



Reasonable Suspicion Training For Supervisors

FIELD TRAINING



CFR-382.603 - Training For Supervisors

EACH EMPLOYEE SHALL ENSURE THAT ALL PERSONS DESIGNATED TO SUPERVISE DRIVERS TRAINING ON DRUGS AND ALCOHOL MISUSE. THE TRAINING WILL BE USED BY THE SUPERVISORS TO DETERMINE WHETHER REASONABLE SUSPICION EXIST TO REQUIRE A DRIVER TO UNDERGO TESTING UNDER CFR 382.307.



Introduction

- According to federal regulation, supervisors have the responsibility of determining when reasonable suspicion test should be administered
- Supervisors need to know how to approach, interact and convey information to drivers
- The information in this training is designed to help you take on this responsibility



Objectives

- Understand the regulations surrounding reasonable suspicion training
- Know some common signs and symptoms of substance abuse
- Gain some insight and practice to approaching drivers whom you have reason to believe need to be evaluated
- Initiate reasonable suspicion testing
- Complete required documentation



The Goal of the Regulation

- To identify impaired drivers in order to keep them off the highways
- To identify signs & symptoms
- A tool to deter employees from engaging in illegal drug use and to identify those who do use illegal drugs
- To protect the public by ensuring that employees whose behavior and appearance indicate possible illegal drug use are removed from safety sensitive duties



Safety-Sensitive Function

- Safety-sensitive work is defined as anytime a driver is driving, inspecting, servicing, unloading or loading a motor vehicle.
- Drivers with CDL's can not be allowed to perform safety-sensitive duties if they have a blood alcohol content of .02.



Reasonable Suspicion Testing

- An employer shall require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B concerning alcohol and Controlled Substances.
- The employer's determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver
 - Definitions: Contemporaneous-driver's suspicious behavior is happening as you observe it
 - Articulable-you must be able to clearly describe your observations. Tests cannot be performed based on hearsay or a gut feeling
- For controlled substances the observations may be based on indications of the chronic and withdrawal effects of controlled substances



Reasonable Suspicion Testing

- The required observations for alcohol and/or controlled substances should be by a *Supervisor/or company official* who is trained in accordance with section 382.603
- The ordering of a reasonable suspicion test for alcohol must be made during, just preceding or right after the period of the workday that the driver is required to be in compliance w/ the alcohol regulations
- A driver may be directed to undergo reasonable suspicion alcohol testing, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions



Reasonable Suspicion Testing

- If alcohol test is not done within two hours following the determination of reasonable suspicion. The employer shall document the reasons the alcohol test was not promptly administered
- If not done within eight hours, the employer should cease attempts to administer an alcohol test and shall document and file the reasons for not administering the test
- Individual identifying reasonable suspicion shall never be the same one performing test



Reasonable Suspicion Testing

- A driver should not report to duty or continue to perform safety-sensitive functions while under the possible influence as shown by behavioral, speech, and performance characteristics
- A driver shall not report to duty while having an alcohol concentration of 0.04 or greater
- An employer shall not permit a driver to perform a safety sensitive function until an alcohol test is performed and the alcohol concentration measures less than 0.02 or 24 hours have passed after the observation of a possible violation of the policy
- A reasonable suspicion test for controlled substances can be performed based on observations made at any time the driver is on duty
- A written report must be prepared prior to an alcohol or controlled substance reasonable suspicion test within 24 hours of the observation or prior to the results of the tests are released, whichever occurs first



Reasonable Suspicion Steps to be Taken

- **Observe**-for unusual/curious behavior
- **Confirm**-that what you are observing is based on what you have learned on substance misuse
- **Document**-in a consistent way with signs and symptoms of abuse
- **Confront**-driver with your suspicion based on your observations and relieve driver from safety sensitive functions
- **Test**-for appropriate substance, do not allow driver to drive themselves to testing facility



Reasonable Suspicion Testing

- Only an individual trained in reasonable suspicion can have a driver tested
- Action cannot be taken against the driver unless test have been administered within the required timetable (specific to alcohol)
- No person from another consignee even if trained can order a test on your driver. They can however take steps as encouraged by the FMCSA such as informing the driver that they believe that they have violated the regulations and advising them not to perform any safety sensitive function. That person can then contact drivers carrier and request that action be taken or contact the police to take action



Reasonable Suspicion Testing

- If you are unsure of what to test for – test for both alcohol and drugs
- Observations must be related to the driver's ability to perform a safety sensitive duty and your observations must be made immediately before, during or just after the performance of a safety sensitive function
 - - alcohol does not smell – you detect the “flavoring” of alcohol.
- Always remember that there may be a medical reason for unusual behavior
- A refusal to test is treated as a positive. Refusal occurs when:
 - - driver fails to appear for any test within a reasonable time
 - - driver fails to remain at the testing facility until the test is complete
 - - driver fails to provide or urine sample-a saliva sample



Reasonable Suspicion Testing

- If in the case of a direct observation or monitored collection a positive result will occur if:
 - driver fails to permit the observation or monitoring of sample
 - fails to take a second drug test based on the direction of an employer or collector
 - Fails to undergo a medical examination or evaluation as part of:
 - The verification process for drug testing or as directed by the designated employer representative
 - Shy bladder procedures for alcohol testing
 - Insufficient breath procedures for alcohol testing
 - Fails to cooperate with any part of the testing process
 - A verified adulterated or substituted drug test is also considered a refusal



Reasonable Suspicion Testing

- After failing an alcohol test:
 - Driver must be removed from all safety-sensitive functions
 - Driver may not return to safety sensitive function until an evaluation by a substance abuse professional, driver has completed treatment prescribed and passes a return to duty test. Driver is then subject to six follow-up tests in the first 12 months and may be subject to testing for up to five years
- After failing a drug test:
 - Driver must be removed from all safety-sensitive functions
 - Driver may not return to safety sensitive function until an evaluation by a substance abuse professional, driver has completed treatment prescribed and passes a return to duty test. Driver is then subject to six follow-up tests in the first 12 months and may be subject to testing for up to five years



Reasonable Suspicion Testing

- Referral, Evaluation and Treatment
 - As an employer the regulations require you to advise drivers of resources available to them for appropriate treatment. You are not responsible for the payment of such treatment or to hold job open while driver is seeking treatment



Addressing the Driver

- **Driver is defensive or Denies your comments**
 - -Listen respectfully
 - -Repeat what you observed, emphasizing the DOT rules and your company policy.
 - -Point out that the situation requires, in this case testing or evaluation.
 - -Document the encounter
- **Driver talks Non-Stop**
 - -Interrupt by asking questions that require a “yes” or “no”
- **Driver Cries**
 - -Listen and respond with kindness
 - -Allow a few moments for the driver to regain control
 - -Make it clear that you are not blaming but following the rules.



Approaches for Difficult Situations:

- **Driver remains silent:**
 - Make it clear that you are not blaming, but following rules
 - Use non-threatening question, such as : “Is there anything you’d like to tell me?” and remain quiet until the person answers
- **Driver is aggressive or belligerent:**
 - Maintain your composure by using a calm tone of voice
 - Avoid yelling because it sets up a win-lose situation and could escalate the aggressive behavior
 - Ignore inflammatory remarks
 - Stick to the facts, repeating them when needed
- **Driver is uncooperative**
 - Stick to the facts
 - Repeat your observations and the need for evaluation



Effects of Alcohol

- Alcohol is socially acceptable drug. It is considered a recreational beverage when consumed in moderation during social gatherings. However when consumed primarily for its physical and mood-altering effects, it is a substance of abuse
- As depressant, it slows down physical responses and progressively impairs functions.



Effects of Alcohol

- The chronic consumption of alcohol(average of three servings per day of beer, whiskey[1 ounce], or wine [6 ounce glass] over time may result in the following health hazards:
 - * Decreased sexual functioning
 - * Dependency
 - * Fatal Liver Disease
 - * Increased cancer of the mouth, tongue, esophagus, rectum, breast
 - * Kidney disease
 - * Ulcers
 - * Birth defects



Alcohol - Health Effects

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The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver
- 12,000 more will die on the highway due to the alcohol - affected driver.
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol-caused liver disease
- 10,000 will die due to alcohol induced brain disease or suicide

Up to another 125,000 will die due to alcohol related conditions or accidents.



Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcoholic beverage from the body
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.



Social Issues

- Two third of all homicides are committed by people who drink prior to the crime.
- 2 to 3% of the driving population is legally drunk at any one time. This rate is double at night and on weekends.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population
- More than;
- 60 % of burns, 40% of falls, 69% of boating, 76% of private aircraft accidents are alcohol related.



The Drug Classes

- Marijuana
- Cocaine
- Amphetamines
- Opiates (including morphine & Codeine)
- Phencyclidine (PCP)
- These five classes of drugs represent the most frequently abused drugs.



Marijuana

- People use marijuana for the mildly tranquilizing mood and perception altering effects it produces
- Marijuana does not depress central nervous system reactions. Its action is almost exclusively on the brain, altering the proper interpretation of incoming messages
- Signs and symptoms of use:
 - Reddened eyes
 - Slowed speech
 - Distinctive odor on clothing
 - I do not care attitude



Cocaine and Crack Cocaine

- Cocaine is a white powder that comes from the leaves of the South American coca plant
- Cocaine belongs to a class known as stimulants
- Signs and Symptoms of use
- Financial problem
- Frequent and extended absences from meetings or work assignments
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Sensation of bugs crawling on skin
- Hallucinations
- Profuse sweating and dry mouth



Opiates - Opium, morphine, codeine and heroin

- Are narcotics that alleviate pain, depress body functions and reactions when taken in large doses
- Signs and Symptoms of Use-
 - Mood changes
 - Impaired mental functioning
 - Constricted pupils
 - Impaired coordination
 - Depression and apathy
 - Physical fatigue and drowsiness
- Synthetics - Demerol, Numorphan, percodan



Amphetamines

- Amphetamines are central nervous systems stimulants that speed up the mind and body
- Signs and symptoms of use-
 - Dilated pupils
 - Increased heart rate and blood pressure
 - Profuse sweating
 - Rapid respiration
 - Confusion
 - Panic
 - Inability to concentrate



Phencyclidine (PCP)

- Was originally as an anesthetic, but the adverse effects prevented its use except as a large animal tranquilizer. PCP as acts as both a depressant and hallucinogen and sometimes as stimulant.
- Signs and Symptoms of Use -
 - Impaired coordination
 - Severe confusion and agitation
 - Extreme mood shift
 - Muscle rigidity
 - Jerky eye movements
 - Dilated pupils
 - Dizziness
 - Profuse sweating



The warning Signs of Substance Abuse

- The existence of alcohol or drug problem often manifest itself in an employee's work performance, behavior or appearance in the following.
- Excessive absences and/or tardiness (especially after holiday or weekend)
- Frequent request time for time off
- Numerous accidents without explanation
- Pattern of accidents in area during a particular time shift
- Unsatisfactory work performance
- Lack of concentration or decreased productivity after lunch breaks
- Frequent trips to the restroom or water fountain
- Long lunch hours



The warning signs of substance abuse

- Frequent visits to automobile parking lot
- Drowsiness, slurred speech, lack of coordination, inability to concentrate, nausea or other physical symptoms
- Agitation, rapid speech, dilated pupils
- Bloodshot eye, runny eyes
- Drastic weight change
- Marked change in mood
- Deterioration in personal grooming and hygiene
- Frequent need to borrow money
- Avoidance of supervisors



Summary

- Reasonable suspicion test is not an accusation of illegal drug use.
- Reasonable suspicion test does not diagnose abuse or addiction
- The Supervisors role is to:
 - -Identify the specific observation of employee's behavior and appearance
 - -Confront the employee concerning the requirements to undergo the test
 - -Fully explain the consequences of the employee's refusal to comply
- Supervisors does not need identify the specific drug associated with the behavior or appearance
- Supervisor should be alert to changes in the employee's usual behavior and appearance.