



Ohio Administrative Code

Rule 123:1-76-10 Reasonable suspicion testing.

Effective: November 9, 2018

(A) Where there is reasonable suspicion to believe that an employee, when appearing for duty or on the job, is under the influence of, or his/her job performance is impaired by, alcohol or other drugs, the employee may be required to submit a urine specimen for testing for the presence of drugs or a breath sample for testing for the presence of alcohol.

(B) Such 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. Examples of reasonable suspicion shall include, but need not be limited to, slurred speech, disorientation, and abnormal conduct or behavior.

(C) Reasonable suspicion must be documented in writing according to procedures prescribed in applicable federal regulations, any applicable collective bargaining agreement covering the employee or, in the absence of any such regulations or agreement, by procedures developed by the director of the department of administrative services.

(D) Reasonable suspicion testing shall also include incident-based accident or unsafe practice testing wherein employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to themselves, to others, or the overall operation of the agency may be subject to testing. Such incident-based reasonable suspicion testing shall be for conditions and situations and according to procedures prescribed by applicable collective bargaining agreements covering the employee or, in the absence of any such agreement, according to conditions and procedures developed by the director of the department of administrative services. Employees subject to federal testing procedures will submit to federal post-accident testing as required by federal regulations.

(E) The employee shall be asked to provide the urine sample or submit to a breath test for alcohol in accordance with criteria delineated in the applicable collective bargaining agreement for the employee or, in the absence of any such agreement, according to criteria developed by the director



of the department of administrative services or as required by federal regulations.

(F) 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 director of the department of administrative services. Failure to receive such training shall not, however, invalidate otherwise proper reasonable suspicion testing.

(G) Employees shall be given the opportunity as required by applicable collective bargaining agreements or, in the absence of such agreements, as stipulated by the director of the department of administrative services to offer an explanation or submit medical documentation of legally prescribed medications, legally recommended medical marijuana, or exposure to toxic substances which may explain a positive test result. Such information shall be reviewed only by the medical review officer in his/her determination of the validity of a positive confirmatory test and shall be released to the employer only to explain a test result.