-014 Drug-Free Campus and Workplace Policy**

Functional Area: **HUMAN RESOURCES**
Effective: October 01, 2023
Procedure Primary Contact: Human Resources Office, 719-255-3372

I. Purpose

As a requirement of the Federal Drug-Free Schools and Campuses Regulations, the University of Colorado Colorado Springs (UCCS) will adhere to the following procedure if there is a reasonable suspicion of any employee being under the influence of drugs or alcohol while at work. This procedure covers Faculty, University Staff and Classified Staff with the exception of UCCS Police Officers. UCCS Police Officers are covered under a separate procedure (UCCS PD Policy 205 - Standards of Conduct) which requires the involvement of another Police Officer. If an Officer is suspected of being under the influence of illegal drugs or alcohol, call UCCS Police Dispatch at 719-255-3111 and request a supervisor.

The observation of one exhibited behavior or sign may or may not be sufficient to achieve reasonable suspicion. For example, observing an employee with a strong odor of alcohol may give rise to reasonable suspicion, whereas, observing an employee asleep at his/her desk may not alone give rise to reasonable suspicion. If an uncertain situation arises, contact campus Human Resources for assistance.

II. Procedure

A. If an employee is suspected of being impaired:

1. Immediately contact the employee's supervisor and Human Resources at 719-255-3372. When calling Human Resources, ask for Human Resources leadership. If it is outside of typical business hours (Monday-Friday, 8 am to 5 pm) please contact UCCS Public Safety so they may act as a verifying witness.
2. Call 911 and UCCS Public Safety at 719-255-3111 immediately if you feel the employee is unsafe, is showing signs of dangerous intoxication or is in medical distress e.g. threats of harm to self or others, incoherence, difficulty breathing.

B. In-Person Work

Assess the situation

3. Two authorities should determine if there is a “Reasonable Suspicion” for mandating a drug or alcohol test. This may be the immediate supervisor in conjunction with another supervisor, a member of the Human Resources leadership team or a UCCS police officer.
 - a. Both authorities should go to the employee’s work area for observation and write down their observations using the “Observed Behavior Worksheet”. The observer may be able to view the employee from afar, but usually, they will need to talk with the employee directly.
 - b. If you need to speak to the employee directly, or the employee works in a safety sensitive position ask the employee to step away from the work area and go to an office or conference room to provide some privacy.
 - c. If a UCCS police officer is involved in acting as a verifying witness, they must have the employee sign the Free to Leave Waiver stating that the employee understands they are not under arrest and are free to leave at any time.
4. Any of the following observations could be considered signs of impairment.

The physical symptoms or manifestations of drug or alcohol use include altered or slurred speech or repeated incoherent statements, dilated or constricted pupils, flushed skin, excessive sweating, excessive drowsiness, or loss of consciousness without reasonable explanation.

- a. Unexplained, abrupt, or radical changes in behavior such as violent outbursts, hyperactivity, extreme suspiciousness, frequent and/or extreme fluctuations of mood swings without reasonable explanation.
 - b. Inability to walk steadily or in a straight line or perform normal manual functions essential to an employee’s position without reasonable explanation.
 - c. Unexplained, prolonged or frequent disappearances from the work area.
 - d. Accidents or new accidents on the job that appear related to unexplained sensory or motor skill malfunctions.
 - e. The smell of alcoholic beverages or drugs on the employee while on duty.
 - f. Direct observation of use of drugs or alcohol use while at work or on duty.
5. Review the written observations and determine if there is agreement between the two authorities. If there is disagreement, bring in a third party, such as another HR representative or supervisor. If they conclude that there is not reasonable suspicion of impairment, continue to step 10.

Meet with the Employee

6. The supervisor will meet with the employee in a private location with a witness if possible.
7. The reasons for suspecting the employee of drug or alcohol abuse or other policy violation will be presented to the employee by the supervisor in the presence of a witness. A representative for a Classified Staff member may also be present if requested and available immediately.

8. The employee should be given an opportunity to respond to the observations reported and the reasons stated.
9. The supervisor or HR representative must document the employee's responses.
10. If the supervisor/HR determine that reasonable suspicion does not exist:
 - a. Document the complaint and observations, and send it to the HR Leadership and the Departments Director/Dean.
 - b. Refer the employee to the Colorado State Employee Assistance Program if employee reports they are struggling with substance use.
 - c. This process is complete.
11. If the supervisor/HR determine that reasonable suspicion does exist, proceed to step 12.

Begin the Drug Testing Process

12. Contact the drug testing provider, UC Health, at 719-330-7169 and they will come to the location within 1 hour. Be prepared to send over a map of the employee's location on campus and a code for parking for the drug testing provider, if applicable. Parking codes are available in the Office of Human Resources.
13. Notify the employee that they are required to take a drug and/or alcohol test by UCCS's authorized medical providers. (Note: An employee's refusal to submit to testing requested per this procedure is considered a violation of this procedure. Such refusal will be cause for management/supervisor intervention that may result in corrective or disciplinary actions, up to and including termination.) UCCS will cover the costs of the drug and/or alcohol testing.
 - a. If the employee states that the cause of their behavior is related to a medical issue, inform them that you must call 911 for medical assistance. The UCCS Police will also respond to this call.
 - b. If the employee is transported to the hospital, the reasonable drug testing procedure ends. When the employee returns to work, inform them that they may call the accessibility coordinator in Human Resources to request reasonable accommodations.
 - c. If a medical reason is determined for the employee's behavior and the employee is not transported to the hospital, determine if the employee is safe to return to work after medical intervention. No drug test is required at this point. When the employee returns to work, inform them that they may call the accessibility coordinator in Human Resources to request reasonable accommodations.
 - d. If no medical reason is determined for the employee's behavior or no treatment is given, proceed with the reasonable suspicion process.
14. Ask the employee to read and sign the Employee Authorization and Consent to Submit to Substance Abuse Testing form and keep the form with your handwritten observation notes.
15. The drug testing provider will review the procedures with the employee and conduct the testing.

16. Arrange for transportation via a cab, ride share service or a sober ride of the employee's choosing. The employee shall NOT drive themselves.

To arrange for transportation:

- a. A supervisor or a member of the human resources team may arrange a ride home via a cab or ridesharing service if the employee does not appear sick or is so intoxicated that they may pose harm to themselves or the driver.
 - b. The ride should only be arranged to the employee's home address.
 - c. Consider sending the employee home with a trash bag and a bottle of water.
 - d. The supervisor or human resources may request reimbursement for the ride through the typical UCCS reimbursement processes and charge it to the SpeedType used for drug testing.
17. If the employee refuses a sober ride and attempts to drive home, no UCCS employee should attempt to restrain the employee physically. Witnesses should note the make, model and license plate of the employee and contact the authorities to report the concern.
 18. Once the employee is tested and sent home, they should be placed on Administrative Leave until the testing results are available. Notify the employee that they will continue to be paid and should not return to work until they hear from you. Test results will typically take 3-5 days to return. Results will be reviewed by a Medical Review Officer and released only to authorized Human Resources staff.
 19. If the drug or alcohol test results are negative, the supervisor or HR should contact the employee and return them to the previous job and shift as soon as possible.
 20. If the drug or alcohol test results are positive, the Office of Human Resources will discuss the results of the test(s) and the next steps for the employee.

C. Remote Working

Assess the situation

1. If you suspect that an employee is impaired during their work hours - even if working from home - review and follow the procedure outlined below.
 - a. The most noticeable behaviors that may indicate impairment while an employee is working from home could include:
 - i. Missed meetings
 - ii. Slurred or incoherent speech during video meetings
 - iii. Bizarre behavior noticed via video,
 - iv. Unkempt appearance including poor hygiene or inappropriate workplace attire.
2. Call for help if you think the employee is in imminent danger. Regardless of what type of impairment an employee may be experiencing - medical/physical or related to substance use - call 911 or UCCS Public Safety at 3111 immediately if you feel your employee is unsafe, is

showing signs of dangerous intoxication or is in medical distress e.g. threats of harm to self or others, incoherence, difficulty breathing.

- a. A supervisor should call the Office of Human Resources to obtain the employee's address.
 - b. If the employee is working outside of Colorado Springs, the supervisor may need to search for a non-emergency number for the employee's location.
3. If you suspect impairment, immediately contact the hiring authority/supervisor and Human Resources at 719-255-3372 for verbal approval to proceed. When calling Human Resources, ask for Human Resources Leadership.
- a. A hiring authority or supervisor can assist in determining appropriate use of leave.

Meet with the Employee

4. Address the behavior in-the-moment or as soon as possible after witnessing or experiencing the behavior.
 - a. Prior to meeting with your employee, document your concerns using the Observed Behavior Worksheet.
 - b. Set up a 1:1 video or phone meeting with your employee.
 - c. Whenever possible have your next-level leaders, Appointing Authority, and/or HR attend this meeting to assist in addressing the concerns with the employee.
 - d. Address the concerning behaviors with the employee by stating the behaviors and concerns clearly to the employee.
 - e. Allow time for your employee to respond.
 - f. Document the witnessed behavior, subsequent conversation, and the expectations communicated to the employee.

Begin the Drug Testing Process

5. If testing is available and leaders see it as necessary in the situation, refer to section "Begin the Drug Testing Process" in the In-Person Work section. However, UCCS will arrange a cab or ride share to go to the testing facility.
6. If an employee is working out of the UCCS drug testing provider's service area, and the employee is suspected of working while impaired, UCCS leadership will determine a drug testing location and vendor based on the locality of the employee. If testing is not available and the employee appears to be unable to continue their workday, sick or vacation leave may be appropriate.
7. Refer your employee to the Colorado State Employee Assistance Program (CSEAP):
 - a. CSEAP can screen for substance use disorders and problematic use, assist employees in developing healthy coping strategies, discuss underlying concerns (e.g. stress, anxiety, depression), educate employees on available treatment options, and offer support to employees in response to the pandemic.

- b. Document that you've referred your employee to CSEAP; if you are approving Administrative Leave so that an employee may attend sessions during their workday, your employee may request verification of attendance from their counselor - the employee can then provide this verification to you as their supervisor.

Additional Information

1. Employees may be working off-site at an affiliate location. In these cases, UCCS and the affiliate may have an agreement outlining procedures for reasonable suspicion drug testing which may differ from the procedure outlined above. The agreement will supersede this procedure in areas such as drug testing provider.
2. Supervisors should/must take the online SkillSoft class called "Reasonable Suspicion Supervisor Training" within 30 days of appointment into a supervisory role.

III. RELATED RESOURCES

- A. [Drug Free Campus and Workplace Policy](#)