

# HSE Management System

## Drug and Alcohol Abuse Policy

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### Important Notice:

1. This procedure is a Controlled Document and shall not be amended without the authority of the Safety Specialist – North America.
2. Any queries or feedback concerning the contents of this Procedure should be addressed to the Safety Specialist – North America.
3. This document is rendered null and void upon print.

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## 1.0 INTRODUCTION

This Drug and Alcohol Abuse Policy ("Policy") is implemented by Airswift (the Company) to maintain the highest safety, health, and work performance standards possible, and to reduce work-related accidents, injuries, and damage which may be caused by drug or alcohol use or impairment. This policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property.

The Owner Members of the Houston Business Roundtable (HBR) recognize the benefits of having a safe and substance abuse-free work force. A standard contractor employee testing program will promote a safe and substance abuse-free work force. It will be more effective if it preserves the dignity of the employees that will be parties to the program. Furthermore, minimizing administrative expense by establishing a centralized reporting point where results of substance abuse testing can be readily accessed by authorized Owner and Contractor representatives will support the purpose of the program. This program will be known as the North American Substance Abuse Program (NASAP). It was developed from the concept that persons meeting the requirements of this program would have an "Active" status for all Owner sites participating in this program, unless otherwise noted.

NASAP is a standardized Contractor substance abuse program that will yield the following benefits:

- Promote a safe, drug and alcohol abuse free workplace which will reduce workplace incidents;
- Standardize individual Owner site requirements and reduce repetitious substance testing of Contractor Employee Members and related costs;
- Expedite access of Contractor Employee Members to Owner job sites without the delay and cost of waiting for test results;
- Preserve the dignity of the working men and women through standardized procedures;
- Provide a substance abuse program that can be easily audited to ensure compliance.

Appendix 1 contains definitions for Key Terms used throughout this document.

## 2.0 PURPOSE

The purpose of this program is to provide a fair and objective standardized substance abuse program that promotes a safe and substance-abuse-free workplace. This program shall be subject to audit by Owners. Reporting for work under the influence of a prohibited substance or possessing a prohibited substance is prohibited. Participating Contractors shall not knowingly use the services of any person on Owner premises who has a non-negative result, i.e., tested positive or refuses to take a test required under this program. A person who has successfully undergone rehabilitation, and passed a "Return-to-Work" test may return to work unless specific Owner practices prohibit this.

This program applies to all Contractor Employee Members of NASAP including temporary and part-time Contractor Employee Members. Failure to comply with requirements of this program will result in placement of members in "Inactive" status making them ineligible to enter Participating Owners sites.

### 3.0 “ACTIVE / INACTIVE” STATUS, TESTING, AND OWNER VERIFICATION

The system will classify Contractor Employee Members as being "Active" or "Inactive". Any Contractor Employee Member who has not complied with the requirements of this program will be classified as "Inactive". All Contractor Employee Members who have complied with the requirements of the program will be classified as "Active". The designation of an "Active" or "Inactive" status does not imply use or abuse of substances.

Testing will be administered by Third Party Administrators (TPA). TPA's will report Contractor Employee Member status to the Houston Area Safety Council where Contractors or Owners may verify a Contractor Employee Member's status. Participating Owners may only verify a Contractor Employee Member's status as "Active" or "Inactive" and will not have access to drug test results.

Participating Contractors and Owners may refuse access to Owner property to "Inactive" Contractor Employee Members. An "Active" Contractor Employee Member is eligible for access to an Owner's property under NASAP. However, an Owner may deny access without regard to that eligibility.

In the event, that a Contractor Employee Member is no longer employed by a Contractor, the Contractor must remove the Contractor Employee Member from its random pool through Deactivation. Such deactivations will place the individual into the Awaiting Assignment Pool. Contractor Employee Members in the Awaiting Assignment Pool will continue to be subject to random testing.

### 4.0 TESTING PROGRAM

Contractor's alcohol and drug program will specify substances and screening and confirmation levels that comply at a minimum, with the drug test panel provided on Appendix II and Appendix III. The substance panel is subject to change as substance usage and availability patterns suggest the addition or deletion of substances. NASAP shall have the right to amend the drug test panel and will do so by revising the information in Appendix II. Contractor will implement such change within the time period specified by NASAP. Participating Owners and Contractors will be notified prior to such changes.

Appendix III elaborates on the Synthetic THC requirement specified in the drug test panel and details the compounds required to be tested for at minimum. Due to the evolving nature of Synthetic THC, participating TPAs may choose to test for additional synthetic THC compounds that go beyond the minimum requirements. Positive results from these tests will be treated the same as any Positive result in the NASAP program.

Contractor Employee Members shall be subject to substance abuse testing as follows:

- Pre-Enrollment
- Pre-Access
- Reasonable Suspicion/Cause
- Random
- Post-Accident/Incident
- Return-to-Work
- Follow-Up
- Other

#### **4.1 Pre-Enrollment Test**

A Pre-Enrollment negative substance test (alcohol and drug) is required upon initial enrollment into NASAP. The term “Pre-Enrollment” as used in this program applies to both new hires and/or current Contractor Employees who are applying for initial membership in NASAP. Once an applicant has completed the application for enrollment, they will be required to submit to a Pre-Enrollment test. The individual may not enter or work within an Owner’s facility until the Pre-Enrollment test has been reported as negative and the individual has been granted a status of “Active”. The term Pre-Enrollment is synonymous with the term Pre-Employment as such a term may appear on forms or in procedures. Once an applicant is enrolled they are subject to random testing.

An individual who tests non-negative on a Pre-Enrollment test or is otherwise classified “Inactive” as a consequence of his / her Pre-Enrollment test (for example, refusing to test, failing to comply with collection procedures, substituting or adulterating a specimen, etc.) shall be classified “Inactive” and denied membership in NASAP. Subsequent attempts to enroll into the NASAP are subject to the procedures and conditions set forth in the Return-to-Work section of this program.

#### **4.2 Pre-Access Test**

A Pre-Access test is required for an individual who is a Contractor Employee Member with a status of “inactive-retest”, i.e., resulting from a missed random test, and who must submit to a test prior to entering an Owner’s facility.

If the Contractor Employee Member refuses to report and be tested at the collection site within 60 minutes plus travel time from the time the Contractor Employee Member is instructed to submit to a test, tests non-negative on a Pre-Access test or is otherwise classified “Inactive” as a consequence of such test, the individual shall be ineligible for entry onto Owner sites.

A classification of “Inactive” may result from instances such as refusing to test, failing to comply with collection procedures, substituting or adulterating a specimen, etc. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an “Active” membership status in the NASAP.

#### **4.3 Reasonable Suspicion / Cause Test**

Contractor Employee Members must submit to Reasonable Suspicion / Cause testing when the following characteristics are displayed:

- 4.3.1 Observable phenomena such as direct observation of prohibited substance, use, possession, or physical behavior that would indicate the use of prohibited substances;
- 4.3.2 A pattern of abnormal conduct or erratic behavior;
- 4.3.3 Arrest or conviction for a substance related offense or identification of a Contractor Employee Member as the focus of a criminal investigation into illegal substance possession, use, or trafficking;

- 4.3.4 Information that is either provided by reliable and credible sources or independently corroborated;
- 4.3.5 The Contractor Employee Member is found in the immediate area of drug-related paraphernalia, alcoholic beverages or substances that are prohibited by NASAP.

The Contractor Employee Member will be "Active" pending test results. However, access may be restricted at participating Owner sites.

Participating Contractors shall remove each of their employees required to undergo a "Reasonable Cause" test from Owner sites pending test results. A responsible Contractor representative must promptly escort the Contractor Employee Member to the collection site for a drug / alcohol test and arrange for the safe transportation of the Contractor Employee Member home.

The Contractor must ensure the individual is removed from the work site pending MRO determination upon notification of a Laboratory Non-negative test. An individual who tests non-negative on a Reasonable Suspicion / Cause test or is otherwise classified "Inactive", as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in NASAP.

#### **4.4 Random Test**

A random selection process shall be used to identify Contractor Employee Members for testing. Contractor Employee Members shall be selected for testing by using a random number table or a computer-based random number generator that selects a Contractor Employee Member's social security number or other appropriate identification number. Each time that Contractor Employee Member is randomly selected for testing, the names of all Contractor Employee Members in the group of Contractor Employee Members shall be included in the selection process. No Contractor Employee Member shall be excluded merely because they have been randomly selected and tested earlier in the year. The random selection process must preclude Contractor from pre-selecting particular Contractor Employee Members for testing.

Contractor Employee Members shall be subject to random testing for the substances listed in Appendix II. Such testing will yield a compliance of an annualized rate of 50%, selected on a monthly basis, i.e., 4.2% of enrolled CEMs each month. No alternative Employee Members will be added to the random list to replace those Employees that might be on vacation or otherwise legitimately unavailable to be tested. The following month, additional Employee Members will be added to the random list to make up for the numbers unavailable the prior month. This will be done to assure that the required number of random tests is maintained on a monthly basis. The Participating Owners reserve the right to adjust the random rate for their facility(s) but not less than 50% annually. The random selection and notification will be performed by the TPA.

Random testing must be evenly dispersed through the year and must not be predictable. Contractor Employee Members must be equally subject to testing regardless of the work day (including weekends) or work shift, and the selection days and shifts should vary so as to reduce the predictability of testing.

The TPA shall send the random selection list to the Contractor Employee Representatives (CERs). The CER must be someone who is exempt from the NASAP policy (i.e. administrative personnel, non-safety sensitive, etc.) If this is not possible, the CER must report for testing on the day of communication of the selection list if the CER is included on the random selection list for the month. For all other employees, the participating Contractor shall have nine (9) calendar days to notify the Contractor Employee Member(s) of his/her selection. Convincing evidence that Contractor Employee Member learned of the test before the official communication will result in the exclusion of the Contractor from NASAP. Unjustified failure of the selected Contractor Employee Member(s) to submit to testing within the 60-minute plus travel time period will be treated as a refusal to test. Any acceptable justification must be for causes beyond the control of the Contractor and Contractor Employee Member. Contractor shall maintain contemporaneously made documentation of the time of receipt of notice of selection from the TPA, notice to the Contractor Employee Member and any justification for failure to report to the collection site within the time required.

The Contractor must ensure the individual is removed from the work site pending Medical Review Officer (MRO) determination upon notification of a Laboratory Non-negative test.

An individual who tests non-negative on a Random test or is otherwise classified "Inactive", as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in NASAP.

#### **4.5 Post Accident / Incident Test**

Contractor Employee Members must submit to Post-Accident / Incident testing for either of the following reasons as determined by the Contractor representative and/or the Owner representative:

- 4.5.1 The Contractor Employee Member is involved in a work-related accident which results in one or more injuries, an environmental incident or damage to the Contractor's or the Owner's property, and there is a reasonable possibility that the use of alcohol or drugs by the Contractor
- 4.5.2 The Contractor Employee Member is involved in an incident (including near misses) in which safety rules and regulations may have been violated and there is a reasonable possibility that the use of alcohol or drugs by the Contractor Employee Member could have been a contributing factor to the incident.

The Contractor Employee Member will be "Active" pending test results. However, access may be restricted at participating Owner sites.

Post-Accident / Incident tests shall be conducted immediately or, as soon as reasonably possible, after a determination has been made that suspect of drugs or alcohol may have played a role in the accident.

The Contractor must ensure the individual is removed from the work site pending MRO determination upon notification of a Laboratory Non-negative test.

An individual who tests non-negative on a Post-Accident / incident test or is otherwise classified "Inactive", as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in the NASAP.

#### **4.6 Return-to-Work Test**

If a Contractor Employee Member tests non-negative, refuses to test or is otherwise classified "Inactive" as a consequence of a Pre-Enrollment, Pre-Access, Reasonable Suspicion/Cause, Random or Post-Accident/Incident test, they are no longer eligible for entry onto Owner sites and are designated "Inactive" until they have established eligibility in accordance with the rehabilitation and Return-to-Work provisions of this program.

Upon completion of an approved rehabilitation program, the individual must take a Return-to-Work drug and alcohol test. Individuals testing non-negative on a Pre-Enrollment test must complete rehabilitation and take a Pre-Enrollment test in lieu of a Return-to-Work test.

An individual who tests non-negative on a Return-to-Work test or is otherwise classified "Inactive", as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in the NASAP.

#### **4.7 Follow-up Test**

An individual who tests non-negative or is otherwise classified "Inactive" as a consequence of a Pre-Enrollment, Pre-Access, Reasonable Suspicion / Cause, Random, or Post-Accident/Incident test and has subsequently gained an "Active" status is subject to Follow-up testing. The frequency and duration are in accordance with directives of a Substance Abuse Professional (SAP).

Follow-up testing is unannounced and in addition to Random testing. An individual may be subject to Follow-up testing for a period of five (5) years of cumulative "Active" status (e.g. time is measured according to an "Active" status. Any period of time that an individual is "Inactive" for any reason does not count towards the time prescribed by the SAP).

An individual who tests non-negative on a Follow-up test or is otherwise classified "Inactive", as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in NASAP.

#### **4.8 Periodic Testing Requirement**

Contractor Employee Members are subject to a two year testing requirement. At any point in time, individuals whose last test date was over two (2) years prior will be subject to deactivation in the program at the end of the current month. This additional test will be considered a Pre-Access test and this test should not be credited toward any random testing program. Example: Individual entered Random Pool on August 20th of Year 1, and was not randomly selected over the next two (2) years. If individual does not complete a test by August 31st of Year 3 they will be automatically deactivated.



#### **4.9 Other Tests**

Owners and Contractor Employers may require additional drug and alcohol tests not defined above. An example might be a “Wall-to-Wall” test called by a participating Owner on a given day of all Contractor Employee Members on site at that time. Owners have the right to require a Pre-Access test even though Contractor Employee Members may be moving from another participating NASAP site. Another example is where a particular Contractor Employer requires a Pre-Employment test before hiring employees even though potential employees may already be “active” in this program. Status results from any of these other tests will be reported in NASAP.

An individual who tests non-negative on any of these tests or is otherwise classified “Inactive”, as a consequence of such a test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an “Active” membership status in NASAP.

### **5.0 TESTING AND ANALYSIS PROCEDURES**

TPA's are responsible for providing collection, testing, Medical Review Officer, Substance Abuse Professional and reporting services either directly or by contract with complying service providers. All services providers, including collection site, and clinical testing laboratory personnel shall maintain confidentiality of drug test results and medical information except as authorized by a test subject's consent or law. Collection site, and clinical testing laboratory personnel shall use forensic procedures to ensure specimen integrity and shall document appropriate chain-of-custody procedures. All procedures will mirror Federal protocol (49 CFR Part 40) where legally permissible.

#### **5.1 Specimen Collection & Alcohol Testing**

Specimen collections and alcohol tests will be conducted at facilities provided by Owners or at locations established by or under contract with a TPA. Prior to their use, TPA's must verify each collection site they use meets DOT requirements and have a protocol for auditing 10% of the collection facilities they use. The audit protocol must include mock collections. Collection facilities must take corrective actions on any discrepancies. The TPA's must retain documentation of the collection site verification and audit results.

All collections and transportation thereof will be conducted in accordance with 49 CFR part 40, following Department of Health and Human Services (DHHS) Guidelines and in accordance with this program. An exception to the CFR part 40 requirements is that a single specimen instead of split specimens will be collected and sent to the testing lab. The protocol for alcohol testing must conform to the guidelines included in Appendix IV.

A completed test will include an analysis and reported results for all drugs as listed in Appendix II. Even if an alcohol test has a non-negative result, a specimen should be provided to complete testing and analysis on the other drugs. A completed test is required to provide information to the Substance Abuse Professional for evaluation in regards to establishing a rehabilitation program for the Employee (see appendix V – Return-to-Work Process).

## 5.2 Test Laboratories

Analysis of tests will be performed by laboratories with both a Substance Abuse and Mental Health Services Administration, United States Department of Health and Human Services (SAMHSA / DHHS) and a College of American Pathologists: Forensic Urine Drug Testing certification/accreditation and according to the requirements of such certification/accreditations. The laboratory reports all drug test results to the MRO.

## 5.3 Verification and Notification of Non-Negative Test Results

The MRO reviews all test results and must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug tests results from the laboratory. To facilitate the determination, the MRO will request assistance from the Contractor Representative in notifying the Contractor Employee Member of the need to contact the MRO. Tests results will not be discussed with the Contractor Representative prior to the MRO verification interview. If more than five (5) calendar days have passed since the TPA has notified the Contractor Representative of the need for the Contractor Employee to contact the MRO, or if the Contractor Representative's attempts to reach the Contractor Employee Member are not successful within five (5) calendar days, the MRO will report the test result to the TPA without an interview. The TPA will then update the database and report the result to the Contractor.

The designated Contractor representative will take the necessary action to assure that the Contractor Employee Member does not enter the work-site and to notify the Owner of the Contractor Employee Member's status.

If, as a result of speaking to the Contractor Employee Member, the MRO concludes that the result is negative, the Contractor Employee Member will be able to return to the work-site. If after speaking to the Contractor Employee Member, the MRO is unable to conclude that the test is negative and requires further action by the MRO, the individual will be considered "inactive" pending final MRO determination. The individual shall be removed from the Owner's premises pending final determination by the MRO. If the result is verified as non-negative, the individual will be identified as "Inactive" and subject to the rehabilitation requirements outlined in this program. The TPA will not transmit an "Inactive" event code until the MRO completes the review or after the five (5) calendar days have passed.

The MRO will conclude and report a non-negative test result if the pending non-negative result is determined to be caused from the use of another person's prescription. If the CEM confirms the prescription is in their own name then the MRO may overrule the non-negative result and report a negative result. All prescription drug use must be under the contemporaneous supervision of a treating physician. If the prescription is over two years old, a follow-up with the treating physician is required and a substance abuse evaluation may be required. Even if the drug test is concluded to be negative by MRO for the use of a prescription drug, the MRO must report any safety concerns to the CER regarding the use of that drug, or when the employee has a medical condition that may impair his/her ability to work safety. The CER must notify the employee's supervisor who will ensure appropriate steps are taken to accommodate the possibility of impairment, including but not limited to, removal from work for the period of possible impairment.

In determining whether a legitimate medical explanation exists, the MRO may consider the employee's use of a medication from a foreign country consistent with the principles outlined in

DOT regulations 49 CFR Part 40. There can be a legitimate medical explanation only with respect to a substance that is obtained legally in a foreign country and is used for its proper and intended medical purpose. The use of a drug of abuse (e.g. heroin, PCP, marijuana) even if obtained legally can never be the basis for a legitimate medical explanation. In the case of an over-the-counter foreign medication, the MRO will obtain a copy of the label of the medication bottle or box.

An employee with a negative dilute test result will be subject to one additional retest. The result of this second test will become test record for all purposes. A refusal to test will also result in an "Inactive" status and the employee will be subject to the return-to-work requirements in this program. The CER, upon notification of the dilute negative result, will immediately direct the employee to retest and the employee must submit to testing within 60 minutes plus travel time. A non-negative dilute test will be reported as a non-negative test.

#### **5.4 Refusal to Test**

If a current Contractor Employee Member refuses to test for any reason at any time, they shall be declared "Inactive" and become ineligible to work at participating Owner sites.

Any of the following will be considered a "refusal to test":

- 5.4.1 Refusal to provide a specimen, or cooperate with any part of the testing process as directed,
- 5.4.2 Failure to report for collection as specified above,
- 5.4.3 Submission of an adulterated or substituted specimen, or
- 5.4.4 Failure to provide sufficient breath or urine in accordance with the DHHS protocol, unless there is an adequate medical reason for the failure.

#### **5.5 Re-Analysis (Retest of the Original Drug Test Specimen)**

An individual may request a verification test of their original specimen, provided they submit the request to the TPA in writing within two (2) weeks after the individual is notified by the MRO of a non-negative, adulterated or substituted test result. The retest may be performed by the same or a second laboratory selected by the individual from a list of DHHS certified laboratories provided by the MRO. The individual's status remains "Inactive" until results of the retest have been reported. Depending on the Contractor policy, the individual must pay for the retest.

#### **5.6 Alternative Specimens**

Alternative specimens are authorized when a Contractor Employee Member has a legitimate medical explanation for an inability to provide a urine specimen for drug testing or a breath sample for evidential breath testing. Blood collected following chain-of-custody procedures is the recommended alternate specimen.

## 5.7 Self-Identification

A Contractor Employee Member may “Self-Identify” as a substance abuser before being notified to take a test. Such identification must be made before the member reasonably believes they are or will be notified to take a test. The option to self-identify does not apply to Pre-Enrollment, Post-Accident/Incident, Return-to-Work, or Follow-up tests. If a Contractor Employee Member self-identifies to their Contractor Employer, said employer will notify the TPA in writing. The TPA shall notify HASC in writing. The Contractor Employee Member will become “Inactive” and subject to the rehabilitation requirements described in the Post-Positive Rehabilitation section of this program.

Upon successful completion of a rehabilitation program and a negative Return-to-Work test, the employee will be reinstated as an “Active” member of the NASAP and subject to Follow-up testing. The first self-identification will not be counted as a prior non-negative for purposes of program interpretation. However, any subsequent self-identification will be treated as a non-negative test result.

## 6.0 POST-NON-NEGATIVE REHABILITATION

An individual who tests non-negative or is otherwise classified as “Inactive” is not eligible for entry onto Owner sites. The individual may be eligible for rehabilitation as further described in the Return-to-Work section of this program at the individual’s own cost and expense, subject to the following:

### 6.1 Pre-Enrollment Positives

An individual may only be considered for membership after they complete an approved rehabilitation program; at least six (6) months from the date of the report of verified positive or refusal to test; and they test negative on a Pre-Enrollment test conducted after the later of those two dates. An individual meeting those conditions will be granted “Active” status subject to unannounced Follow-up testing for a period of five (5) cumulative years of “Active” status in addition to the Random, Pre-Access, Reasonable Suspicion / Cause and Post-Accident / Incident testing required by this program.

### 6.2 Pre-Access, Reasonable Suspicion/Cause, Random and Post-Accident/Incident Positives

A Contractor Employee Member who tests non-negative or is otherwise classified as "Inactive" from a Pre-Access, Reasonable Suspicion / Cause, Random or Post-Accident / Incident test may enter and complete an approved rehabilitation program as specified in the Return-to-Work provisions of this program. If all conditions are met and the individual tests negative on a Return-to-Work test, the individual will be classified as “Active” subject to unannounced Follow-up testing for a period of five (5) cumulative years of “Active” status in addition to the Random, Pre-Access, Reasonable Suspicion / Cause or Post-Accident/Incident testing required by this program.

An individual who tests non-negative on a Follow-up test or is otherwise classified "Inactive", as a consequence of such test, shall be ineligible for entry onto Owner sites. The Return-to-Work section of this program sets forth the eligibility criteria for regaining an "Active" membership status in NASAP.

### **6.3 Return-to-Work, Follow-up and Breach of Rehabilitation Requirements**

Anyone who tests non-negative on a Return-to-Work or Follow-up test or is otherwise classified as “Inactive”, as a result of such a test, has breached the terms of their rehabilitation. Anyone breaching the terms of their rehabilitation will be placed in “Inactive” status and excluded from the NASAP for three (3) years. After that exclusion period, the individual may reapply for membership if they have completed an approved rehabilitation program and complies with the other requirements for membership. The individual will be subject to unannounced Follow-up testing for a period five (5) cumulative “Active” status years. Any subsequent non-negative test results or refusal to test after an individual has completed a rehabilitation program will result in an “Inactive” status and the three year exclusion will apply.

An Owner may institute a different program for the re-entry of individuals with a prior "Inactive" status.

## **7.0 CONFIDENTIAL RECORDS**

- 7.1** The TPA will maintain the confidentiality of all individual Contractor Employee Member's substance testing and rehabilitation records.
- 7.2** Information regarding individual substance test results and rehabilitation records will be released only upon the written consent of the individual or as authorized by law.
- 7.3** The TPA will provide upon request of an owner statistical data related to testing for the purpose of auditing compliance and effectiveness of this program. No information allowing identification of individual test subjects may be included.

## **8.0 RECIPROCAL AGREEMENTS**

- 8.1** Employees will be allowed to enroll into NASAP without a Pre-Enrollment test result if they are active and have a negative test result on file in another similar program that is administered by one of the approved NASAP TPA's and have been subject to random testing, and if that program meets or exceeds the requirements of NASAP. “Grandfathering”, defined as enrolling existing Employees into NASAP without a valid negative test result on file, will not be allowed.
- 8.2** NASAP may enter into a reciprocal agreement with another drug and alcohol testing program but only after review and determination that the other program meets or exceeds the requirements of NASAP.

## 9.0 COSTS

### 9.1 Contractor's Costs

Contractors will be responsible for the following costs:

- Annual data management system fee
- Employee Membership Application Fee
- Collection
- Drug test and analysis
- Alcohol test

Contractors may cover these costs at their option:

- Re-Analysis as provided in the program
- Random test when not currently assigned to Owner site and not employed
- Rehabilitation program

### 9.2 Employee Member Costs

Participating Contractor Employee Member will be responsible for costs associated with re-analysis when conducted at the Contractor Employee Member's request and costs associated with rehabilitation, including Return-to-Work and Follow-up testing.

## 10.0 TRAINING

### 10.1 Supervisor Training

Each participating Contractor shall provide training regarding this program including recognition of drug and alcohol use and its effect on health, safety and the workplace. Personnel who will determine whether an employee member must be tested based on reasonable suspicion, must receive at least one 60-minute training session on the physical, behavioral and performance indicators of drug and alcohol use. Records of individuals trained (including individual's name, date, instructor's name, training content and passing test score) must be maintained by the Contractor and available to NASAP and/or Owner personnel responsible for auditing compliance with this program.

### 10.2 Member Training

Upon initial entry to NASAP, participating Contractors shall review with their employees NASAP and any additional substance abuse program requirements of the particular work site. Contractors shall document the review and retain that documentation. Training of employees on NASAP is very important and may be provided by one of the Safety Councils serving industry that is a member of the Association of Reciprocal Safety Councils.

### **10.3 Contractor Employee Representative (CER) Training**

Before implementing NASAP the Contractor is responsible for assigning a Contractor Employee Representative (CER) and assuring this person is trained by the TPA on the NASAP program and the TPA's business practices so that the NASAP program can be properly administered within the Contractor Company. When the CER is changed and a different person is assigned this role the Contractor must immediately notify the TPA and arrange for this new CER to be trained by the TPA before continuing administration of NASAP. If notification and/or training of a new Representative is omitted or unduly delayed, then Contractor Employees due for testing are subject to becoming Inactive in NASAP.

## **11.0 PROGRAM REVIEW AND AUDIT**

- 11.1** This program may be modified at any time. Participating Owners and Contractors shall be notified of any modification before implementation.
- 11.2** Periodic auditing of all TPA's will be performed by the Houston Area Safety Council or their designated Auditor. Auditing of TPA's will be random, not to exceed three years between audits. HASC will develop and maintain an audit protocol that will effectively identify any deficiencies within the TPA's and assist them in correcting identified deficiencies.
- 11.3** Contractors may be audited by HASC or the associated TPA if the TPA has reasons to believe the program is not being properly administered within the Contractor Company. If the TPA cannot resolve issues that may arise with one of their client-Contractors they may ask HASC to intercede. HASC may in turn notify participating Owner Companies where that Contractor Company has employees working and request help from the Owner to resolve the issue.



## Policy Acknowledgement

As a condition of employment or continued employment, I certify that I will abide by all of the terms of Company's Drug and Alcohol Abuse Policy. I understand I will be subject to drug and or alcohol testing and consent to release of test results to appropriate Company personnel, in accordance with the terms of this Policy.

I certify that I have read and received a copy of the Policy, and I fully understand my obligations and responsibilities as outlined therein.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date