

# DISA CONTRACTORS CONSORTIUM SUBSTANCE ABUSE POLICY

## 1.0 INTRODUCTION

Current substance abuse policies and testing requirements of facility Owners may vary in terms of their compliance criteria. As a result, Contractors have to comply with differing standards and re-test their work force each time they move to a different location. A standardized substance abuse policy has been established while continuing to promote a “substance abuse-free” work force to minimize the burden of complying with these multiple substance abuse policies. This policy has been approved by Participating facility Owners.

This policy is known as the DISA Contractors Consortium Policy. It was developed from the concept that persons meeting the requirements of this policy would have an “Active” status for all Owner sites participating in this program.

The DCC policy is a standardized contractor substance abuse program, which will yield the following benefits:

- Promote a safe, drug and alcohol abuse free workplace that will reduce workplace incidents
- Standardize individual Owner site requirements and reduce the cost of repetitive substance testing of Contractor Employees
- 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 program, which can be easily audited by Participating Owners to ensure contractor compliance

## 2.0 DCC POLICY STATEMENT

Participating Owners prohibit any Contractor Employee on their premises from reporting to or being at work with substances in their systems, which exceed stated limits.

Participating Contractors shall not knowingly utilize the services of any person on Owner premises who fails or refuses to take a test required under this policy. A person who has tested positive and who has successfully undergone rehabilitation, passed a "Return-to-Work" drug test and has been approved by the Medical Review Officer (MRO) may return to work in a safety and environmentally sensitive position.

This policy applies to all Contractor Employee Members of DCC including temporary and part-time Contractor Employee Members. Failure to comply with the requirements of this policy will result in members being placed in an "Inactive" status and ineligible to enter Participating Owners' sites. Appendix I contains definitions of terms commonly used throughout this policy.

### **3.0 "ACTIVE/INACTIVE" STATUS AND VERIFICATION SYSTEM**

The DCC system will classify Contractor Employee Members as being either an "Active", "Inactive-retest" or "Inactive" Contractor Employee Member of the DCC. Any Contractor Employee Member who has not demonstrated compliance with the requirements of this policy will be classified as "Inactive". All Contractor Employee Members who have demonstrated compliance with the requirements of this policy will be classified as "Active" DCC members. The designation of an "Active" or "Inactive" status does not imply use or abuse of substances.

The verification process will be administered by DISA, which will be contacted by Participating Contractors or Owners for verification of a Contractor Employee Member's status. Participating Owners may only verify a Contractor Employee's status as "Active", "Inactive" or "Inactive Retest" in DCC and will not have access to drug test results.

Participating Contractors and Owners have the right to preclude "Inactive" DCC Contractor Employee Members from access to plant sites. An "Active" designation makes a Contractor Employee Member "eligible for" but does not guarantee access to a Participating Owner's site. A Contractor Employee Member may need to comply with other Owner requirements outside of this policy for site access.

In the event that a Contractor Employee Member is no longer employed by a Contractor, the Contractor may remove the Contractor Employee Member from their random pool through "Deactivation". Such deactivation will place the individual and his/her current status into the "Awaiting Assignment Pool".

Contract Employee will still be subject to random testing. If Employee is pulled for a

random test in the “Awaiting Assignment Pool”, employee’s status will change to “Inactive-Retest”.

#### **4.0 TESTING PROGRAM**

Although all illegal substances are prohibited on Participating Owner sites, the substances listed in the safety sensitive drug panel (as shown in Appendix II) are of particular concern. The substance panel is subject to change as substance usage and availability patterns suggest the addition or deletion of substances. Contractors will be notified of any future changes to this policy. It is the Contractor’s responsibility to make every reasonable effort to ensure that their current Contractor Employee Members and Contractor Employee Members who are subsequently hired are made aware that changes have been made to the policy. Copies shall be available for review by any Contractor Employee Member requesting a copy. The policy will also be available for review at Owner facilities and local DISA offices.

Employee members shall be subject to substance abuse testing as follows:

- Pre-Enrollment
- Pre-Access
- Reasonable Suspicion/Cause
- Random
- Owner Initiated or Wall-to-wall
- Post-Accident/Incident
- Return-to-Duty
- Follow-up

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

A Pre-Enrollment negative substance abuse test (alcohol and drug) is required upon initial enrollment into DCC. The term, “Pre-Enrollment” as used in this policy applies to both new hires and/or current Contractor Employees who are applying for initial membership into the DCC. Once an applicant has completed the application for enrollment, he/she will be required to submit to a Pre-Enrollment test. Under no circumstances may an individual 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 employee is enrolled he/she is subject to random testing.

If the applicant has completed the application at the employer's place of business and then refuses to report to the collection site within 48 hours, it shall be the responsibility of the prospective employer to notify DISA using the "Refusal to Submit" form. If the applicant reports to the collection site and then refuses to submit to testing it shall be the responsibility of the collection agent to notify the communicator or supervisor of the employing company who will then submit to DISA the "Refusal to Submit" form. These individuals will be classified as "Inactive".

A Contractor Employee Member has the ability to opt out of the Consortium program provided their status is "Active" at the time of their request.

An individual who fails 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, adulterating a specimen, etc) will be denied membership into the DCC or any other DISA consortium which accepts reciprocity with DCC. Subsequent attempts to enroll into the DCC are subject to the procedures and conditions set forth in the Return-to-Work section of this policy.

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

A Pre-Access test is required for an individual who is a Contractor Employee Member and who must submit to a test prior to re-entry into an Owner's facility. Such tests are required for Contractor Employee Members with an "Inactive-Retest" status or in compliance with a specific Owner site requirement. Upon submitting to a test, the individual may enter the Participating Owner's facility pending test results.

If the Contractor Employee Member refuses to report to the collection site within one hour plus travel time from the time the Contractor Employee Member is instructed to submit to a test, it shall be the responsibility of the Contractor to notify DISA using the "Refusal to Submit" form. If the Contractor Employee Member reports to the collection site and then refuses to submit to testing, it shall be the responsibility of the Collection Agent to notify the Communicator or supervisor of the Contractor Employee Member who will then submit to DISA the "Refusal to Submit" form. These individuals will be classified as "Inactive" and required to follow the guidelines of the DISA Contractors Consortium Substance Abuse Policy regarding positive test results.

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

An individual who fails a Pre-Access test or is otherwise classified “Inactive”, as a consequence of his/her Pre-Access test, 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, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an “Active” membership status in the DCC.

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

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

- a. Observable phenomena such as direct observation of prohibited substance use and/or possession or physical behavior that would indicate the use of prohibited substances;
- b. A pattern of abnormal conduct or erratic behavior;
- c. Arrest and 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 while on a Participating Owner’s property;
- d. Information that is either provided by reliable and credible sources or independently corroborated;
- e. Evidence that a Contractor Employee Member has tampered with a previous substance abuse test or failed to follow collection site prescribed procedures;
- f. The Contractor Employee Member is found in the immediate area of drug-related paraphernalia, alcoholic beverages or substances that are prohibited by DCC policy.

The supervisor or designee must promptly escort the Contractor Employee to the collection site for a drug/alcohol test and make arrangements for the safe transportation of the Contractor Employee home.

All Reasonable Suspicion requests shall be substantiated by a second individual. Either the person making the original request or the second individual will have been trained in recognizing the signs of prohibited substance use.

A Participating Contractor Employee shall undergo “Reasonable Cause” tests if required by his/her employer because of specific physical, behavioral or performance indications. Participating Contractors shall remove each of their Employees required to undergo a “Reasonable Cause” test from Owner sites pending test results.

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

An individual who fails a Reasonable Suspicion/Cause test or is otherwise classified “Inactive”, as a consequence of his/her Reasonable Suspicion/Cause test, 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, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an “Active” membership status in the DCC.

#### **4.4 Random Testing for Safety and Environmentally Sensitive Positions**

A random selection process shall be used to identify Contractor Employee Members. 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. Each time that Contractor Employee Members are randomly selected for drug testing, the names of all Contractor Employees in the group of Contractor Employee Members shall be included in the selection process. No Contractor Employee Member shall be excluded merely because he/she has been randomly selected and tested earlier in the year.

Contractor Employee Members shall be subject to random testing for the substances listed in Appendix II on a random basis that will yield a compliance of an annualized rate of 50%. The Participating Owners reserve the right to adjust the random rate for their facility(ies). The random selection and notification will be performed by DISA.

Upon receipt of the random selection list, the Participating Contractor shall have 7 calendar days to notify the Contractor Employee Member(s) of their selection. When a Contractor Employee Member has been notified of his/her random selection, he/she must report to a test collection site within 60 minutes, plus travel time. Failure of the selected Contractor Employee Member(s) to submit to the testing during the 7-calendar day period will result in the Contractor Employee Member being placed on an "Inactive-Retest" status until the specimen is submitted.

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

An individual who fails a Random test or is otherwise classified "Inactive", as a consequence of his/her Random test, 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, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an "Active" membership status in the DCC.

#### **4.5. Owner Initiated or Wall-to-wall Testing**

Contractor Employee Members on Participating Owner premises are subject to unannounced en masse testing for substances listed in Appendix II. Such tests are scheduled at the sole discretion of the Participating Owner. The Participating Owner's discretion includes the determination of the scope for such testing in addition to the timing of such testing. The scope of such testing will be determined by the Participating Owner in terms of a group of Contractor Employee Members to be tested. Such a group will include all members of the named group on site at the determined time or time period and shall not be determined in terms of named individuals. Such groups may include, but are not limited to, all Contractor Employees on site, or Contractor Employee Members by shift, by crew, by location, by craft, by contractor or by another similar category, including a random selection based on site access records.

Upon notification of such testing, the individual will immediately proceed to the designated collection site or transportation vehicle, which will transport Contractor Employee Members to the collection site. Once a Contractor Employee Member of a named group has entered the Participating Owner's facility, he/she is subject

to such testing. If the Contractor Employee Member leaves the facility upon learning or determining that such testing is or will take place during his/her work shift, or refuses to submit to such testing, the individual will be reported as a "Refusal to Test" and will be subject to the terms of Section 5.4. "Refusal to Test". Collection protocols and analysis of such tests will be processed as any other test within the policy.

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

An individual who fails an Owner Initiated or Wall-to-wall test or is otherwise classified "Inactive", as a consequence of such a test, 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, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an "Active" membership status in the DCC.

#### **4.6 Post-Accident/Incident Testing**

Post-Accident Testing does not apply to the BATC Consortium, and therefore, is tested under For Cause.

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:

- a. The Contractor Employee Member is involved in a work-related accident which results in one or more recordable injuries, as defined by the Occupational Safety and Health Administration (OSHA), environmental incident or damage to the Contractor's or the Owner's property, or both, and it is felt that drugs and/or alcohol may have played a roll in the accident.
- b. The Contractor Employee Member is involved in an incident (including near misses) in which safety rules and regulations may have been violated, and it is felt that drugs and/or alcohol may have played a roll in the incident.



The Contractor Employee will be "Active" pending test results. However, access may be restricted at the Participating Owner's site.

Post-Accident/Incident tests shall be conducted immediately or as soon as reasonably possible, after an accident or incident.

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

An individual who fails 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. A classification of "Inactive" may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an "Active" membership status in the DCC.

#### **4.7 Return-to-Duty Test**

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

If a Contractor Employee Member fails a Pre-Enrollment, Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-Wall, or Post-Accident test, he/she is no longer eligible for entry onto Owner sites and is designated "Inactive" until he/she is able to re-establish eligibility in accordance with the rehabilitation provisions of this policy.

Upon completion of a rehabilitation program, as required by the MRO, the individual must take a Return-to-Duty drug and alcohol test.

If an individual fails a Pre-Enrollment test, he/she has not been accepted to the consortium as a Contractor Employee Member. His/her eligibility for future "Active" status is set forth in the Rehabilitation section of this policy and is essentially the same as for Contractor Employee Members as set forth above.

However, upon completion of a rehabilitation program, this individual must take a Pre-Enrollment test in lieu of a Return-to-Duty test.

An individual who fails a Return-to-Duty test or is otherwise classified "Inactive", as a result of such a test, shall be barred from an "Active" status pursuant to the terms of this policy. A classification of "Inactive" may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen.

#### **4.8 Follow-up Testing**

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator as DISA upon a confirmed positive test.

An individual who has failed a Pre-Enrollment, Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall, or Post-Accident test and has subsequently gained an "Active" status pursuant to this policy is subject to Follow-up testing. The frequency and duration are in accordance with the directives of the MRO. Follow-up testing is unannounced and in addition to Random testing. An individual may be subject to Follow-up testing for a period of up to 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, including "Inactive-Retest", does not count towards the time prescribed by the MRO.)

An individual who fails a Follow-up test or is otherwise classified "Inactive", as a consequence of such a test, 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, or adulterating a specimen. The Return-to-Work section of this policy sets forth the eligibility criteria for regaining an "Active" membership status in the DCC.

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

Medical, collection site, and clinical testing laboratory personnel shall maintain medical confidentiality and use forensic procedures to ensure specimen integrity and shall document appropriate chain-of-custody procedures. All procedures involved with the

handling of the specimen and the accompanying paperwork will mirror Federal protocol (49 C.F.R. Part 40) where legally permissible. Such protocol includes the practice of witnessed urine collections under certain circumstances.

### **5.1 Collection Site**

Urine collections and alcohol tests will be conducted at facilities provided by Owners, DISA, or at third party collector locations which have been contracted by DISA to provide collection services. All collections will be conducted by collectors, trained under provisions of 49 CFR part 40, using Department of Health and Human Services (DHHS) collection procedures and in accordance with this policy. DISA will identify and/or contract with test facilities that conform to DHHS guidelines.

Collection, preparation and transportation of samples must be conducted in accordance with DHHS Guidelines.

The protocol for alcohol testing must conform to the guidelines included in Appendix III.

### **5.2 Test Laboratories**

Analysis of urine tests will be performed by a laboratory with Substance Abuse and Mental Health Services Administration (SAMHSA) certification and according to the requirements of such certification.

The laboratory will provide results of the testing to DISA, who will subsequently notify the employer of the Contractor Member Employee at the time the drug test was collected. DISA will also update the database as appropriate.

### **5.3 Verification and Notification of Positive Test Results**

A Medical Review Officer (MRO) will review all positive test results.

Positive laboratory test results at/or above the confirmation levels as designated by DCC policy (see Appendix II), without acceptable medical explanations by a reviewing MRO will be noted as a confirmed positive test. The MRO will first contact the designated Communicator when attempting to reach the donor to discuss test results. In the event of a Pre-Enrollment test, the MRO shall additionally attempt to contact the donor at the specified location.

If attempts to reach him/her or the contractor employer are unsuccessful, the individual shall be ineligible to enter Participating Owner worksites until their status

is designated as “active”. The communicator will take the necessary action to have the donor removed from the work-site and contact the MRO.

If, as a result of speaking to the donor, the MRO concludes that the result is negative, the donor will be able to return to the work-site. If the MRO is unable to conclude that the individual is negative and the pending result requires further action by the MRO, the individual will be considered medically unfit for work pending final MRO determination. The individual shall be removed from safety-sensitive work and the Owner's premises pending final determination by the MRO. If the result is negative, the individual will be “Active” and eligible to return to work. If the result is confirmed as positive, the donor will become “Inactive” and subject to the rehabilitation requirements outlined in this policy.

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

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

The following instances will be considered as "refusal to submit a specimen":

- a. Any refusal to provide a specimen as directed, or
- b. Failure to report for collection as specified in Section 4 above, or
- c. Submitting an altered specimen, or
- d. Failure to provide sufficient breath or urine in accordance w/protocols that are substantially similar to DHHS protocol

#### **5.5 Re-Analysis**

A Contractor Employee Member may request a verification test of his/her original specimen, provided he/she submits his/her request to DISA in writing within two (2) weeks from the time the Contractor Employee Member is notified by the MRO of a positive result. Any confirmed presence of a substance in the sample results is a positive test. If the presence is not confirmed, the result is reported as negative.

#### **5.6 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 prior to being directed to take a test and/or prior to the reasonable belief of the individual that he/she is about to be notified to take a test. The option to self-identify does not apply to Pre-Enrollment, Post-Accident/Incident, Return-to-Duty, or Follow-up tests. If a Contractor Employee Member self-identifies to their employer, DISA shall be notified by the Contractor Employer in writing and the Contractor Employee Member will become “Inactive” and subject to the rehabilitation requirements of a positive random test as described in the Post-Positive Rehabilitation section of this policy.

Self-identification may be exercised once by an individual and is precluded if the individual has exercised a self-identification provision or tested positive for any test (or been classified “Inactive”) in any program or policy managed by DISA.

Upon successful completion of a rehabilitation program and a negative Return-to-Duty test, the employee will be reinstated as an “Active” member of the DCC and subject to Follow-up testing. The self-identification will not be counted as a prior positive for purposes of policy interpretation.

## **6.0 POST-POSITIVE REHABILITATION**

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

## 6.1 Pre-Enrollment Positive

An individual who fails a test in applying for membership as a Contractor Employee Member in the DCC is eligible to reapply after 6 months. Upon completion of an approved rehabilitation program, as specified in the Return-to-Work provisions, the individual may reapply for membership. If the individual tests negative on a Pre-Enrollment test, the individual will be granted an "Active" status subject to unannounced Follow-up testing for a period of up to five (5) cumulative years of "Active" status in addition to the Random, Pre-Access, Reasonable Suspicion/Cause, Owner Initiated or Wall-to-wall, and Post-Accident/Incident testing required by this policy.

An individual who fails a Pre-Enrollment test upon completion of a rehabilitation program under this provision or any Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall, or Post-Accident/Incident shall be deemed to have failed a Return-to-Duty or Follow-up test for purposes of determining the consequences of such a failed test. A classification of "Inactive" may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen.

## 6.2 Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall, Post-Accident/Incident Positives

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

A Contractor Employee Member who fails a Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall, or Post-Accident/Incident test shall have an opportunity to enter and complete an approved rehabilitation program as specified in the Return-to-Work DISA provisions of this policy. If all conditions are met and the individual tests negative on a Return-to-Duty test, the individual will be classified as "Active" subject to unannounced Follow-up testing for a period of up to five (5) cumulative years of "Active" status in addition to the Random, Pre-Access, Reasonable Suspicion/Cause, Owner Initiated or Wall-to-wall, or Post-Accident/Incident testing required by this policy.

The subsequent failure of any test, or being otherwise classified as “Inactive”, shall be deemed to have failed a Return-to-Duty or Follow-up test for purposes of determining the consequences of such a failed test. A classification of “Inactive” may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen.

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

The communicator must ensure the individual is removed from the job site pending MRO determination and the individual is informed to contact the MRO upon a Laboratory Non-negative test.

The individual must be informed to call the Return-to-Duty Coordinator at DISA upon a confirmed positive test.

Anyone who fails a Return-to-Duty or Follow-up test or is otherwise classified as “Inactive”, as a result of such a test, has breached the terms of his/her rehabilitation. A classification of “Inactive” may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen. The consequence of such breach(es) will result in an “Inactive” status and exclusion from the DCC for a period of Three (3) years. After the three (3) year period, the individual may re-enter or reapply to the DCC if he/she has completed an MRO approved rehabilitation program and submits a negative Pre-Enrollment/Return-to-Duty test as applicable. The individual will be subject to unannounced Follow-up testing for a period up to five (5) cumulative “Active” status years as deemed necessary by the MRO.

Any subsequent failed test of any type, or otherwise being classified as “Inactive”, is a breach of the terms of rehabilitation. A classification of “Inactive” may result from instances such as refusing to test, failing to comply with collection procedures, or adulterating a specimen. The consequence of such breach(es) shall be an “Inactive” status and exclusion from the DCC for a period of three (3) years.

### **7.0 CONFIDENTIAL RECORDS**

DISA will maintain all records required by this program to maintain the confidentiality of an individual Employee’s substance testing record and any records of rehabilitation.

Information regarding individual substance test results or rehabilitation records will be released only upon the written consent of the individual or, regardless of consent, to the representative of a State or Federal agency upon request by subpoena or other legal process such as a court order. In the event that an individual commences a legal action (e.g. grievance, arbitration, lawsuit, etc.) that places their status or the results of a test in issue, the confidentiality provisions of this section are waived.

Statistical data, as well as anti-drug plans or policies related to drug testing and rehabilitation which contain no identification information, will be made available to Participating Owners for the purpose of auditing compliance and effectiveness of this policy.

## **8.0 RECIPROCAL AGREEMENTS**

DCC will recognize Employee Members participation in other selected consortium programs that are managed by DISA and which offer reciprocity with DCC. DCC will allow members who are currently in good standing in other selected programs to enroll in the DCC program without having to submit to the Pre-Enrollment test. DCC will not allow a member who is "Inactive" in another program to enroll in the DCC program until the requirements of his/her existing program are met to reinstate them to an "Active" status in that program. Owners reserve the right to require Pre-Access tests for employee members who are moving from another DCC site on an Owner specified basis.

## **9.0 COSTS**

### **9.1 Contractor Employer Costs**

Contractors will be responsible for the following costs:

- Annual data management system fee
- Employee Member set-up fee
- Collection Charge(s)
- Drug test analysis
- Alcohol Test
- Direct costs associated with tests, which arise from Employer/Employee relationship (e.g. wages, travel expenses, etc.).

Contractors may recover these costs from the individual depending on the Contractor's company policies:

- Re-Analysis as provided in the policy



- Random test when not currently assigned to Owner site and not employed
- Rehabilitation program

## **9.2 Employee Member Costs**

Participating Contractor Employee Members will be responsible for costs associated with re-analysis when conducted at the Contractor Employee Member's request. He/she is also responsible for costs associated with rehabilitation and conditions of the Return-to-Work policy. Such costs include but are not limited to MRO follow-up fees, substance abuse evaluations, rehabilitation treatment, and testing.

## **9.3 Rehabilitation Costs**

Costs of rehabilitation are the responsibility of the individual. This does not preclude contribution by the Contractor Employer either directly or by employee benefit/medical plans. The costs of rehabilitation include but are not limited to MRO follow-up fees, substance abuse professional assessment fees, and in-patient or outpatient treatment costs.

# **10.0 TRAINING**

## **10.1 Supervisor Training**

Each Participating Contractor shall provide training regarding this policy. Training on the recognition of performance indicators of probable drug use and on its effects and consequences to personal health, safety and the workplace shall be included. It is required that each Contractor Company Employee who will determine whether a Contractor Employee Member must be tested based on reasonable suspicion, receive at least one 60-minute training session on the specific, contemporaneous, physical, behavioral and performance indicators of probable drug and alcohol use. Records of individuals trained (including name, date, instructor, training content, and passing test score) must be maintained by the Contractor and available to Owner and/or DISA personnel responsible for auditing for compliance with this policy.

## **10.2 Employee Training**

Upon initial entry to DCC, Participating Contractor Employer companies shall review with each Contract Employee Member this policy and any additional substance abuse policy requirements of the particular work site and maintain written documentation of the review.



## 11.0 PROGRAM REVIEW AND AUDIT

This program shall be monitored and is subject to modifications at any time by DISA. Contractor Employers will be notified of such modifications pursuant to Section 4 entitled, "Testing Program".

The policies, procedures, protocols and non-name specific records of DISA are available for a confidential audit by Participating Owners, Contractors and/or their Employers.

## APPENDIX I.

### DEFINITIONS:

#### **"ACTIVE" STATUS**

A Contractor Employee Member who is in compliance with this policy and is eligible to work at Participating Owner sites.

#### **AWAITING ASSIGNMENT POOL**

Contractor Employee Members who are no longer employed at Participating Owner sites may be moved by the Contractor from their company random pool to the Awaiting Assignment Pool.

#### **CONTRACTOR EMPLOYER**

A Contractor company who has contracted with DISA to comply with the DCC Substance Abuse Policy.

#### **CONTRACTOR EMPLOYEE MEMBER**

An Employee of a Participating Contractor who has successfully enrolled in the DCC Substance Abuse Program by completing a Pre-Employment application and testing negative on his/her Pre-Employment test.

#### **DEACTIVATION**

A group of Contractor Employee Members that has been deactivated by a Contractor Employer. Each Contractor Employee Member maintains his/her "Active" status and is subject to selection for random testing while in this pool. If selected for a random test and the test is not taken in the specified time, the individual will become "Inactive-Retest" and subject to a Pre-Access test prior to returning to work on an Owner's premises. Contractor Employer may verify an individual from this pool into their Company random pool upon hiring the individual.



## **"INACTIVE" STATUS**

An individual who is ineligible to work at Participating Owner sites unless he/she has met all requirements for an "Active" status.

## **MEDICAL REVIEW OFFICER (MRO)**

A licensed physician responsible for receiving laboratory results generated by the consortium drug testing program, and who is knowledgeable of substance abuse disorders. The MRO must have appropriate medical training to interpret and evaluate an Employee Member's test result in conjunction with the Contractor Employee Member's medical history and any other relevant bio-medical information.

## **PARTICIPATING OWNER**

An Owner registered with DISA for verification access, who has accepted the DCC Substance Abuse Policy as meeting the requirements of their individual site drug and alcohol policies.

## **RELAPSE**

Return to misuse of drugs and/or alcohol.

## **SAFETY AND ENVIRONMENTALLY SENSITIVE POSITIONS**

Safety and Environmentally Sensitive Positions are those which involve substantial risk of physical injury to Contractor Employee Members, fellow Contractor Employee Members, the general public or damage to the environment or property.

## APPENDIX II.

**DRUG AND ALCOHOL PANELS**  
**SAFETY SENSITIVE**

<b>DRUGS</b>	<b>SCREEN LEVEL</b>	<b>CONFIRM LEVEL</b>
<b>Amphetamines</b>	<b>300 (ng/ml)</b>	<b>300 (ng/ml)</b>
<b>Barbiturates</b>	<b>300 (ng/ml)</b>	<b>100 (ng/ml)</b>
<b>Benzodiazepines</b>	<b>300 (ng/ml)</b>	<b>100 (ng/ml)</b>
<b>Cocaine</b>	<b>300 (ng/ml)</b>	<b>150 (ng/ml)</b>
<b>Methadone</b>	<b>300 (ng/ml)</b>	<b>100 (ng/ml)</b>
<b>Opiates</b>	<b>2000 (ng/ml)</b>	<b>2000 (ng/ml) Heroin</b> <b>2000 (ng/ml) Codiene</b>
<b>Cannabinoids</b>	<b>20 (ng/ml)</b>	<b>10 (ng/ml)</b>
<b>PCP</b>	<b>25 (ng/ml)</b>	<b>25 (ng/ml)</b>
<b>Propoxyphene</b>	<b>300 (ng/ml)</b>	<b>200 (ng/ml)</b>
<b>Alcohol</b>	<b>0.02% (BAC)</b>	<b>0.04 (BAC)</b>

**NOTE:**

Alcohol screening and confirmation methods are conducted according to DOT protocol. Substances and levels may be modified when applicable.

### APPENDIX III PROTOCOL FOR ALCOHOL TESTING

The protocol for alcohol testing must follow the Department of Transportation (DOT) guidelines.

- A. Screening test will be performed by a Breathalyzer, Evidential Breath Tester (EBT) or other testing device listed on the National Highway Traffic Safety Administration Standards (NHTSA) conforming products list.
- B. Confirmation test will be performed by an Evidential Breath Tester (EBT) listed on the National Traffic Safety Administration Standards (NHTSA conforming products test.
- C. If the initial test is 0.02 or above, then a confirmation test must be performed. A confirmation test concentration of 0.04 or higher will result in a positive test result.
- D. Before the confirmation test, a fifteen (15) minute waiting period must be observed. The purpose of the waiting period is to ensure that the presence of mouth alcohol does not artificially raise the test result.
- E. The wait time between the initial and confirmatory test must not exceed thirty (30) minutes.
- F. If the confirmation result is 0.04% breath alcohol concentration or greater, then the employee shall immediately be removed from performing his/her SES duties. Arrangements shall be made for the employee's safe transportation home.
- G. A confirmed result of 0.04% or higher is a positive for the purposes of determining "active" status.
- H. A result of 0.02% - 0.039%, but less than 0.04%, requires that the employee be removed from the work site until a subsequent test yields a result of less than 0.02% or until employee's next duty shift. This is consistent with DOT requirements.
- I. Records of alcohol testing shall be maintained by the Data Management Company. Personnel performing alcohol testing shall submit alcohol test results to the Data Management Company in a format approved by the Data Management Company.

## **DISA CONTRACTORS CONSORTIUM RETURN-TO-WORK COMMUNICATOR INSTRUCTIONS**

Dear Company Communicator:

- Step 1. As Communicator, it is your responsibility to be familiar with each step of the Return-to-Work Process.
- Step 2. Duplicates of the Return-to-Work packages provided to your company are in this section of your Operations Manual. A complete package shall be given to an Employee/Prospective Employee who receives notification of a confirmed positive test result. The package includes the Return-to-Work Process.

If you have any questions concerning this process, please call the Return-to-Duty Coordinator at DISA who can be reached at 1-800-752-6432.

## **DISA CONTRACTORS CONSORTIUM RETURN-TO-WORK PROCESS**

### **Return-To-Work Process of the DISA Contractors Consortium (DCC) to comply with the DCC Substance Abuse Policy**

After notification of a confirmed positive test by the Medical Review Officer (MRO), the Contractor Employee Member will be classified "Inactive" and will not be allowed to work for any consortium member company until the following requirements are satisfied:

#### **Pre-Enrollment/Rehabilitation Provisions**

An individual who has failed a Pre-Enrollment test is eligible to re-test and re-apply after 6 months if the individual is able to show documentation of an approved substance abuse professional's evaluation; completion of approved rehabilitation; and a negative Pre-Enrollment test in accordance with the DCC Policy. If the subsequent Pre-Enrollment test is negative, he/she will be classified as an "Active" member of DCC. However, he/she will be subject to unannounced Follow-up testing, in addition to Random testing, for a period of up to five (5) cumulative "Active" status years, in addition to the other tests provided for by the DCC policy.

Failure to comply with the rehabilitation requirements, including any subsequent positive test, will result in an "Inactive" status and exclusion from the DCC Program for a period of three (3) years. After the three (3)- year period, the individual may re-enter DCC if he/she has completed an approved rehabilitation program and submits a negative Pre-Enrollment test. The Contractor Employee Member will also be subject to unannounced Follow-up Testing for a period of up to five (5) cumulative "Active" status years as deemed necessary by the MRO.

#### **Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall or Post Accident/Incident**

If a Contractor Employee Member fails a Pre-Access, Reasonable Suspicion/Cause, Random, Owner Initiated or Wall-to-wall, or Post Accident/Incident test, he/she shall have one opportunity to enter and complete a rehabilitation program of which he/she will be responsible for the cost. To re-qualify for an "Active" status with DCC, the MRO must deem the rehabilitation program acceptable and completed and the individual must test negative on a Return-to-Duty test. Failure to comply with the rehabilitation requirements, including any



subsequent positive test, will result in an “Inactive” status and exclusion from the DCC Program for a period of three (3) years. After the three (3)- year period, the Employee may re-enter DCC if he/she has completed an approved rehabilitation program and submits a negative Return-to-Duty test. The Contractor Employee Member will also be subject to unannounced Follow-up testing for a period of up to five (5) cumulative “Active” status years as deemed necessary by the MRO.

### **Return-to-Duty, Follow-up Rehabilitation Provisions**

If an individual fails a second or subsequent Pre-Employment or any Return-to-Duty or Follow-up test, the individual will be classified as “Inactive” and as having breached the conditions of his/her rehabilitation. As a result, he/she will be classified as “Inactive” and excluded from the DCC Program for a period of three (3) years. After the three (3) year period, the individual may re-enter the DCC if he/she has completed an MRO approved subsequent rehabilitation program and submits a negative subsequent Pre-Employment or Return-to-Duty test. The individual will be subject to testing as provided by this policy and also to unannounced Follow-up testing for a period of up to five (5) cumulative “Active” status years as deemed necessary by the MRO.

## **Steps to Return-To-Work:**

### Choosing a Rehabilitation Provider:

- In all cases the provider must contact DISA prior to and for coordination of the rehabilitation plan.
- It is the Contractor Employee's responsibility to have the provider company contact the consortium's managing agent, DISA, to determine eligibility for the assessment process. DISA contacts the Return-to-Duty Coordinator, who can be reached at 1-800-752-6432.
- The MRO must deem the rehabilitation program acceptable to re-qualify for "Active" status in the DCC.
- The Employee may choose a rehabilitation provider approved by the MRO.
- The cost of rehabilitation will be paid by the Contractor Employee.

## **Completion of Rehabilitation:**

When the rehabilitation provider has determined that the Employee is sufficiently rehabilitated to return to the workplace:

- The rehabilitation provider will provide the assessment evaluation to the MRO.
- The MRO will communicate with DISA regarding the rehabilitation plan and the follow-up testing program.
- The Employee will return to "Active" status and become subject to random testing when DISA has received the required negative test result.

## DCC "REFUSAL TO SUBMIT A SPECIMEN" FORM

### I. POLICY

Current employee members and new member applicants who have completed the membership application and/or refuse to test for any reason at any time, shall be declared "inactive" and ineligible to work at participating owners sites.

The following instances will be considered as "refusal to submit":

- a. Any refusal to provide a specimen as directed. Pre-access refusals subsequent to the donor completing the membership application shall carry the same consequences as failing the pre-employment test.
- b. Failure to report for collection.
- c. Failure to provide a sufficient breath or urine.
- d. Refusal to sign any of the required documents associated with specimen collection.
- e. Providing false information to collector and/or on the CCF.

### II. REFERENCES

Policy and Procedures may differ. Please refer to your Operations Manual Section 201-01, Policy and Procedures for specific requirements.

### III. RESPONSIBILITIES

It is the employer's/collector's responsibility to have the employee who refuses to test, read the above policy statement and sign below. The employer must also circle the appropriate reason above and witness signature. **Fax immediately to DISA, INC.'s Return-to-Duty Department at (713) 972-3472 and ask the the Return-to-Duty Coordinator.**

Any comments as to what occurred: \_\_\_\_\_

### IV. SIGNATURE AND WITNESS

\_\_\_\_\_  
 COMPANY NAME ACCOUNT NUMBER

REASON FOR TEST: \_\_\_\_\_  
 (i.e. Pre-employment, Random, Reasonable Suspicion)

\_\_\_\_\_  
 EMPLOYEE NAME (Please Print) SOCIAL SECURITY NUMBER

\_\_\_\_\_  
 EMPLOYEE SIGNATURE DATE

PLEASE CHECK HERE IF DONOR REFUSED TO SIGN \_\_\_\_\_

\_\_\_\_\_  
 WITNESS SIGNATURE DATE

\_\_\_\_\_  
 WITNESS (PRINT NAME)