



## **Substance Abuse Prevention Program**

### **REFERENCES:**

In an effort to create a safe workplace, Sisters of Mercy (the Owner) has adopted as a guide the Council of Construction Consumer's Substance Abuse Prevention Program and Policy involving substance abuse testing. Nothing in this policy is intended as a substitute for the contractor's or subcontractor's complete written substance abuse policy. This program is intended as a guide to the minimum requirements for complying with the owner's requirements for a drug free work place.

### **PURPOSE:**

This procedure describes the requirements for instituting and enforcing a substance abuse program that must be adopted by contractors working at Mercy facilities.

### **POLICY:**

This procedure applies to illegal drugs or abuse of alcohol or prescription drugs by a contractor, sub-contractor, vendor, supplier and delivery person (all referred to as "contractors" from here on in) hired to provide planning, design and construction services or materials to the Sisters of Mercy.

### **RESPONSIBILITY:**

It is the responsibility of the PD&C Project Manager to ensure that the contractor has received and complied with the requirements of this procedure.

### **BACKGROUND:**

Mercy has a vital interest in maintaining safe, healthful and efficient working conditions for contractor employees. Mercy maintains that the work environment is safer and more productive without the presence of illegal or inappropriate drugs and or alcohol or other substances in the body and/or on company property. The use of illegal drugs, on or off duty, is inconsistent with law-abiding behavior expected of all citizens.

The use of illegal drugs, or abuse of alcohol or prescription drugs, may impair the ability of employees to perform tasks that are critical to proper work performance. The result is an increase in accidents and failures that pose a serious threat to the safety of all employees, visitors and the general public. Impaired employees also tend to be less productive, less reliable and prone to greater absenteeism, resulting in the potential for increased costs and delays in the timely completion of contracts.

Furthermore, employees have the right to work in a drug free environment and to work with persons free from the effects of drugs and alcohol. Employees who abuse alcohol or drugs are a danger to themselves and to other employees



## PROCEDURE:

### 1. CONTRACTUAL REQUIREMENTS

- a. The Contractor must have and enforce a written Substance Abuse Program (SAP) incorporating the testing requirements, terms and conditions set forth in this procedure, applicable to all its employees and prospective employees in order to be eligible to perform the owner's work. The contractor and all subcontractors shall comply with the SAP. Suppliers, vendors and visitors are subject to confirmation of their abstinence from the possession or use of substances indicated in this procedure.
- b. This SAP shall apply to contractor and subcontractor employees on the owner's site of construction including workers, new hires, replacements, and supervisory personnel. No employees or prospective employee of a contractor or subcontractor shall be permitted to work on the owner's site of construction unless such employee has acknowledged his / her understanding of the requirements of the testing program and has submitted to testing as required by this specification.
- c. The contractor and each subcontractor shall train their employees in methods that will allow them to recognize substance abusers. Supervisory employees of the contractor or subcontractor shall be trained to take action, and to confront a substance abuser in a manner consistent with generally accepted safety training procedures.
- d. The contractor and each subcontractor shall furnish a copy of its substance abuse program to the owner, prior to commencement of work on the owner's site of construction.
- e. The cost of implementing its substance abuse program shall be borne by each respective contractor or subcontractor affected by this specification.

### 2. DEFINITIONS

- a. **POSITIVE TESTS:** Test results having been confirmed by a medical review officer which indicate a presence of legal or illegal substances at or above the threshold limits as set forth in The Threshold Limits section below.
- b. **NEGATIVE TESTS:** Test results indicating that legal or illegal substances are at levels below the threshold limits as set forth in The Threshold Limits section below.
- c. **PRE-ENGAGEMENT TESTING:** Testing for all substances other than alcohol as set forth in The Threshold Limits section below shall be conducted by the contractor or subcontractor for their employees or prospective employees within one hundred twenty (120) days prior to their appearance on the owner's site of construction

### 3. EXEMPTIONS FROM PRE-ENGAGEMENT TESTING SHALL INCLUDE:

- a. Contractors or subcontractor employees who can provide the owner or his authorized agent with certification of a previous drug test occurring within one hundred twenty (120) days that meets or exceeds the standards as set forth in **The Threshold Limits** section of this policy and which indicates a negative result for each of the drugs listed herein.
- b. Employees or prospective employees with an active status in the Construction Industry Substance Abuse Consortium or other qualified Substance Abuse Testing Program.



4. RANDOM TESTING:

- a. Testing for all substances set forth in **The Threshold Limits** section, conducted by the respective Contractor or subcontractors for their employees on the Owner's site of construction at random times and with a random selection rate of at least fifty percent (50%) of Contractors' or subcontractors' employees annually.
- b. The frequency of random testing for a Contractor or subcontractor's job of less than one (1) year will be adjusted proportionately to the duration of the job, but in any event at least one employee per month shall be tested.
- c. Employees selected for random testing shall report to the same drug testing laboratory or collection site and provide a specimen the same day that they are notified that they have been selected
- d. Exceptions from random testing shall include active members of **The Construction Industry Substance Abuse Consortium** and/or other qualified Substance Abuse Testing Program shall be exempt from the owner's random testings provided the member remains subject to their respective random testing program.

5. FOR CAUSE TESTING:

- a. Testing for all substances as set forth in **The Threshold Limits** section conducted by the contractor or subcontractors for their employees on the owner's site of construction in which an employee is acting in an abnormal manner which leads an owner or employer representative to believe that the employee is under the influence of controlled substances.
- b. Reasonable suspicion means suspicion based on specific personal observations that the employee or owner representative can document concerning the appearance, behavior, speech or breath 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.

6. POST ACCIDENT/INCIDENT TESTING:

- a. Testing for all substances as set forth in **The Threshold Limits** section below, conducted by the contractor or subcontractors for their employees on the owner's site of construction following an on-the-job injury requiring medical treatment or following a potentially serious incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given, potentially serious accidents occurred where vehicles/equipment/property was damaged, unusually careless acts were performed, or where the cause was due to failure to wear prescribed personal protective equipment.
- b. Employees involved or that may have contributed in the incident may have their urine, breath or blood tested and screened. If it is impossible or impractical, because of the physical condition of the individual(s) involved in the incident to give a urine, breath or blood sample, and if in subsequent medical treatment that person(s) blood or other bodily fluid will be drawn, then the blood or other bodily fluids may be analyzed for prohibited substances.



7. TESTING REQUIREMENTS

- a. The contractor or subcontractor shall perform pre-engagement, random, for cause, and post-accident/incident testing as follows:
- b. Drug Testing: All urine samples collected under this program shall be analyzed by a NIDA/SAMSHA certified laboratory and shall include an initial Enzyme Multiplied Immunoassay Screening test and a Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test will all positive test results interpreted by a licensed Medical Review Officer (MRO).
- c. Alcohol Testing: The initial screening tests for alcohol shall be performed by using either a saliva test or a DOT approved breathalyzer. Alcohol confirmatory tests shall be performed by either a blood alcohol test or a DOT approved breathalyzer.

8. THRESHOLD LIMITS (HR should verify these threshold limits)

The minimum substance abuse testing requirements for the following substances shall be:

<b>Drug</b>	<b>Confirmed Initial Level (ng/ml)</b>	<b>Confirmation Test (ng/ml)</b>
Amphetamines	300	300
Cocaine Metabolite	300	150
Marijuana Metabolite	20	10
Opiates	300	150
Phencyclidine (PCP)	25	25
Barbiturates	300	100
Benzodiazepines	300	100
Methadone	300	100
Methaqualone	300	200
Propoxyphene (e.g., Darvon, Propacet)	300	200
Alcohol	0.04%	0.04%

9. COMPLIANCE PROCEDURE

- a. The owner reserves the right to audit any substance abuse program required by this specification to verify compliance results within twenty-four (24) hours of the owner’s notification of intent to audit and the owner shall have free right of access to all relevant records of the contractor and it’s subcontractors for this purpose.
- b. The contractor’s or subcontractors employee who refuses to submit to testing or receives a confirmed positive test result for any of the substances indicated in the Threshold Limits section shall be required to immediately leave the owner’s site of construction.
- c. The contractor’s or subcontractor’s employee who refuses to submit to testing or receives a confirmed positive test result for any of the substances indicated in **The Threshold Limits** section shall be prohibited from returning to any of the owner’s sites of construction for a period of sixty (60) days.



Employees desiring to return to the owner's site of construction after the sixty day period must provide evidence of their completion of the reinstatement procedures set forth in Section 6.

#### 10. REINSTATEMENT PROCEDURES

- a. A worker receiving a confirmed positive test result for any of the substance indicated in **The Threshold Limits** section may be returned to the owner's site of construction after the following conditions are satisfied.
  - i. Evidence is submitted to the owner or his authorized agent that the worker has completed or is actively participating in an approved drug/alcohol assessment, treatment, and/or counseling program.
  - ii. Evidence is submitted of the worker's passing of a drug and alcohol test that meets or exceeds the requirements in **The Threshold Limits** section of this policy.
  - iii. The worker must submit a signed statement acknowledging that he will be subject to additional random testing under a probationary status at least one (1) time per 700 man-hours worked by the employee for at least three (3) years from the date of return.

#### 11. COOPERATION AND REVIEW

- a. The contractor's and subcontractor's substance abuse program shall be furnished to the owner for review prior to hiring the contractor.
- b. The subcontractor shall provide summary reporting of program compliance to the contractor. The contractor shall provide summary compliance reporting to include subcontractor compliance to the owner.
- c. The owner reserves the right to amend this specification upon written notice to the contractor.