

# NORTH AMERICAN SUBSTANCE ABUSE PROGRAM (NASAP)

## 1.0 INTRODUCTION

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.

A copy of this document and additional information about NASAP can be obtained from the Houston Area Safety Council’s website [www.hacsc.com](http://www.hacsc.com).

## 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**. Contract 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 which is available for review at the following link (insert link). 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, he/she 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 he/she is 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:

- a. Observable phenomena such as direct observation of prohibited substance, use, possession, or physical behavior that would indicate the use of prohibited substances;
- b. A pattern of abnormal conduct or erratic behavior;
- c. 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;

- d. Information that is either provided by reliable and credible sources or independently corroborated;
- e. 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 he or she has 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 (ies) 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:

- a. 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 Employee Member could have been a contributing factor to the incident.
- b. 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, he/she is no longer eligible for entry onto Owner sites and is designated "Inactive" until he/she has 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 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 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 safely. 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, he/she shall be declared "Inactive" and become ineligible to work at participating Owner sites.

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

- a. Refusal to provide a specimen, or cooperate with any part of the testing process as directed,
- b. Failure to report for collection as specified above,
- c. Submission of an adulterated or substituted specimen, or
- d. 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 his/her original specimen, provided he/she submits 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 he/she is 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 his/her 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 he/she completes an approved rehabilitation program; at least six months from the date of the report of verified positive or refusal to test; and he/she tests 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 his/her rehabilitation. Anyone breaching the terms of his/her 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 he/she has 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**

The TPA will maintain the confidentiality of all individual Contractor Employee Member's substance testing and rehabilitation records.

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.

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**

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.

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**

This program may be modified at any time. Participating Owners and Contractors shall be notified of any modification before implementation.

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.

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.

# APPENDIX I

## KEY TERMS

**ACTIVE** – the status of a Contractor Employee Member who is in compliance with this program and is eligible to work at participating Owner sites.

**AWAITING ASSIGNMENT** – the status of a Contractor Employee Member who is no longer employed by a Contractor at a participating Owner site; such a member may be moved by the Contractor from its company random pool to the Awaiting Assignment Pool through the deactivation process.

**CONTRACTOR EMPLOYEE MEMBER** – An employee of a participating Contractor who has successfully enrolled in the NASAP's Substance Abuse Program or who was so employed at the time of his enrollment.

**CONTRACTOR EMPLOYEE REPRESENTATIVE** – A designated Contractor employee or employees that will be responsible for administering NASAP within the Contractor Company and will be the interface between the Contractor and the Third-Party Administrator

**DEACTIVATION** – the process of moving a Contract Employee Member from a Company pool to the Awaiting Assignment pool.

**INACTIVE** – the status of a Contractor Employee Member, who is ineligible to work at participating Owner sites due to no test on file, missed a scheduled random test, a non-negative test, self-identification, refusal to submit to a test, failure to follow rehabilitation requirements, or failure to consent to release test results or rehabilitation records.

**NORTH AMERICAN SUBSTANCE ABUSE PROGRAM (NASAP)** – A program established by the Houston Business Roundtable (HBR) and used by participating Owners, Contractors, and Contractor Employee Members to promote a workplace free from the effects of substance abuse.

**MEDICAL REVIEW OFFICER (MRO)** – A licensed physician who is responsible for receiving and reviewing laboratory results generated by a drug testing program to evaluate laboratory test results to assure proper interpretation of those results. The MRO must have appropriate medical training to interpret and evaluate a Contract Employee Member's test result in conjunction with the Contract Employee Member's medical history and any other relevant bio-medical information.

**PARTICIPATING CONTRACTOR** – A Contractor company who has adopted NASAP.

**PARTICIPATING OWNER** – An Owner who has accepted NASAP.

**PRE-ACCESS TEST** – A person that misses a called random test for legitimate reasons, i.e., is on vacation or is not currently employed or assigned to a work site, must complete a Pre-Access test with a negative test result, prior to accessing the assigned work site. This test must be done at the earliest reasonable time after returning from vacation or being assigned to a work site.

**PROHIBITED SUBSTANCE –**

- Marijuana in any form, even if legal in the local jurisdiction.
- Potentially impairing medications (e.g., some Prescription Drugs and over-the-counter medications or herbal medicines) used without a prescription or in a manner inconsistent with the prescription or directions for usage.
- Alcohol – a consumable liquid containing ethanol (e.g. beer, wine, spirits) and powdered alcohol which can be reconstituted into an alcoholic drink.
- Illicit drugs that are not or cannot be prescribed, or mind-altering substance including all forms of naturally occurring and synthetic drugs e.g. synthetic cannabinoids, stimulants and hallucinogens that would inhibit the ability of Contractor Personnel to perform work safely.

**SUBSTANCE ABUSE PROFESSIONAL (SAP)** – A person who evaluates individuals who have violated drug and alcohol program rules and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP can be a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**THIRD PARTY ADMINISTRATOR (TPA)** – A n entity that provides or coordinates the provision of drug and alcohol testing services to Contractors and/or Owners and reports the results of testing to HASC. This term includes, but is not limited to, groups of Contractors and/or Owners who administer the drug and alcohol testing programs of its members as a single entity. A listing of TPAs that meet NASAP requirements is available from designated contacts at NASAP.

# APPENDIX II

## DRUG AND ALCOHOL PANEL

	SCREENING CUT-OFF (g/dL)	CONFIRMATION CUT-OFF (g/dL)
ALCOHOL	0.02	0.04
DRUG CLASS ANALYTES	SCREENING CUT-OFF (ng/mL)	CONFIRMATION CUT-OFF (ng/mL)
<b>AMPHETAMINES</b>	300	
AMPHETAMINE		250
METHAMPHETAMINE		250
MDMA		250
MDA		250
MDEA		250
<b>BARBITURATES</b>	300	
AMOBARBITAL		200
BUTALBITAL		200
PENTOBARBITAL		200
PHENOBARBITAL		200
SECOBARBITAL		200
<b>BENZODIAZEPINES</b>	300	
ALPRAZOLAM METABOLITES		100
NORDIAZEPAM		100
OXAZEPAM		100
TEMAZEPAM		100
FLURAZEPAM METABOLITES		100
LORAZEPAM		100
TRIAZOLAM METABOLITES		100
<b>COCAINE METABOLITES</b>	150	
BENZOYLECGONINE		100
<b>MARIJUANA METABOLITES</b>	20	
THCA (11-nor delta-9 THCA)		10
<b>METHADONE</b>	300	200
<b>METHAQUALONE</b>	300	200
<b>OPIATES</b>	300	
MORPHINE		100
CODEINE		100
HYDROMORPHONE		100
HYDROCODONE		100
<b>6-ACETYLMORPHINE (6-AM)</b>	10	10
<b>OXYCODONES</b>	100	
OXYMORPHONE		100
OXYCODONE		100
<b>PHENCYCLIDINE (PCP)</b>	25	25
<b>PROPOXYPHENE</b>	300	200
<b>Synthetic THC*</b>	0.05	0.05

\* Must include at minimum the compounds and associated testing metabolites specified in Appendix III

## APPENDIX III

### MINIMUM REQUIREMENTS FOR SYNTHETIC THC TESTING

<b>Parent Compound</b>	<b>Required Urine Testing Metabolite</b>
<b>JWH-018/AM-2201</b>	JWH-018 N-pentanoic acid
<b>JWH-018/AM-2201</b>	JWH-073 N-butanoic acid
<b>UR-144/XLR-11</b>	UR - 144 N-pentanoic acid
<b>AKB-48 - (APINACA)</b>	AKB48 N-pentanoic acid
<b>BB-22</b>	BB-22-3-carboxyindole
<b>PB-22 - (CUPIC)</b>	PB-22-3-carboxyindole
<b>5-Fluoro-PB-22 - (5F-PB-22)</b>	5-Fluoro PB-22-3-carboxyindole
<b>AB-FUBINACA</b>	AB - FUBINACA oxobutanoic acid
<b>ADB-PINACA</b>	ABA- PINACA N- pentanoic acid
<b>AB CHMINACA</b>	AB CHIMINACA 3-methyl- butanoic acid ("M2")
<b>AB PINACA/5-F-AB-PINACA</b>	AB PINACA N-pentanoic acid
<b>ADBICA</b>	ABICA N-pentanoic acid

## **APPENDIX IV**

### **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 g/dL or above, a confirmation test must be performed. A confirmation test concentration of 0.04 g/dL or higher is a non-negative 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 g/dL breath alcohol concentration or greater, the Contractor Employee Member shall immediately be removed from the Owner's site. Arrangements shall be made for the Contractor Employee Member's safe transportation home.
- G. A confirmed result of 0.04 g/dL or higher is a non-negative for the purposes of determining "Active" status.
- H. A result of 0.02 - 0.039 g/dL, but less than 0.04g/dL, requires that the Contractor Employee Member be removed from the work site for a minimum of 8 hours and until a subsequent test yields a result of less than 0.02g/dL.
- I. Records of alcohol testing shall be maintained by the TPA. Personnel performing alcohol testing shall submit alcohol test results to the TPA in a format approved by the TPA.

## APPENDIX V

<p style="text-align: center;"><b>NORTH AMERICAN SUBSTANCE ABUSE PROGRAM RETURN-TO-WORK PROCESS CONTRACTOR REPRESENTATIVE INSTRUCTIONS</b></p>
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Dear Contractor Representative:

- Step 1. As Contractor Representative, you must be familiar with each step of the Return-to-Work Process.
- Step 2. Approved TPAs provide duplicates of the Return-to-Work process in the Operations Manual furnished to your company on enrollment. A complete package of the Return-to-Work process shall be given to each Contractor Employee Member/prospective employee who receives notification of a verified non-negative test result.

If you have any questions concerning this process, please call the Return-to-Work Coordinator at the respective Third Party Administrator.

<p style="text-align: center;"><b>NORTH AMERICAN SUBSTANCE ABUSE PROGRAM</b> <b>RETURN-TO-WORK PROCESS</b></p>
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**Return-to-Work Process of NASAP**

After notification of a verified non-negative test by the Medical Review Officer (MRO), the Contractor Employee Member will be classified "Inactive" and will not be allowed access to any NASAP Owner site until the following requirements are satisfied:

**Pre-Enrollment Rehabilitation Provisions**

An individual who has tested non-negative or is otherwise classified as "Inactive" as a consequence of a Pre-Enrollment test is eligible to re-test after six (6) months if the individual is able to show documentation of a substance abuse professional's (SAP) evaluation and successful completion of approved rehabilitation. If the subsequent Pre-Enrollment test is negative, he/she will be enrolled as an "Active" member of the NASAP. However, he/she will be subject to Follow-up testing, in addition to all other forms of testing for a period of five (5) cumulative "Active" status years.

Failure to comply with the rehabilitation requirements, including any subsequent non-negative test, will result in an "Inactive" status and exclusion from NASAP for a period of three (3) years. After the three (3) year period, the individual may be eligible to re-test if he/she has completed an approved rehabilitation program. However, he/she will be subject to Follow-up testing, in addition to all other forms of testing for a period of five (5) cumulative "Active" status years.

**Pre-Access, Random, Post Accident or Reasonable Suspicion Rehabilitation Provisions**

In order to regain "Active" status, a Contractor Employee Member who tested non-negative or is otherwise classified as "Inactive" as a consequence of a Pre-Access, Random, Post-Accident, or Reasonable Suspicion test must be evaluated by a SAP, complete an approved (by TPA, HASC or NASAP) rehabilitation program and test negative on a Return-to-Work test. Failure to comply with the rehabilitation requirements, including any subsequent non-negative test, will result in an "Inactive" status and exclusion from NASAP for three (3) years. After the exclusion period, the Contractor Employee Member may regain "Active" status by completing an approved rehabilitation program and testing negative on a Return-to-Work test. The individual will be subject to testing as provided by this program and to Follow-up testing for a period of five (5) cumulative "Active" status years.

## **Steps to Return-to-Work**

### Choosing a Rehabilitation Provider:

- The Contractor Employee Member must have the Rehabilitation Provider contact the relevant TPA to determine whether the proposed rehabilitation satisfies NASAP requirements. Failure to do so in a timely manner may result in the Contractor Employee Member incurring expenses of that rehabilitation program without becoming eligible for "Active" status.
- The Contractor Employee Member is responsible for any costs associated with rehabilitation.

### Completion of Rehabilitation:

When the rehabilitation provider has determined the individual has completed rehabilitation and is ready to return to the workplace:

- The rehabilitation provider will provide the assessment to the SAP.
- The SAP will provide a report to the TPA with recommendations for additional treatment, aftercare and the follow-up testing program.
- The MRO will review the report and provide a return-to-work agreement detailing the recommendations for aftercare and follow-up testing.
- The individual indicates acceptance of the terms of the return-to-work agreement with his/her signature and is eligible to take a return-to-work test.
- The individual must test negative on the return-to-work test to be designated "Active" in NASAP.