

Drug policy FAQ

Q1. What's the first thing I should do if I think someone is under the influence?

Answer: Complete a Reasonable Observation Suspicion Form [\[link\]](#)

Q2. How many boxes need to be checked in order to send someone for possible drug testing?

Answer: There is no minimum or maximum. Just make a note of everything you observe.

Q3. What's the next thing I should do?

Answer: Call your SUPERVISOR or SUPERINTENDENT, and then call your Department/Bureau's Personnel Section [\[link to numbers\]](#) so that they can provide direction.

Q4. Should I call Medical Services Division?

Answer: Yes. After you talk to Department/Bureau's Personnel Section and have decided to bring the employee in for possible drug testing, it is a good idea to call MSD to let them know that you are coming in. You may speak to a Medical Services staff member by calling (213) 473-XXXX.

Q5. How do I tell the employee to go for a drug test?

Answer: Feel free to utilize this script:

"I have observed you behave in a way that is not safe, effective or appropriate for this workplace. Based upon the City's Drug Policy you must report to [MSD/Clinic] so that they can evaluate whether it is appropriate for you to have a drug test. As your supervisor, I am giving you this work order to report to MSD. I have arranged transportation. You have the right to call your Union Representative, but we cannot delay in getting to the testing facility."

Q6. What do I do if the employee asks for a Union representative before he or she will go anywhere?

Answer: A representative can meet the employee at the drug testing facility or the employee can speak to a representative on the phone while they are going to the drug testing facility. However, transportation to the drug testing facility cannot be delayed while the employee waits for the representative.

Q7. What do I do if the employee gives me excuses or argues with me?

Answer: Some employees will say that they are “tired,” or are taking prescription medication, or will say that they are being harassed. You can remind them that you discussed the referral with a Personnel Representative, and if they have not used alcohol or drugs, the alcohol/drug test will be negative.

Q8. Do I have to arrange transportation to the drug testing?

Answer: YES. If the person is under the influence, s/he cannot drive.

Q9. What forms of transportation are acceptable?

Answer: You may drive the person in a City vehicle; take the Dash or take other public transportation.

Q10. Do I (the supervisor) have to go with the person to the drug testing facility?

Answer: YES. You must talk to medical staff about what you observed. You cannot send a substitute person, even if they have a copy of the Reasonable Suspicion Form that you completed.

Q11. What if I don't feel safe driving/accompanying the person alone?

Answer: Have someone accompany you.

Q12. What do I do if the employee refuses to go be evaluated for a drug test?

Answer: When you tell the employee to report for evaluation of a drug test, you are giving a work order. Refusal to comply makes the employee insubordinate and subject to discipline.

Q13. What if the employee not only refuses to go for the drug test, but also gets in his or her car and starts driving home? What if the employee leaves work on foot or by bus?

Answer: If the employee attempts to operate a vehicle, Call 911. If the employee leaves your supervision on foot, bus, taxi, etc., please call the Office of Public Safety at (XXX) XXX-XXXX. A person under the influence of drugs or alcohol may act irrationally and cause harm to someone—including him/herself.

Q14. If the employee says that he or she is taking prescription medication, should I still send them for evaluation for a drug test?

Answer: YES. The employee may be having an adverse reaction to the medication or may not be following the prescribed dosage. The employee might be taking recreational drugs in addition to their prescribed medication, as well.

Q15. What if my suspicions are wrong? What happens if I send someone for a drug test and the drug test comes out negative?

Answer: You cannot and will not be penalized for carrying out this aspect of your duties as a supervisor. You have the support of the City in its efforts to create a safe and effective drug-free workplace. If the employee is not using drugs, and the drug test comes back negative, you have still done your duty.

Further, regardless of the outcome of the drug test (positive or negative) you and your department will take administrative action regarding the behaviors that caused concern. That is, the employee is subject to discipline for the behavior that prompted reasonable suspicion.

Q16. If the employee tests positive, does that mean that the employee cannot be disciplined?

Answer: NO. A substance problem does not excuse behavior that any other employee would be disciplined for.

Q17. If Medical Services finds that the employee's behavior was due to a medical condition and not to drug use, does that mean that the employee cannot be disciplined?

Answer: NO. The presence of a medical condition does not excuse behavior that any other employee would be disciplined for; however, the medical condition is often considered as a mitigating factor in the disciplinary process.

Q18. Where do I take the employee for drug testing after regular business hours?

Answer: The City has contracted with independent drug-testing facilities for this purpose. Click on the link to find the facility closest to you. {need a list and links}

Q19. What do I tell the contract facility when I get there?

Answer: Tell them that you are requesting a drug test for a City employee. Be sure to inform the testing facility whether the employee is covered by DOT regulations.

Q20. Can I call EAP to do the drug testing?

Answer: NO. EAP does not perform drug testing.

Q21. Can EAP help at all?

Answer: YES. EAP is able to assist you in dealing with the employee. Call 800-213-5813 and press "4". You will be directed to a member of the Management

Consultation team who can coach you on how to work with the employee in order to get them to the drug testing location.

Q22. Am I responsible for getting the employee home after the drug testing is finished?

Answer: You are responsible for bringing the employee back to the work site. Department/Bureau's Personnel Section will assist you in reaching their emergency contact to arrange transportation home. The employee may not arrange their own form of transportation or leave on foot, bus, taxi, etc.