

## **3354:1-43-02.2 Reasonable Suspicion Procedure**

The Cuyahoga Community College (College) supports and will maintain a drug-free working environment to provide for the health and safety of students, employees, and visitors. As noted in [3354:1-20-05 Alcohol, drugs, and tobacco policy](#) and [3354:1-43-02 Employee Code of Conduct Policy](#) employees are prohibited to use, possess, manufacture or distribute drugs and/alcohol, or be under the influence of drugs and/or alcohol, while in the workplace or in College vehicles and equipment and while on duty. This includes the misuse or inappropriate use of prescription medications and drugs.

### **(A) General Process**

- (1) Using or being under the influence or the effects of drugs or alcohol on the job, using such substances in a manner which affects work performance, or having such substances or their metabolites in one's system may pose serious safety and health risks. To reduce these risks, employees may be required to provide body substance samples (such as breath or urine) to determine if the illicit, illegal or improper use of drugs or alcohol has affected one's work performance.
  
- (2) Whether or not a person's behavior rises to the level of "reasonable suspicion" must be based on the manager's/supervisor's specific observations concerning the employee's appearance (including odor), behavior, and/or speech. Observations and other relevant factors constituting reasonable suspicion must be based upon objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the influence of, or is using or abusing, alcohol and/or other drugs. Some examples of behaviors on which reasonable suspicion may be founded include:
  - a. Shaky, unstable or staggering walk
  - b. Red, glazed, or watery eyes
  - c. Dilated or contracted pupils
  - d. Odors on breath or clothes
  - e. Credible eyewitness reports of usage
  - f. Impaired reaction time
  - g. Slurred speech
  - h. Disorientation
  - i. Other objectively abnormal conduct or behavior
  
- (3) Behaviors leading to a reasonable suspicion must be documented in writing. Supervisors should write only what is observed as it relates to unsafe behavior,

performance deterioration or policy violation. No comments are to be recorded which reflect on suspected reasons for the behavior or opinions about it. Managers/supervisors should contact another manager/supervisor, whenever possible, to serve as a witness and to assist with documentation. If another manager/supervisor is not available, a coworker may serve as a witness provided that employee is not in the same bargaining unit as the employee under suspicion, unless absolutely necessary.

- (4) Supervisors and managers shall be trained to address the abuse of alcohol or other drugs by employees, to recognize facts that give rise to reasonable suspicion, and the proper procedures for documenting facts and circumstances to support a finding of reasonable suspicion as required by collective bargaining agreements or, in the absence of any such agreements, by the appropriate College departments. Failure to receive such training shall not, however, invalidate otherwise proper reasonable suspicion testing.
- (5) If, based on reasonable suspicion, any employee is believed to pose an immediate safety risk to anyone (including self), the supervisor should relieve the employee of all work responsibilities.

(B) Procedure for the supervisor/manager in case of reasonable suspicion:

- (1) Direct the employee to a private office or area. The employee's supervisor and, if possible, another manager/supervisor, should be present to observe the employee's condition. Campus Police and Safety Services shall be contacted to request that a Police Officer be dispatched to the site upon suspicion to ensure order is maintained.
- (2) Both managers/supervisors will describe in writing the employee behavior which has led to reasonable suspicion of substance abuse.
- (3) Notify Human Resources, Employee and Labor Relations of the incident/behavior and the actions taken. Provide them with a written report. (Continue the process even if unable to notify Human Resources immediately, e.g., outside of normal business hours.)
- (4) If the managers/supervisors determine testing is appropriate, they must contact USA Mobile Drug Testing of Northeast Ohio at 440-653-5003. A mobile collection specialist will be dispatched to administer the testing.

- (5) If the employee refuses to proceed with the testing, the manager/supervisor must inform the employee that refusal to submit to and complete the testing could subject them to corrective action up to and including termination. If the individual continues to refuse to proceed with the testing, the manager/supervisor is to contact Human Resources. The employee will be placed on unpaid administrative leave immediately, pending a review of the incident from Human Resources. A determination of appropriate disciplinary action will follow pending a due process meeting. While unpaid administrative leave means that the employee must leave the workplace, they should not be allowed to drive home alone. If the employee refuses the transportation arrangements and leaves alone in their own vehicle, notify Campus Police and Security Services. If possible, obtain a witness to corroborate the refusal of transportation and document the incident.
- (6) When testing occurs, the manager/supervisor is to make immediate arrangements, following testing for the employee to get home (relative, emergency contact, Uber/Lyft/rideshare services, cab, etc.). The employee should not be allowed to drive home alone. If the employee refuses the travel arrangements and leaves using their own personal vehicle, notify Campus Police and Security Services. Obtain a witness to corroborate the refusal of transportation and document the incident. At that time and pending the results of the testing, the employee is to be placed on paid administrative leave.
- (7) Upon receipt of the test results, Human Resources, Employee and Labor Relations will notify the manager/supervisor to determine the appropriate course of action. If the test result is negative, the employee is to be returned to work at the next regular scheduled shift. A positive test result will result in disciplinary action as indicated according to the [3354:1-43-03.01 Corrective Action Procedure](#).

Effective Date: October 1, 2024

Amplifies: 3354:1-43-02