



**DRUG FREE WORK PLACE POLICY
FOR SUPPLY DIVISION OUTSIDE
CONTRACTOR PERSONNEL**

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DRUG FREE WORK PLACE POLICY FOR SUPPLY DIVISION OUTSIDE CONTRACTOR PERSONNEL

MISSION

Kansas City Power & Light Company (KCP&L) recognizes that alcohol abuse and substance abuse are illnesses that create serious problems for workers, their families, the workplace and the community; that these illnesses are indiscriminate on issues of age, race or socioeconomic status; that punishing the victim is not a resolution to the problem; and that contractor employer efforts must focus on treatment and restoration of the victim to a meaningful and productive life. KCP&L also recognizes that a cooperative effort is needed to overcome the negative impact of alcohol and/or drug abuse on safety, productivity, quality of work and morale. It is KCP&L's intent to balance respect for individual privacy with our need to maintain a safe, productive and drug-free work environment.

PURPOSE

The purpose of this policy is to establish a consistent guideline to be utilized by contract personnel, including personnel of subcontractors of all tiers, at all KCP&L properties (along with their individual programs) in working with KCP&L to achieve a common goal of establishing and maintaining an alcohol-free and drug-free work environment.

CRITERIA

All contractor alcohol and substance abuse screening programs are to be conducted in keeping with the established testing procedures developed by the Department of Health and Human Services Scientific and Technical Guidelines dated April 11, 1988, and any subsequent amendments thereto. All testing laboratories utilized for the screening shall be licensed or certified, as the case may be, by the Substance Abuse and Mental Health Services Administration (SAMHSA), and shall participate in the proficiency testing programs required by each of those respective organizations. Contractor programs shall meet or exceed the minimum provisions of this policy and shall be in compliance with the Drug Free Workplace Act.

Drug and/or alcohol collections will be performed by individuals who meet federal testing requirements as set forth by 49 CFR, Part 40. Federal and lab-based drug and/or alcohol collections will be performed in a manner consistent with federal testing regulations as set forth in 49 CFR, Part 40. When the use of instant devices in non-federal collection situations is permitted, standard collection procedures that follow the device's instructions will be followed.



KCP&L recognizes participation in the MOST Drug and Alcohol Program (a joint labor-management trust between the International Brotherhood of Boilermakers and the National Association of Construction Boilermaker Employers) and the CISAP Drug and Alcohol Program (Construction Industry Substance Abuse Program). KCP&L will accept the utilization of the services provided by MOST/CISAP for certain activities and functions described within this policy. These programs utilize sophisticated and well-tested programs, which includes software for a fair selection process.

Any and all State and Federal statutes will be complied with as the minimum standard. KCP&L reserves the right to exceed those requirements as outlined in this policy.

DEFINITIONS

1. Contractor: Any non-KCP&L entity providing services or materials to KCP&L properties.
2. Appointed KCP&L Representative: The authorized KCP&L Representative assigned to coordinate the work or service efforts of Contractor. Also known as Construction Services Administrator, Authorized KCP&L Representative or Job Coordinator.
3. KCP&L Construction Safety Management Representative: The KCP&L Representative that is responsible for ensuring compliance with all provisions of the contract, including the Contractor Safety Requirements, OSHA and other agency and industry safety requirements and standards.

CONTRACT EMPLOYER PROGRAM

Contractor screening program(s) will include the following minimum criteria:

1. A method must be fairly executed to identify the individuals for screening.
2. All drug testing shall be conducted following a split specimen testing process. This process must be clearly defined and made available to the contractor employees by the contractor. Breath alcohol testing will be conducted using only certified personnel and equipment on the NHTSA conforming products list.
3. All contractor employees, including, but not limited to, supervision, administration and sub-contractors, will be subject to random screening. The minimum acceptable level of random screening shall be 50% of the



work group; however KCP&L reserves the right to test at the frequency and volume it deems necessary.

4. If any contractor's employee fails to participate in any required screening or if any screening specimen is adulterated, the contractor's program must treat that individual as the contractor would a participant who has a non-negative result.
5. Screening requirements must define and provide "for cause" screening. For example:

A. Post Incident: Involvement in, or cause of, an incident while on KCP&L property which causes, or could have caused injury to any KCP&L employee or third party employee; causes or could have caused destruction or damage to KCP&L property or third party property.

B. Reasonable Suspicion: Contractor employee behavior observed by a trained manager or supervisor of the contractor or KCP&L that is unusual to the circumstances or the individual's normal behavior, which indicates or could indicate impairment or drug abuse. Testing due to observed behavior may be required by a Contractor management representative and will be conducted on site. Reasonable suspicion testing will include both urine screening for drugs as well as breath screening for alcohol. Once notified of intent to test for reasonable suspicion, the individual may not leave the premises and must be under the custody and supervision of the Contractor Management Representative or Appointed KCP&L Representative at all times. Any contractor employee tested for reasonable suspicion will not be allowed to work on site pending the result of the test. The Contractor shall be responsible for safe transport of their employee off site following a reasonable suspicion test.

SCREENING PARAMETERS

Drug screening and Gas Chromatography/Mass Spectrometry (GC/MS) confirmation will be required with cut-off limits as established by SAMHSA standards. **(See Addendum A)**

Breath alcohol content concentrations of **.02** and above will be considered a non-negative result. A second confirmatory breath alcohol test will be conducted to confirm any initial non-negative result. Breath alcohol testing may also be performed consistent with any alternative testing procedures approved and recognized by USDOT (49 CFR Part 40) and (10 CFR Part 26).



Random Screening: All contractor employees performing work at KCP&L projects will be subject to random testing. Expenses for random screening initiated and scheduled by KCP&L will be paid for by KCP&L. Expenses for random screening initiated and scheduled by the contractor will be the contractor's sole expense. Once an individual is notified that they need to submit a specimen for random testing, they should proceed directly to the collection site. Any diversion will be considered a refusal to test and treated as a non-negative test result.

CONDITIONS

1. In instances where KCP&L requires pre-assignment or pre-work screening, any contractor employee that is a current member of MOST or CISAP and has proof of a negative substance abuse screening test result (within 14 days prior to reporting for work) may be allowed to enter KCP&L property. The contractor shall submit a list of all incoming contractor employees on company letterhead stating that all of the listed contractor employees have met the requirements described in the KCP&L drug/alcohol free workplace and testing program. The list shall state that the listed contractor employees are approved to work on KCP&L property. The listing shall include: Chain of custody information: chain of custody number, testing agency name and contact information, date of test, full contractor employee name and last five digits of the contractor employee's Social Security Number.
2. Post accident drug/alcohol testing will be completed following any on the job injury/illness/incident or equipment damage (subject to KCP&L discretion). The contractor will submit results of the test (Copy of the Chain of Custody form) to the KCP&L Construction Safety Management Representative. All cost associated with the contractor's employee(s)' post accident drug/alcohol testing shall be the contractor sole responsibility.
3. Random screenings scheduled and/or requested by KCP&L will be conducted either on-site or at a KCP&L designated collection facility.
4. Contractor personnel are required to show-up ready to work. If an inconclusive test result is obtained, KCP&L is not responsible for lost wages while waiting for Medical Review Officer (MRO) review of test. There will be no cost reimbursement for individual "down time" on any project. All consideration will be given to keep project disruption to a minimum.



5. Should any contractor choose to schedule screenings for their own employees during established shifts, KCP&L will not be responsible for the cost of testing or project disruption, schedule or budget. KCP&L shall be notified of any non-negative results from the screenings in order to prevent access to KCP&L property.
6. KCP&L will not be responsible for any cost, project disruption, schedule change/delay or financial risk relative to alcohol and drug screenings initiated and scheduled by a contractor.
7. Any contractor employee found to be in possession of materials commonly used to mask, adulterate or supply a non-original screening sample will be subject to the appropriate consequence phase. Contractor employees who violate this rule will immediately be removed from the site and banned from KCP&L property for a minimum of 1 year. Under no circumstances will KCP&L tolerate a conscious choice by any individual to circumvent its safety policies and procedures.
8. A split specimen testing request process is considered the right of any individual, however, the cost of any screenings other than the initial test, will be a matter for resolution between the contractor employee and contractor.
9. All personnel selected to produce a random sample are required to be escorted by a member of the contractor management team directly to the designated collection facility. The individual to be tested must remain with the management team member until turned over to the testing agency staff.
10. If any contractor employee has been selected for a random test and he/she leaves the job site during the shift random testing occurs, for other than a scheduled layoff, they will be recorded as a non-negative and will be denied access per the defined Disciplinary Actions. If the collection facility is located off the project site, the contractor management representative must accompany the individual off the site for testing. If the individual leaves the site on his/her own, it will be considered a non-negative test.
11. Reporting of suspected contraband, suspected alcohol or illegal substances and/or the use of same, is to be made directly to the contractor and the KCP&L Safety Management Representative or Security Office. All reporting shall be handled confidentially inasmuch as is practicable under the circumstances. Although the notification of non-



negative screens may take time, the contractor must coordinate with its screening contractor for immediate notification of any non-negative screens, must immediately notify KCP&L of the non-negative screen and must remove the individual who has received the non-negative result from the KCP&L site immediately.

RESPONSIBILITY

KCP&L:

Arrangements for pre-assignment and/or random screenings will be coordinated with the KCP&L Construction Safety Management Representative which may include third party(ies) for candidate selection and/or specimen collections.

Third Party:

Third party(ies) may, as deemed necessary by KCP&L, be required to make all or part of the arrangements to procure a setup area, potable water, direct the testing, complete the necessary documentation, and submit specimens or samples taken on site to an approved laboratory for chemical analysis.

Administration:

Arrangements for screenings will be coordinated by the contractor or a third party vendor.

The contractor or third party vendor will make all arrangements for procuring a set up area, potable water, notification to selected participants, etc.

The contractor or third party vendor will direct the tests, complete the necessary documentation, and submit samples taken on-site to an approved laboratory for chemical analysis.

Medical Review Officer:

The testing facility's medical review officer (MRO) will review all laboratory test results. The role of the MRO is as follows:

- A. Notifies the tested individual of a non-negative result;
- B. Provides the tested individual with an opportunity to discuss potential reasons for a non-negative test and will verify valid legal prescription drugs which may be responsible for a non-negative test. Non-negative results are only reported to the contractor for illegally acquired substances;
- C. Reviews medical history if provided by the tested individual;



- D. Notifies the tested person's employer; and
- E. Advises the tested individual of the following information: the individual's right to request, at the individual's own expense, testing of the split specimen in the event of a non-negative result; and the five (5) day time limit to submit such a request.

Contract Employer:

Pre-assignment or Pre-work screening: The contractor shall submit a list of all contractor employees on company letterhead stating that all of the listed contractor employees have met the requirements described in the KCP&L drug/alcohol free workplace and testing program. The list shall state that the listed contractor employees are approved to work on KCP&L project sites. The listing shall also include the following information for all listed contractor employees: Chain of custody information: chain of custody number, testing agency name and contact information, date of test, full contractor employee name and last five digits of the contractor employee's Social Security Number.

Random screening requested by KCP&L, or KCP&L's third party vendor: The contractor shall submit a list in alphabetical order of all contractor employees with the craft, shift, and last five (5) digits of their Social Security Number for use in a random selection.

Shy bladder protocol

1. In cases where a contractor employee cannot provide a specimen within the required amount of time (3 hours), they will be given the opportunity to obtain a medical evaluation, at the contractor employee's own expense, according to guidelines found in 49 CFR 40. The evaluating physician must be one that is considered acceptable by the MRO. The contractor employee should contact the MRO to discuss this process prior to obtaining any evaluation.
2. If the chosen physician determines that there is a medical condition which prevents the contractor employee from being able to provide an adequate specimen, he/she should provide documentation describing such condition, to the MRO.
3. MRO will review and may choose to discuss the medical evaluation with the evaluating physician. Ultimately, the final decision regarding validity of the medical condition is at the discretion of the MRO. The MRO will discuss their findings with the contractor employee.



4. Final result will be issued by the MRO as either “CANCELLED” or “REFUSAL”. If the MRO rejects the determination that there is a valid medical condition which prevents the contractor employee from providing an adequate specimen, the result will be considered a refusal. If, the MRO accepts the determination that there is a valid medical condition which prevents the contractor employee from providing an adequate specimen, the result will be considered cancelled. In the case of a cancelled test, an alternative method of testing will be provided by the contractor in order to meet the drug testing requirement. In this case, blood testing would be used.

SCREENING RESULTS

A non-negative result indicates that any one of the following occurs or occurred:

1. A participant has **not** met the minimum safety requirements, as confirmed by a MRO.
2. An individual **refuses** to participate in the screening process.
3. An individual submits an adulterated/cold specimen.

In the event a non-negative result occurs, the contractor employee is not permitted to return to any KCP&L premises. KCP&L Construction Safety Management Representative shall be notified in writing of all non-negative screen tests within 24 hours.

A negative test result indicates that a participant **has** met the minimum safety requirements and may be permitted access to KCP&L properties through the employer utilizing established access policies and procedures.

DISCIPLINARY ACTION

KCP&L requires the contractors’ programs to either meet or exceed the following guidelines for penalty:

1. First non-negative result, contractor will prohibit contractor employee from entering KCP&L property for a period of not less than 12 months. (Contractor employee will be banned from any KCP&L property until period has expired and requirements for reinstatement have been met and approved by the KCP&L PART Committee).



2. Second non-negative result, contractor employee will be permanently banned from any KCP&L property.

KCP&L reserves the right to permanently prohibit contractor employee access to the site based on violation of this program and any other rule or regulation governing this project, even if it is a first violation. In the event a contractor employee's result is a non-negative or he/she is found to possess materials commonly used to mask, adulterate or supply a non-original sample, in addition to violation of any other work or safety rule, KCP&L may, based upon the seriousness and quantity of the violations, determine a permanent ban from KCP&L property is warranted.

PETITION FOR RETURN TO KCP&L PROPERTIES

Any contractor employee that has been in violation of the KCP&L Drug Free Workplace policy has the opportunity to request re-instatement from the banned personnel list. The contractor employee must adhere to the following process for consideration:

1. A contractor employee that has been found in violation of this policy will be required to complete and submit the KCP&L Prohibited Access Appeal form no sooner than 12 months after first non-negative result and provide proof of a negative drug test or alcohol test. This test shall be conducted within forty-eight (48) hours of appeal to establish a request for reinstatement to KCP&L Corporate Security for consideration. KCP&L will not be responsible for any cost associated with the appeal process.
2. Petitioners appealing a non-negative > .02 alcohol test shall be required to provide proof of a negative < .02 alcohol test.
3. KCP&L Corporate Security will notify the contractor, contractor employee and/or the respective local union business agent if or when reinstatement is authorized.
4. Following Disciplinary Action for a first non-negative result, contractor employee may petition KCP&L to consider reinstatement or eligibility for a return to work on KCP&L properties after the disciplinary term has expired.
5. KCP&L will not consider such petitions for any second non-negative result.



Petitions or requests to appeal must follow the guidelines set forth in KCP&L's Prohibiting Contractor Access Policy "Petition for Return To KCP&L Properties". Reinstatement or permission to return to work on KCP&L properties is not an automatic event and requires the contractor employee to submit a formal request to KCP&L Corporate Security during normal business hours. **KCP&L's Corporate Security-Senior Manager can be contacted at (816) 654-1724.**

KCP&L accepts no burden of responsibility for notifying contractors or contractor employees of prohibited access status.

CONFIDENTIALITY

Screening for alcohol and illegal substances is a very sensitive matter where all screen results are a matter of privacy. With this in mind, all attempts to secure information as it pertains to non-negative screens must be held in the strictest of confidence as permitted by Policy and by law.

REFERENCES

1. USDOT: <http://www.dot.gov/ost/dapc/> official "US DOT Office of Drug & Alcohol Policy & Compliance"
2. KCP&L Contractor Safety Requirements
3. KCP&L Policy to Prohibit Contractor Access
4. Addendum A: KCP&L Drug Free Work Place Screening Parameters
5. MOST (Mobilization, Optimization, Stabilization and Training) Program
6. CISAP (Construction Industry Substance Abuse Program)
7. 49 CFR 40
8. 10 CFR 26
9. Drug Free Work Place Act 1988



**KCP&L POLICY
ADMINISTRATORS**

Derek Bell, Supply Safety Manager – Supply Division (Primary Contact)

Gene York, Construction Safety Coordinator – Supply Division (Primary Contact)

Karla Kemp, Contractor Safety Administrator – Supply Division (Primary Contact)

Kara Dorssom, Law Department (Primary Legal Contact)

-End of Policy-

KCP&L Drug Free Work Place Policy

Addendum A

Screening Panel		
Contents	Screening Cutoff (ng/ml)	Confirmation Cutoff (ng/ml)
Cocaine	150	100
Benzodiazepines	300	300
Methadone	300	300
Propoxyphene / Metabo	300	300
Barbiturates	300	200
Marijuana	50	15
Opiates	300	300
Phencyclidine	25	25
Amphetamines (Class)	500	250
Oxycodone Screen	100	100
6-Acetylmorphine	10	10
MDA / MDMA / MDEA	500	250