

Substance Abuse Policy and Drug Free Program

Document: PROG-2650 – Rev Level 2.0

Date of Last Review: April 23, 2019

Date of Last Revision: 04/23/2019

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Electronically Stored Document: Valid for one day past the print date

1.0 Purpose

- 1.1 The purpose of this document is to establish minimum substance use and abuse control requirements that Clayco (hence known as the Owner) expects from all employees, contractors and their subs, and those visiting the Owner's sites. It is the Owner's core value that employees have the right to work in a drug free environment and to work with persons free from the effects of drugs and alcohol.
- 1.2 The purpose of this document is set policies and procedures in the Owner's vital interest in maintaining safe, healthful and efficient working conditions for our employees, contractor's employees to create workplaces that are safer and more productive without the presence of illegal or inappropriate drugs and/or alcohol in the body and/or on company property.
 - 1.2.1 Minimum expectations is that the use of illegal drugs, on or off duty, as well as the misuse and abuse of alcohol, is inconsistent with law-abiding behavior expected of all citizens.
 - 1.2.2 Use of a prescription drug issued in another person's name is deemed a violation of this policy. Use of a prescription drug in excess of the prescribed dosage is deemed a violation of this policy.
 - 1.2.3 The use of controlled substances, possession, or sale of alcohol or drugs, including, but not limited to, narcotics, hallucinogens, depressants, stimulants, marijuana, or other controlled substances including the use of recreational marijuana where permissible by state or local laws, shall not be allowed on any Owner's site or consumed by employees, contractor's employees, or site visitors that would cause impairment that possible impair the ability of employees to perform tasks that are critical to proper work performance.

2.0 Definitions

- 2.1 Illegal Drugs - Any substance defined or classified as a controlled substance pursuant to the Title II of The Federal Comprehensive Drug Abuse Act of 1970.
- 2.2 Alcohol - Any beverage, over-the-counter and/or prescription medication that contains alcohol.
- 2.3 Prescription Drugs – Any controlled or otherwise regulated substance which is authorized by a licensed medical professional that is taken in specified amounts at specific times to treat a confirmed medical condition.
- 2.4 Positive Tests; Test results having been confirmed by a medical review officer which indicate a presence of any legal or illegal substances at or above the threshold limits as set forth in Schedule I through V of Part B of the Controlled Substance Act (21 USCS Section 812) or as defined by any applicable Federal Government regulations.
- 2.5 Negative Tests; Test results indicating that legal or illegal substances are at levels below the threshold limits as set forth in section 2.4 above.

3.0 Responsibilities

- 3.1 Contractual Requirements
 - 3.1.1 All Contractors and their Subcontractors must have and enforce a written substance abuse program applicable to all its employees and prospective employees incorporating the testing requirements, terms and conditions set forth in this specification in order to be eligible to perform the Owner's work.

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- 3.1.2 All Contractors and their Subcontractors shall comply with this specification. Suppliers, vendors and visitors are subject to confirmation of their abstinence from the possession or use of substances indicated in this specification.
- 3.1.3 This substance abuse program shall apply all Contractors' and their Subcontractor's employees on the Owner's Project site including workers, new hires, replacements, and supervisory personnel. It is a condition of employment and all employees are required to comply with this policy.
- 3.1.4 New employee or prospective employee of a Subcontractor shall be permitted to work on the Owner's site unless such employee has acknowledged his understanding in writing of the requirements of the testing program and has submitted to testing as required by this specification.
- 3.1.5 A letter, on the Contractor's or Subcontractor's letterhead, or other acceptable documentation stating the employees names that have been pre engagement tested and have passed, shall accompany all new employees prior to the Owner's New Site Safety Orientation attendance in that training. Letter and/or other documentation shall be reviewed and approved by the Owner's site safety personnel.
 - 3.1.5.1 Pre Engagement Testing will be performed unless prohibited by applicable Laws, or by specific Owner or Client restrictions, or according to any specifically negotiated labor agreements.
- 3.1.6 Each Contractor and their Subcontractors shall train their employees in methods that will allow them to recognize suspected substance abusers. Supervisory employees of the Subcontractor or their Subcontractor shall be trained to take action, and to confront a substance abuser in a manner consistent with generally accepted safety-training procedures.
- 3.1.7 Each Contractor and their Subcontractors shall furnish a copy of its Substance Abuse Program to the Owner or his authorized agent prior to commencement of work on the Project site. The cost of implementing this substance abuse testing program shall be borne by each respective Contractor and their Subcontractors affected by this specification.
 - 3.1.7.1 For Prescription Drug, the Contractor and its Subcontractors should have a licensed physician determine if use of a prescription drug or medication by an employee may produce effects which increase the risk of injury to the employee or others while working and may request that the employee be limited in the work activity per the recommendation of the physician.

4.0 Substance Abuse Testing Required:

- 4.1 PRE-ENGAGEMENT TESTING: All contractor or subcontractor employees or prospective employees shall be required to submit a letter or other documentation to the Owner's site Safety Representative that testing for all substances other than alcohol has been completed as set forth in section 3.1.4 prior to or on their first day of work at the Owner's site of construction.
 - 4.1.1 Contingent on the approval of the Owner's site Safety Representative, any employees or prospective employees may be allowed to begin work on a contingent basis upon completion of the testing process on a temporary basis pending their negative test results.
- 4.2 Exemptions from Pre-Engagement testing shall include:
 - 4.2.1 Contractors or subcontractor employees who can provide the owner or his authorized agent with certification of previous drug test that has occurred within 90 days that meets the standards as set forth in section six (6) of this policy. Certification must indicate a negative result for each of the drugs listed herein.
 - 4.2.2 Contractors or subcontractor employees who participate in a recognized substance abuse testing program that has been previously approved by the owner.

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- 4.3 **RANDOM TESTING:** All employees on the owner's site of construction shall be subject to unannounced random drug and alcohol testing.
- 4.3.1 Unless otherwise determined appropriate by the Owner in its sole discretion, random testing may be conducted on a monthly basis at a random selection rate of ten percent (10%). Random selections shall be made by a third party utilizing a numerical computer program designed to insure that no employee can be singled out. Employees selected for random testing shall report within one hour to the collection site for testing. Probationary status employees shall be included in all random selections.
- 4.4 **REASONABLE SUSPICION AND/OR FOR CAUSE TESTING;** All employees on the owner's site of construction will be subject to a drug and alcohol test when an owner or employer representative has reason to believe that the employee may be under the influence of a legal or illegal controlled substances and/or alcohol. Reasonable suspicion means suspicion based on specific personal observations that the employer or owner representative can document concerning the appearance, behavior, speech or breathe odor of the employee. Suspicion is not reasonable and thus not a basis for testing if based solely on third (3rd) party observation and reports.
- 4.5 **POST-ACCIDENT/INCIDENT TESTING;** All employees on the owner's site of construction shall be subject to a drug and alcohol test following
- 4.5.1 An on-the-job injury requiring medical treatment,
- 4.5.2 Following a potentially serious incident, including near misses in which safety precautions were violated,
- 4.5.3 Unsafe instructions or orders were given,
- 4.5.4 A potentially serious accidents occurred were vehicles, equipment or property was damaged in excess of \$500,
- 4.5.5 An unusually careless acts was performed,
- 4.5.6 Where the cause was due to failure to wear prescribed personal protective equipment.
- 4.5.7 Employees involved in or that may have contributed in the incident may have their urine, breath or blood tested and screened.
- 4.5.8 **NOTE:** If it is impossible or impractical because of the physical condition of the individual(s) involved in the accident to give urine, breath or blood sample and if in subsequent medical treatment that person(s) blood or other bodily fluid will be drawn, then said blood or other bodily fluids may be analyzed for prohibited substances.
- 4.6 **Procedures for Post-Accident/Incident Testing:** The Contractor or their Subcontractor's Company supervisor is to accompany their injured employee(s) or those involved in the accident or incident to the clinic or medical facility. The Contractor or their Subcontractor's supervisor shall certify any employee(s) involved in an accident or incident tested negative for drugs and alcohol prior to allowing them to return to the project premises.
- 4.6.1 If required by the local testing facility, the employee's supervisor shall obtain and carry a Chain of Custody form & unopened laboratory kit for the physician or third party designee (collector) to use in collecting the urine/blood samples.
- 4.6.2 The contractor's supervisor should see that the employee and collector both signed and completed the Chain of Custody form. The physician or collector will verify the samples collected by signing the form and returning the Contractor copy to the supervisor. A copy of this completed form shall be attached to the field accident report submitted by the supervisor to the Site Safety Manager. The physician, collector, clinic or medical facility will retain a copy and a copy will be given to the injured employee.

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- 4.6.3 If the injured employee refuses to give a specimen of body fluid, the supervisor is to call the Project Manager and/or Project Superintendent. The Project Manager and/or Project Superintendent are to advise the employee again that refusal to submit to drug screening is a violation of the Site Specific Safety Plan's Substance Abuse Policy and that refusal will result in removal from the Owner's jobsite then subject to the Contractor's or their Subcontractor's substance abuse and/or disciplinary protocols.
- 4.6.4 If the injured employee continues to refuse to submit to a drug screening, the doctor or clinic shall be advised to treat the employee for his/her injuries.
- 4.6.5 After treatment is rendered the supervisor and the injured employee should return to the project, meet with the Owner's Safety Representative, Project Superintendent, and Project Manager where they will be formally removed from the Owner's jobsite by their employer.
- 4.6.5 Documentation of the employee's removal from the Owner's jobsite should be attached to the employee's First Report of Injury form.

5.0 Testing Requirements

- 5.1 The contractor or subcontractor shall perform pre-engagement, random, reasonable suspicion and/or for cause, and post-accident or incident testing as follows:
- 5.2 Drug Testing: All urine samples collected under this program shall be analyzed by a NIDA/ SAMHSA certified laboratory and shall include an initial Enzyme Multiplied Immunoassay Screening test and a Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test with all positive test results interpreted by a licensed Medical Review Officer (MRO).
- 5.2.1 As a minimum, all samples will be screened for the standard Substance Abuse and Mental Health Agency six (6) drugs profile with the Department of Health and Human Services *Mandatory Guidelines* (most recent version) cut off levels.
- 5.2.2 In addition, the recommended testing for barbiturates, benzodiazepine, methadone, and propoxyphene shall be included except for those Owner employees, Contractor and their Subcontractor employees falling under DOT requirements.
- 5.3 Alcohol Testing:
- 5.3.1 The initial screening tests for alcohol shall be performed by using either a saliva test or a DOT approved Breathalyzer.
- 5.3.2 Alcohol confirmatory tests shall be performed by either a blood alcohol test or a DOT approved Breathalyzer.
- 5.4 Threshold Limits - The minimum substance abuse testing requirements for this policy shall include the following substances and cut-off levels:

	Confirmed Screen Level	Confirmation Test Cut-Off Level
Drugs tested for	(Ng/ml)	(Ng/ml)
Amphetamines	300	300
Barbiturates	300	100
Benzodiazepines	300	100
Cocaine Metabolite	300	150
Marijuana Metabolites	20	10
Methadone	300	100
Methaqualone	300	200
Opiates	300	150
Phencyclidine (PCP)	25	25

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Propoxyphene	300	200
Alcohol	.04%	.04%

5.4.1 An alcohol screening or confirmation result of 0.0299-0.0399% shall be sufficient cause to remove the employee from the owner's site for a minimum of 24 hours.

5.4.2 For an employee working under the provisions of a DOT driver/operator, an alcohol screening or confirmation result of 0.0299-0.0399% shall be sufficient cause to remove the employee from the owner's site permanently. These cases must be reported to the DOT.

6.0 Policy Violations

6.1 An employee's failure to comply with any provisions of this policy shall be considered a violation of the owner's policy and shall necessitate the employee's completion of the reinstatement procedures.

6.2 A determination for violation of the owner's policy shall include, but not be limited to:

1. A confirmed positive drug or alcohol test.
2. Failure or refusal to sign notice of policy.
3. Failure to contact the medical review officer as directed.
4. Failure to report as directed for any drug and/or alcohol testing.
5. The use, possession, sale or distribution of alcohol or a controlled illegal or unauthorized substance, or the presence of any employee in the work place with such ingested substances for non-medical reasons.
6. Working, reporting to work, being in the work place, or in an owner or employer owned, leased or rented vehicle while under the influence of alcohol.
7. The refusal to submit a specimen for testing, or the switching, adulterating, or attempting to tamper with any sample submitted for drug or alcohol testing, or otherwise interfering or attempting to interfere with the testing process will be viewed as a positive test and will carry with it the same consequences as specimens tested and reported as positive.
8. The use of a controlled substance by an individual other than the individual for whom the controlled substance was prescribed or the abuse of a controlled substance by the individual for whom it was prescribed is prohibited.

7.0 Compliance Procedure

7.1 The owner reserves the right to audit any substance abuse program required by this specification to verify compliance within twenty-four (24) hours of the owner's notification of intent to audit and the owner or his authorized agent shall have free right of access to all relevant records of the Contractor and their Subcontractors for this purpose.

7.2 The Contractor and their Subcontractor employees who violate any portion of this policy shall be required to immediately leave the owner's site of construction and shall be prohibited from returning to any of the owner's sites of construction for a period of sixty (60) days.

7.3 Employees desiring to return to the owner's site of construction after the sixty-day period must first provide evidence of their completion of the reinstatement procedures as set forth in Section 8.0.

8.0 Reinstatement Procedures

8.1 An employee may be returned to the Owner's site of construction at the discretion of the owner after the following conditions have been satisfied:

1. Evidence is submitted to the Owner or his authorized agent and the Contractor or their Subcontractor that the employee is employed with and that individual has completed or is actively participating in an approved drug/alcohol assessment, treatment, and/or counseling program.

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2. Evidence is submitted to the Owner or his authorized agent and the Contractor or their Subcontractor that the employee is employed with of the individual's negative drug and alcohol test that meets the requirements in Section 5 of this policy.
3. The employee submits a signed statement to the Owner or his authorized agent and the Contractor or their Subcontractor that the employee is employed with acknowledging that the employee will be subject to additional random testing under a probationary status. Probationary status employees shall be included in the monthly random while on the any of Owner's site of construction.

9.0 Cooperation and Review

- 9.1 The Contractor's and subcontractor's substance abuse program shall be furnished to the owner or his authorized agent for review prior to hiring the contractor.
- 9.2 The subcontractor shall provide summary reporting of their program compliance as required by the owner to the general contractor who shall include the same with his compliance reporting.
- 9.3 The owner reserves the right to amend this specification upon written notice to the contractor.

10.0 Record Responsibility and Retention

- 10.1 Each Contractor and their Subcontractor is responsible to maintain all documents in support of this policy for the life of this project – plus seven years beyond at a minimum.
- 10.2 Records shall be maintained in such a manner to prevent any deterioration and protect the integrity of data and content of each record.
- 10.3 Copies of these records shall be made available upon demand plus one business day to the Owner as needed and in accordance with HIPPA and ADA laws.

Revision		Description of Revision
Date	#	
1/23/17	1.0	Initial Revision
3/19/17	2.0	Revised format to MIL standard numbering, updated logo, added section of medical marijuana and clarification on prescription drugs requirements – added Record Responsibility and Retention section