Non-DOT Supervisor’s Checklist for “Probable Cause” Determination

Observable Behavior

Employee: 
Department: 
Date of Observation: 

A supervisor may require an employee to submit to a drug or alcohol test if the facts and circumstances within the supervisor’s actual knowledge, and of which the supervisor has reasonable, trustworthy information, are enough to cause a reasonably cautious person to believe that a test will produce evidence that the employee has prohibited drugs or alcohol above the cutoff level in the employee’s body. If possible, 2 supervisors at the work site should observe the employee, or review the relevant information about the employee, before requiring the employee to submit to a drug or alcohol test. The following observations must be documented:

**Directions:** Check pertinent items and describe the incident related to observation.

<table>
<thead>
<tr>
<th>1. WALKING</th>
<th>Staggering</th>
<th>Falling</th>
<th>Holding on</th>
<th>Normal</th>
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<tr>
<th>2. STANDING</th>
<th>Swaying</th>
<th>Rigid</th>
<th>Unable to stand</th>
<th>Normal</th>
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<tr>
<th>3. SPEECH</th>
<th>Shouting</th>
<th>Slow</th>
<th>Rambling</th>
<th>Mute Slurred</th>
<th>Incoherent</th>
<th>Normal</th>
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<thead>
<tr>
<th>4. ACTIONS</th>
<th>Fighting</th>
<th>Threatening</th>
<th>Calm</th>
<th>Drowsy</th>
<th>Profanity</th>
<th>Over-excited</th>
<th>Hostile</th>
<th>Eratic</th>
<th>Crying</th>
<th>Cooperative</th>
<th>Normal</th>
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<th>5. EYES</th>
<th>Bloodshot</th>
<th>Watery</th>
<th>Dilated</th>
<th>Glassy</th>
<th>Droopy</th>
<th>Closed</th>
<th>Normal</th>
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<tr>
<th>6. APPEARANCE-CLOTHING</th>
<th>Messy</th>
<th>Dirty</th>
<th>Partially dressed</th>
<th>Neat</th>
<th>Normal</th>
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<th>7. BREATH</th>
<th>Alcoholic odor</th>
<th>Faint alcoholic odor</th>
<th>Normal</th>
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<tr>
<th>8. OBSERVATION OF USE</th>
<th>Drinking</th>
<th>Smoking</th>
<th>Taking a pill</th>
<th>Snorting</th>
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**OTHER BASIS FOR REQUIRING TESTING**

☐ Probable cause established  ☐ Probable cause NOT established

Supervisor’s Signature:  Date: 
Witness Signature (If Available):  Date: 
Probable Cause Determination

Knowing the Signs

Moods:
- Depressed
- Anxious
- Irritable
- Suspicious
- Complains about others
- Emotional unsteadiness (e.g. outbursts of crying)
- Mood changes after lunch or break

Actions:
- Withdrawn or improperly talkative
- Spends excessive amount of time on the telephone
- Argumentative
- Has exaggerated sense of self-importance
- Displays violent behavior
- Avoids talking with supervisor regarding work issues

Absenteeism:
- Acceleration of absenteeism and tardiness, especially Mondays, Fridays, before and after holidays
- Frequent unreported absences, later explained as “emergencies”
- Unusually high incidence of colds, flus, upset stomach, headaches,
- Frequent use of unscheduled vacation time
- Leaving work more than necessary (e.g. frequent trips to water fountain and bathroom)
- Unexplained disappearances from the job with difficulty in locating employee
- Requesting to leave work early for various reasons

Accidents:
- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job

Work Patterns:
- Inconsistency in quality of work
- High and low periods of productivity
- Poor judgment/more mistakes than usual and general carelessness
- Lapses in concentration
- Difficulty in recalling instructions
- Difficulty in remembering own mistakes
- Using more time to complete work/missing deadlines
- Increased difficulty in handling complex situations

Relationship to Others on the Job:
- Overreaction to real or imagined criticism (paranoid)
- Avoiding and withdrawing from peers
- Complaints from co-workers
- Borrowing money from fellow employees
- Persistent job transfer requests
- Complaints of problems at home such as separation, divorce, child discipline problems

**Probable Cause requires a higher level of certainty than is required for (DOT) Reasonable Suspicion testing.**