

Reasonable Suspicion Training for Supervisors

Presented By:

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Overview of Training

- Policy Dissemination
- Understand what “reasonable suspicion” means and how it differs from other testing
- Know the warning signs of both alcohol and drug abuse
- How to approach a driver suspected of drug or alcohol use
- How to document observed behavior
- What drugs are tested and what are the corresponding signs and symptoms

Policy Dissemination

- Policy distribution
 - Every covered employee
 - New hires
- Employees should be requested to sign an acknowledgement of receipt form
- Form should be placed in personnel file

Reasonable Suspicion Requirements

- An employer must require a driver to submit to an alcohol test and/or controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances

Requirements cont'd

- Testing must be based on specific observations concerning any of the following:
 - Appearance
 - Behavior
 - Speech
 - Body odors of the driver

Requirements cont'd

- Supervisor “making the call” must be properly trained in reasonable suspicion
- Training is only required once during tenure of employment
- Refresher training is highly recommended

Requirements cont'd

- Driver can only be directed to undergo reasonable suspicion testing for alcohol:
 - During
 - Just preceding; or
 - Just after performing safety sensitive functions

Requirements cont'd

- If a reasonable suspicion test for alcohol is not administered:
 - Within 2 hours of the observation, a record must be prepared stating the reasons the test was not given
 - After 8 hours have passed, a written document must be prepared stating the reason why it was not given promptly and all attempts to give the test should be stopped

Requirements cont'd

- No driver shall report for duty or continue to perform safety-sensitive functions while under the influence of or impaired by alcohol

Requirements cont'd

- The employer must not permit a driver to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02
- – OR – 24 hours have elapsed following the determination that there is reasonable suspicion to believe the driver has violated the prohibitions concerning the use of alcohol

Requirements cont'd

- A reasonable suspicion test for controlled substances may be administered based on observations made at anytime the driver is on duty

Requirements cont'd

- A written record must be made of the observations leading to a controlled substance reasonable suspicion test within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever comes earlier

Reasonable Suspicion Step-By-Step

1. Observe
2. Confirm
3. Document
4. Confront
5. Test

How To Approach A Driver

Try this:

- Stick to the facts
- Drug use is illegal -- End of story!
- Show concern for the driver
- Listen respectfully

Other helpful suggestions:

- Approach the driver in a private setting to preserve confidentiality and avoid making a scene in public
- State that you are not blaming the driver for anything, but following the regulations
- Ask a non-threatening question once you state your observations, such as “Is there anything you would like to say?”

Other helpful suggestions:

- Maintain your composure by using a calm tone of voice and displaying concern for the driver
- Ignore any inflammatory remarks or acts of belligerence on the part of the driver
- Emphasize the word “evaluation” instead of the word “test”

Handling Difficult Situations

Driver is defensive or denies your comments

*Write down something you could say to a driver
under this situation*

Handling Difficult Situations

Driver talks non-stop

*Write down something you could say to a driver
under this situation*

Handling Difficult Situations

Driver cries

*Write down something you could say to a driver
under this situation*

Handling Difficult Situations

Driver remains silent

*Write down something you could say to a driver
under this situation*

Handling Difficult Situations

Driver is aggressive or belligerent

*Write down something you could say to a driver
under this situation*

Handling Difficult Situations

Driver is uncooperative

*Write down something you could say to a driver
under this situation*

Documenting Observed Behavior

- A reasonable suspicion record, (Behavior Incident Form provided in your policy), serves to document your observations prior to ordering a test
- When completing the form, be clear, concise, and specific in your written descriptions

Which Reasonable Suspicion Test Do You Order?

Remember:

- You are never asked to diagnose a driver's condition.
- It is only your duty to determine if a driver appears to be under the influence of alcohol or drugs and to prevent them from performing safety-sensitive functions until you can be sure – which means having the person evaluated through reasonable suspicion testing.
- If you are unsure of whether to test for alcohol or controlled substances, order both tests.

What if a Driver Refuses to be Tested?

As part of the alcohol and drug regulations, drivers **MUST** submit to alcohol and drug testing. A refusal to test is treated the same as a positive test.

“Refusal” occurs when:

- Driver fails to provide enough breath or saliva for alcohol testing or urine for controlled substances testing without a valid medical reason after being notified of the testing requirements
- Driver clearly obstructs the testing process

What Happens After Testing?

If a driver fails a drug or alcohol test:

- Driver must be removed from all safety-sensitive functions
- Driver may not return to a safety-sensitive function until an evaluation has been done by a Substance Abuse Professional (SAP), driver has complied with treatment prescribed and passes a return-to-duty test.
- The driver is subject to a minimum of six follow-up tests in the first 12 months after the return to duty and may be subject to follow-up testing for up to five years
- Driver may not return to safety-sensitive duties for at least 24 hours if alcohol concentration is determined to be 0.02 or greater but less than 0.04
- Additional consequences (disciplinary action) of failing an alcohol test should be handled according to your policy

Before a Driver Can Return to a Safety-Sensitive Function...

- The driver must:
 - have an alcohol test of less than 0.02 and/or a verified negative drug test (depending on the violation)
 - have complied with prescribed treatment (if any)
 - complete a minimum of six follow-up tests within the first year back in a safety-sensitive position.
 - SAP can direct follow-up testing for up to 5 years after return to work

Supervisor's Toolbox

- You can't do your job without the right tools.
- Here are some tips and facts about alcohol and drugs that will help you understand the warning signs and symptoms and the effects of substance abuse.
- This information will assist you in fulfilling your responsibility under reasonable suspicion testing regulations.

The Warning Signs of Substance Abuse

- Excessive absences and/or tardiness (especially after a weekend or holiday)
- Frequent requests for time off
- Numerous accidents without explanation
- Unsatisfactory work performance
- Non-work related visits from other employees or strangers
- Secretive behavior, defensive attitude
- Drastic weight changes
- Marked change in mood, attitude and behavior
- Deterioration in personal grooming and hygiene

The Effects of Alcohol and Drugs on the Body

- **Alcohol:** A central nervous system depressant found in beer, wine, hard liquor and in some over-the-counter medications. (for example: some allergy and cold medications)

Signs and Symptoms of Use

■ Alcohol:

1. Dulled mental processes
2. Lack of coordination
3. Odor of alcohol on breath
4. Pupils may be constricted
5. Sleepy or stuporous condition
6. Slowed reactions
7. Slurred speech

Facts

- **Alcohol**

1. A 12 oz. can of beer, a 5 oz. glass of wine, and 1 ½ oz. shot of hard liquor all contain the same amount of alcohol
2. Each 1 ½ oz. of alcohol takes the average body about one hour to process and eliminate

The Effects of Alcohol and Drugs on the Body

- **Marijuana:** Also known as grass, pot, weed, gold, joint, hemp, reefer. Active Chemical – THC

Signs and Symptoms of Use

■ Marijuana:

1. Lackadaisical “I don’t care” attitude
2. Irritating cough; chronic sore throat
3. Distinctive, pungent odor on clothing
4. Chronic fatigue and lack of motivation
5. Slowed speech
6. Reddened eyes

Facts

- **Marijuana**

1. Marijuana remains in the body for 28 days. This is in contrast to alcohol which dissipates in a matter of hours
2. A 500% to 800% increase in THC potency in the past several years makes smoking three to five joints (cigarettes) per week today the equivalent of 15 to 40 joints per week in 1978
3. Combining marijuana with alcohol or other depressant drugs can produce a multiplied effect, increasing the impairment caused by all substances

The Effects of Alcohol and Drugs on the Body

- **Cocaine:** A stimulant drug also known as coke or blow when it is inhaled (snorted), ingested or injected. Free-base cocaine, known as crack or rock, is smoked

Signs and Symptoms of Use

■ Cocaine:

1. Fatigue
2. Anxiety and agitation
3. Runny or irritated nose
4. Dilated pupils and visual impairment
5. Difficulty in concentration
6. High blood pressure, heart palpitations and irregular heart rhythm
7. Insomnia
8. Profuse sweating and dry mouth

Facts

- **Cocaine**

1. Treatment success rates are lower for cocaine than for other chemical dependencies
2. Cocaine causes the strongest mental dependency of any known drug. Strong psychological dependency can occur within one “hit” of crack
3. Many people think that because crack is smoked, it is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today. The crack “high” is reached in 4-6 seconds and lasts about 15 minutes

The Effects of Alcohol and Drugs on the Body

- **Amphetamines & Methamphetamines:**
Some common street names for amphetamines are speed, uppers, black beauties, bennies, wake-ups and dexies
- Some common street names for methamphetamines are ice, crank, crystal and meth

Signs and Symptoms of Use

- **Amphetamines & Methamphetamines:**
 1. Hyperexcitability, restlessness, anxiety
 2. Dilated pupils
 3. Profuse sweating
 4. Rapid respiration
 5. Difficulty in focusing eyes
 6. Exaggerated reflexes, body tremors

Facts

- **Amphetamines & Methamphetamines**
 1. People with a history of sustained low-dose use quite often become dependent and believe they need to take the drug to “get by.”
 2. These users frequently keep taking amphetamines to avoid the “down” mood they experience when the “high” wears off

The Effects of Alcohol and Drugs on the Body

- **Opiates:** Narcotics, including heroin, morphine, codeine and many synthetic drugs used to alleviate pain, depress body functions and reactions

In large doses, opiates cause a strong euphoric feeling

Common street names are: horse, morpho, China, M., brown sugar, Harry and dope

Signs and Symptoms of Use

■ Opiates:

1. Mood changes
2. Impaired mental function and alertness
3. Impaired vision
4. Constricted pupils
5. Impaired coordination

Facts

- **Opiates** – Heroin, also called “junk” or “smack” accounts for 90% of the narcotic abuse in the United States

The Effects of Alcohol and Drugs on the Body

- **Phencyclidine (PCP):** Acts as both a depressant and a hallucinogen, and sometimes as a stimulant
- Also called angel dust, rocket fuel, embalming fluid and killer weed

Signs and Symptoms of Use

■ Phencyclidine (PCP):

1. Impaired driving ability
2. Impaired coordination
3. Thick, slurred speech
4. Severe confusion and agitation
5. Muscle rigidity
6. Profuse sweating

Facts

■ Phencyclidine (PCP)

1. PCP abuse is less common today than in the past
2. There are four phases to PCP use: toxicity (which may be accompanied by convulsions, combativeness, catatonia and even coma), toxic psychosis (including visual delusions and paranoia), schizophrenia and depression

Reasonable Suspicion Test



Question #1

What is the minimal breath alcohol concentration of a driver who has failed an alcohol test?

0.04

Question #2

What is the acceptable amount of controlled substances (drugs) that drivers may consume on the job?

None. The use of controlled substances by drivers is prohibited.

Question #3

List three signs a person would exhibit if he or she were abusing alcohol.

Poor balance and coordination

Slurred speech

Bloodshot, watery eyes

Pupils are constricted

Slowed reactions

Sleepy or stuporous condition

Odor of alcohol on breath

Question #4

List three signs a person would exhibit if he or she were abusing drugs.

Short attention span

Extremely excitable behavior

Unusually constricted or dilated pupils

Impaired memory or attention

Hallucinations

Talkativeness

Question #5

True or False? You may order a reasonable suspicion test if a coworker you trust tells you a driver has been drinking or using drugs on the job.

False. Only trained supervisors who directly observe the conduct can order a reasonable suspicion test.

Question #6

True or False? Drivers are responsible for getting themselves to the testing facility as soon as you order the reasonable suspicion test.

False. A driver suspected of being impaired by drugs or alcohol should not be allowed to drive. While it's not required by the regulations, if the test is to be conducted off-site, you or another designated representative should escort the driver to the testing facility.

Question #7

Within what specific amount of time must reasonable suspicion testing for alcohol take place?

An alcohol test should be done within two hours of the observation. (After two hours a written record must be prepared stating why the test could not be administered promptly. An alcohol test may not be conducted after eight hours have elapsed and a written record must be prepared stating why the test could not be administered)

Question #8

If you don't know which substance the driver might be taking, should you order an alcohol test, a controlled substances test, or both?

Both

Question #9

True or False? You may order a reasonable suspicion test for alcohol at any time.

False. Your observations must be made immediately before, during, or just after the performance of safety-sensitive functions.

Question #10

True or False? According to the regulations, a drug or alcohol violation is grounds for dismissal.

False. Employment consequences for testing positive for drugs or alcohol depend on individual company policy. According to the regulations, a positive result calls for the removal of the driver from all safety-sensitive functions until evaluation by a substance abuse professional is conducted, treatment is completed and return-to-duty tests come back negative. However, violations including driving a commercial motor vehicle under the influence of drugs or alcohol disqualifies a driver as stated in the regulations.

Question #11

True or False? Health problems such as diabetes may mimic the symptoms of alcohol or drug use.

True

Question #12

True or False? Over-the-counter and prescription medications are not subject to drug prohibitions.

False

Question #13

True or False? Some antihistamines can produce side effects that interfere with driving ability.

True. Read the label for side-effects very carefully before taking any over-the-counter medication and talk to your doctor about any prescription medication before you attempt to drive while taking it.

Question #14

True or False? Drivers can take controlled substances with a letter of permission from their physician.

True. If the use of a controlled substance is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. An employer may require a driver to inform the employer of any therapeutic drug use.

Question #15

Should you order a reasonable suspicion test if a customer alerts you to the presence of alcohol on your driver's breath?

No. Under Part 382, you must make the observations yourself.