

# Drug-Free Workplace Program

Guy's Construction  
123 Main Street, Anytown, CA 90210

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Drug-Free Workplace Act / DOT 49 CFR 40

Effective Date: June 08, 2026

**SAMPLE DOCUMENT - NOT FOR COMPLIANCE USE**

## JURISDICTION AND REGULATORY FRAMEWORK

Drug-free workplace programs are governed by a combination of federal, state, and contract requirements:

- Drug-Free Workplace Act of 1988: required for all federal contractors and grantees
- DOT 49 CFR Part 40: drug and alcohol testing procedures for safety-sensitive transportation employees
- FMCSA Clearinghouse: centralized database of CDL holders' drug/alcohol violations
- State drug testing laws: vary significantly by state (testing restrictions, marijuana protections, etc.)

**State marijuana legalization does NOT override federal drug testing requirements. Marijuana remains a Schedule I substance under federal law and is tested under DOT and Drug-Free Workplace Act programs.**

**STATE-SPECIFIC: California has the following related requirements:**

- Drug-Free Workplace Act of 1988: All federal contractors and grantees, requiring them to maintain a drug-free environment. This includes implementing five core components: a
- drug-free environment including five core components: a written policy, employee education programs, supervisor training, etc.
- All federal contractors and grantees, requiring them to maintain a drug-free environment including implementing five core components: a writ
- All federal contractors and grantees, requiring them to maintain a drug-free environment including written policy, employee education progra
- the drug-free workplace requirements
- a minimum of 300 ft (91.4 m) from all chipper operations
- additional strength by the use of heavier stock, closer spacing of posts, bracing or by other means
- to support an employee with welding, burning torch, sandblasting equipment, or chemicals harmful to fiber rope
- require the personnel lift be accomplished in accordance with the provisions of this part
- all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, s
- testing in accordance with Appendix B satisfies the requirements of (d)(5)
- conservative assumptions in either §2912.E.2 or, if appropriate following a pressure test, in §2912.D.3
- atmospheric testing conducted in accordance with Appendix B
- conditions during subsequent risk assessments and integrity assessments for any change that may require remediation
- the authorized entrants within the permit space by name or other means enabling the attendant to determine quickly and accurately which auth
- atmospheric testing, ventilation, and rescue procedures
- at least one attendant outside the permit space for the duration of entry operations
- a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator
- the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety
- the R5P reports filed monthly with the Department of Conservation
- about a condition to make that determination, no later than 180 days after conducting an integrity

assessment

- designed and erected with a minimum safety factor of 4 computed on the basis of the maximum rated load including working load, scaffold weight
- 10 calendar days of the Department's notification
- no fixed license term
- "unsafe to inspect and monitor cover"
- §3.1 of this title (relating to Organization Report; Retention of Records; Notice Requirements)
- an effective daily recovery capacity for oil recovery devices equal to 50 percent of the planning volume applicable for the facility
- Boilers and pressure vessels program administered under chapters 90-96 and 391-395
- 6 hours in higher volume port areas and the Great Lakes and within 12 hours in all other areas
- written plan and schedule to inspect and monitor the cover as frequently as practicable during safe access times
- employer has several similar size gas plants and no sour gas is being processed at the site, as long as the variations of the individual sit
- use of a diverter system on any well
- by levees or walls and by drainage ditches, where needed
- eye, skin, and respiratory protection
- potentially hazardous exposure levels
- substance technical guidelines and data sheet
- adequate supply of water sufficient for effective removal of hazardous substance from skin
- clean and sanitary condition
- its permissible exposure limit published in section 5155
- ASME/ANSI B31.8S
- written safety program goals, objectives, and accident experience goals for this contract
- 40,000 psi (276 Mpa) SMYS
- as frequently as necessary, but at least once every 5 calendar years at intervals not exceeding 63 months
- cathodically unprotected distribution lines subject to § 2117.E on which electrical surveys for corrosion are impractical

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## 1.0 PURPOSE AND SCOPE

Guy's Construction is committed to providing a safe, productive, drug-free workplace. This program applies to all employees, including management, and covers the possession, use, sale, distribution, and impairment by drugs and alcohol on company premises, job sites, and while operating company vehicles or equipment.

## 2.0 POLICY STATEMENT

The following are strictly prohibited:

- Possession, use, sale, distribution, or manufacture of illegal drugs on company premises or job sites
- Reporting to work or performing duties under the influence of drugs or alcohol
- Use of alcohol on company premises or job sites during work hours
- Misuse of prescription medications that impair the ability to work safely
- Refusal to submit to a required drug or alcohol test

## 3.0 PROHIBITED SUBSTANCES

The following substances are tested under this program:

Substance	DOT Panel	Notes
Marijuana (THC)	Yes (DOT 5-panel)	Federal Schedule I. Tested regardless of state legalization.
Cocaine	Yes (DOT 5-panel)	
Amphetamines/Methamphetamine	Yes (DOT 5-panel)	Includes MDMA (ecstasy)
Opioids	Yes (DOT 5-panel)	Includes oxycodone, hydrocodone, heroin, fentanyl
Phencyclidine (PCP)	Yes (DOT 5-panel)	
Alcohol	Yes (BAT)	BAC 0.02-0.039 = removal from duty; 0.04+ = positive test (DOT)

## 4.0 TESTING CATEGORIES

The company conducts the following types of testing:

Type	When	Required By
Pre-employment	After conditional offer, before start date	Company policy (DOT mandatory for CDL)
Reasonable suspicion	When supervisor observes signs of impairment (documented)	Company policy + DOT
Post-accident	After OSHA-recordable injury or significant property damage	Company policy + DOT (if applicable)
Random	Unannounced, computer-generated selection from testing pool	DOT: 50% drug, 10% alcohol per year for CDL
Return-to-duty	Before returning after a positive test or refusal	DOT mandatory; company policy
Follow-up	Unannounced testing after return-to-duty, per SAP recommendation	DOT: minimum 6 direct-observed tests over 12 months

## 5.0 TESTING PROCEDURES

- All testing conducted per 49 CFR Part 40 procedures (DOT employees) or equivalent (non-DOT)
- Urine specimen collection at approved collection site with chain of custody
- Testing by SAMHSA-certified laboratory
- Medical Review Officer (MRO) reviews all positive results before reporting
- Alcohol: evidential breath testing (EBT) device or approved alternative
- Split specimen: employee may request testing of split specimen at a different lab

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## 6.0 CONSEQUENCES OF VIOLATIONS

Consequences of a positive test, refusal, or policy violation:

- Immediate removal from safety-sensitive duties
- DOT employees: reported to FMCSA Clearinghouse, cannot perform safety-sensitive functions until cleared by SAP
- Company disciplinary action: per company policy (fill in your company's discipline framework below)

**Company's discipline framework:**  First offense = termination  First offense = referral to SAP + last chance agreement  Other: \_\_\_\_\_

**This is a company business decision, not an OSHA or DOT requirement. Fill in your company's policy.**

## 7.0 EMPLOYEE ASSISTANCE PROGRAM (EAP)

- The Drug-Free Workplace Act requires employers to make a good-faith effort to maintain a drug-free workplace, including providing information about available drug counseling and EAP resources
- Company EAP provider: \_\_\_\_\_ (fill in)
- EAP hotline: \_\_\_\_\_ (fill in)
- Voluntary self-referral: employees who voluntarily seek help before a testing event are encouraged to use EAP resources
- SAP (Substance Abuse Professional): DOT employees who test positive must complete SAP evaluation before return-to-duty

## 8.0 CONFIDENTIALITY

- All test results are confidential and disclosed only on a need-to-know basis
- MRO contacts employee directly for positive results before reporting to employer
- Records maintained in a separate, locked file (not in general personnel file)
- HIPAA and state privacy laws apply to medical information

## 9.0 STATE-SPECIFIC CONSIDERATIONS

Drug testing laws vary significantly by state. Key considerations for your state:

- All federal contractors and grantees, requiring them to maintain a drug-free environment. This includes implementing five core components: a written policy, employee education programs, supervisor training

*Drug-Free Workplace Act of 1988*

- drug-free environment including five core components: a written policy, employee education programs, supervisor training, etc.
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**Consult legal counsel for state-specific drug testing requirements. Some states restrict random testing, require confirmatory testing, limit marijuana testing for non-safety-sensitive positions, or provide protections for medical marijuana cardholders.**

## 10.0 TRAINING REQUIREMENTS

- All employees: this Drug-Free Workplace Program (at hire and annually)
- Supervisors: reasonable suspicion training (minimum 2 hours: signs of drug/alcohol use, documentation, confrontation procedures)
- DOT supervisors: additional DOT-specific reasonable suspicion training
- Document all training with sign-in sheets

## 11.0 RECORDKEEPING

Record	Retention	Notes
Positive test results and MRO records	5 years	Per 49 CFR 40
Negative test results	1 year	Per 49 CFR 40
Refusal to test records	5 years	Per 49 CFR 40
SAP evaluations and follow-up	5 years	DOT employees
FMCSA Clearinghouse queries	3 years	Pre-employment + annual
Training records	Duration of employment	All employees + supervisors
Employee acknowledgment forms	Duration of employment	Appendix A

## APPENDIX A: EMPLOYEE ACKNOWLEDGMENT FORM

I acknowledge that I have received, read, and understand Guy's Construction's Drug-Free Workplace Program. I agree to comply with the policy as a condition of employment.

I understand that:

- Violation of this policy may result in disciplinary action, up to and including termination
- I may be required to submit to drug and/or alcohol testing as described in this program
- Refusal to submit to a required test is treated as a positive result
- Test results are confidential and will be disclosed only on a need-to-know basis
- I may voluntarily seek assistance through the company's EAP without penalty (before a testing event)

**Employee Name (print):** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_  
**Witness:** \_\_\_\_\_

Supervisor Acknowledgment (reasonable suspicion training):

**Supervisor Name:** \_\_\_\_\_  
**Supervisor Signature:** \_\_\_\_\_

**Date of Training:** \_\_\_\_\_  
**Trainer:** \_\_\_\_\_

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