

HOUSTON AREA SUBSTANCE ABUSE PROGRAM (HASAP)

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 Houston Area Substance Abuse Program (**HASAP**). It was developed from the concept that persons meeting the requirements of this policy would have an “**Active**” status for all Owner sites participating in this program, unless otherwise noted.

HASAP 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.

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 tested positive or refuses to take a test required under this policy. A person who has tested positive, successfully undergone rehabilitation, and passed a "Return-to-Work" test may return to work unless Owner practices prohibit this.

This policy applies to all Contractor Employee Members of HASAP including temporary and part-time Contractor Employee Members. Failure to comply with requirements of this policy 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" Contractor Employee Member. Any Contractor Employee Member who has not complied with the requirements of this policy 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 HASAP. 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 may 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

Although all illegal substances are prohibited on participating Owner sites, the substances listed in Appendix II are of particular concern. The substance panel is subject to change as substance usage and availability patterns suggest the addition or deletion of substances. Participating Owners and Contractors will be notified prior to such changes.

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

4.1 Pre-Enrollment Test

A Pre-Enrollment negative substance test (alcohol and drug) is required upon initial enrollment into HASAP. The term "Pre-Enrollment" as used in this policy applies to both new hires and/or current Contractor Employees who are applying for initial membership in HASAP. 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 positive 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 HASAP. Subsequent attempts to enroll into the HASAP are subject to the procedures and conditions set forth in the Return-to-Work section of this policy.

4.2 Pre-Access Test

A Pre-Access test is required for an individual who is a Contractor Employee Member and who must submit to a test prior to re-entry into an Owner's facility.

If the Contractor Employee Member refuses to report to the collection site within 60 minutes plus travel time from the time the Contractor Employee Member is instructed to submit to a test, tests positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in the HASAP.

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 HASAP.

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.

A second individual shall substantiate all reasonable suspicion requests.

Participating Contractors shall remove each of their employees required to undergo a "Reasonable Cause" test from Owner sites pending test results.

An individual who tests positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in HASAP.

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.

Contractor Employee Members shall be subject to random testing for the substances listed in Appendix II on a random basis that will yield a compliance of an annualized rate of 50%. The Participating Owners reserve the right to adjust the random rate for their facility(ies) The random selection and notification will be performed by the TPA.

Upon receipt of the random selection list the participating Contractor shall have seven (7) 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 HASAP. Unjustified failure of the selected Contractor Employee Member(s) to submit to testing within the 60-minute 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 positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in HASAP.

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 recordable injuries, as defined by the Occupational Safety and Health Administration (OSHA), an environmental incident or damage to the Contractor's or the Owner's property, or both, and employee performance cannot be ruled out as a cause;
- b. The Contractor Employee Member is involved in an incident (including near misses) in which safety rules and regulations may have been violated and employee performance cannot be ruled out as a cause.

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 an accident or incident.

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 positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in the HASAP.

4.6 Return-to-Work Test

If a Contractor Employee Member tests positive on 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 provisions of this policy.

Upon completion of an approved rehabilitation program, the individual must take a Return-to-Work drug and alcohol test. Individuals testing positive 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 positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in the HASAP.

4.7 Follow-up Test

An individual who tests positive 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 positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in HASAP.

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. 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. The protocol for alcohol testing must conform to the guidelines included in Appendix III.

5.2 Test Laboratories

Analysis of tests will be performed by laboratories with a Substance Abuse and Mental Health Services Administration, United States Department of Health and Human Services (SAMHSA/DHHS) certification and according to the requirements of such certification. The laboratory reports all drug test results to the MRO.

5.3 Verification and Notification of Positive 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 72 hours have passed since the Contractor Representative has notified the employee of the need to contact the MRO, or if the Contractor Representative's attempts to reach the Contractor Employee Member are not successful within 72 hours, the MRO will report the test result to the TPA without an interview. The TPA will 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 the MRO is unable to conclude that the test is negative and the pending result requires further action by the MRO, the individual will be considered medically unfit for work 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 positive, the individual will become "Inactive" and subject to the rehabilitation requirements outlined in this policy.

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 positive, 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 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 HASAP and subject to Follow-up testing. The first self-identification will not be counted as a prior positive for purposes of policy interpretation. However, any subsequent self-identification will be treated as a positive test result.

6.0 POST-POSITIVE REHABILITATION

An individual who tests positive 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 policy at the individual's own cost and expense, subject to the following:

6.1 Pre-Enrollment Positive

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 approved rehabilitation program; at least six months from the date of the report of 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 positive 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 policy.

An individual who tests positive 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 policy sets forth the eligibility criteria for regaining an "Active" membership status in HASAP.

6.3 Return-to-Work, Follow-up and Breach of Rehabilitation Requirements

Anyone who tests positive 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 HASAP 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.

An Owner may institute a different policy 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 policy. No information allowing identification of individual test subjects may be included.

8.0 RECIPROCAL AGREEMENTS

HASAP will allow Contractor Employee Members who are currently in good standing in other approved programs to enroll in the HASAP program without having to submit to the Pre-Enrollment/Pre-Access test. Owners may require Pre-Access tests for Contractor Employee Members who are moving from another HASAP site.

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 policy
- 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 policy 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 HASAP and/or Owner personnel responsible for auditing compliance with this policy.

10.2 Member Training

Upon initial entry to HASAP, participating Contractors shall review with their employees HASAP and any additional substance abuse policy requirements of the particular work site. Contractors shall document the review and retain that documentation.

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.

The program and records from which information permitting identification of test subjects has been removed shall be available to Participating Owners and Contractors.

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 at a participating Owner site; such a member may be moved by the Contractor from its company random pool to the Awaiting Assignment Pool By giving notice in writing to HASC.

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

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 positive 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.

HOUSTON AREA SUBSTANCE ABUSE PROGRAM (HASAP) -- 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 HASAP.

PARTICIPATING OWNER -- An Owner who has accepted HASAP.

KEY TERMS

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) -- An 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 HASAP requirements is available from designated contacts at HASAP.

APPENDIX II.

DRUG AND ALCOHOL PANEL

DRUGS, SCREENING LEVEL & CONFIRMATION LEVEL:

Amphetamines 300 (ng/ml) / 300 (ng/ml)
Barbiturates 300 (ng/ml) / 100 (ng/ml)
Benzodiazepines 300 (ng/ml) / 100 (ng/ml)
Cocaine 300 (ng/ml) / 150 (ng/ml)
Methadone 300 (ng/ml) / 100 (ng/ml)
Opiates 2000 (ng/ml) / 2000 (ng/ml) Morphine, 2000 (ng/ml) Codeine
Cannabinoids 20 (ng/ml) / 10 (ng/ml)
PCP 25 (ng/ml) / 25 (ng/ml)
Propoxyphene 300 (ng/ml) / 200 (ng/ml)
Alcohol 0.02% (BAC)* / 0.04% (BAC)*

NOTE: Alcohol screening and confirmation methods are conducted according to DOT protocol. Substances and levels may be modified when applicable.

APPENDIX III

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 or above, a confirmation test must be performed. A confirmation test concentration of 0.04 or higher is a positive 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% 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% or higher is a positive for the purposes of determining "Active" status.

H. A result of 0.02% - 0.039%, but less than 0.04%, requires that the Contractor Employee Member be removed from the work site until i) a subsequent test yields a result of less than 0.02%; or ii) the Contractor Employee Member's next work shift, but not less than 8 hours following the test.

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 IV

-HOUSTON AREA SUBSTANCE ABUSE PROGRAM RETURN-TO-WORK PROCESS CONTRACTOR REPRESENTATIVE INSTRUCTIONS-

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 positive test result.

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

HOUSTON AREA SUBSTANCE ABUSE PROGRAM RETURN-TO-WORK PROCESS

Return-to-Work Process of HASAP

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

Pre-Enrollment Rehabilitation Provisions

An individual who has tested positive 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 HASAP. 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 positive test, will result in an "Inactive" status and exclusion from HASAP 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 positive 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 HASAP) rehabilitation program and test negative on a Return-to-Work test. Failure to comply with the rehabilitation requirements, including any subsequent positive test, will result in an "Inactive" status and exclusion from HASAP 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 policy 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 HASAP 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 HASAP.