

<b>Drug, Alcohol and Contraband</b>	S.O.P. 5A		Page 1 of 8
	10/01	Rev. 1	
	Review Date:		
	10/01		
Approved by:			
STANDARD OPERATING PROCEDURE			

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### I. SCOPE AND PURPOSE

- A. This Drug, Alcohol, and Contraband Policy (this “Policy”) has been established by the Company for the following purposes:
  - 1. To provide a safe and healthy work environment;
  - 2. To protect the general public;
  - 3. To maintain productivity and the quality of the services provided by the Company;
  - 4. To protect Company property;
  - 5. To deter unlawful drug and alcohol use by Company employees;
  - 6. To investigate possible individual impairment, and
  - 7. To comply with applicable laws and regulations.

**NOTE:** *The Company does not intend for this policy to alter the nature of the relationship between the employee and the company Employment is all times “at will,” meaning that either the company or the employee may terminate the employment at any time.*

### II. RELATED PROCEDURES AND RESOURCES

- A. Policy Statement 1 F - Drug, Alcohol and Contraband Policy Statement
- B. S.O.P. 2B, Project Human Resources Management
- C. S.O.P. 5B, Bloodborne Pathogens Control
- D. Appendix Attachment Form 1A.1a, Employee Emergency Medical Profile
- E. Appendix Attachment Form 5A.1a, Receipt, Acknowledgement and Consent to Terms: Drug, Alcohol and Contraband Policy and Procedure.

### **III. DEFINITIONS**

- A. **Company Premises** means:
  - 1. All premises and locations owned by, leased by or under the control of the Company, including all parking lots, lockers and storage areas.
  - 2. All premises and locations at which the company or any of its employees performs work;
  - 3. All premises or locations which are assigned to the Company for its use or the use of any of its employees by any client or customer including all parking lots, lockers, and storage areas; and
  - 4. All vessels and automobiles, aircraft, trucks and other vehicles owned by, leased by, used by or otherwise under the control of the company or any of the Company's clients and customers.
- B. **Illegal Drugs** are any drug or other similar substances where the possession, use, concealment, transportation, promotion, purchase or sell of which are illegal by any law of the United States or regulation of any U.S. department, or by any law or regulation of the State in which the employee of the Company is working or in which the Company premises are located.
- C. **Controlled Substance** means:
  - 1. Any drugs, substances or items which are defined or listed as a controlled substance by any law of the United States or regulation of any U S department or by any law or regulation of the state in which the employee of the company is working or in which the Company premises are located.
  - 2. Specifically includes, but is not limited to, any drugs, substances or items which are defined or listed as controlled substances in 21 U.S.C. 812, 21 CFR Part 1308.
- D. **Contraband** shall mean firearms, ammunition, explosives, weapons or drug paraphernalia.
- E. **Testing and Screening** shall mean at a D.O.T. minimum panel.
- F. **Reasonable Suspicion** means a belief based on objective and articulate facts sufficient to lead a prudent company official or supervisor to suspect that an employee is under the influence of drugs or alcohol.

### **IV. PROHIBITED SUBSTANCES AND CONDUCT**

- A. Prohibited Items and Substances
  - 1. All employees of the Company are prohibited from possessing, using,

concealing, transporting, promoting, purchasing or selling any of the following items or substances on all Company premises.

- a. Any illegal drugs,
- b. Any non-prescribed controlled substance (over-the-counter, misuse);
- c. "Synthetic drugs," "designer drugs" or "look-alike drugs";
- d. Alcoholic beverages (except with the specific permission of the Company at official Company functions),
- e. Drug paraphernalia.
- f. Contraband

2. Adulterating any urine or blood sample.
3. Providing a sample other than person named on Chain of Custody

**B. Alcohol**

1. All employees of the company are prohibited from possessing, working, reporting for work or being on Company premises under the influence of alcohol. An employee will be considered to be under the influence of alcohol under any one or more of the following circumstances:
  - a. Alcohol testing shall be done by breath analyzer test (BAT) or saliva test.
  - b. If his or her blood alcohol concentration is .01% or more;
  - c. If he or she would be considered as under the influence of alcohol pursuant to any applicable federal, state, or local law, rule or regulation, or
  - d. If other circumstances show him or her to be under the influence of alcohol.

**C. Drugs**

1. All employees of the Company are prohibited from working, reporting for work or being on Company premises with any detectable amount of any illegal drug or non-prescribed controlled substance or metabolite thereof in their systems.
2. Misuse of prescription or over-the-counter medications.

**D. Client or Customer Rules**

1. In addition to the rules and requirements set forth in this Policy, "The Company" and all employees of "The Company" will be required to comply with all rules and requirements of the Company's clients and customers.

**E. Federal, State and Local Laws, Rules and Regulations**

1. In addition to the rules and requirements set forth in this policy, "The Company" and all employees of the company must comply with all applicable federal, state and local laws, rules and regulations in connection with their work with the Company

**V. SEARCHES AND INSPECTIONS**

- A. The Company may, at any time and without advance notification, conduct searches or inspections of any employee of the company. Areas subject to these searches or inspections include, without limitation, employees':
  - 1. Lockers
  - 2. Lunch boxes
  - 3. Personal effects
  - 4. Clothing
  - 5. Work areas
  - 6. Vehicles
- B. Employees should have no expectation of privacy in these or similar areas.
- C. Searches or inspections will be made for the purpose of determining if the searched employees are using, possessing, transporting, or concealing any prohibited items or substances. Searches and inspections may be conducted by supervisors or by other individuals or entities authorized by the Company or by its clients or customers. Trained dogs may be used.
- D. Prohibited items may be confiscated and turned over to law enforcement authorities.

## **VI. ALCOHOL & DRUG TESTING OF EMPLOYEES & SUBCONTRACTORS**

- A. The Company shall test employees of the Company for the purpose of detecting alcohol, illegal drugs or controlled substances or metabolites thereof in their systems by using urine, blood, breath or other tests. These tests shall be used in any of the following circumstances:
  - 1. Pre-employment testing,
  - 2. Re-employment or return-to-work testing,
  - 3. Annual, periodic and random testing,
  - 4. Part of an overall search and inspection of the Company's premises,
  - 5. When a Company official or supervisor believes that there is reasonable suspension to require such a test or tests.
  - 6. When an employee of the Company is found in possession of any item or substance that is prohibited or suspected to be prohibited,
  - 7. Immediately following any accident or incident.
    - a. Post incident testing with or without injury includes MVA, mobile and stationary equipment operation.
    - b. This may include all personnel assigned to the jobsite where the accident or incident occurred.
  - 9. When required or requested by any client or customer of the Company,
  - 10. When random testing of all Company employees or groups of employees is conducted, or
  - 11. When required or permitted by any federal, state or local law, rule or regulation.
  - 12. When an employee visits an Occupation Health Clinic for any work-related matter, e.g., Medical Surveillance Physicals.

13. When an employee is subject to random testing in accordance with section XIV of this S.O.P.
- B. Random Drug and Alcohol Test shall be conducted on employees as follows
  1. For each calendar year (January 1- December 31)
  2. Unannounced and continuous
  3. Minimum five percent of project workforce for each random test
  4. A minimum of 50% for year
  5. Monthly random Alcohol and Substance abuse test as per item six (6),
  6. Random candidate selection shall be made by contacting the Safety Director. The following written request shall be made to the Safety Director.
    - a. Name of person making request,
    - b. Job Number,
    - c. Percent requested for testing,
    - d. Date you would like to test.

## **VII. ACTION THAT MAY BE TAKEN FOR POLICY VIOLATIONS**

- A. Any employee of the company refusing to be tested shall be prohibited working and will not be allowed access until a negative result is received.
- B. All elements of this policy shall apply to all employees of any subcontractor hired by the company.
- C. Employees of the Company will be required to execute various forms or documents in connection with this Policy or the testing. These forms or documents may (to the extent allowed by law):
  1. Require the disclosure of drugs and medications currently being taken or previously taken;
  2. Document the chain of custody of the specimen tested, and
  3. Acknowledge notice of this Policy and consent to its terms.
- D. The Company may authorize other individuals or entities to conduct or assist with any of the tests described above, to obtain information concerning drugs and medications currently being taken or previously taken, and to assist in the execution of all required forms or documents.
- E. Compliance with this Policy is a condition of continued employment for all of the Company's employees. Employee's shall be subject to disciplinary action up to and including termination from employment for the following:
  1. Refusing at any time to submit to a search or inspection or to a urine, blood, breath, or other test for the detection of alcohol, illegal drugs, or controlled substances or metabolites thereof;
  2. Possessing, using, concealing, transporting, promoting, purchasing, or selling any prohibited item or substance on Company premises,
  3. Working, reporting for work, or being on Company premises while under the influence of alcohol;
  4. Working, reporting for work, or being on Company premises with any

- detectable amount of an illegal drug or non-prescribed controlled substance or any metabolite thereof in his or her system,
5. Refusing or failing to complete properly and fully all forms or documents requested in connection with this policy or any urine, blood, breath or other test,
  6. Any violation of any applicable federal, state or local law, rule or regulation in connection with the employee's work with the Company,
  7. Any other violation of this Policy or of any policy, rule or regulation of any of the Company's clients or customers.

### **VIII. ALCOHOL AND DRUG TESTING OF APPLICANTS & REHIREES**

- A. Drug and Alcohol Screening Test shall be conducted on all new applicants.
- B. Applicants shall receive a negative result prior to beginning service.
- C. All Rehires shall be Drug and Alcohol tested.
- D. The Company may require anyone applying to work for the Company to take urine, blood, breath or other tests for the detection of alcohol, illegal drugs or controlled substances or metabolites.
- E. The Company may require any applicant to complete various forms and/or documents in connection with this Policy and Procedure. These forms or documents may (to the extent allowed by law):
  1. Acknowledge the receipt and consent to terms of the Drug, Alcohol and Contraband Policy & Procedure; Form 5A.1a, Receipt Acknowledgement and Consent to Terms: Drug, Alcohol and Contraband Policy.
  2. Require the disclosure of prescription and nonprescription medications currently being taken or previously taken; Form 1A.1a, Employee Emergency Medical Profile.
  3. Document Chain of Custody (presented during test/screen procedure).
- F. The company may authorize other individuals and entities to conduct or assist with any such tests, to obtain information concerning drugs and medications currently being taken or previously taken, and to assist in the execution of all required forms and documents.
- G. The Company reserves the right to refuse to hire any individual applying for employment with the Company who:
  1. Refuses to submit to any such urine, blood, breath or other tests;
  2. Fails to complete fully and properly all forms or documents; or
  3. Tests positive.

### **IX. DISCLOSURE OF INFORMATION**

- A. The company may, to the extent allowed by law, disclose:
  1. Any information, which it obtains in connection with this policy or in connection with any urine, blood, breath, or other testing procedures authorized by this policy;

2. Any information relating to the results of any test; and
3. Any information concerning drugs and medications currently being taken or previously taken to other persons or entities, including:
  - a. Representatives of the Company,
  - b. Independent laboratories and other individuals or entities whose services the company uses for performing the tests or obtaining the information, and
  - c. Any other persons or entities to which the Company is allowed by law to disclose the information.

#### **X. NON-APPLICABLE PROVISIONS AND RESERVATIONS OF RIGHTS**

The provisions of this Policy do not apply to the extent that they may conflict with any federal, state or local law, rule or regulation. The Company reserves the right to apply or not to apply any provisions of this Policy as it deems fit.

#### **XI. SEVERITY**

If any provision of this Policy is held to be invalid or unenforceable, such invalid or unenforceable provision will be deemed severable for the purpose of enforcing the remaining provisions of this Policy, which will nevertheless remain in full force and effect.

#### **XII. IMPLEMENTATION OF POLICY**

- A. It is the policy of the Company that all provisions of this S.O.P are to be strictly followed on any work site or facility used for business purposes under the scope of employment with the company.
- B. This Policy and these programs are made for the maximum safety and well being of all employees of the Company and the general public. Your assistance and cooperation for the achievement of this goal are vitally important and will be greatly appreciated.

#### **XIII. SUPERVISOR TRAINING**

- A. Supervisory training shall be provided on the policy and procedures contained herein and on the recognition of personnel under the influence of drugs or alcohol as follows:
  1. Existing Supervision (In annual program updates),
  2. Promoted Supervision (Immediately prior to promotion,)
  3. New Hire Supervision

#### **XIV. EMPLOYEE ASSISTANCE PROGRAM**

- A. While the Company does not sponsor or endorse any specific drug and alcohol treatment program, we have called upon The Council to assist us in the past. We will set up the initial appointment with a counselor and then monitor the employee's progress throughout the program period. This program is a non-profit United Way Agency and is very affordable. If, however, this program is unacceptable to the employee by virtue of expense, location, or is unable to gain help with the particular program offered, the Company will assist the employee in locating another program that is more suitable to the situation.
- B. Any employee who feels they have a substance abuse problem is encouraged to seek help before they are tested positive or cause an accident on the job. They may seek help through the Company's Employee Assistance Program (EAP) by contacting the Human Resources Manager. Continued employment may be available under certain conditions and is considered on the merits of each case. If an employee is terminated because of substance abuse, reinstatement is possible through our reinstatement procedures found in section XV of this S.O.P.

## **XV. REINSTATEMENT PROCEDURES**

- A. An employee who has been terminated or is subject to termination due to drug and/or alcohol related problems may be eligible for reinstatement or continued employment under strict conditions. Such request will be evaluated on the merits of each case.
- B. Reinstatement of terminated employees may be granted only
  1. On receipt of evidence that he/she has successfully completed a rehabilitation program since termination, or
  2. Show proof of two (2) consecutive negative drug and alcohol test results, no less than 25 days or more than 30 days apart.
- C. If reinstatement is granted, the employee will be subject to random drug and alcohol testing for a period of 90 days after reinstatement.
- D. If the employee tests positive anytime after reinstatement he/she will be terminated immediately without the possibility of reinstatement under this policy for a period of no less than 60 days.
- E. A third violation of this policy will result in the termination of the employee without any possibility of reinstatement.
- F. Employees who are allowed continued employment would be strictly supervised.