

FTA Reasonable Suspicion – Information Sheet

Overview

Transit systems must conduct a drug and/or alcohol test when a qualified supervisor/company official has reasonable suspicion to believe that a covered employee has engaged in prohibited drug use and/or alcohol misuse.

Determination

Reasonable Suspicion test determination must:

1. Be made by a single authorized and *trained* supervisor/company official.
 - a. Supervisor training is available online at: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>
 - b. Document all supervisors completed the training.
2. Be based on a specific observation made by the supervisor/company official concerning:
 - a. Appearance
 - b. Speech
 - c. Behavior
 - d. Body Odor

Look for multiple indicators, since taken alone, each indicator could be caused by something other than substance abuse.
3. Be made immediately following the observation.
 - a. Complete ***Reasonable Suspicion Determination Report*** to document the determination.
 - b. Document the determination as soon as possible.
 - i. If alcohol testing is delayed more than (2) two hours since the initial observations, document the reason for the delay.
 - ii. If alcohol testing is delayed more than (8) eight hours cease attempts to conduct the test.

Discuss Safety Concern with Employee

Initiating the Referral

- ✓ Think through what to say.
- ✓ Express concern for both the employee and public safety.
- ✓ Refer to regulation/transit system drug and alcohol policy.
- ✓ Describe observations that prompted concern.
- ✓ Explain the need for the test.
- ✓ Focus on performance, not personal.

Sample statement: “I am concerned about your readiness to perform safety-sensitive functions based on the following observations and indicators (list here). USDOT drug and testing regulations and transit system policy require me to refer you for a test to rule out chemical impairment.”

Intervention and Referral

- ✓ Primary issue is safety.
- ✓ Inquire and observe.
- ✓ Review your findings.
- ✓ Verify facts.
- ✓ Make the reasonable suspicion decision.
- ✓ Inform the employee.
- ✓ Transport the employee.
- ✓ Document events.

Do's

- Be respectful.
- Stick to objective facts; avoid feelings, hunches, or beliefs.
- Be brief and to the point.
- Anticipate questions/denials/threats.
- Protect employee's confidentiality.
- Discuss face-to-face and in private.
- Keep a safe distance.
- Know your employees.
 - Document job performance regularly.
 - Take action whenever job performance fails.
 - Document objective facts that justify the test.
 - Make sure unfit employees don't perform safety-sensitive job functions.
 - Know how to get help for an employee.

Do NOT!

- Be confrontational or argumentative.
- Try to get a confession.
- Diagnose an employee's problem as drug use and/or alcohol misuse.
- Accuse an employee of having a substance use problem.
- Put in writing that an employee has a substance use problem.
- Discuss your suspicions with other non-supervisory employees.

For additional information, refer to 49 CFR Parts 655.14(b)(2) and 655.43.

<https://transit-safety.fta.dot.gov/drugandalcohol/regulations/regulations/default.aspx>