

Reasonable Suspicion Roles and Responsibilities

Guiding Principles

A Reasonable Suspicion (RS) policy is typically included in a company's *Health and Safety policy* related to substance use in the workplace. It directs the removal and, possible drug and alcohol testing of an employee from the workplace when there are behaviors that create an immediate safety risk for the employee or others in the workplace.

Typically, the Human Resources (HR) department leads and guides the company RS process in consultation with EAP.

EAP Responsibilities

- Confer with HR to determine if a Reasonable Suspicion (RS) drug and alcohol testing is appropriate.
- Conduct a wellbeing interview for safety and support with the employee prior to the employee leaving the work site.
- Coordinate appropriate support services with the employee (in consultation with HR and the leader) when appropriate.
- Consult with HR regarding a compliance plan for the employee's return to work if this is offered to the employee.

Employee Responsibilities

- Meet with HR and their leader to decide whether to comply with a Reasonable Suspicion (RS) drug and alcohol testing.
- Follow the process as outlined by the policy, which may include a wellbeing interview with an EAP consultant contingent upon the employee agreeing to submit to the RS evaluation as per The Company's *Health and Safety policy*.
- Sign a Return to Work Agreement if the employee is permitted to return to work.
- Apply for a leave of absence when needed.

Leader Responsibilities

- Initiate the Reasonable Suspicion (RS) process when employee impairment in the workplace is suspected by contacting the company's HR manager.
- Document the employee's behaviors on the RS [Behavioral Interview and Observation Checklist](#) (having two managers complete the form is best practice).
- Meet with the employee and HR jointly and follow the company's *Health and Safety policy* guidelines.
- Communicate clearly with the employee regarding expectations related to this process.
- Consult with HR and possibly EAP to determine whether the employee will return to work.
- Follow the Health and Safety policy regarding expectations and process for employee's return if it is determined that the employee will return to work.
- Consult with HR and EAP ongoing as appropriate.

Human Resources Responsibilities

- Assure the company's Health and Safety policy is up to date.
- Assure contract is in place with testing vendor to provide Reasonable Suspicion testing as needed.
- Provide consultation and support to the leader.
- Protect the rights of all parties, including the privacy rights of the employee.
- If needed, suspend/remove the employee pending investigation and determination of fitness.
- Arrange transportation home for the employee per the company's Health and Safety policy
- Inform the employee of their leave status and assure a clear understanding regarding what is expected of them throughout the process.
- Assure that all involved are following the guidelines outlined in the Health and Safety policy.
- Consult with EAP as appropriate.

Other Considerations

- Typically, formal Reasonable Suspicion (RS) evaluations are contracted services and paid for by the company. Consult with your legal department regarding payment for these services and other Health and Safety related policy matters.
- Typically, any formal treatment the employee engages in as a result of this process will be paid for according to the coverage provisions of the employee's insurance plan. Consult with your legal department regarding questions about payment of appropriate treatment offerings.

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