

ACI/COATS POLICY OVERVIEW



1) Program Objectives

- a) Minimize the duplication of effort created by the multiple substance abuse programs currently in place in the Tri-State area.
- b) Set a minimum standard for substance abuse policy in the Tri-State area.
- c) Improve construction safety performance.
- d) Encourage the adoption of this substance abuse policy by owners, contractors and other industry participants as a condition of employment on the owner's site.

2) Policy

- a) Any contractor performing work for participating owners shall participate in the ACI/COATS "Substance Abuse Prevention and Drug Testing Program" as a minimum standard.
- b) Participating owners shall include the drug testing requirements in all bid documents and/or contract documents.
- c) Owners will require all contractor and/or subcontractor employees to have a valid Substance Abuse Testing Card to start or continue performing work on the owner's work site(s).
- d) Contractors will agree to provide verification to the owner that their employees and their subcontractors are complying with the program requirements..

3) Drug Testing Requirements

- a) Testing is required for the following reasons:
 - i) Pre-employment – for all employees who do not have a current ACI/COATS card.
 - ii) Current employees/workers test
 - (1) Any qualifying test that was done within the last year can be submitted to the database as the initial test for this program.
 - (2) All employees must have a valid test in the database.
 - iii) Annual test – all employees must complete a test, at a minimum, once a year.
 - iv) Random – all employees are subject to all random testing required by the owner or contractor.
 - (1) The policy requires only a minimum 5% annual random testing but highly recommends a greater percentage. For contractors that must meet the Ohio BWC random testing requirements it is recommended they implement those random percentages.
 - v) Reasonable Suspicion – required for all employees meeting the suspicion based definition described in the policy.
 - vi) Post-accident/Incident - required when an employee is involved in any accident/incident or event that
 - (1) was caused by them either directly or indirectly.
 - (2) that results in treatment by a health care provider.
 - (3) or that resulted in damage to property, including any serious near-miss incident.



ACI/COATS ALLIANCE

What is the ACI/COATS Program?

A substance abuse prevention and drug testing program was developed in 2003 and implemented by the Construction Owners Association of the Tri-State (COATS). As of January, 2007 Allied Construction Industries (ACI) has formed an alliance with COATS and adopted this program as their substance abuse prevention and drug testing program.

How does an ACI contractor/subcontractor get started and obtain substance abuse cards for their employees?

ACI Members can begin participation by contacting Midwest Toxicology Services, Inc. (MTS), the Program Administrator, for program start-up procedures. (Information is below)

Can an ACI contractor/subcontractor use their existing drug testing program for participating in this program?

Absolutely yes! As long as their current testing meets the minimum standards of the ACI/COATS program ACI members can begin immediately. ID cards will be issued for all current valid tests that are submitted to MTS, database administrator. **Follow this link** for additional information.

If an ACI contractor/subcontractor doesn't have a drug testing program already in place, how can they get one set up?

If you don't have a drug testing program at the moment, simply contact MTS, Program Administrator, for assistance in setting up a testing program. **Follow this link** for 'start-up'.

Who do I contact at MTS for help?

You can phone MTS at 1-800-358-8450 or 317-262-2200 or email any of the following:

Ada, Ext. 333 (admin4@midwesttoxicology.com)

Andrea, Ext. 332 (admin5@midwesttoxicology.com)

Mary, Ext. 330 (admin9@midwesttoxicology.com)

Charlotte, Ext. 204 (admin1@midwesttoxicology.com)

To receive an ACI/COATS packet of information in the mail:

To receive information on the program or to get your 'start-up' packet, E-mail your request to:

Joe Hummel - jhummel@aci-construction.org

- vii) Return-to-duty and Follow-up testing - required when the Substance Abuse Professional has determined the employee is fit for duty and eligible to return to work after a positive test or a refusal to test.

4) Alcohol Testing Requirements

- a) May be required for random testing.
- b) May be required for reasonable suspicion testing.
- c) Required for post-accident testing.
- d) May be required for return-to-duty and follow-up testing.

5) Consequences for failing a drug or alcohol test

- a) Employee's current ACI/COATS cards will become invalid.
- b) Contractors must immediately remove the employee from the owner's site.
- c) Employee must complete the rehabilitation steps outlined in the policy to be eligible to complete a return-to-duty test to become compliant with the program again.

6) Drug Testing Procedures

- a) Urine collections procedures will follow the same general protocol used by DOT (Department of Transportation) as outlined in 49 CFR Part 40 unless otherwise stated in the policy.
- b) The drug test will test for the presence of the compounds listed in Appendix B (same 5-panel used by DOT) or Alternate Appendix B (9-panel) of the policy.
 - i) Tests must use the cutoff limits listed in Appendix B or Alternate Appendix B of the policy.
- c) All specimens must be tested in SAMHSA laboratories certified by DHHS to include:
 - i) An initial screening test.
 - ii) Confirmation testing by GCMS if the screening test is positive.
 - iii) Validity testing to determine if the specimen is diluted, adulterated or substituted.
- d) Medical Review Officer (MRO) Review – all tests must be reviewed by a certified MRO who meets DOT credential requirements.
 - i) MROs will follow the protocol outlined under MRO procedures listed in the policy.

7) Drug Test Results

- a) Negative Result – employee is in compliance with the program.
- b) Negative but Diluted Result – employee will be required to take another test.
 - i) Employee will be given instructions on fluid intake to prevent a subsequent diluted result.
 - ii) A second diluted test, unless there is a documented medical explanation, will be treated the same as a positive result.
- c) Positive Result – a result verified by the MRO as positive will require:
 - i) Immediate removal from the owner worksite.
 - ii) Completion of the rehabilitation steps outlined in the policy.
 - iii) Completion of return-to-duty test and all recommended follow-up tests.
- d) Refusals to Test – all refusals to tests will be treated the same as a positive test. Specific details of what constitutes a refusal are listed in the policy.

8) Employee Retest Protocol

- i) Any employee testing positive may request to have their specimen retested at a different SAMHSA laboratory should they feel an error was made in the testing of their specimen. Note - This is a retest of the specimen that was positive, it does not allow providing a new specimen.
- ii) The cost of the retest will be the responsibility of the employee.
- iii) The request to have a specimen retested must be made through the MRO service within 72 hours (3 days) of being informed of the positive result.

9) Alcohol Testing Procedures

- a) Tests for alcohol shall be performed using a breathalyzer instrument to determine a BAC (blood alcohol content).
 - i) If possible, the instrument should conform to DOT standards.
 - ii) If a DOT conforming instrument is not available, then an equivalent test may be used.
- b) Failure to provide a sufficient breath sample to complete a breath test or refusing to provide a sample for an equivalent test will be considered a "refusal to test" and have the same consequences as a positive test.
- c) A test is considered positive if the confirmation test BAC is at or above a .040 and carries the same consequences as a positive drug test.
- d) If the confirmation test BAC level is at .020 through .039, the employee must be removed from the worksite for twenty-four hours or until the next scheduled on-duty time, whichever is longer.

10) ACI/COATS Database and ID Card

- a) Any qualifying drug test performed within the 12 months may be used to establish data entry into database and have an ID card issued. The program administrator can assist contractors with determining whether to use a previous test or to perform a new test for the initial entry into the program.
- b) All tests are valid for one year unless a subsequent test invalidates the employee's card.
- c) Contractors are required to submit all employee tests to the database. This includes all tests they perform on their employees to include:
 - i) Pre-employment, annual, random, reasonable suspicion, post-accident/incident, return-to-duty and follow-up tests.
- d) The employee's annual test date will automatically be updated with the entry of any qualifying negative test result.
- e) An ID Card will be issued to each employee with the first negative test result.
 - i) The card shall be valid as long as the person meets the testing requirements of this program.

11) Owner/Contractor responsibility to verify card validity

- a) If an employee or a pre-hire employee presents a current ACI/COATS Substance Abuse Testing Card, the validity of that card and the employee's current status must be verified with the program administrator, MTS, by the owner/contractor.
- b) Card status can be verified by:
 - i) Calling the program administrator (MTS) at their toll-free number (1-800-358-8450 or local area number of 317-262-2200).

- ii) Accessing the secure web site of the database – user ID and passwords must be established with the database prior to use. To register, log on to: <http://checktests.midwesttoxicology.com>
- iii) Faxing a list of names, card numbers or employee ID numbers (social security number) to MTS for verification – Fax 317/262-2222.

12) Education and Training for Employees and Supervisors

- a) A designated employer representative of the contractor is responsible to communicate the substance abuse policy to all employees who will be required to comply with the ACI/COATS policy.
 - i) It is recommended a written acknowledgement of receiving this information be on file for each employee.
- b) All contractors should provide training to all supervisors who are responsible for determining reasonable suspicion testing situations. This training should, at a minimum, meet the minimum supervisor training requirements of DOT.
- c) All contractors working on state funded projects are required to meet the training requirements set forth by the Ohio Bureau of Worker Compensation Drug Free Workplace Program. These requirements are detailed in a separate part of this packet.
- d) Contractors who participate in the DFWP or DFEZ programs to qualify for their discounts with Ohio Bureau of Workers Compensation are required to meet those specific training requirements.

13) Auditing

- a) All participating owners or owner designee may require unannounced audits of the contractor/subcontractor's compliance with this program.
- b) All participating owners or owner designee may also audit compliance of all on-site employees by providing the program administrator, MTS, with a listing of employee names, ACI/COATS card number or social security numbers to verify a valid card status.