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## **ST. LOUIS COUNCIL OF CONSTRUCTION CONSUMERS MODEL SUBSTANCE ABUSE TESTING GUIDELINE**

The objective of this Model Substance Abuse Testing Guideline is to achieve optimal job site safety, to promote, and to maintain a drug free workplace. This is not intended as a substitute for the owner's or contractor's complete written substance abuse policy that should include other important features, including an employee education and awareness program, a supervisor training program and an employee assistance program. The guideline requires that anyone entering the owner's job site will comply with the substance abuse testing requirements.

### **1. CONTRACTUAL REQUIREMENTS**

a) The contractor and each subcontractor shall furnish a copy of its Substance Abuse Program to the owner prior to commencement of work on the owner's site of construction. This program shall be reviewed and accepted by the owner.

b) The contractor must have and enforce, as a minimum, a written Substance Abuse Program incorporating the testing requirements and conditions set forth in this guideline. The contractor and all subcontractors shall comply with this program. Suppliers, vendors, and visitors are subject to the owner's substance abuse program requirements.

c) The contractor and each subcontractor may train employees in methods that will allow them to recognize behavior consistent with reasonable suspicion of substance abuse. Supervisory employees of the contractor or subcontractor should be trained to take action, and to confront a substance abuse issue in a manner consistent with generally accepted safety training procedures.

d) The costs of implementing the Substance Abuse Program shall be borne by each respective contractor or subcontractor.

### **2. DEFINITIONS**

a) Positive Test: Test results indicating the presence of legal or illegal substances at or above the confirmatory level.

b) Non-negative Test: For the purposes of this guideline, any unconfirmed negative test.

c) Negative Test: Test results indicating that legal or illegal substances are at levels below the threshold.

d) Pre-Employment Testing: Testing for all substances other than alcohol required by the contractor or subcontractors for their employees or prospective employees within one hundred twenty (120) days prior to their appearance on the owner's site of construction. This requirement shall be waived if the employee is an active member of an owner approved pool.

e) Mandatory Follow-up Testing: Testing for all substances other than alcohol required by the contractor or subcontractors for their employees at a rate to ensure that 100% of all workers are tested within a twenty-two to twenty-four month period. Employees tested under the Random Testing program, shall have the twenty-two to twenty-four month period begin with the Random Test date.

f) Random Testing: Testing for all substances is required by the contractor or subcontractors for their employees with a random selection rate of at least fifty percent (50 %) of their employees annually. The frequency of Random Testing for a contractor or subcontractor's job of less than one (1) year will be adjusted proportionately to the duration of the job, but in any event at least one employee per month shall be tested. Employees selected for random testing shall report to the drug testing facility or collection site and provide a specimen the same day that they are notified that they have been selected.

g) For Cause Testing: Testing for all substances set forth in Section 5, conducted by the contractor or subcontractors for their employees whose behavior on the Owner's site of construction causes either the Owner's or the respective contractor's or subcontractor's supervisory personnel to reasonably suspect that such behavior may result from substance abuse.

h) Post-Accident / Incident Testing; Testing for all substances set forth in Section 5, conducted by the contractor or subcontractors for their employees involved in any accident involving off-site medical treatment, or any property damage. In addition, first aid cases, or "near misses" in which injury or property damage is narrowly avoided shall require testing as determined by the Owner, contractor or subcontractor.

i) Medical Review Officer (MRO): A licensed physician who reviews, verifies and reports the results of a drug test.

### 3. TESTING REQUIREMENTS

The contractor or subcontractor shall perform pre-employment, mandatory follow-up, random, for cause, and post-accident / incident testing.

a) Urine Testing for drugs:

i.) Standard drug testing must be conducted by a Department of Health & Human Services (HHS) Substance Abuse & Mental Health Services Administration (SAMHSA) certified laboratory.

a. Split specimens shall be collected and all non-negative test results shall require a sample be submitted to a certified laboratory for testing with test results interpreted by a licensed medical review officer (MRO).

ii.) An instant test ("quickie test") may be performed on-site or at an approved testing facility, using a Food and Drug Administration (FDA) approved device for instant testing. The instant test shall, at a minimum, test for the same substances as the standard test.

- a. Persons with non-negative, instant tests may or may not be allowed to start work immediately, based on owner / contractor arrangements.
- b. Split specimens shall be collected and all non-negative test results shall require a sample be submitted to a certified laboratory for testing per subparagraph i. above.

b) Alcohol Testing:

i.) The initial screen tests for alcohol shall be performed by using breathalyzer methods comparable to the types used by law enforcement officials or a blood test.

ii.) Alcohol confirmatory tests shall be performed by using a blood alcohol test.

c) Saliva and hair testing

i.) Should an owner allow the use of hair or saliva as an alternative specimen for drug and alcohol testing, the techniques, samples kits and protocols that shall be used for testing shall be in accordance with the owner's requirements.

#### 4. CONFIRMATION OF TESTING

Confirmation of test results for employees shall be kept confidential. Evidence of a negative test shall be furnished to the owner, prior to commencement of work by the contractor or subcontractor.

a) Electronic databases: All negative test results shall be included in an electronic database that will be accessible to employers which may be provided to owners upon request. The database will include the employee's name, craft, identification number, and the date of the test.

#### 5. SUBSTANCES:

The panels and thresholds of the substance abuse testing guideline should be based on the federal standards plus additional substances that have been tested for in the region, as follows:

<i>substance</i>	<i>threshold</i>	<i>confirmatory level</i>	<i>notes</i>
alcohol	0.04%	0.04%	Current DOT level
amphetamines	500 ng/ml	250 ng/ml	Current DOT level
barbiturates	300 ng/ml	200 ng/ml	
benzodiazepine	300 ng/ml	200 ng/ml	
cocaine	150 ng/ml	100 ng/ml	Current DOT level
marijuana	50 ng/ml	15 ng/ml	Current DOT level
methadone	300 ng/ml	200 ng/ml	
opiates			Current DOT level
codeine / morphine	2000 ng/ml	2000 ng/ml	
heroin	10 ng/ml	10 ng/ml	
phencyclidine	25 ng/ml	25 ng/ml	Current DOT level
propoxyphene	300 ng/ml	200 ng/ml	

## 6. COMPLIANCE

a) The owner reserves the right to audit any contractor's or subcontractor's Substance Abuse Program to verify compliance. The owner shall have access to all relevant records for this purpose, provided such record disclosures are within the scope of the Department of Health and Human Services (DHHS) guidelines pertaining to confidentiality of employee records.

b) Employees with a positive test result shall immediately be removed from the owner's site by their employer.

c) The contractors' or subcontractors' employees who receive a confirmatory positive test result shall be prohibited from returning to any of the owner's sites until such time:

i) that said employee has successfully completed an assessment/substance abuse treatment program as recommended by a certified Substance Abuse Professional (SAP)

ii) and as submitted by the contractor that is acceptable to the owner.

d) A second confirmed positive test after the employee's return will result in a permanent bar from any of the owner's sites.