

# **Drug-Free Workplace/Fitness-For-Duty Program**

**MSC-PRAC-30464**

**Revision 0**

**Effective Date: January 8, 2010**

**Topic: Safety and Health**

## Drug-Free Workplace/Fitness-For-Duty Program

MSC-PRAC-30464, Rev. 0

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Page 1 of 13

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**PURPOSE** This practice identifies a key aspect of the Safety and Health (S&H) program, and establishes the requirements for the Drug-Free Workplace/Fitness-For-Duty Program and the substance abuse (drugs, alcohol, and other contraband) and testing process.

**SCOPE** This practice includes the following major sections:

- General Requirements
- Special Conditions
- Process

The requirements of this practice are consistent with the requirements published in the Mission Support Contract (MSC) Safety and Health virtual manual.

**APPLICATION** This practice applies to all Mission Support Alliance (MSA) Construction employees.

**NOTE:** *Subcontractors may follow this practice or develop their own practice to cover their employees and employees of their sub-tier contractor(s) in accordance with contract documents.*

The provisions of this program provide for compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, title V, subpart D, sections 5151–5160) and applicable U.S. Department of Transportation (DOT) and state regulations.

**GENERAL REQUIREMENTS** Records generated during the performance of this activity are to be included in the Construction Work Package and will be managed in accordance with [MSC-PRAC-30374](#), *Construction Work Package* and [MSC-PRAC-30376](#), *Construction Document Control*.

MSA tests for controlled substances during preemployment and for alcohol and controlled substances when there is reason to believe an employee is using drugs or may be under the influence of drugs or alcohol. Commercial drivers also are tested as required in accordance with current DOT and state regulations. Roles and responsibilities are described in [Appendix A](#).

Procedures used by the collection center(s), laboratory, and Medical Review Officer (MRO) for specimen collection, testing, and results determination are developed and conducted in accordance with Substance Abuse and Mental Health Services Administration (SAMSHA) certification criteria.

## Drug-Free Workplace/Fitness-For-Duty Program

A confirmed positive pre-employment drug screen is cause for disqualification from employment. A confirmed positive drug screen on an active employee results in immediate suspension pending investigation and ultimately may result in termination.

The purchase, use, sale, transfer, or possession of alcoholic beverages while on the job, or on the property of, or in a vehicle owned or controlled by MSA, the U.S. government, or any other Hanford Site contractor, is prohibited and results in suspension without pay pending an investigation by MSA. At the conclusion of such investigation, appropriate disciplinary action will be taken. Furthermore, no employee will be under the influence of alcohol while on premises owned or controlled by MSA, the U.S. government, or any other Hanford Site contractor, or while performing company business anywhere.

The purchase, sale, transfer, or possession of an illegal drug/narcotic or controlled substance by any employee is prohibited as follows:

- On premises owned or controlled by MSA, the U.S. government, or any other Hanford Site contractor.
- At any location where the employee is performing company business.
- When such activity away from company premises or business may harm the reputation of the company or may jeopardize the safety, security, and productivity of other employees or the public.

Furthermore, being under the influence of an illegal drug or controlled substance, or having a detectable amount of such present in one's system, is also prohibited in the circumstances specified above.

Any employee, or an employee accompanying another employee, who is arrested for (or caught in the act of) buying, selling, trafficking, transferring, or otherwise "dealing" in an illegal drug or controlled substance during work hours or on property owned or controlled by MSA, the U.S. government, or any other Hanford Site contractor, or while otherwise representing the company's interest is immediately suspended without pay. If the subsequent MSA investigation shows clear and convincing cause to believe that involvement in buying, selling, trafficking, or transferring has occurred, the employee is terminated.

## Drug-Free Workplace/Fitness-For-Duty Program

Managers and supervisors are trained by MSA in the Drug-Free Workplace/Fitness for Duty Program. The training includes the provisions contained in this practice and principles and methods for recognition, management, and referral. (This training must be completed within 1 year of assignment.)

Specific topics covered include:

- Health aspects of substance abuse, especially illegal drug use; safety, security, and other workplace-related problems caused by substance abuse
- Available employee assistance services
- Recognition of deteriorating job performance or judgment, or observation of unusual conduct that may be the result of possible illegal drug use
- Responsibility to intervene when there is deterioration in performance, or observed unusual conduct, and to offer alternative courses of action that can assist the employee in returning to satisfactory performance, judgment, or conduct, including seeking help from the employee assistance program
- Responsibility for giving maximum consideration to the privacy interests of employees and applicants

### **SPECIAL CONDITIONS**

Using legally controlled substances prescribed for the employee by a licensed health care provider is not prohibited during work hours. However, employees undergoing such treatment (when the treatment may cause adverse effects) notify their supervisor(s) so that a safety assessment can be made by the supervisor and the designated health care facility (if required). The effect on fitness for duty is assessed and appropriate action (including temporary reassignment, if necessary) is taken to ensure safe work practices.

When a supervisor has reason to believe that an employee is not fit for duty, the supervisor requires the employee to submit to a fitness-for-duty evaluation, which may include a urinalysis to determine whether alcohol or a drug is present. Employee refusal to submit to this evaluation or testing results in suspension without pay, pending an investigation by MSA. At the conclusion of the investigation, appropriate action is taken.

## Drug-Free Workplace/Fitness-For-Duty Program

MSA encourages employees who realize they have a substance abuse problem to seek confidential assistance voluntarily through the MSA Employee Assistance Program. The company does not discipline an employee who voluntarily seeks assistance; however, future performance, conduct, and attendance must remain satisfactory. During a designated rehabilitation period, an employee may be temporarily reassigned. Employees who successfully complete a substance abuse rehabilitation program may be allowed to return to work under the terms of the *Last Chance Agreement to Return to Work* (form [A-6004-274](#)).

A published statement (refer to [Appendix C](#)) outlining these requirements is provided by Human Resources (HR) to each MSA Construction employee at the time of hire. A copy of this practice is made available to any MSA Construction employee upon request.

### PROCESS

#### Employment Drug Screening

All applicants for temporary, part-time, hourly and regular full-time employment from outside MSA sign a Substance Abuse Prevention and Chemical Screening Program Statement of Understanding (form [A-6004-273](#)) authorizing MSA to perform a drug screen. The form states that if the results of such screening are confirmed positive, consideration for employment with MSA is terminated.

Applicants who refuse to sign the Understanding or who refuse to cooperate in the testing are not considered for employment. Furthermore, they normally will not be considered for reapplication for a period of 1 year.

#### Testing Designated Positions

Employees operating commercial motor vehicles and who are required to have a commercial driver's license under [49 Code of Federal Regulations \(CFR\) Part 383](#) are tested in accordance with DOT requirements. The law enforcement agency having jurisdiction administers this element of the testing process.

#### Voluntary Substance Abuse Assistance

MSA encourages employees and their family members who have a substance abuse problem to deal with that problem voluntarily through the company's EAP.

An employee who has scheduled an EAP appointment during normal work hours informs his/her manager of the need to be away from the worksite and indicates an estimated time of return. The employee need not tell the manager anything regarding the nature of the appointment unless he/she so desires.

## Drug-Free Workplace/Fitness-For-Duty Program

**NOTE:** *Employees are not required to notify Security when they are aware that an employee is using the EAP. Similarly, EAP will not notify Security as to the nature of any services provided to an employee.*

### **Supervisor Assessment**

Employees who have not dealt voluntarily with an alcohol or drug-related problem, and whose conduct, performance, or attendance appears to warrant it, are subject to an assessment of fitness for duty as a condition of continued employment. The supervisor requests a determination of fitness for duty under the circumstances described below. Refer to this “for cause testing” process in [Appendix B](#).

### **Accidents or Near-Miss Incidents**

Employee involvement in accidents that cause property damage or bodily injury, or are believed to be near-miss situations because of lack of perception, alertness, or manual dexterity, constitutes grounds for the supervisor to request “for cause testing” for alcohol or controlled substances.

### **Observed Changes in Behavior or Job Performance**

The supervisor is responsible for initially assessing whether an employee is fit for duty. This assessment is based on the supervisor’s objective observation of the employee’s ability to perform all job duties safely and efficiently, as well as the employee’s conduct and attendance. Observed changes in employee behavior or performance, whether the observation is made by the supervisor or another employee, are grounds for the supervisor to request a fitness-for-duty assessment. In making this determination, the supervisor is not diagnosing but merely noting behaviors, using the *Fitness-for-Duty Process Document* (form [A-6004-275](#)) as a guide.

### **Fitness-For-Duty Assessment Process**

If a supervisor observes signs that an employee may not be fit for duty, the supervisor asks another supervisor or manager to observe the employee for corroboration of the behavioral characteristics.

On corroboration of the observed behavior, the supervisor removes the employee from the immediate worksite to a location where a confidential meeting can occur. If more than one employee is involved, the employees should be separated.

If alcohol or an illegal drug is observed, it is to be kept under observation and the law enforcement agency having jurisdiction is notified. The supervisor also notifies the law enforcement agency having jurisdiction if the employee is in possession of an illegal drug. The supervisor does not attempt to search the employee or detain the employee against his/her will.

## Drug-Free Workplace/Fitness-For-Duty Program

The supervisor reports the behavior/activity observed and asks the employee to explain why he/she appears to be physically or mentally impaired. The employee is questioned regarding consumption of alcohol or a controlled substance (such as when, how much, where it was consumed). The supervisor should neither diagnose nor accuse the employee of being “drunk” or “stoned” but direct the discussion to observed behavior.

If the employee indicates that he/she ingested prescription drugs, the supervisor inquires as to the name of the drug, date and dosage of the prescription, the prescribing doctor’s name, the amount ingested, and the nature of the illness for which the medication was prescribed.

If there is reasonable belief that a violation of this practice has occurred, the supervisor may arrange through security or the law enforcement agency having jurisdiction for a search of an employee’s lunch bucket, locker, or automobile parked on property owned or controlled by MSA, the U.S. government, or any other Hanford Site contractor.

If the employee provides an explanation for his/her behavior that reflects that substance abuse is not an issue, the supervisor makes a further assessment to determine the reason that the employee appeared unfit for duty. If it appears that disciplinary action is appropriate, the supervisor notifies the fitness-for-duty administrator in HR.

The employee is returned to work only after the supervisor has determined that the employee is fit to perform his/her duties in a safe and efficient manner. The supervisor thoroughly documents all action and transmits the documents to HR.

### **Confidentiality**

It is essential that all aspects of this investigation and its outcome be kept confidential and that only those with a “need to know” are involved. This requirement means that no one may discuss results except as part of his/her duties.

### **Drug and Alcohol Screening**

Should the supervisor determine that a drug/alcohol screening is appropriate; the process described below is followed.

The supervisor contacts the fitness-for-duty administrator in HR.

When the appropriate concurrence has been received, the employee completes the Substance Abuse and Chemical Screening Statement of Understanding.

## Drug-Free Workplace/Fitness-For-Duty Program

**NOTE:** *If there is any conflict in obtaining concurrence, the matter is immediately escalated to the functional director or organization director (as appropriate) and the HR director.*

The employee is escorted by his/her supervisor to and from the company-approved collection center to provide a urine specimen for examination.

After the urine specimen has been collected, the employee is suspended from duty. (As an alternative, employees unable to provide a urine sample are required to provide a blood sample [for drug screening only; under no circumstances is blood testing for alcohol permitted]).

**NOTE:** *Caution is taken with the employee to ensure safe travel to his/her final destination.*

The employee's status at this point is "suspended pending investigation." Final determination of the employee's status is usually made within 5 days following receipt of the test results.

When the results of the test have been obtained, a meeting with the employee is scheduled to inform the employee of the test results. Steps are taken to ensure that the results of the testing are held in the strictest confidence.

If the chemical test is confirmed positive, a determination is made that the employee can be given the choice of contacting appropriate professional counselors for referral and treatment or being terminated. No action is taken by MSA until the results of the test have been validated by the MRO.

Should MSA decide to allow continued employment, the employee must seek professional assistance in dealing with the problem and successfully complete a course of treatment.

Additionally, MSA and the employee enter into a Last Chance Agreement to Return to Work.

## Drug-Free Workplace/Fitness-For-Duty Program

### **Refusal to Cooperate with Alcohol/Drug Screening**

An employee is subject to disciplinary action, up to and including termination, under the following circumstances:

- Refusal to sign the consent for alcohol/drug screening
- Refusal to undergo the alcohol/drug test
- Failure to provide an adequate sample, given reasonable time
- Alteration, substitution, or sabotage of the sample

An employee who commits any of the acts outlined above is given a direct order to cooperate and is allowed 15 minutes to reconsider the decision. If after 15 minutes the employee still refuses to cooperate, he/she is suspended without pay, pending an investigation by MSA. At the conclusion of either of the foregoing investigations, appropriate action is taken.

### **Further Assessment**

In some cases, testing results are negative or testing is not appropriate; yet an apparent fitness-for-duty problem still exists. In these cases, the supervisor conducts further discussion and evaluation to assess the reason for the objectively observed unsatisfactory behavior.

Depending on the results of the discussion/evaluation, the supervisor strongly recommends that the employee seek professional assessment and assistance through the EAP. While action on this referral by the supervisor is not mandatory, the employee's failure to address job performance, conduct, or attendance problems is not excused.

When these issues are all resolved and the employee is judged fit for duty, he/she returns to work. The supervisor thoroughly documents all actions.

### **Assessment of Supervision's Fitness-For-Duty**

Employees observing signs that their supervisor is not fit for duty should report their observations to the next higher level of supervision for resolution. If the problem is not resolved by this process, employees should use the employee concerns process to bring the problem to management's attention.

### **FORMS**

[A-6004-273](#) , *Substance Abuse Prevention & Chemical Screening Program Statement of Understanding*  
[A-6004-274](#) , *Last Chance Agreement to Return to Work*  
[A-6004-275](#) , *Fitness-For-Duty Process Document*

## Drug-Free Workplace/Fitness-For-Duty Program

MSC-PRAC-30464, Rev. 0

Effective Date: January 8, 2010

Page 9 of 13

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### RECORDS IDENTIFICATION

Records Capture Table

Name of Document	Submittal Responsibility	Retention Responsibility
<i>Substance Abuse Prevention &amp; Chemical Screening Program Statement of Understanding, <a href="#">A-6004-273</a></i>	Human Resources	Human Resources
<i>Last Chance Agreement to Return to Work, <a href="#">A-6004-274</a></i>	Human Resources	Human Resources
<i>Fitness-For-Duty Process Document, <a href="#">A-6004-275</a></i>	Human Resources	Human Resources

### REFERENCES

[49 Code of Federal Regulations \(CFR\) Part 383](#), *Commercial Driver's License Standards; Requirements and Penalties*  
[MSC-PRAC-30374](#), *Construction Work Package*  
[MSC-PRAC-30376](#), *Construction Document Control*

### APPENDICES

[Appendix A](#), Chemical Screening Process

[Appendix B](#), For Cause Testing Flow Diagram

[Appendix C](#), Statement of Understanding

## Drug-Free Workplace/Fitness-For-Duty Program

### Appendix A

#### **CHEMICAL SCREENING PROCESS HANFORD PROJECT ROLES and RESPONSIBILITIES**

COLLECTION SITE: Corrado Medical Center  
800 Swift Blvd., Suite 140  
Richland, Washington 99352  
Phone (509) 946-2755

- Collects specimens/samples in accordance with the “Mandatory Guidelines for Federal Workplace Testing Programs,” issued by the Department of Health and Human Services.
- Maintains chain-of-custody of test samples.
- Transmits samples to the certified laboratory.

CERTIFIED LABORATORY: Pathology Associates Medical Laboratory (PAML)  
Post Office Box 2687  
Spokane, Washington 99220  
Phone 1-800-541-7891, Ext. 6323

- Maintains certification by the Department of Health and Human Services, meeting the Mandatory Guidelines under Subpart C, “Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies.”
- Conducts routine drug screening tests for amphetamine, cocaine metabolites, marijuana metabolites, opiate metabolites, and phencyclidine using approved certified methods.
- Uses appropriate cutoff levels consistent with the “Mandatory Guidelines for Federal Workplace Testing Programs,” issued by the Department of Health and Human Services.
- Provides drug testing facilities, and contracts for collection center(s).
- Conducts drug screening tests for additional drugs/alcohol as requested.
- Maintains chain-of-custody of test samples.

MEDICAL REVIEW OFFICER: AdvanceMed Hanford  
1979 Snyder Road  
Richland, Washington 99352  
Phone (509) 376-6981 or (509) 376-7251

## Drug-Free Workplace/Fitness-For-Duty Program

MSC-PRAC-30464, Rev. 0

Effective Date: January 8, 2010

Page 11 of 13

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- Establishes examination, testing, and counseling services.
- Manages and administers the Substance Abuse Monitoring Program and Psychological Monitoring Program ensuring treatment compliance. This includes unannounced, random drug/alcohol testing.
- Establishes confidential means of notifying key managers when circumstances arise that affect personnel fitness.
- Notifies MSA HR of an employee's noncompliance with his/her treatment monitoring program.
- Provides a Medical Review Officer (MRO) to receive and review drug test results.
- Reviews and takes appropriate action regarding referrals for unusual conduct.

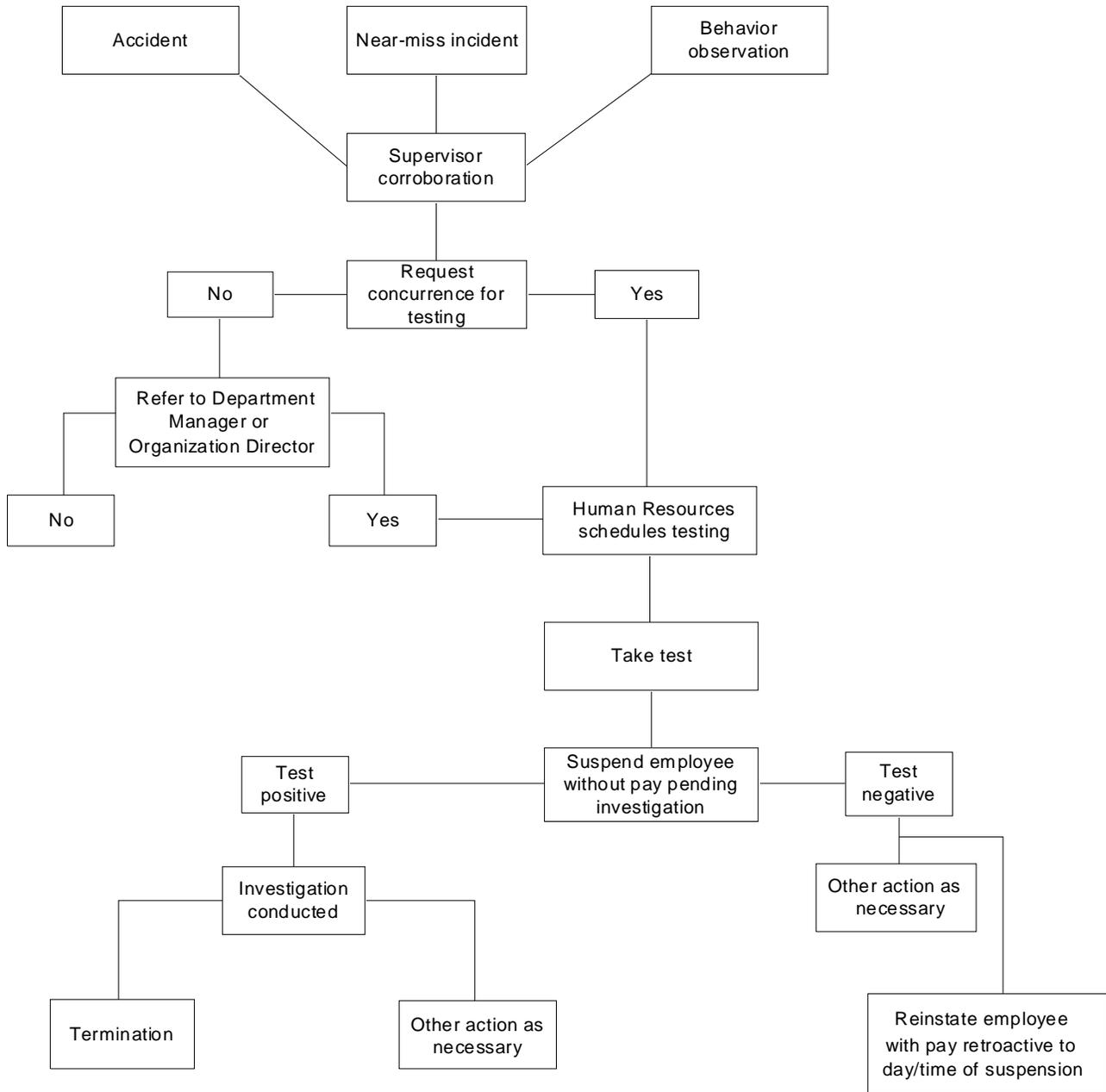
PROGRAM COORDINATOR: MSA Safety and Health Department (S&H)

PROGRAM ADMINISTRATOR: MSA Human Resources Organization

# Drug-Free Workplace/Fitness-For-Duty Program

## Appendix B

### FOR CAUSE TESTING FLOW DIAGRAM



## Drug-Free Workplace/Fitness-For-Duty Program

### Appendix C

MISSION SUPPORT ALLIANCE (MSA)	SUBSTANCE ABUSE PREVENTION & CHEMICAL SCREENING PROGRAM STATEMENT OF UNDERSTANDING
<b>CURRENT EMPLOYEE</b>	
<p>Mission Support Alliance is committed to employ individuals who refrain from the use of controlled substances in order to provide safe workplaces for their employees and maintain programs promoting high standards of conduct to ensure safety and productivity. Consistent with the intent and spirit of its commitment, <b>MSA</b> prohibits the possession, use, manufacture, distribution, dispensation, or presence of any controlled substance in the workplace. In addition, company employees are required to report to work in proper condition to satisfactorily perform their duties. Violation of this prohibition or requirement may result in unpaid suspension or termination of employment.</p> <p>MSA is including chemical screening as a program to ensure that employees have an appropriate environment in which to work. Screening may be conducted for: aberrant behavior, accidents in the workplace, domestic project assignments where required, all international assignments, and those in sensitive positions. Failure to submit to chemical screening for aberrant behavior or accidents in the workplace will result in immediate termination. When stipulated by client requirements, employees will be subject to periodic unannounced chemical screening.</p> <p>An employee who tests positive for the presence of a controlled substance will be required to: 1) submit to periodic unannounced chemical screening for up to 1 year; 2) submit to mandatory assessment through the MSA Employee and Family Assistance Program; and 3) adhere to the prescribed program. A subsequent positive result within the 12 months of periodic unannounced chemical screening or failure to adhere to the prescribed program will result in immediate termination.</p> <p style="text-align: center;">“My signature indicates that I have read this document, that I understand the purpose of the MSA Substance Abuse Prevention and Chemical Screening Program, and that I consent to work under these terms and conditions.”</p>	
<hr style="width: 80%; margin: 0 auto;"/> <p>Print Name</p>	<hr style="width: 80%; margin: 0 auto;"/> <p>Social Security Number</p>
<hr style="width: 80%; margin: 0 auto;"/> <p>Applicant Signature</p>	<hr style="width: 80%; margin: 0 auto;"/> <p>Date</p>