



## GoM Region Contractor Substance Abuse Policy

### Purpose & Scope

Company has a strong commitment to provide a safe work place for its employees and other persons working or visiting on its premises or projects. This Policy concerning substance abuse is established in order to assist in maintaining a safe working environment and to protect Company property.

Contractors, subcontractors, and vendors who perform labor or services on Company premises, on Company Projects, or on whose premises Company employees spend substantial time must have and administer a formal substance abuse interdiction policy, which informs employees about the risks of using illegal drugs or misusing prescription and over the counter drugs. Contractors and subcontractors (hereinafter referred to as “Contractor” or “Contractors”) must also implement a policy that includes substance testing of Contractor's employees entering Company premises or working on Company Projects, consistent with the terms of this Policy. For the purpose of this Policy, a “Company Project” refers to any work performed under the “Scope of Work” provision of the applicable contract between Company and Contractor or vendor. The Policy shall apply to employees of the Contractor or vendor or to any employees furnished by or on behalf of Contractor or vendor.

**Company reserves the right to prohibit solicitation of bids from, deny entry to Company Projects or premises to, or cancel any project, or portion thereof, with any Contractor or vendor that fails to present a written policy that meets the Company's minimum standards, or that fails to administer an acceptable policy.**

### SECTION I – POLICY STATEMENT

The use, possession, concealment, transportation, promotion, or sale of the following substances is strictly prohibited on Company premises, including all property owned, operated, leased by, or under the control of Company, as well as on the location of *any* authorized Company Project, regardless of the physical location where such work is performed.<sup>1</sup>

- Prohibited substances are defined as: (a) any alcoholic beverage, the use of which is not authorized by the Company, (b) any substance that an individual may not sell, possess, use, or distribute under federal or applicable state laws, and (c) any otherwise legal but illicitly-used substances.

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<sup>1</sup> *In many contracts, Company reserves the right to remove a contractor's employees for any reason. In no way does this policy detract from that right.*

- "Otherwise legal but illicitly-used substances" include (a) prescription drugs obtained without proper medical authorization, and (b) prescribed drugs, over-the-counter drugs, and other substances not being used for their intended purposes or at intended dosage. (c) illegal synthetic drugs
- Drug paraphernalia and similar items used for substance abuse are likewise prohibited on Company Projects or premises.

Contractors and vendors shall submit a copy of their policy and program to the Company employee designated to administer contracts or to such other individual as may hereafter be designated by Company. Such policy must provide for substance testing of Contractor employees and must meet the minimum standards as set forth in Section II below.

Any Contractor or vendor employee found to be in violation of this Policy shall, thereafter, be prohibited from entering Company premises and prohibited from working on any Company Project. Reinstatement of the access privilege may be made after one year upon request of the employing contractor. Such requests should be made to the Director of Security GoM - and will be evaluated on the merits of each case. A request will be granted only upon receipt of evidence that the employee successfully passed a substance test conducted within not more than thirty (30) days prior to the date of the request, and has successfully completed an assessment by a Substance Abuse Professional (SAP), and has complied with all recommended treatment or rehabilitation prescribed by the SAP.

## SECTION II – TESTING

### A. DEFINITIONS

For the purpose of this policy:

1. "Substance testing" means the analysis of urine, saliva, hair, or breath; however, at times circumstances may warrant additional testing methods.
2. "Chain of custody" means the combination of procedures and documentation which provides a faithful and accurate written record of the custody of a biological specimen, from the time of initial collection of a specimen to final laboratory analysis.
3. "Negative test result" means a laboratory conclusion that the presence of a substance was not detected in a specimen at or above the screening and confirmation levels utilized.
4. "Screened non-negative result" or "presumptive positive result" means laboratory conclusion based on immunoassay that a specimen was found to contain one or more substances present at or above the screening cut-off level.
5. "Confirmed positive result" means laboratory confirmation using gas chromatography/mass spectrometry (GC/MS) of a positive substance test by a Medical Review Officer (MRO).

### B. LABORATORY AND SAMPLING STANDARDS

1. Testing for the following substances, at the indicated screening and confirmation cutoffs, are recommended:

<u>Drug</u>	<u>EMIT Screen</u>	<u>GC/MS Confirmation Levels</u>
Amphetamines	500 ng/ml	250ng/ml
Marijuana	50 ng	15 ng
Cocaine	150 ng/mL	100 ng
Opiates	2000 ng	2000 ng
PCP	25 ng	25 ng
Alcohol	.02 BAC	.02 BAC

In addition to the categories of testing covered in this policy, BP GoM shall perform non-DOT testing for an expanded opiate panel.

Extended Opiate Confirmation		
Drug Code	Screening Level	Confirmation Level
CODEX		150
HYCODEX		150
HYMOREX		150
MOREX		150
OPIEX		150
OXCODEX		150

All Contractors should abide by appropriate levels.

- The specimens of applicants and current employees will be tested using an immunoassay. (Approved on-site testing is permissible.) In this testing scheme, a non-negative finding is called a screened non-negative. All screened non-negatives will be further tested using GC/MS. In this testing scheme, a positive finding is called a presumptive positive. All presumptive positives will undergo MRO review.
- Alcohol screening testing may include utilization of either breath or saliva testing. Tests which are screened positive will undergo confirmation via the use of an evidential-quality breathalyzer for confirmation of positive alcohol test results. MRO review is not required for positive alcohol test results, unless otherwise required by applicable local, state, or federal law.

### C. CONFIDENTIALITY

Company will require that contractors and vendors certify that each employee assigned to work on Company premises has passed a substance test that meets the standards of this policy. Contractors and vendors must maintain records related to substance tests conducted under this Policy, which are subject to audit by Company as further set forth in Sections IV and VI of this Policy.

The results of substance tests performed by a Contractor or vendor on its employees assigned to work on Company premises or on Company Projects must be disclosed to local Company management upon request, unless prohibited by federal, state, or local law.

## D. TESTING

1. Contractors will conduct substance testing in these situations:
  - a. before any contractor employee may enter Company premises or perform work on any Company project for the first time.
  - b. annual random drug testing of at least 25% of Contractor's employees engaged in work on Company premises and on any Company Project; this requirement will be met if Contractor covers the applicable employees under a larger drug testing pool that is subject to annual random testing of at least 25% of the pool population.
  - c. upon reasonable suspicion by the Contractor or Company that a contractor employee on Company premises or working on a Company project is under the influence of or has consumed any substance or item prohibited by this Policy.
  - d. when required by Company management, immediately following any incident that results in a recordable bodily injury as defined by OSHA, or damage to Company or Contractor-owned property, and/or when otherwise required by federal, state or local law. Additionally, any substance testing regulated and/or required by DOT (FHA, RSPA, USCG), must be strictly adhered to. (Note: Substance testing may also be required by the Contractor, vendor or Company following a near-miss incident. A near-miss incident is any incident which, if it had proceeded to a reasonably possible and more serious level of development, would have had the potential for personnel injuries, property damage, or serious liability claims).
2. Contractors will assume all costs associated with testing.
3. The refusal of a contractor's employee to sign a consent form or submit to any testing required by this Policy will result in revocation of the person's access privileges. A refusal to test shall include a failure to cooperate with any part of the testing process, including: (1) failing to remain until the process is completed; (2) failing to provide a sufficient or adequate specimen (without medical explanation); (3) failing to appear for testing (including failing to appear within a reasonable time after being notified of testing); (4) failing to submit to a re-collection or retesting when required; or (5) submitting a specimen that the MRO verifies as adulterated or substituted.

## E. EXCEPTIONS

The following exceptions may be granted at the discretion of Company management:

1. Contractors and Contractors' employees who are contracted or hired on short notice may be permitted to begin work on-site or on a Company project pending receipt of the results of pre-access substance testing. This permission will not extend beyond seven (7) calendar days from the first date after work starts by Contractor.

Any person working under this provision must be removed from the work site immediately upon receipt of a positive test result, or at the end of seven (7) calendar days if test results have not been reported.

This provision covers only employees needed for initial staffing and does not extend to those hired with sufficient time for pre-access testing (2-3 days after job begins).

2. Contractors or vendors who have a need for site access and whose work on Company property or on a Company project poses a minimal safety risk may be exempted in whole or in part from compliance with this Policy. Requests for an exemption should be made to the GoM Director of Security, or to such other individual as may hereafter be designated by the Company.

#### F. VALIDITY PERIOD

A pre-access substance test must have been administered within ninety (90) days immediately preceding access. This requirement may be waived by local authorized Company management for persons who are regaining access after an absence of not more than ninety (90) days.

Company will recognize a substance test conducted on a Contractor's employee while that employee worked for a different employer if (1) the test is conducted within the 90-day period required by this policy, and (2) the laboratory and sampling procedures meet the standards set forth in this Policy.

### SECTION III – SEARCHES AND INSPECTIONS

Company reserves the right at all times on its premises to conduct unannounced substance screens, searches, and inspections of contractors, contractors' employees, vendors, and other persons, including their effects, lockers, baggage, desks, tool boxes, clothing, and vehicles located on Company property or worksites, as a means of enforcing this Policy.

Any controlled substances or items prohibited by this Policy, or any materials that are illegal to possess, will be retained by Company and may be destroyed or turned over to the appropriate law enforcement agency.

The refusal of any person to submit to a search or inspection will result in the revocation of the person's access privileges.

### SECTION IV – COMPLIANCE AUDITS

Company reserves the right to periodically audit a Contractor's records to verify compliance with this policy. Such verification will include, but not be limited to:

1. examination of the Contractor's substance abuse policy and its implementing directives and procedures;
2. a determination that substance testing is being conducted in those situations where it is required and that the testing meets the standards of this policy;
3. examination of chain of custody procedures which ensure integrity of collected specimens; or
4. evaluation of laboratory services.

Audit results will be treated as confidential in order to protect the privacy of tested persons.

## SECTION V – SUBCONTRACTS

In all cases where a Contractor is permitted to employ a subcontractor, the Contractor is responsible for ensuring that the subcontractor and subcontractor's employees are in compliance with this policy. Contracts between contractors and subcontractors must stipulate that Company reserves the right to audit subcontractor's substance programs.

## SECTION VI – CONSENT FORMS

The Contractor must obtain a signed consent demonstrating each employee's agreement to release to Contractor and Company the results of any substance testing performed, unless prohibited by applicable federal, state, or local law.

Company will look at substance test results only during occasional compliance audits as described in Section IV, or when testing is required by Company as described in Section II or upon request for reinstatement

## SECTION VII – NOTICE

The Contractor must ensure that each of its employees and employees of its subcontractors is informed of the provisions of this policy and of the Contractor's substance abuse policy. Notice will include the consequences of failure to comply, and will be made prior to entering Company premises or working on Company Projects.

## SECTION VIII – CONCLUSION

Consideration for work on Company premises or Projects will be conditioned upon contractor's and vendor's implementation of a policy that, in Company's sole judgment, conforms to the minimum standards expressed in this policy. Program development and implementation are the responsibility of the contractor.

The central goal of this policy is to provide a safe and efficient working environment for all persons on Company premises, and to ensure that Company Projects are performed in a safe and efficient manner. Cooperation is vitally important to the achievement of this important goal.

## Revision Log

10/28/2015	Health Manager	Occupational Health Advisor	Document reviewed with no changes.
11/25/2014	HSE Manager	Health Manager	Document reviewed with no changes.
9/23/2013	GoM HSSE Director	Christine Curtis, Business Security Director, GoM	Reviewed and updated next review date
9/15/2012	GoM HSSE Director	Christine Curtis, Business Security Director, GoM	Updated SPU to Region Added hair to acceptable sampling methods
5/5/2011	GoM HSSE Director	Christine Curtis, Business Security Director - GoM	Updated Sampling Standards to meet current DOT standards, Changed requests for reinstatement from responsible party to Security Director Custodian changed from Greg Lynch to Christine Curtis
3/29/2010	GoM HSSE Director	Greg Lynch, Business Security Manager - GoM SPU	Changed custodian from Dennis Johnson to Greg Lynch. Updated next review date.
02/18/2009	GoM HSSE Director	GoM HSSE	Issued for use

# Gulf of Mexico



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Custodian	Name here: Laura East Title: Occupational Health Advisor	<i>Laura E East</i>	10/28/2015
Authority	Name Here: Valerie Murray Title: Health Manager	<i>Valerie Murray</i>	10/28/2015

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