

Loss Prevention

DRUG AND ALCOHOL AWARENESS - ESTABLISHING A DRUG FREE WORKPLACE

The Construction Industry accounts for 16.5% of substance use disorders, it is second only to the mining industry. [Source: National Survey on Drug Use and Health]. More New Yorkers die from Drug Overdoses than homicides, suicides, and car crashes combined.” [NYC Health Department]

Of primary concern is prescription and over the counter drugs. Over 80% of drug overdoses in NYC involve opioids, which include heroine and prescription painkillers such as Morphine, Oxycodone, and Fentanyl. Fentanyl was involved in nearly half of the overdose deaths in 2016. [Source: Janssen Pharmaceuticals Canada]. The sources of misused prescription pain relievers are: 34.6% from the doctor’s or dentist’s office; 35% from friends and family sharing, for free, these pain killers. Just 4.6% comes from drug dealers. [Source: SAMHAS, 2017 NSDUH Report].

This Article provides 5 Basic Steps to aid in the establishment a Drug Free Workplace. These are the 5-Basic Steps for program implementation as suggested by the Substance Abuse and mental Health Services Administration: <https://www.samhsa.gov/workplace/toolkit>

1. Inform employees of the hazards of using alcohol and illegal substances.
2. Screen employees for the bodily presence of alcohol and illegal substances consistent with federal and state laws.
 - a. Do not employ substance abusers consistent with federal and state laws and company policy.
 - b. Remove substance abusers from the workplace.
3. Establish a Disciplinary Action Plan
4. Record Retention
5. Where possible, assist employees with substance abuse problems in their rehabilitation efforts.

Step One: Educate yourself and train your teams. The Company should establish a Zero-Tolerance position with regards to the use of Alcohol or Illegal Drugs. It should also define procedures of notification when prescription drugs are utilized.

Step Two: Screen Employees. Substance Abuse testing limits the potential exposure of workers performing their construction activities under the influence of drugs and/or alcohol. <https://www.samhsa.gov>

- a) The Laboratory. The Company should utilize a Department of Health and Human Services (DHHS) accredited laboratory which is able to assure that appropriate methods will be used.
- b) Collection of Specimens. The collection of urinary specimens from the employee (donor) should be accomplished to assure each donor that personal dignity and privacy will be respected.
- c) Test Results. If the results of the initial screening exceed the specific cut-off levels, a confirmation test is automatically be conducted by Gas Chromatograph Mass Spectrometry (GCMS) to confirm the initial results. With the exception of those employees who are required to be screened under U.S. Department of Transportation (DOT) regulations, or other regulatory requirements, the panel of drugs for which these tests are conducted include, but are not necessarily limited to, the

following: amphetamines; barbiturates; benzodiazepines; opiates; phencyclidines; and cocaine. *The chart linked is intended for informational purposes only and should not be relied upon for legal guidance. State and local law varies greatly; therefore, you are advised to consult experienced legal counsel during the design of your actual substance abuse testing program and with any questions that follow.* <https://www.nationaldrugscreening.com/us-state-laws/new-york/>).

- d) Action Levels for Positive Results. The action levels for positive test results for controlled substances will be the metabolic levels accepted by consensus of the scientific community.

Step Three - Establish A Disciplinary Action Plan. The Company should reserve the right and authority to initiate the following disciplinary actions with reference to any employee found to have violated the Company's Alcohol and Drug Free Workplace Program.

Step Four- Records Retention. All Alcohol and Drug Free Workplace Program records will be retained by the company in the individual employee's Medical Records file for a minimum period of two (2) years.

Step Five - Establish an Employee Assistance Program. If the employee acknowledges to the company that he or she has a substance abuse problem and is willing to follow an approved rehabilitation and follow-up program for one year, the employer should make every effort to:

- a) hold the job open while the employee is going through inpatient rehabilitation; or
- b) place the employee in a job where the employee is not able to hurt other workers while he or she is going through an outpatient rehabilitation program.

In NYC there is a Drug and Alcohol Awareness Mandatory Training Requirement:

Employers should also be aware that in order to continue to operate in the City of New York, the designated construction worker is required to complete a minimum number of hours of approved site safety training and to carry site safety identification cards as proof of completion of the training (As per NYC Local Law 196 of 2017). The 2-hour Drug and Alcohol Awareness course will become mandatory on March 1, 2021