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SAMPLE ALCOHOL- AND DRUG-FREE MINE POLICY

I. Purpose and Goal

<Insert company name> is committed to protecting the safety, health and well being of all miners and other individuals in our mine, and we recognize that the misuse of alcohol and drugs poses a significant threat to our goals. Therefore, and in accordance with the Mine Safety and Health Administration's (MSHA) rule on alcohol- and drug-free mines (30 CFR part 66), we have established an alcohol- and drug-free mine program that balances our respect for individual employees with our need to maintain an alcohol- and drug-free working environment.

Under this program, we require that employees, as a condition of their employment, adhere to a strict policy regarding the use and possession of alcohol and drugs.

This policy is being implemented because employee involvement with alcohol and other drugs can be very disruptive; adversely affect work performance, productivity and morale; and pose serious health and safety risks, not only to those who abuse alcohol and other drugs, but also to their co-workers.

However, <Insert company name> has no intention of interfering with the private lives of its employees unless involvement with alcohol and other drugs off the job affects job performance or worksite safety.

Furthermore, <Insert company name> encourages employees to voluntarily seek help with alcohol and drug problems.

II. Covered Workers

All <Insert company name> employees must comply with this policy. Furthermore, under this policy, those miners who perform safety-sensitive job duties and their supervisors will be subject to alcohol- and drug-testing.

III. Applicability

This policy applies at all times while on or around company property and during all working hours.

IV. Prohibited Behavior

It is a violation of our alcohol- and drug-free mine policy to:

- Use or possess alcohol or any of the prohibited substances (listed below) while on mine property;
- Report for duty or remain on duty:
 - While under the influence or impaired by alcohol as verifiable by a Blood Alcohol Concentration (BAC) of .04 percent or greater; or
 - After having used prohibited substances, unless as prescribed by a doctor.

- Refuse to submit to an alcohol or drug test or adulterate or substitute a specimen in any such test.

Prohibited substances include: alcohol, amphetamines (including methamphetamines), barbiturates, benzodiazepines (e.g., Valium, Librium, Xanax), cannabinoids (marijuana/THC), cocaine, methadone, opiates (e.g., heroin, opium, codeine, morphine), phencyclidine (PCP), propoxyphene (e.g., Darvon), and synthetic/semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxycodone).

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our alcohol- and drug-free mine policy to intentionally misuse prescription medications. Appropriate disciplinary action will be taken if job performance deteriorates and/or accidents occur.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any miner taking prescribed or over-the-counter medications will be responsible for talking to a doctor and/or pharmacist about whether the medications may interfere with his/her ability to perform their job safely. If the use of a medication could compromise the safety of the miner, fellow miners, or the public, it is the miner's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe mine practices.

V. Alcohol- and Drug-Testing

As a condition of employment, each miner performing safety-sensitive job duties and their supervisors will be required to participate in pre-employment, random, post-accident and/or reasonable suspicion alcohol- and drug-testing, upon selection or at the request of management.

Testing will be conducted for all prohibited substances listed under "Prohibited Behavior" above. Testing for the presence of alcohol will be conducted by breath analysis; testing for the presence of the metabolites of the prohibited drugs will be conducted by urine analysis.

To ensure accuracy and fairness, all testing will be conducted in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines, where applicable, and with MSHA rule 30 CFR part 66 requirements. The process will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer (MRO), during which miners who test positive will have the opportunity to provide a legitimate medical explanation for the positive result, such as a physician's prescription; and a documented chain of custody.

All alcohol- and drug-testing information will be maintained in separate confidential records.

VI. Consequences

One of the goals of our alcohol- and drug-free mine program is to encourage miners and other employees to voluntarily seek help with alcohol and drug problems. If, however, an individual violates the policy, the consequences are serious.

On the first offense, any miner who tests positive or otherwise violates the policy will be:

- Immediately removed from safety-sensitive job duties;
- Referred to a substance abuse professional (SAP) for assessment and recommendations; and
- Required to successfully complete the SAP's recommendations for education and/or treatment.

Any miner who fails to complete the SAP's recommendations for education and/or treatment will be subject to disciplinary action, up to and including termination of employment.

Following successful completion of the SAP's recommendations for education and/or treatment, the miner may resume work, including safety-sensitive job duties, through the Return-to-Duty process described below.

Any miner who fails to comply with the terms of the Return-to-Duty process or violates the alcohol- and drug-free mine policy on subsequent occasions may be subject to disciplinary action, up to and including termination of employment.

A miner will be subject to the same consequences of a positive test if he/she:

- Refuses the screening or the test;
- Adulterates or dilutes the specimen;
- Substitutes the specimen with that from another person or sends an imposter;
- Will not sign the required forms; or
- Refuses to cooperate in the testing process in such a way that prevents completion of the test.

Nothing in this policy prohibits the miner from being disciplined or discharged for other violations and/or performance problems.

In the case of a violation of the alcohol- and drug-free mine policy by an applicant for employment, the offer of employment can be withdrawn. The applicant may reapply after <insert number> months and must successfully pass a pre-employment alcohol and drug test.

VII. Return-to-Duty Process

As stated above, following a first offense of this policy, a miner will be offered the opportunity to return to work after successfully completing education and/or treatment as recommended by a SAP. In such cases, the miner must abide by the terms set forth in our company's Return-to-Duty process as a condition of continued employment. This process requires that miners:

- Be reevaluated by the SAP to determine compliance with recommendations for education and/or treatment;
- Pass a Return-to-Duty test; and
- Be subject to ongoing, unannounced, follow-up testing.

At a minimum, follow-up testing will consist of six unannounced alcohol and/or drug tests in the first 12 months following the miner's return to safety-sensitive job duties, though a greater number of follow-up tests during the first 12-month period of safety-sensitive duty may be ordered by the SAP.

VIII. Employee Assistance

<Insert Company name> recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. Therefore, our alcohol- and drug-free mine policy:

- Encourages miners and other employees to seek help if they are concerned that they or their family members may have an alcohol and/or drug problem.
- Encourages miners and other employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected alcohol and/or drug problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all miners the opportunity for voluntary assessment by a Substance Abuse Professional (SAP).
- Requires any miner who tests positive on an alcohol or drug test to be assessed by a SAP and follow the SAP's recommendations in order to retain employment.

IX. Confidentiality

All information received by the company through the alcohol- and drug-free mine program is confidential communication. Access to this information is limited to those who have a legitimate need to know as determined by relevant laws and management policies.

X. Communication and Training

We recognize that communicating our alcohol- and drug-free mine policy to both supervisors and employees is critical to its success. To ensure all miners are aware of their responsibilities:

- All employees will receive a written copy of the policy.
- The policy will be posted on the company's bulletin board.

- The policy will be reviewed in new hire training.
- The policy and information about available assistance will be reviewed at safety meetings.
- Posters and brochures will be available at various locations.

Furthermore, education about the dangers of alcohol and drug use and the availability of help will be provided as follows:

- All new miners will participate in 60 minutes of training on the requirements of this policy and dangers of alcohol and drug use.
- All miners, regardless of length of service, will participate in 30 minutes of training on the requirements of this policy and dangers of alcohol and drug use annually.
- In addition to the above training, supervisors authorized to refer miners to alcohol- and drug-testing will participate in two hours of training on their role in enforcing the policy, how to manage miners with alcohol or drug problems, and how to make referrals to alcohol- and drug-testing based on reasonable suspicion and in post-accident situations.

SAMPLE NEW MINER EDUCATION AND AWARENESS MODULE

I. Introduction

This training program was developed to assist you in understanding your employer's alcohol- and drug-free mine policy and the impact of alcohol and drug use on mining safety. It also addresses when and how to help a fellow miner (or family member or friend) who may have an alcohol or drug problem and identifies resources for help.

This training is required under the Mine Safety and Health Administration's (MSHA) rule on alcohol- and drug-free mines (30 CFR part 66). The goal of this rule is to protect the safety, health and well being of all miners by ensuring that our nation's mines are free of the hazards of alcohol and drug abuse.

This training is required because the abuse of alcohol and drugs affects EVERYBODY, not just the person using alcohol or drugs. Co-workers can often be a powerful influence on those who are abusing alcohol or drugs. By knowing what to do, and what not to do, co-workers can make their mines safer and help their co-workers get help they might need.

II. Objectives

In this training program, you will learn about:

- The purpose and requirements of your employer's alcohol- and drug-free mine policy;
- Alcohol- and drug-testing processes and procedures;
- Consequences for violation of the alcohol- and drug-free mine policy;
- Signs of when substance use is becoming a mining hazard;
- How and when to approach a miner who may have an alcohol or drug problem;
- When and how it is appropriate to involve others when you feel someone may have an alcohol or drug problem; and
- Sources of help for co-workers, friends and family of an individual who may have an alcohol or drug problem.

III. Alcohol- and Drug-Free Mine Policy Purpose and Requirements

Alcohol and drug abuse can be a problem anywhere in the mining environment, from the tool room to the company boardroom. It is a problem that confronts miners and mine operators alike.

Therefore, and in accordance with MSHA's rule on alcohol- and drug-free mines (30 CFR part 66), your employer has established an alcohol- and drug-free mine program that strives to balance respect for you as individual employees with the need to maintain a safe working environment for everyone. The foundation of this program is a strict alcohol- and drug-free mine policy.

First and foremost, the goal of this policy is to create a safer, healthier mine for you and for your fellow miners. Its purpose is to protect, not punish. The idea is to PREVENT alcohol and drug

use and encourage people to voluntarily seek help for alcohol and drug problems BEFORE their behavior becomes a safety hazard.

To achieve these aims, the policy prohibits miners from:

- Using or possessing alcohol or certain other substances—which I will list in a minute—while on mine property; and
- Reporting for or being on duty:
 - While under the influence or impaired by alcohol; or
 - After having used prohibited substances, unless as prescribed by a doctor.

It is important for me to note that these prohibitions apply at all times while on company property and during all working hours. The specific substances prohibited include:

- Alcohol,
- Amphetamines (including methamphetamines),
- Barbiturates,
- Benzodiazepines (e.g., Valium, Librium, Xanax),
- Cannabinoids (marijuana/THC),
- Cocaine,
- Methadone,
- Opiates (e.g., heroin, opium, codeine, morphine),
- Phencyclidine (PCP),
- Propoxyphene (e.g., Darvon), and
- Synthetic/Semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxycodone; oxycodone).

The policy also prohibits the illegal or unauthorized use of prescription drugs—in other words, the misuse or abuse of prescription drugs. Prescription and over-the-counter drugs are not prohibited, but are only permitted when taken in standard dosage and/or according to a doctor's prescription. But, if you take prescribed or over-the-counter medication, YOU are responsible for talking to your doctor and/or pharmacist about whether it may interfere with your ability to perform your job safely. And in the event there are safety concerns, it is YOUR responsibility to use appropriate procedures to avoid unsafe mine practices. Depending on the situation, this might mean calling in sick, using leave, requesting a change of duty, or notifying your supervisor or company doctor.

IV. Alcohol- and Drug-Testing

Because the jobs you perform are considered safety-sensitive, you are also subject to alcohol- and drug-testing. This testing—like your employer’s alcohol- and drug-free mine policy and this training program—is required under MSHA’s rule on alcohol- and drug-free mines (30 CFR part 66).

Testing will be conducted on a random basis. This does NOT mean that someone will just randomly decide who will be tested. Rather, it means that testing will be performed on an unannounced basis on employees whose identifying information, such as a social security number, has been placed in a pool from which a truly random selection is made. Thus, each miner has an equal chance of being selected for testing, regardless of whether he or she was recently tested. Because this type of testing has no advance notice, its goal is to serve as a deterrent. So, if you currently use any of the prohibited substances, on or off the job, or in the future are you are tempted to do so . . . think twice and make the safe and healthy choice NOT to use. Your job as well as your life may depend on it!!

Alcohol- and drug-testing is also conducted before someone is hired, and testing following accidents or based on reasonable suspicion may also be conducted. By reasonable suspicion, I mean testing may be conducted on occasions when supervisors document observable signs and symptoms that lead them to suspect drug use or an alcohol- and drug-free mine policy violation. This type of testing is sometimes also called “probable-cause” or “for-cause” testing.

In addition, “return-to-duty” testing and “follow-up” testing may be conducted. But these types of testing only come into play when someone resumes safety-sensitive duties following a violation of the alcohol- and drug-free mine policy. I’ll talk more about this process in a few minutes.

Tests will look for evidence of the prohibited substances I listed earlier. Testing for alcohol will be done by breath analysis; testing for drugs will be done by urine analysis.

To ensure accuracy and fairness, alcohol- and drug-testing is conducted in accordance with guidelines mandated by MSHA and the Substance Abuse and Mental Health Services Administration (SAMHSA). The process includes various safeguards, including the opportunity for miners who test positive to have their result reviewed by a Medical Review Officer. This includes the chance to provide a legitimate medical explanation for the result, such as a physician’s prescription.

All information about a person’s alcohol and drug test results is maintained in separate, confidential records.

V. Consequences for Violation

As you know, in the mining environment, safety must be taken seriously. So the consequences for violating the alcohol- and drug-free mine policy are indeed serious.

On the first offense, any miner who tests positive or otherwise violates the alcohol- and drug-free mine policy will be:

- Immediately removed from their safety-sensitive job duties;
- Referred to a substance abuse professional—commonly called a SAP—for assessment and recommendations; and
- Required to successfully complete the SAP’s recommendations for education and/or treatment.

Any miner who does not complete the SAP’s recommendations for education and/or treatment will be subject to disciplinary action, up to and including termination of employment. However, if a miner does successfully complete the SAP’s recommendations, he or she may return to work through a specific process outlined in the alcohol- and drug-free mine policy.

This process involves a few components. First, the miner is reevaluated by the SAP to determine whether he or she has successfully completed the recommended education and/or treatment. Only the SAP can provide this confirmation. Then, the miner has to pass an alcohol and drug test. These tests must be taken and negative results confirmed before resuming safety-sensitive duties. Then, the miner is subject to follow-up testing for alcohol, drugs or, in some cases, both, depending on the SAP’s recommendations. These follow-up tests are conducted on an unannounced basis and the minimum required is six within a 12-month period. However, the SAP does have the option to require more than six tests and to require follow-up testing for up to two years, not just one.

It is important for me to note that this is the process only following a first offense. On subsequent offenses, your employer is NOT required to provide you the opportunity for return to work.

Also, I’d like to add that anyone who refuses to take an alcohol or drug test, or adulterates or substitutes a sample in such a test, will be subject to the same consequences as if they had a positive test result.

VI. How do you recognize when a co-worker might have a problem with alcohol or drugs?

Now that we’ve discussed the details of the alcohol- and drug-free mine policy and its alcohol- and drug-testing requirements, I’d like to change the subject a bit. I’d like to touch upon WHY this policy is so important—and what you can do to make sure you and your fellow miners are able to adhere to and benefit from it.

No one wants to believe that a co-worker has a problem with alcohol or drugs. But at the same time, there needs to be a willingness to acknowledge any evidence of a problem.

Chances are everyone here knows or has encountered someone who either currently has or has had in the past a problem with alcohol or drugs. Though some of the signs may vary by drugs of choice, what is observed and experienced in interacting with such individuals is often very similar. Think of someone you’ve known and/or worked with who you suspect may have an

alcohol or drug problem or actually turned out to have a problem. What is it like for you to try and work with that person? How does it affect your ability to do your work or get the job done? What does it make you think or feel?

What are some signs both on and off the job that someone may have an alcohol or drug problem? *(Note: Throw this out to audience and compile a list. The first part of the discussion should be about general signs, but guide participants to increasingly focus on how these signs can jeopardize safety.)*

Examples include: *(Note: Use this list to label/identify what participants describe and/or prompt responses)*

1. Physical

- Chills
- Smell of alcohol
- Sweating
- Weight loss
- Physical deterioration

2. Emotional

- Increased aggression
- Anxiety
- Burnout
- Denial
- Depression
- Paranoia

3. Behavioral

- Excessive talking
- Impaired coordination
- Irritability
- Lack of energy
- Limited attention span
- Poor motivation

4. Other

- Continual missed appointments
- Excessive and unexplained absences or days off
- Borrowing money

Specific signs of when alcohol or drug use is becoming a mining hazard include:
(Concrete examples are helpful here.)

- Creating mishaps (*such as...*), being careless and repeatedly making mistakes.
- Damaging equipment or property. (*examples*)
- Being involved in numerous accidents, regardless of whether that individual is the one who is injured.
- Displaying careless actions in the operation and maintenance of potentially hazardous materials or dangerous equipment. (*examples*)
- Being unreliable such as not being where he or she should be when others must count on him or her.
- Showing a lack of attention to detail on performing routine job duties. (*examples*)
- Being unwilling to follow directions and being argumentative.
- Giving elaborate, increasingly unbelievable excuses for not doing the job or not being where one is supposed to be.
- Being a slacker; not carrying one's load.
- Being unresponsive to usual cajoling. (*sometimes a coworker just needs a little "peer pressure" to come around, but won't respond to this if he/she is under the influence of a substance*)
- Taking unnecessary risks.
- Disregarding safety for self and others.

Others: (*for participants to name/list*)

Remember that some of these signs are indicators of other situations and/or problems such as sleep deprivation or depression and may also be exhibited by someone who may be living with a person who has a problem with alcohol or drugs and is, unwittingly, encouraging or enabling it to go on.

VII. What role do you play by accepting behavior that is influenced by alcohol or drugs?

It is important that co-workers, as well as mine operators and foremen, not tolerate unacceptable behavior by a miner who is abusing alcohol or drugs. Sometimes, though, this is a very difficult thing to do. Often, it seems *easier* to try to ignore behavior than to do something about it.

What are some of the ways a miner unwittingly excuses such behavior and prevents or delays a person with a problem from getting the help he or she needs? (*Throw this out to audience and compile a list.*)

Examples include:

- Covering up for a person's behavior by providing alibis, making excuses or doing an impaired co-worker's job rather than letting it be known that he/she is not doing his/her job.
- Developing reasons why the person's continued use is understandable or acceptable.
- Avoiding contact with the person with the problem.
- Blaming oneself for the person's continued use or getting angry at the individual for not trying hard enough to control his/her use or to get help.
- Trying to take responsibility for the person's use by throwing out his/her drugs or cutting off the supply.
- Making idle threats to take action (for example, turning the person in), but not following through when the person continues to use the drug.

What happens when someone makes excuses for unacceptable behavior? How does it affect that person?

Often, he ends up feeling:

- Resentful...for having to take up the slack
- Angry...for having safety compromised and well-being not respected
- Frustrated...because nothing is being done to change the situation
- Taken advantage of...by the person misusing alcohol or drugs or by not being provided with a safe work environment
- Indifference...about the job
- Deprived . . . of his right to a safe mine!

Neither the actions of tolerating unacceptable behavior nor the feelings which are a result of tolerating such behavior make the mine safer. In fact, these actions and feelings may do the opposite by enabling the dangerous behavior to continue.

Remember, it is the responsibility of every employee, manager, and owner to be aware of their surroundings and to do what they can to make the work environment safe for everyone.

VIII. When and how do you decide to do something about a co-worker who may be abusing alcohol or drugs?

As we've discussed, alcohol or drug abuse in the workplace cannot be taken lightly, especially in the mining environment, where co-workers rely on each other for safety. While supervisors can confront workers whose alcohol or drug use affects their job performance, co-workers may be able to help BEFORE this occurs. They can do this on or off the worksite and emphasize the benefits of seeking help early.

However, it is not a miner's responsibility to diagnose an alcohol or drug problem! Rather, it is his or her job to OBSERVE behavior that is typical of someone abusing alcohol or drugs and to protect himself or herself and co-workers. Ignoring an obvious problem only allows it to continue. Though formal steps such as notifying a foreman may eventually be necessary, a miner may have more influence than he or she thinks if a co-worker is approached in the right way.

If a miner suspects someone has a problem, he/she can follow these steps:

1. Identify with your co-worker; show concern for the person. Tell the person you have noticed a change in behavior and express your concern for them and for your own safety and the safety of all others at the mine.
2. Describe your observation of specific behaviors, using specific days and/or times rather than using "you always" and other similar phrases.
3. Connect the behavior to the alcohol or drug abuse or suspected abuse.
4. Urge the person to get help and give information about how to get it. I'll talk a little more about this in a few minutes.
5. Tell your co-worker you will no longer hide the situation for him or her. Do not make idle threats. Be willing and able to follow through on your threat, whether it is to stop covering up or to turn him or her in or any other threat you have made. Be willing to "draw a line in the sand" and hold firmly to that line.
6. Explain how your co-worker's alcohol or drug use affects you and others in the mine.
7. Reconfirm your concern for your co-worker. You do not need to get him or her to admit he or she has a problem. You must stand your ground with your co-worker, be consistent with your actions and be willing to follow through on any threats you make.

During this process, it's important to think back to the alcohol- and drug-free mine policy. Remember that it exists to protect you and your co-workers. And as I said earlier, its goal is to PREVENT problems BEFORE they occur.

Alcohol and drug abuse and alcoholism and drug addiction are treatable illnesses, and early intervention and support greatly increase the success of rehabilitation. For this reason, the alcohol- and drug-free mine policy encourages miners to seek help proactively if they have an alcohol or drug problem.

THE POLICY ALSO OFFERS ALL MINERS THE OPPORTUNITY FOR A VOLUNTARY ASSESSMENT BY A SUBSTANCE ABUSE PROFESSIONAL. IF YOU RECALL, A SUBSTANCE ABUSE PROFESSIONAL—OFTEN CALLED A SAP—IS THE PERSON WHO CONDUCTS AN ASSESSMENT IN THE EVENT THAT A MINER TESTS POSITIVE ON AN ALCOHOL OR DRUG TEST. BUT REMEMBER, SOMEONE DOES NOT NEED TO TEST POSITIVE IN ORDER TO MEET WITH A SAP IF THEY FEEL THEY HAVE A PROBLEM.

IX. Do's and Don'ts for Talking with a Co-Worker about Your Concern

Do:

- Communicate clearly and honestly
- Talk from your own experiences
- Focus on the facts and the specifics of the behavior and actions
- Present solutions
- Offer help

Don't:

- Talk to other co-workers about your concern, as rumors can be vicious.
- Take the abuser's alcohol or drug use personally. He or she is not abusing because of you or something you may or may not have done.
- Get angry
- Be accusatory
- Blame the other person
- Criticize
- Be judgmental
- Humiliate
- Create win/lose situations
- Rescue the abuser from the consequences of their behavior

Keep this in mind:

- You must be willing to draw a line with your co-worker and remain firm with that line.
- You must be willing to risk the loss of the friendship. Once a person gets the help he or she needs, the friendship may return.

- Even if you do all the right things, you can't count on the person changing. These actions can eventually lead the way and eliminate the risks of allowing behavior to continue and put others at risk.
- Your safety and the safety of others in the mine is the most important thing to protect.

X. How and When is it Appropriate to Involve Others?

You may have confronted your co-worker, friend or family member, yet that person is still unwilling to accept or acknowledge there is a problem. Then what?

The time to do something and involve others is when the person's behavior is such that it directly affects you and your ability to do your job or live your life. Other individuals, such as a supervisor or foreman, may have more options available to him or her through your employer to help your co-worker get assistance. For example, certain personnel have the power to use work performance (including failing to show up, unexplained absences, inability to properly perform job functions, etc.) as a means of getting someone help through an Employee Assistance Program (EAP), substance abuse professional, or some other source of assistance.

A friend or family member with an alcohol or drug problem can also influence a miner's safety. Often, a family member or friend who is drinking or using drugs affects a miner's ability to concentrate and focus on his or her job. Alcohol or drug use can result in financial problems; marital problems; parenting/family problems; depression, anxiety or other emotional problems on the part of the person and/or the family member. It can also lead to physical or emotional abuse.

If you are concerned about a friend or family member, you may need to enlist the professional services of a trained substance abuse counselor. There are many techniques that are powerful in helping people deal with alcohol or drug problems. For example, intervention is the process that confronts the person about the severity of their problem. In an intervention, family members who influence that person's life, and a trained professional (such as a counselor, psychologist or social worker), get together and present facts and information related to the person's behavior and its consequences. The process, which can take several weeks to prepare for, is designed to break through the person's denial and help him or her understand there is a problem.

Another option in this case is a support group. These groups for family and friends of people with alcohol and drug problems help you learn to live a healthier life through maintaining appropriate boundaries with that friend or family member. Examples include Al-Anon and Nar-Anon. These groups are usually listed in the phone book.

XI. Sources of Help

There are several other sources of help for co-workers, family and friends who may have a substance abuse problem.

Employee Assistance Programs (EAPs) are generally the best place to direct co-workers experiencing personal problems, including alcohol and drug abuse. EAPs are legally bound to maintain confidentiality and may not divulge information discussed with an employee without written permission from the employee.

If there is no EAP at your company, other resources include:

Substance Abuse Treatment Locator

www.findtreatment.samhsa.gov

Phone: 1-800-662-HELP

This Substance Abuse and Mental Health Services Administration (SAMHSA) Web site and toll-free phone line help individuals locate alcohol and drug abuse treatment programs in their communities.

AlcoholScreening.org

www.alcoholscreening.org

This free, confidential Web site lets individuals privately assess their own drinking habits and receive personalized feedback to help them determine if they need help to change those habits. Individuals can also find out about facilities in their communities that offer alcohol and drug abuse treatment and consultations with qualified health professionals regarding alcohol problems.

Al-Anon/Alateen

Phone: (888) 4AL-ANON

www.al-anon.alateen.org

Al-Anon provides information on the effects of alcohol abuse and refers friends and families of alcohol abusers to nearby support groups. Al-Anon's purpose is to help families and friends of alcoholics recover from the effects of living with the problem drinking of a relative or friend. Alateen is the organization's program for young people whose lives have been affected by someone else's drinking.

Alcoholics Anonymous (AA)

www.aa.org

AA offers a way to stop drinking to individuals who feel they have a problem with alcohol. AA groups are located in most cities and rural communities throughout the country. Look up "Alcoholics Anonymous" in a local telephone directory for a contact in your area.

American Council on Alcoholism

Phone: (800) 527-5344

www.aca-usa.org

American Council on Alcoholism provides referrals to alcoholism treatment programs nationwide and distributes written materials on alcohol abuse problems.

Cocaine Anonymous

Phone: (800) 347-8998

www.ca.org

Cocaine Anonymous provides support for people dependent on cocaine and other mind-altering substances. Callers are referred to local helplines.

Nar-Anon

Phone: (800) 477-6291

www.nar-anon.org

Nar-Anon is a worldwide program which provides support for friends and families of individuals with addiction or drug problems.

Focus on Recovery Helpline

Phone: (800) 234-0420

www.focushealthcare.com

Focus on Recovery is a helpline which provides support and information for recovering drug addicts through referral to local helplines staffed by other recovering addicts.

National Council on Alcoholism and Drug Dependence Hopeline

Phone: (800) NCA-CALL

www.ncadd.org

This organization, a planning and oversight agency for public substance abuse treatment programs, provides written information on alcohol and drug abuse and referrals to treatment and counseling services nationwide.

XII. Recap

Alcohol and drug use is NOT always alcohol and drug abuse. For example, having an alcoholic drink on a daily basis in an appropriate environment is not considered to be alcohol abuse. Having multiple alcoholic drinks to the point of drunkenness on a daily basis IS abuse. Getting high before work or while on duty or at any time when the effects of alcohol or drugs carry over to work hours IS abuse. And abuse can lead to addiction.

Regardless of whether someone is an abuser or addict, any time a worker is under the influence of alcohol or drugs, he or she is a safety hazard, especially in a mine. A worker who is alcohol or drug dependent can also be a safety hazard, even if that person is not intoxicated at work. In addition, if a co-worker is distracted by a friend or family member who may be abusing substances, he/she can create safety hazards. Alcohol and drug abuse and mines just don't mix.

Be willing to show your concern for your fellow miners, your mine and yourself. Help your fellow miners get the help they need.

It is the responsibility of every miner, foreman and owner to be aware of their surroundings and to do what they can to make the work environment safe for everyone. The alcohol- and drug-free mine policy exists to help protect and assist you and your fellow miners in preventing alcohol and drug use as a safety hazard.

SAMPLE ANNUAL NONSUPERVISORY MINER EDUCATION AND AWARENESS MODULE

I. Introduction and Purpose of Program

The purpose of this training program is to assist you in understanding:

- The purpose and requirements of your company's alcohol- and drug-free mine policy;
- Alcohol- and drug-testing requirements and processes;
- Consequences for alcohol- and drug-free mine policy violations;
- Your role in keeping the mine alcohol- and drug-free; and
- How to recognize alcohol or drug problems in your fellow miners and steps you can take when you think someone needs help.

This training is required under the Mine Safety and Health Administration's (MSHA) rule on alcohol- and drug-free mines (30 CFR part 66). The goal of this rule is to protect the safety, health and well being of all miners by ensuring that our nation's mines are free of the hazards of alcohol and drug abuse.

This training is required because the abuse of alcohol and drugs affects EVERYBODY, not just the person using alcohol or drugs. Co-workers can often be a powerful influence on those who are abusing alcohol or drugs. By knowing what to do, and what not to do, co-workers can make their mine safer and help their co-workers get help they might need.

II. Alcohol- and Drug-Free Mine Policy Purpose and Requirements

Alcohol and drug abuse can be a problem anywhere in the mining environment, from the tool room to the company boardroom. It is a problem that confronts miners and mine operators alike.

Therefore, and in accordance with MSHA's rule on alcohol- and drug-free mines (30 CFR part 66), your employer has established an alcohol- and drug-free mine program that strives to balance respect for you as individual employees with the need to maintain a safe working environment for everyone. The foundation of this program is a strict alcohol- and drug-free mine policy.

First and foremost, the goal of this policy is to create a safer, healthier mine for you and for your fellow miners. Its purpose is to protect, not punish. The idea is to PREVENT alcohol and drug use and encourage people to voluntarily seek help for alcohol and drug problems BEFORE their behavior becomes a safety hazard.

To achieve these aims, the policy prohibits miners from:

- Using or possessing alcohol or certain other substances—which I will list in a minute—while on mine property; and
- Reporting for or being on duty:
 - While under the influence or impaired by alcohol; or
 - After having used prohibited substances, unless as prescribed by a doctor.

It is important for me to note that these prohibitions apply at all times while on company property and during all working hours. The specific substances prohibited include:

- Alcohol,
- Amphetamines (including methamphetamines),
- Barbiturates,
- Benzodiazepines (e.g., Valium, Librium, Xanax),
- Cannabinoids (marijuana/THC),
- Cocaine,
- Methadone,
- Opiates (e.g., heroin, opium, codeine, morphine),
- Phencyclidine (PCP),
- Propoxyphene (e.g., Darvon), and
- Synthetic/Semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxycodone).

The policy also prohibits the illegal or unauthorized use of prescription drugs—in other words, the misuse or abuse of prescription drugs. Prescription and over-the-counter drugs are not prohibited, but are permitted only when taken in standard dosage and/or according to a doctor’s prescription. But, if you take prescribed or over-the-counter medication, YOU are responsible for talking to your doctor and/or pharmacist about whether it may interfere with your ability to perform your job safely. And in the event there are safety concerns, it is YOUR responsibility to use appropriate procedures to avoid unsafe mine practices. Depending on the situation, this might mean calling in sick, using leave, requesting a change of duty, or notifying your supervisor or company doctor.

III. Alcohol- and Drug-Testing

As you may know, because the jobs you perform are considered safety-sensitive, you are also subject to alcohol- and drug-testing. This testing—like your employer’s alcohol- and drug-free mine policy and this training program—is required under MSHA’s rule on alcohol- and drug-free mines (30 CFR part 66).

Testing is conducted on a random basis. This does NOT mean that someone just randomly decides who will be tested. Rather, it means that testing is performed on an unannounced basis on employees whose identifying information, such as a social security number, has been placed in a pool from which a truly random selection is made. Thus, each of you has an equal chance of being selected for testing, regardless of whether you

were recently tested. This explains why it's possible that some of you have never been tested at all, while others have, perhaps even multiple times. Because this type of testing has no advance notice, its goal is to serve as a deterrent. So, if you currently use any of the prohibited substances, on or off the job, or in the future are you are tempted to do so . . . think twice and make the safe and healthy choice NOT to use. Your job as well as your life may depend on it!!

Alcohol- and drug-testing following accidents or based on reasonable suspicion may also be conducted. By reasonable suspicion, I mean testing may be conducted on occasions when supervisors document observable signs and symptoms that lead them to suspect alcohol or drug use or an alcohol- drug-free mine policy violation. This type of testing is sometimes also called “probable-cause” or “for-cause” testing.

In addition, “return-to-duty” testing and “follow-up” testing may be conducted. But these types of testing only come into play when someone resumes safety-sensitive duties following a violation of the alcohol- and drug-free mine policy. I'll talk more about this process in a few minutes.

Tests look for evidence of the prohibited substances I listed earlier. Testing for alcohol is done by breath analysis; testing for drugs is done by urine analysis.

To ensure accuracy and fairness, alcohol- and drug-testing is conducted in accordance with guidelines mandated by MSHA and the Substance Abuse and Mental Health Services Administration (SAMHSA). The process includes various safeguards, including the opportunity for miners who test positive to have their result reviewed by a Medical Review Officer. This includes the chance to provide a legitimate medical explanation for the result, such as a physician's prescription.

All information about a person's alcohol and drug test results is maintained in separate, confidential records.

IV. Consequences for Violation

As you know, in the mining environment, safety must be taken seriously. So the consequences for violating the alcohol- and drug-free mine policy are indeed serious.

On the first offense, any miner who tests positive or otherwise violates the alcohol- and drug-free mine policy will be:

- Immediately removed from their safety-sensitive job duties;
- Referred to a substance abuse professional—commonly called a SAP—for assessment and recommendations; and
- Required to successfully complete the SAP's recommendations for education and/or treatment.

Any miner who does not complete the SAP's recommendations for education and/or treatment will be subject to disciplinary action, up to and including termination of employment. However, if a miner does successfully complete the SAP's recommendations, he or she may return to work through a specific process outlined in the alcohol- and drug-free mine policy.

This process involves a few components. First, the miner is reevaluated by the SAP to determine whether he or she has successfully completed the recommended education and/or treatment. Only the SAP can provide this confirmation. Then, the miner has to pass an alcohol and drug test. These tests must be taken and negative results confirmed before resuming safety-sensitive duties. Then, the miner is subject to follow-up testing for alcohol, drugs or, in some cases, both, depending on the SAP's recommendations. These follow-up tests are conducted on an unannounced basis and the minimum required is six within a 12-month period. However, the SAP does have the option to require more than six tests and to require follow-up testing for up to two years, not just one.

It is important for me to note that this is the process only following a first offense. On subsequent offenses, your employer is NOT required to provide you the opportunity for return to work.

Also, I'd like to add that anyone who refuses to take an alcohol or drug test, or adulterates or substitutes a sample in such a test, will be subject to the same consequences as if they had a positive test result.

V. The Responsibility Starts With You

Now that we've discussed the details of the alcohol- and drug-free mine policy and its alcohol- and drug-testing requirements, I'd like to shift focus. I'd like to touch upon WHY this policy is so important—and what you can do to make sure you and your fellow miners are able to adhere to and benefit from it.

On the job alcohol and drug use cannot be taken lightly, especially in mines where we rely on each other for our safety. Responsibility over the safety of our mine starts with each and everyone one of us. So take a good look at yourself. I'm not asking anyone to answer out loud, but I want each of you to ask yourself whether you might have a problem with alcohol or drugs. Have you found yourself:

- Having trouble doing your fair share at work because you are frequently hung over?
- Drinking first thing in the morning or before your shift?
- Fearful of being caught by a workplace alcohol or drug test?
- Having a hard time sticking to the recommended dosage of a prescribed medication?
- Making unsuccessful attempts to cut down on alcohol or stop using drugs?
- Feeling guilty for letting down your co-workers because of your drinking or drug use?
- Annoyed by comments made about your drinking or drug use?

If you answer yes to any of these, you may have an alcohol or drug problem and should seek help. AND if you are using drugs illegally, it's not only against the law and against company policy, it's a safety hazard. It is never alright to be impaired on the job because someone could get hurt.

Please consider getting help before you really have something to feel guilty about. Help is available. Alcohol and drug abuse and alcoholism and drug addiction are treatable illnesses, and early intervention and support greatly increase the success of rehabilitation. For this reason, the alcohol- and drug-free mine policy encourages miners to seek help proactively if they have an alcohol or drug problem.

In fact, the alcohol- and drug-free mine policy offers all miners the opportunity for a VOLUNTARY assessment by a Substance Abuse Professional. If you recall, a Substance Abuse Professional—often called a SAP—is the person who conducts an assessment in the event that a miner tests positive on a workplace drug test. But remember, someone does not NEED to test positive in order to meet with a SAP if they feel they have a problem.

Note to Presenter:

If the miners also have access to confidential assistance services, such as an Employee Assistance Program (EAP) or a Member Assistance Program (MAP), communicate the following:

The company's Employee Assistance Program (EAP) also provides confidential counseling and referral services as a benefit to employees. Their specially trained counselors can be reached at <CONTACT INFORMATION>.

If the company does not provide such a service, you can suggest that workers call 1-800-662-HELP or visit www.findtreatment.samhsa.gov to find information on local programs and resources.

VI. Recognizing Alcohol or Drug Problems in Your Fellow Miners

Most of us know someone – perhaps a family member, friend or fellow miner – who has been affected by alcohol or drug abuse in some way. In fact, co-workers are often the first to notice when someone is abusing alcohol or drugs while working. Have you ever found yourself:

- Doing more than your fair share at work due to a co-worker's unreliability?
- Making excuses for a co-worker who is proving increasingly undependable?
- Fearing for your safety while that person is on the job?

These, and possibly witnessing drinking or drug-using behavior, may be clues that a co-worker has a problem. And, as difficult as it may be, if you have reason to believe that a co-worker is abusing alcohol or using drugs, it is important that you not ignore what you

see. Protecting or making excuses for them can actually make their problems worse since it prevents them from getting the help they need – and compromises safety. So don't wait until someone gets hurt to take action.

The bottom line is that all of us have a responsibility to work alcohol- and drug-free and take notice of co-workers who may have a problem. **Do not hesitate to speak up** and remind your fellow miners that working alcohol- and drug-free is serious business.

If you are concerned that someone has a problem:

- Tell the person that you've noticed a change in their behavior and that you are concerned.
- Be honest and concrete about what concerns you.
- Avoid saying "you always" or using other similar accusatory language (for example, calling them an "alcoholic" or "drug addict").
- Don't threaten to report them – unless you truly intend to do so.
- Urge the person to get help and offer information about how to get it.

If you fear that someone's health or safety is threatened by alcohol or drug use, you should alert your supervisor or foreman immediately. But, *never* talk to other co-workers about your concerns, as rumors can be harmful.

If you don't feel that there's an immediate threat to safety, but *are* concerned about the future risks of your co-worker's alcohol or drug use, speak *confidentially* to appropriate personnel such as a human resource manager or an employee or member assistance professional (EAP or MAP).

Note to Presenter:

If your company does not provide an EAP or MAP, you can suggest that workers call 1-800-662-HELP or visit www.findtreatment.samhsa.gov to find information on local programs and resources.

VII. Recap

Alcohol and drug use is NOT always alcohol and drug abuse. For example, having an alcoholic drink on a daily basis in an appropriate environment is not considered to be alcohol abuse. Having multiple alcoholic drinks to the point of drunkenness on a daily basis IS abuse. Getting high before work or while on duty or at any time when the effects of alcohol or drugs carry over to work hours IS abuse. And abuse can lead to addiction.

Regardless of whether someone is an abuser or addict, any time a worker is under the influence of alcohol or drugs, he or she is a safety hazard, especially in a mine. A worker who is alcohol or drug dependent can also be a safety hazard, even if that person is not intoxicated at work. In addition, if a co-worker is distracted by a friend or family

member who may be abusing substances, he/she can create safety hazards. Put simply, alcohol and drug abuse and mines just don't mix.

Be willing to show your concern for your fellow miners, your mine and yourself. Help your fellow miners get the help they need.

It is the responsibility of every miner, foreman and owner to be aware of their surroundings and to do what they can to make the work environment safe for everyone. The alcohol- and drug-free mine policy exists to help protect and assist you and your fellow miners in preventing alcohol and drug use as a safety hazard.

SAMPLE INITIAL SUPERVISOR TRAINING MODULE

I. Introduction

This training program was developed to assist you in understanding your company's alcohol- and drug-free mine policy and your role in enforcing it. As part of this policy, you—as a supervisor—may be required to make referrals for alcohol- and drug-testing after accidents occur or based on reasonable suspicion that a miner is working under the influence of alcohol or other drugs. This is a large responsibility, so a key component of this training program is learning how to decide when such referrals are appropriate. We will discuss the do's and don'ts in making reliable, fair determinations. We will also discuss strategies for dealing with an employee who may be under the influence of alcohol or drugs and the signs and symptoms of alcohol and drug abuse.

This training is required under the Mine Safety and Health Administration's (MSHA) rule on alcohol- and drug-free mines (30 CFR part 66). The goal of this rule is to protect the safety, health and well being of all miners by ensuring that our nation's mines are free of the hazards of alcohol and drug abuse.

II. Objectives

In this training program, you will learn about:

- The purpose and requirements of your employer's alcohol- and drug-free mine policy;
- Alcohol- and drug-testing processes and procedures;
- Consequences for violation of the alcohol- and drug-free mine policy;
- The purpose and procedures for post-accident testing;
- The purpose and procedures for reasonable suspicion testing;
- General signs and symptoms of alcohol and drug use;
- How to refer to alcohol- and drug-testing following an accident or based on reasonable suspicion;
- How to help when you think someone may have an alcohol or drug problem, but you don't have evidence; and
- The specific drugs prohibited under your employer's alcohol- and drug-free mine policy.

III. Alcohol- and Drug-Free Mine Policy Purpose and Requirements

Alcohol and drug abuse can be a problem anywhere in the mining environment, from the tool room to the company boardroom. It is a problem that confronts miners and mine operators alike. Clearly, it cannot be taken lightly, especially in an environment where everyone relies on each other for safety.

Therefore, and in accordance with MSHA's rule on alcohol- and drug-free mines (30 CFR part 66), your employer has established an alcohol- and drug-free mine program that

strives to balance respect for individual employees with the need to maintain a safe working environment for everyone. The foundation of this program is a strict alcohol- and drug-free mine policy.

You—as supervisors—play a critical role in ensuring the effectiveness of this policy. Of course, as employees, you are also required to adhere to this policy. So it is very important that you understand the purpose and requirements of this policy.

First and foremost, the goal of this policy is to create a safer, healthier mine for everyone. The ultimate goal is to PREVENT alcohol and drug use and encourage people to voluntarily seek help for alcohol and drug problems BEFORE their behavior becomes a safety hazard.

To achieve these aims, the policy prohibits miners from:

- Using or possessing alcohol or certain other substances—which I will list in a minute—while on mine property; and
- Reporting for or being on duty:
 - While under the influence or impaired by alcohol as verifiable by a Blood Alcohol Content (BAC) of .04 percent or greater; or
 - After having used prohibited substances, unless as prescribed by a doctor.

These prohibitions apply at all times while on company property and during all working hours.

The specific substances prohibited include:

- Alcohol,
- Amphetamines (including methamphetamines),
- Barbiturates,
- Benzodiazepines (e.g., Valium, Librium, Xanax),
- Cannabinoids (marijuana/THC),
- Cocaine,
- Methadone,
- Opiates (e.g., heroin, opium, codeine, morphine),
- Phencyclidine (PCP),
- Propoxyphene (e.g., Darvon), and
- Synthetic/Semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxycodone).

The policy also prohibits the illegal or unauthorized use of prescription drugs—in other words, the misuse or abuse of prescription drugs. Prescription and over-the-counter drugs are not prohibited, but are only permitted when taken in standard dosage and/or according to a doctor's prescription. But, if a miner is taking prescribed or over-the-counter medication, THAT MINER is responsible for talking to his or her doctor and/or

pharmacist about whether it may interfere with the ability to work safely. And in the event there are safety concerns, it is THE MINER'S responsibility to use appropriate procedures to avoid unsafe mine practices. Depending on the situation, this might mean calling in sick, using leave, requesting a change of duty, or notifying a supervisor or company doctor. So it is important for you to be aware that an employee may come to you looking for guidance in this situation.

IV. Alcohol- and Drug-Testing

A key part of the alcohol- and drug-free mine policy is alcohol- and drug-testing. Miners who perform safety-sensitive job duties are subject to alcohol- and drug-testing. Also, those individuals who supervise miners who perform safety-sensitive job duties—including management and administrative personnel—are subject to alcohol- and drug-testing. Safety-sensitive job duties are defined as any type of work activity where a momentary lapse of critical concentration could result in an accident, injury or death.

This testing—like the alcohol- and drug-free mine policy and this training program—is required under MSHA's rule on alcohol- and drug-free mines (30 CFR part 66).

Specifically, the following types of testing are conducted:

- Pre-employment
- Random
- Post-accident
- Reasonable suspicion

In addition, “return-to-duty” testing and “follow-up” testing are conducted. But these types of testing only come into play when a miner resumes safety-sensitive duties following a violation of the alcohol- and drug-free mine policy. I'll talk more about this whole process in a few minutes, but first I'd like to explain the types of testing that affect ALL miners.

The purpose of pre-employment testing is pretty obvious. The goal is to avoid hiring anyone whose alcohol or drug use could end up creating safety hazards in the mine. As supervisors, you don't really have a role to play in pre-employment testing.

Random testing also doesn't involve you too much either, except perhaps in helping employees understand its purpose and how it works. Contrary to what some people think when they hear the word “random,” this type of testing does NOT mean that someone, even a supervisor, just randomly decides who will be tested. Rather, it means that testing is performed on an unannounced basis on employees whose identifying information, such as a social security number, has been placed in a pool from which a truly random selection is made. Thus, each miner has an equal chance of being selected for testing, regardless of whether he or she was recently tested. Because this type of testing has no advance notice, its goal is to serve as a deterrent.

The other types of testing—post-accident and reasonable suspicion—do involve you.

Post-accident testing is conducted following an accident to help determine whether alcohol and/or drugs were a factor in causing the accident. The decision to conduct post-accident testing is made by supervisors, based on objective criteria.

Reasonable suspicion training is conducted on occasions when supervisors document observable signs and symptoms that lead them to suspect alcohol or drug use or an alcohol- and drug-free mine policy violation. This type of testing is sometimes also called “probable-cause” or “for-cause” testing.

Clearly, both post-accident and reasonable suspicion testing require supervisors to make sound, objective decisions. So we will be spending time talking about how to make such decisions later on in this program.

All tests, regardless of when they are conducted, look for evidence of the prohibited substances I listed earlier. Testing for alcohol is done by breath analysis; testing for drugs is done by urine analysis.

To ensure accuracy and fairness, alcohol- and drug-testing is conducted in accordance with guidelines mandated by MSHA and the Substance Abuse and Mental Health Services Administration (SAMHSA). The process includes various safeguards, including:

- A screening test;
- A confirmation test;
- The opportunity for a split sample;
- Review by a Medical Review Officer (MRO), during which time miners who test positive have the opportunity to provide a legitimate medical explanation for the positive result, such as a physician’s prescription; and
- A documented chain of custody.

I’d like to add that all information about a person’s alcohol and drug test results is maintained in separate, confidential records. On occasion, you might find yourself needing to inform miners about this fact.

V. Consequences for Violation

As you know, in the mining environment, safety must be taken seriously. So the consequences for violating the alcohol- and drug-free mine policy are indeed serious.

On first offense, anyone who tests positive or otherwise violates the alcohol- and drug-free mine policy will be:

- Immediately removed from their safety-sensitive job duties;

- Referred to a substance abuse professional—commonly called a SAP—for assessment and recommendations; and
- Required to successfully complete the SAP’s recommendations for education and/or treatment.

Anyone who fails to complete the SAP’s recommendations for education and/or treatment will be subject to disciplinary action, up to and including termination of employment. However, if a miner does successfully complete the SAP’s recommendations, he or she may return to work through a specific process outlined in the alcohol- and drug-free mine policy.

This process involves a few components. First, the miner is reevaluated by the SAP to determine whether he or she has successfully completed the recommended education and/or treatment. Only the SAP can provide this confirmation. Then, the miner has to pass an alcohol and drug test. These tests must be taken and negative results confirmed before resuming safety-sensitive duties. Then, the miner is subject to follow-up testing for alcohol, drugs or, in some cases, both, depending on the SAP’s recommendations. These follow-up tests are conducted on an unannounced basis and the minimum required is six within a 12-month period. However, the SAP does have the option to require more than six tests and to require follow-up testing for up to two years, not just one.

It is important for me to note that this is the process only following a first offense. On subsequent offenses, your employer is NOT required to provide someone the opportunity to return to work.

Also, someone will be subject to the same consequences of a positive test if he or she:

- Refuses the screening or the test;
- Adulterates or dilutes the specimen;
- Substitutes the specimen with that from another person or sends an imposter;
- Will not sign the required forms; or
- Refuses to cooperate in the testing process in such a way that prevents completion of the test.

VI. Post-Accident Testing: Overview

Now that we’ve covered the purpose and the requirements of the alcohol- and drug-free mine policy, I’d like to get into more detail about your requirements under it, specifically making referrals for alcohol- and drug-testing following accidents or based on reasonable suspicion that someone is violating the alcohol- and drug-free mine policy. I’d like to focus on post-accident testing first.

Post-accident testing is conducted for selected miners after certain accidents or mine injuries occur, including fatal accidents.

Which accidents require testing? Accidents and injuries requiring testing include occupational injuries and those requiring medical treatment beyond first aid, and accidents that occur while a miner is operating a piece of equipment or performing a work activity that causes or contributes to an accident, injury or death. Obviously, post-accident testing is a type of testing we hope never has to occur.

In post-accident situations requiring testing, alcohol AND drug tests should be conducted on each surviving miner involved in any work activity that could have contributed to the accident, injury or death. Alcohol tests should be administered within a two-hour time period. In the event the alcohol test is not done within a two-hour time period, the mine operator needs to document the reasons why and continue attempts for up to eight hours. Drug tests should be conducted as soon as possible, but within 32 hours of the accident. In the event the drug test is not done within the 32-hour time period, the mine operator needs to document the reasons why. In the event of a fatality, toxicology tests on the victims should also be ordered.

VII. Post-Accident Testing: Making the Determination

It is NOT necessary to suspect alcohol or drugs may have been involved in an accident in order to order a post-accident test. The tests will reveal whether or not alcohol or drugs might have contributed and will provide information that may prompt investigators to further explore this possibility. Also, it is important to remember that a positive test does not automatically mean that impairment from alcohol or drugs was the cause of the accident.

Rather, your role is determining quickly WHO might have contributed to the accident. The main considerations are:

- Does a particular individual perform safety-sensitive job duties? This should be pre-determined, since only those who do are subject to testing.
- Is it possible, even remotely, for this particular individual to have contributed to the event?

Key determinants may include:

- Was the miner operating a piece of equipment that was involved in the accident?
- Was the miner performing work activity that was involved in the accident?
- Did the miner make judgments about the work activity being performed that might have contributed to the accident?

If the answer to any of these is yes, then the individual should be referred for testing. Alternatively, if a miner was simply at the wrong place at the wrong time and performing work in accordance with standard operations, then it is likely they should not be referred.

Given the narrow window in which post-accident tests must be conducted (remember – it's two hours for alcohol testing and as soon as possible for drug testing, but definitely

within 32 hours), you may find yourself in a position of having to make these determinations very quickly, based on whatever information you have at one point in time—without the benefit of a full investigation. If this happens, remember that requiring someone to be tested following an accident is NOT accusing them of being on drugs or under the influence of alcohol. Rather, it is an objective means of ruling out that possibility. So, it is generally better to cast a wide net and have everyone tested who could have possibly contributed. That way, those conducting the accident investigation will have the test results available to consider as they proceed.

Once you make the decision as to who will be tested following an accident, it is important that you note this on the accident report.

Again, referrals for post-accident alcohol- and drug-testing usually have to be made quickly and without a lot of information. But I want to remind you that you should NEVER delay necessary medical attention for injured miners following an accident or attempt to prohibit a miner from leaving the scene of an accident to respond to an injuries or seek urgent medical care. Getting assistance for anyone injured is, of course, top priority in any accident situation.

VIII. Reasonable Suspicion Testing: Overview

The other type of alcohol- and drug-testing supervisors are involved in is reasonable suspicion testing. As I said earlier, this is sometimes called “probable-cause” or “for-cause” testing.

This type of testing is conducted when supervisors document OBSERVABLE signs and symptoms that lead them to believe someone may be misusing alcohol or drugs or otherwise violating the alcohol- and drug-free mine policy. As part of this, it is extremely important to have clear, consistent definitions of what behavior justifies testing and, when feasible, suspicion should be corroborated by another supervisor or manager.

Deciding that there is reasonable suspicion that a miner is misusing or abusing alcohol or drugs typically relies on evidence such as:

- Direct observation of use or possession of alcohol or drugs;
- Physical symptoms of being under the influence; or
- Patterns of abnormal or erratic behavior.

When it comes to reasonable suspicion testing, it is very important to avoid any appearance of discrimination in who is being tested. Vague suspicion, rumors or reports from others alone should not be the basis of reasonable suspicion testing. Rather, this type of information might trigger further investigation, which may result in documentation of observable signs and symptoms, which in turn may lead to ordering a reasonable suspicion test. Observed, documented signs and symptoms are key to the credibility of this type of testing.

IX. Reasonable Suspicion Testing: Making the Determination

To reiterate, referrals to alcohol- and drug-testing based on reasonable suspicion must be the result of observed, specific signs that lead a supervisor to suspect alcohol or drug use. The decision is based on what can be explained at a particular given moment.

In other words, this type of testing is used when a supervisor has REASONABLE SUSPICION that a miner's behavior or appearance MAY indicate alcohol or drug use. The supervisor does not need to be CERTAIN, but rather needs to be able to document specific signs and symptoms indicative of use. And such observations must be made during, immediately preceding, or just following a work shift. Examples of such signs include a person's appearance, behavior, speech and/or body odor.

So, how do you recognize when someone might have a problem? Even though you are not expected to be able to—or even try—to determine the exact drug a miner may be using, you should be able to recognize common signs and symptoms. Chances are you know or have encountered someone who either currently has or has had in the past a problem with alcohol or drugs. Though some of the signs may vary by drugs of choice, what is observed and experienced in interacting with such individuals is often very similar.

Examples include: *(Note: Use this list to label/identify what participants describe and/or prompt responses)*

1. Physical
 Chills
 Smell of alcohol
 Sweating
 Weight loss
 Physical deterioration

2. Emotional
 Increased aggression
 Anxiety
 Burnout
 Denial
 Depression
 Paranoia

3. Behavioral
 Excessive talking
 Impaired coordination
 Irritability
 Lack of energy
 Limited attention span

Poor motivation

4. Other
Continual missed appointments
Excessive and unexplained
absences or days off
Borrowing money

Specific signs of when alcohol or drug use is becoming a mining hazard include: (*Note: concrete examples are helpful here.*)

- Creating mishaps (*such as...*), being careless and repeatedly making mistakes.
- Damaging equipment or property. (*examples*)
- Being involved in numerous accidents, regardless of whether that individual is the one who is injured.
- Displaying careless actions in the operation and maintenance of potentially hazardous materials or dangerous equipment. (*examples*)
- Being unreliable such as not being where he or she should be when others must count on him or her.
- Showing a lack of attention to detail on performing routine job duties. (*examples*)
- Being unwilling to follow directions and being argumentative.
- Giving elaborate, increasingly unbelievable excuses for not doing the job or not being where one is supposed to be.
- Being a slacker; not carrying one's load.
- Being unresponsive to usual cajoling. (*sometimes a coworker just needs a little "peer pressure" to come around, but won't respond to this if he/she is under the influence of a substance*)
- Taking unnecessary risks.
- Disregarding safety for self and others.

Others: (*for participants to name/list*)

Of course, it is important to remember that some of these signs are indicators of other situations and/or problems such as sleep deprivation or depression and may also be exhibited by someone who may be living with a person who has a problem with alcohol or drugs and is, unwittingly, encouraging or enabling it to go on.

X. Making the Referral

We'll talk more about specific signs and symptoms more later, but for now I want to talk about the actual process for making a referral to alcohol- and drug-testing based on either post-accident OR reasonable suspicion.

First and foremost, and as we have discussed, when it comes to reasonable suspicion, documentation is key. It is very important for you to document the specifics of what you

see, and where and when. And when feasible, it is prudent to have another supervisor corroborate what you observe. The checklist we just went over can assist with this.

So, how to do you confront a miner you are referring for alcohol- and drug-testing? First, make sure you discuss the situation with him or her confidentially. Once confidentiality is confirmed:

- Inform him or her that a determination to order a post-accident or reasonable suspicion drug test has been made.
- Explain that the test is required under the alcohol- and drug-free mine policy.
- Don't accuse or attempt to diagnose. Rather, state in a matter of fact way what you have observed:
 - In the event of a post-accident situation, this may be that the miner's possible contribution to the accident must be considered and therefore a test is required under the alcohol- and drug-free mine policy.
 - In the event of a reasonable suspicion situation, this may be that the miner's behavior or performance has raised safety concerns and there is a reasonable suspicion of alcohol or drug use based on documented signs and symptoms and therefore, a test is required under the alcohol- and drug-free mine policy.

In discussing the situation with the individual, it is important to respect their dignity and confidentiality. Conclude the discussion by informing the miner where to go for alcohol- and drug-testing. Keep in mind that if they are in no condition to operate a vehicle, they are in no condition to drive and may need to be accompanied to the testing site.

XI. Reasonable Suspicion Checklist

The following checklist can assist in documenting signs and symptoms prior to making a referral for testing based on reasonable suspicion. *(Note: This checklist should also be provided as a hand out.)*

Employee Name:

Date:

Time:

Location of incident:

Description of incident:

Observations:

Odor of alcohol?

Odor of marijuana?

Attempt to conceal an object?

Behavior:

Nervous Insulting

Sleepy Exaggerated Politeness

Confused Combative

Excited Quarrelsome

Fatigued Uncooperative

Poor Memory Overly Talkative

Unusual Actions:

Sweating Slow Reactions

Crying Tremors

Fighting Quick Moving

Speech:

Slurred Slow

Confused Thick

Rambling Pressured

Balance:

Falling Staggering

Unsure Needs Support

Stumbling Normal

Eye witnesses/other employees involved:

Supervisory action taken:

Consequences:

Follow up:

XII. When You Suspect a Problem, but there is Insufficient Evidence for a Referral

Of course, it is possible that in your role as a supervisor you find yourself in a situation where you have a hunch that someone has a problem with alcohol or drugs, but do not have sufficient evidence to warrant a referral for alcohol- or drug-testing.

In such an instance, there is still a lot you can do to help the person. It's important to think back to the alcohol- and drug-free mine policy and remember that it exists to protect everyone. And its goal is to PREVENT problems BEFORE they become workplace hazards.

Alcohol and drug abuse and alcoholism and drug addiction are treatable illnesses, and early intervention and support greatly increase the success of rehabilitation. For this reason, the alcohol- and drug-free mine policy encourages miners to seek help proactively if they have an alcohol or drug problem.

IN SOME CASES, A REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM (EAP), IF YOUR COMPANY HAS ONE, OR COMMUNITY RESOURCES MAY BE APPROPRIATE. ALSO, THE ALCOHOL- AND DRUG-FREE MINE POLICY OFFERS ALL MINERS THE OPPORTUNITY FOR A VOLUNTARY ASSESSMENT BY A SUBSTANCE ABUSE PROFESSIONAL. IF YOU RECALL, A SUBSTANCE ABUSE PROFESSIONAL—OFTEN CALLED A SAP—IS THE PERSON WHO CONDUCTS AN ASSESSMENT IN THE EVENT THAT A MINER TESTS POSITIVE ON A WORKPLACE ALCOHOL OR DRUG TEST. BUT REMEMBER, SOMEONE DOES NOT NEED TO TEST POSITIVE IN ORDER TO MEET WITH A SAP IF THEY FEEL THEY HAVE A PROBLEM.

XIII. Specific Drugs Prohibited

Earlier we discussed some of the GENERAL signs and symptoms of alcohol and drug abuse and, as a supervisor, they are really what you should be aware of; however, it may be helpful to know more information about the particular drugs prohibited under the alcohol- and drug-free mine policy. If you recall, this policy is mandated under MSHA's rule on alcohol- and drug-free mines (30 CFR part 66). So the list is the same for all mines across the nation.

Alcohol

- The most commonly abused drug
- Central nervous system depressant
- Affects vision, judgment, reaction time, memory and public safety
- Blatant drunkenness is easy to detect on sight, and so it is assumed that miners would not show up for work in this condition
- It is possible for one's state of intoxication to be less outwardly visible, giving that person a false sense of security in feeling he/she can function competently while only a "little high" or with a "small buzz."

- Those with a higher tolerance may not exhibit obvious signs of intoxication. However, their decision making ability and other key behaviors are still affected.
- Examples of symptoms include:
 - Lack of coordination;
 - Constricted pupils;
 - Blackout;
 - Bloodshot or watery eyes;
 - Sleepy or stuporous condition;
 - Aggressive or antagonistic behavior;
 - Slurred speech;
 - Slowed reaction time; and
 - Dulled mental process.

Amphetamines (including methamphetamines)

- Central nervous system stimulants that speed up the mind and body
- Provide a physical sense of energy at lower doses and the mental exhilaration at higher doses.
- Amphetamines are capsules or white, flat, double-scored “mini-bennies.”
- Methamphetamine is a creamy white and granular powder or lumps, is packaged in aluminum foil wraps or sealable plastic bags.
- Methamphetamine may be taken orally, injected or snorted into the nose.
- Trade or street names:
 - Biphphetamine
 - Delcobese
 - Desotyn
 - Detedrine
 - Chetrol
 - Ritalin
 - Speed
 - Meth
 - Crank
 - Crystal
 - Monster
 - Black Beauties
 - Rits

Barbiturates

- Produce a wide spectrum of central nervous system depression, from mild sedation to coma
- Are used as sedatives, hypnotics, anesthetics, and anticonvulsants
- Differences among many of these products are how fast they produce an effect and how long those effects last
- Are classified as ultrashort, short, intermediate, and long-acting
- Often referred to as sleeping pills
- Produce a state of intoxication that is remarkably similar to alcohol intoxication

- Cause slurred speech, loss of motor coordination, irritability, dizziness, unusual excitement and impaired judgment
- Can be either swallowed or injected
- Trade or street names:
 - Pentobarbital (Nembutal),
 - Secobarbital (Seconal)
 - Amobarbital (Amytal)
 - Phenobarbital (Luminal)
 - Yellow Jackets
 - Reds
 - Blues
 - Amy's
 - Rainbows

Benzodiazepines

- Central nervous system depressant prescribed to relieve anxiety and insomnia
- Trade or street names:
 - Ativan
 - Halcion
 - Librium
 - Valium
 - Xanax
 - Candy
 - Downers
 - Sleeping pills
 - Tranks

Cannabinoids (THC/marijuana)

- Produce a mildly tranquilizing and mood and perception-altering effect
- Leaves of the marijuana plant range in color from green to light tan, and are usually dried and broken into small pieces.
- Hashish is a compressed, sometimes tar-like substance ranging in color from pale yellow to black.
- Have a distinctly pungent aroma resembling a combination of sweet alfalfa and incense
- Common paraphernalia include cigarette papers, roach clips, and small pipes made of bone, brass or glass.
- Trade or street names:
 - Marinol
 - THC
 - Pot
 - Grass
 - Joint
 - Reefer
 - Acapulco gold
 - Sinsemilla

- Ganja
- Thia Sticks
- Hash
- Hash oil

Cocaine

- Energizes the entire central nervous system
- “Snorting cocaine” is a white-to-creamy granular or lumpy powder chopped into a fine powder before use; is snorted into the nose, rubbed on the gums, or injected into the veins.
- Cocaine base is a small crystalline rock about the size of a small pebble.
- Boils at a low temperature, is not soluble in water, and is up to 90 percent pure.
- Common paraphernalia may include a single-edged razor blade and a small mirror/piece of smooth metal, a rolled up dollar bill, a half-straw or metal tube, or a small screw cap vial or folded paper packet.
- When vapors are inhaled, the effect is felt within seven seconds.
- Crack, a derivative of cocaine, looks like small rocks and is commonly smoked using a crushed aluminum can with pin holes, or occasionally from a glass pipe using a lighter, alcohol lamp, or small butane torch for heating.
- Street names:
 - Coke
 - Rock
 - Crack
 - Free Base
 - Flake
 - Snow
 - Smoke
 - Blow

Methadone

- Synthetic opioid
- Used as a treatment of narcotic withdrawal and dependence, especially heroin
- Works as a pain killer, depresses body functions and reactions
- May be taken orally or injected
- Causes excess sweating and flushing, slowed breathing, irregular heartbeat, drowsiness, small pinpoint pupils
- Trade or street names:
 - Dolophine
 - Methadose
 - Meth

Opiates (heroin, opium, codeine, morphine)

- Commonly (but inaccurately) known as narcotics
- Alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling

- In their natural form, opiates include opium, morphine, codeine and heroin
- May be taken in pill form, smoked or injected
- Street names:
 - Smack
 - Horse Emma
 - Big D
 - Dollies
 - Juice
 - Syrup
 - China White

Phencyclidine (PCP)

- Originally developed as an anesthetic
- Used as a large animal tranquilizer
- Low doses produce sedation and euphoric mood changes
- A person's mood can change rapidly from sedation to excitation and agitation
- Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed
- Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication
- Commonly sold as a clear liquid or a creamy, granular powder packaged in one-inch square aluminum foil or folded into packets
- Street names:
 - Angel Dust
 - Dust
 - Hog

Propoxyphene

- Narcotic used to relieve mild to moderate pain
- May be in pill form or liquid
- Causes drowsiness, inability to concentrate, apathy, lessened physical activity, constriction of the pupils, flushing of the face and neck, nausea and vomiting, and difficulty breathing
- Trade names:
 - Darvon
 - Darvocet

Synthetic/Semi-synthetic opioids

(Hydrocodone, hydromorphone, oxycodone, and oxycodone)

- Known as cough suppressants and pain relievers
- Causes sedation, euphoria, feelings of relaxation, respiratory depression, constipation, papillary constriction, and cough suppression
- Withdrawal symptoms include restlessness, muscle and bone pain, cold flashes with goose bumps, and involuntary leg movements

- Trade or Street names:
 - Vicodin
 - Lortab
 - Lorcet
 - OxyContin
 - Vikes
 - Hydro
 - Norco
 - OC
 - OX
 - Oxy
 - Oxycotton
 - Hillbilly heroin
 - Kicker

XIV. Recap

In conclusion, it is important to also remind you that alcohol and drug use is NOT always alcohol and drug abuse. For example, having an alcoholic drink on a daily basis in an appropriate environment is not considered to be alcohol abuse. Having multiple alcoholic drinks to the point of drunkenness on a daily basis IS abuse. Getting high before work or while on duty or at any time when the effects of alcohol or drugs carry over to work hours IS abuse. It's also a safety hazard that puts a lot of people in danger.

Any time a worker is under the influence of alcohol or drugs, he or she is a safety hazard, especially in a mine. A worker who is alcohol or drug dependent can also be a safety hazard, even if that person is not intoxicated at work. Put simply, alcohol and drug abuse and mines just don't mix.

Alcohol and drug abuse is a problem in all communities – including mining communities. And if it's a problem in our communities, it's a problem in our mines. That's why it's so important that you take the appropriate steps to ensure your mine is safe, healthy and alcohol- and drug-free. By understanding your company's alcohol- and drug-free mine policy, setting a good example, and rising to the responsibility of making referrals when necessary and appropriate, you have the power to make a real difference.

SAMPLE ANNUAL SUPERVISOR TRAINING MODULE

I. Introduction

This training program was developed to reaffirm your understanding of your company's alcohol- and drug-free mine policy and your role in enforcing it. As part of this policy, you—as a supervisor—may be required to make referrals for alcohol- and drug-testing after accidents occur or based on reasonable suspicion that a miner is working under the influence of alcohol or other drugs. This is a large responsibility, so a key component of this training program is learning how to decide when such referrals are appropriate. We will discuss the “do's” and “don'ts” in making reliable, fair determinations. We will also discuss strategies for dealing with an employee who may be under the influence of alcohol or drugs and the signs and symptoms of alcohol and drug abuse.

This training is required under the Mine Safety and Health Administration's (MSHA) rule on alcohol- and drug-free mines (30 CFR part 66). The goal of this rule is to protect the safety, health and well being of all miners by ensuring that our nation's mines are free of the hazards of alcohol and drug abuse.

II. Objectives

In this training program, you will learn about:

- The purpose and requirements of your employer's alcohol- and drug-free mine policy;
- Alcohol- and drug-testing processes and procedures;
- Consequences for violation of the alcohol- and drug-free mine policy;
- The purpose and procedures for post-accident testing;
- The purpose and procedures for reasonable suspicion testing;
- General signs and symptoms of alcohol and drug use;
- How to refer to alcohol- and drug-testing following an accident or based on reasonable suspicion; and
- How to help when you think someone may have an alcohol or drug problem, but you don't have evidence.

III. Alcohol- and Drug-Free Mine Policy Purpose and Requirements

Alcohol and drug abuse can be a problem anywhere in the mining environment, from the tool room to the company boardroom. It is a problem that confronts miners and mine operators alike. Clearly, it cannot be taken lightly, especially in an environment where everyone relies on each other for safety.

Therefore, and in accordance with MSHA's rule on alcohol- and drug-free mines (30 CFR part 66), your employer has established an alcohol- and drug-free mine program that strives to balance respect for individual employees with the need to maintain a safe working environment for everyone. The foundation of this program is a strict alcohol- and drug-free mine policy.

You—as supervisors—play a critical role in ensuring the effectiveness of this policy. Of course, as employees, you are also required to adhere to this policy. So it is very important that you understand the purpose and requirements of this policy.

First and foremost, the goal of this policy is to create a safer, healthier mine for everyone. The ultimate goal is to PREVENT alcohol and drug use and encourage people to voluntarily seek help for alcohol and drug problems BEFORE their behavior becomes a safety hazard.

To achieve these aims, the policy prohibits miners from:

- Using or possessing alcohol or certain other substances—which I will list in a minute—while on mine property; and
- Reporting for or being on duty:
 - While under the influence or impaired by alcohol as verifiable by a Blood Alcohol Concentration (BAC) of .04 percent or greater; or
 - After having used prohibited substances, unless as prescribed by a doctor.

These prohibitions apply at all times while on company property and during all working hours.

The specific substances prohibited include:

- Alcohol,
- Amphetamines (including methamphetamines),
- Barbiturates,
- Benzodiazepines (e.g., Valium, Librium, Xanax),
- Cannabinoids (marijuana/THC),
- Cocaine,
- Methadone,
- Opiates (e.g., heroin, opium, codeine, morphine),
- Phencyclidine (PCP),
- Propoxyphene (e.g., Darvon), and
- Synthetic/Semi-synthetic opioids (i.e., hydrocodone, hydromorphone, oxycodone, oxycodone).

The policy also prohibits the illegal or unauthorized use of prescription drugs—in other words, the misuse or abuse of prescription drugs. Prescription and over-the-counter drugs are not prohibited, but are only permitted when taken in standard dosage and/or according to a doctor's prescription. But, if a miner is taking prescribed or over-the-counter medication, **THAT MINER** is responsible for talking to his or her doctor and/or pharmacist about whether it may interfere with the ability to work safely. And in the event there are safety concerns, it is **THE MINER'S** responsibility to use appropriate procedures to avoid unsafe mine practices. Depending on the situation, this might mean calling in sick, using leave, requesting a change of duty, or notifying a supervisor or company doctor. So it is important for you to be aware that an employee may come to you looking for guidance in this situation.

IV. Alcohol- and Drug-Testing

A key part of the alcohol- and drug-free mine policy is alcohol- and drug-testing. Miners who perform safety-sensitive job duties are subject to alcohol- and drug-testing. Also, those individuals who supervise miners who perform safety-sensitive job duties—including management and administrative personnel—are subject to alcohol- and drug-testing. Safety-sensitive job duties are defined as any type of work activity where a momentary lapse of critical concentration could result in an accident, injury or death.

This testing—like the alcohol- and drug-free mine policy and this training program—is required under MSHA’s rule on alcohol- and drug-free mines (30 CFR part 66).

Specifically, the following types of testing are conducted:

- Pre-employment
- Random
- Post-accident
- Reasonable suspicion

In addition, “return-to-duty” testing and “follow-up” testing are conducted. But these types of testing only come into play when a miner resumes safety-sensitive duties following a violation of the alcohol- and drug-free mine policy. I’ll talk more about this whole process in a few minutes, but first I’d like to explain the types of testing that affect ALL miners.

The purpose of pre-employment testing is pretty obvious. The goal is to avoid hiring anyone whose alcohol or drug use could end up creating safety hazards in the mine. As supervisors, you don’t really have a role to play in pre-employment testing.

Random testing also doesn’t involve you too much either, except perhaps in helping employees understand its purpose and how it works. Contrary to what some people think when they hear the word “random,” this type of testing does NOT mean that someone, even a supervisor, just randomly decides who will be tested. Rather, it means that testing is performed on an unannounced basis on employees whose identifying information, such as a social security number, has been placed in a pool from which a truly random selection is made. Thus, each miner has an equal chance of being selected for testing, regardless of whether he or she was recently tested. Because this type of testing has no advance notice, its goal is to serve as a deterrent.

The other types of testing—post-accident and reasonable suspicion—do involve you.

Post-accident testing is conducted following an accident to help determine whether alcohol and/or drugs were a factor in causing the accident. The decision to conduct post-accident testing is made by supervisors, based on objective criteria.

Reasonable suspicion training is conducted on occasions when supervisors document observable signs and symptoms that lead them to suspect alcohol or drug use or an alcohol- and drug-free mine policy violation. This type of testing is sometimes also called “probable-cause” or “for-cause” testing.

Clearly, both post-accident and reasonable suspicion testing require supervisors to make sound, objective decisions. So we will be spending time talking about how to make such decisions later on in this program.

All tests, regardless of when they are conducted, look for evidence of the prohibited substances I listed earlier. Testing for alcohol is done by breath analysis; testing for drugs is done by urine analysis.

To ensure accuracy and fairness, alcohol- and drug-testing is conducted in accordance with guidelines mandated by MSHA and the Substance Abuse and Mental Health Services Administration (SAMHSA). The process includes various safeguards, including:

- A screening test;
- A confirmation test;
- The opportunity for a split sample;
- Review by a Medical Review Officer (MRO), during which time miners who test positive have the opportunity to provide a legitimate medical explanation for the positive result, such as a physician’s prescription; and
- A documented chain of custody.

I’d like to add that all information about a person’s alcohol and drug test results is maintained in separate, confidential records. On occasion, you might find yourself needing to inform miners about this fact.

V. Consequences for Violation

As you know, in the mining environment, safety must be taken seriously. So the consequences for violating the alcohol- and drug-free mine policy are indeed serious.

On the first offense, anyone who tests positive or otherwise violates the alcohol- and drug-free mine policy will be:

- Immediately removed from their safety-sensitive job duties;
- Referred to a substance abuse professional—commonly called a SAP—for assessment and recommendations; and
- Required to successfully complete the SAP’s recommendations for education and/or treatment.

Anyone who fails to complete the SAP’s recommendations for education and/or treatment will be subject to disciplinary action, up to and including termination of employment. However, if a

miner does successfully complete the SAP's recommendations, he or she may return to work through a specific process outlined in the alcohol- and drug-free mine policy.

This process involves a few components. First, the miner is reevaluated by the SAP to determine whether he or she has successfully completed the recommended education and/or treatment. Only the SAP can provide this confirmation. Then, the miner has to pass an alcohol and drug test. These tests must be taken and negative results confirmed before resuming safety-sensitive duties. Then, the miner is subject to follow-up testing for alcohol, drugs or, in some cases, both, depending on the SAP's recommendations. These follow-up tests are conducted on an unannounced basis and the minimum required is six within a 12-month period. However, the SAP does have the option to require more than six tests and to require follow-up testing for up to two years, not just one.

It is important for me to note that this is the process only following a first offense. On subsequent offenses, your employer is NOT required to provide someone the opportunity to return to work.

Also, someone will be subject to the same consequences of a positive test if he or she:

- Refuses the screening or the test;
- Adulterates or dilutes the specimen;
- Substitutes the specimen with that from another person or sends an imposter;
- Will not sign the required forms; or
- Refuses to cooperate in the testing process in such a way that prevents completion of the test.

VI. Post-Accident Testing: Overview

Now that we've covered the purpose and the requirements of the alcohol- and drug-free mine policy, I'd like to get into more detail about your requirements under it, specifically making referrals for alcohol- and drug-testing following accidents or based on reasonable suspicion that someone is violating the alcohol- and drug-free mine policy. I'd like to focus on post-accident testing first.

Post-accident testing is conducted for selected miners after certain accidents or mine injuries occur, including fatal accidents.

Which accidents require testing? Accidents and injuries requiring testing include occupational injuries and those requiring medical treatment beyond first aid and accidents that occur while a miner is operating a piece of equipment or performing a work activity that causes or contributes to an accident, injury or death. Obviously, post-accident testing is a type of testing we hope never has to occur.

In post-accident situations requiring testing, alcohol AND drug tests should be conducted on each surviving miner involved in any work activity that could have contributed to the accident, injury or death. Alcohol tests should be administered within a two-hour time period. In the event the alcohol test is not done within a two-hour time period, the mine operator needs to

document the reasons why and continue attempts for up to eight hours. Drug tests should be conducted as soon as possible, but within 32 hours of the accident. In the event the drug test is not done within the 32-hour time period, the mine operator needs to document the reasons why. In the event of a fatality, toxicology tests on the victims should also be ordered.

VII. Post-Accident Testing: Making the Determination

It is NOT necessary to suspect alcohol or drugs may have been involved in an accident in order to order a post-accident test. The tests will reveal whether or not alcohol or drugs might have contributed and provide information that may prompt investigators to further explore this possibility. Also, it is important to remember that a positive test does not automatically mean that impairment from alcohol or drugs was the cause of the accident.

Rather, your role is determining quickly WHO might have contributed to the accident. The main considerations are:

- Does a particular individual perform safety-sensitive job duties? This should be pre-determined, since only those who do are subject to testing.
- Is it possible, even remotely, for this particular individual to have contributed to the event?

Key determinants may include:

- Was the miner operating a piece of equipment that was involved in the accident?
- Was the miner performing work activity that was involved in the accident?
- Did the miner make judgments about the work activity being performed that might have contributed to the accident?

If the answer to any of these is yes, then the individual should be referred for testing. Alternatively, if a miner was simply at the wrong place at the wrong time and performing work in accordance with standard operations, then it is likely they should not be referred.

Given the narrow window in which post-accident tests must be conducted (remember – it's two hours for alcohol-testing and as soon as possible for drug-testing, but definitely within 32 hours), you may find yourself in a position of having to make these determinations very quickly, based on whatever information you have at one point in time—without the benefit of a full investigation. If this happens, remember that requiring someone to be tested following an accident is NOT accusing them of being on drugs or under the influence of alcohol. Rather, it is an objective means of ruling out that possibility. So, it is generally better to cast a wide net and have everyone tested who could have possibly contributed. That way, those investigating will have the test results available to consider as they proceed.

Once you make the decision as to who will be tested following an accident, it is important that you note this on the accident report.

Again, referrals for post-accident alcohol- and drug-testing usually have to be made quickly and without a lot of information. But I want to remind you that you should NEVER delay necessary

medical attention for injured miners following an accident or attempt to prohibit a miner from leaving the scene of an accident to respond to an injuries or seek urgent medical care. Getting assistance for anyone injured is, of course, top priority in any accident situation.

VIII. Reasonable Suspicion Testing: Overview

The other type of alcohol- and drug-testing supervisors are involved in is reasonable suspicion testing. As I said earlier, this is sometimes called “probable-cause” or “for-cause” testing.

This type of testing is conducted when supervisors document OBSERVABLE signs and symptoms that lead them to believe someone may be using alcohol or drugs or otherwise violating the alcohol- and drug-free mine policy. As part of this, it is extremely important to have clear, consistent definitions of what behavior justifies testing and, when feasible, suspicion should be corroborated by another supervisor or manager.

Deciding that there is reasonable suspicion that a miner is misusing or abusing alcohol or drugs typically relies on evidence such as:

- Direct observation of use or possession of alcohol or drugs;
- Physical symptoms of being under the influence; or
- Patterns of abnormal or erratic behavior.

When it comes to reasonable suspicion testing, it is very important to avoid any appearance of discrimination in who is being tested. Vague suspicion, rumors or reports from others alone should not be the basis of reasonable suspicion testing. Rather, this type of information might trigger further investigation, which may result in documentation of observable signs and symptoms, which in turn may lead to ordering a reasonable suspicion test. Observed, documented signs and symptoms are key to the credibility of this type of testing.

IX. Reasonable Suspicion Testing: Making the Determination

To reiterate, referrals to alcohol- and drug-testing based on reasonable suspicion must be the result of observed, specific signs that lead a supervisor to suspect drug use. The decision is based on what can be explained at a particular given moment.

In other words, this type of testing is used when a supervisor has REASONABLE SUSPICION that a miner’s behavior or appearance MAY indicate alcohol or drug use. The supervisor does not need to be CERTAIN, but rather needs to be able to document specific signs and symptoms indicative of use. And such observations must be made during, immediately preceding, or just following a work shift. Examples of such signs include a person’s appearance, behavior, speech and/or body odor.

So, how do you recognize when someone might have a problem? Even though you are not expected to be able to—or even try—to determine the exact drug a miner may be using, you should be able to recognize common signs and symptoms. Chances are you know or have encountered someone who either currently has or has had in the past a problem with alcohol or

drugs. Though some of the signs may vary by drugs of choice, what is observed and experienced in interacting with such individuals is often very similar.

Examples include: (*Note: Use this list to label/identify what participants describe and/or prompt responses*)

1. Physical
Chills
Smell of alcohol
Sweating
Weight loss
Physical deterioration
2. Emotional
Increased aggression
Anxiety
Burnout
Denial
Depression
Paranoia
3. Behavioral
Excessive talking
Impaired coordination
Irritability
Lack of energy
Limited attention span
Poor motivation
4. Other
Continual missed appointments
Excessive and unexplained
absences or days off
Borrowing money

Specific signs of when alcohol or drug use is becoming a mining hazard include: (*Note: concrete examples are helpful here.*)

- Creating mishaps (*such as...*), being careless and repeatedly making mistakes.
- Damaging equipment or property. (*examples*)
- Being involved in numerous accidents, regardless of whether that individual is the one who is injured.
- Displaying careless actions in the operation and maintenance of potentially hazardous materials or dangerous equipment. (*examples*)
- Being unreliable such as not being where he or she should be when others must count on him or her.

- Showing a lack of attention to detail on performing routine job duties. (*examples*)
- Being unwilling to follow directions and being argumentative.
- Giving elaborate, increasingly unbelievable excuses for not doing the job or not being where one is supposed to be.
- Being a slacker; not carrying one's load.
- Being unresponsive to usual cajoling. (*sometimes a coworker just needs a little "peer pressure" to come around, but won't respond to this if he/she is under the influence of a substance*)
- Taking unnecessary risks.
- Disregarding safety for self and others.

Others: (*for participants to name/list*)

Of course, it is important to remember that some of these signs are indicators of other situations and/or problems such as sleep deprivation or depression and may also be exhibited by someone who may be living with a person who has a problem with alcohol or drugs and is, unwittingly, encouraging or enabling it to go on.

X. Making the Referral

We'll talk more about specific signs and symptoms more later, but for now I want to talk about the actual process for making a referral for alcohol- and drug-testing based on either post-accident OR reasonable suspicion.

First and foremost, and as we have discussed, when it comes to reasonable suspicion, documentation is key. It is very important for you to document the specifics of what you see, and where and when. And when feasible, it is prudent to have another supervisor corroborate what you observe. The checklist we just went over can assist with this.

So, how to do you confront a miner you are referring for alcohol- and drug-testing? First, make sure you discuss the situation with him or her confidentially. Once confidentiality is confirmed:

- Inform him or her that a determination to order a post-accident or reasonable suspicion drug test has been made.
- Explain that the test is required under the alcohol- and drug-free mine policy.
- Don't accuse or attempt to diagnose. Rather, state in a matter of fact way what you have observed:
 - In the event of a post-accident situation, this may be that the miner's possible contribution to the accident must be considered and therefore a test is required under the alcohol- and drug-free mine policy.
 - In the event of a reasonable suspicion situation, this may be that the miner's behavior or performance has raised safety concerns and there is a reasonable suspicion of alcohol or drug use based on documented signs and symptoms and therefore, a test is required under the alcohol- and drug-free mine policy.

In discussing the situation with the individual, it is important to respect their dignity and confidentiality. Conclude the discussion by informing the miner where to go for alcohol- and drug-testing. Keep in mind that if they are in no condition to operate a vehicle, they are in no condition to drive and may need to be accompanied to the testing site.

XI. Reasonable Suspicion Checklist

The following checklist can assist in documenting signs and symptoms prior to making a referral to testing based on reasonable suspicion. *(Note: This checklist should also be provided as a hand out.)*

Employee Name: _____ Date: _____ Time: _____
Location of incident: _____
Description of incident: _____

Observations:
Odor of alcohol? _____
Odor of marijuana? _____
Attempt to conceal an object? _____

Behavior:

Nervous	()	Insulting	()
Sleepy	()	Exaggerated Politeness	()
Confused	()	Combative	()
Excited	()	Quarrelsome	()
Fatigued	()	Uncooperative	()
Poor Memory	()	Overly Talkative	()

Unusual Actions:

Sweating	()	Slow Reactions	()
Crying	()	Tremors	()
Fighting	()	Quick Moving	()

Speech:

Slurred	()	Slow	()
Confused	()	Thick	()
Rambling	()	Pressured	()

Balance:

Falling	()	Staggering	()
Unsure	()	Needs Support	()
Stumbling	()	Normal	()

Eye witnesses/other employees involved: _____

Supervisory action taken: _____

Consequences:

Follow up:

XII. When You Suspect a Problem but there is Insufficient Evidence for a Referral

Of course, it is possible that in your role as a supervisor you find yourself in a situation where you have a hunch that someone has a problem with alcohol or drugs, but do not have sufficient evidence to warrant a referral for alcohol- or drug-testing.

In such an instance, there is still a lot you can do to help the person. It's important to think back to the alcohol- and drug-free mine policy and remember that it exists to protect everyone. And its goal is to PREVENT problems BEFORE they become mine hazards.

Alcohol and drug abuse and alcoholism and drug addiction are treatable illnesses, and early intervention and support greatly increase the success of rehabilitation. For this reason, the alcohol- and drug-free mine policy encourages miners to seek help proactively if they have an alcohol or drug problem.

IN SOME CASES, A REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM (EAP), IF YOUR COMPANY HAS ONE, OR COMMUNITY RESOURCES MAY BE APPROPRIATE. ALSO, THE ALCOHOL- AND DRUG-FREE MINE POLICY OFFERS ALL MINERS THE OPPORTUNITY FOR A VOLUNTARY ASSESSMENT BY A SUBSTANCE ABUSE PROFESSIONAL. IF YOU RECALL, A SUBSTANCE ABUSE PROFESSIONAL—OFTEN CALLED A SAP—IS THE PERSON WHO CONDUCTS AN ASSESSMENT IN THE EVENT THAT A MINER TESTS POSITIVE ON A WORKPLACE ALCOHOL OR DRUG TEST. BUT REMEMBER, SOMEONE DOES NOT NEED TO TEST POSITIVE IN ORDER TO MEET WITH A SAP IF THEY FEEL THEY HAVE A PROBLEM.

XIV. Recap

In conclusion, it is important to also remind you that alcohol and drug use is NOT always alcohol and drug abuse. For example, having an alcoholic drink on a daily basis in an appropriate environment is not considered to be alcohol abuse. Having multiple alcoholic drinks to the point of drunkenness on a daily basis IS abuse. Getting high before work or while on duty or at any time when the effects of alcohol or drugs carry over to work hours IS abuse. It's also a safety hazard that puts a lot of people in danger.

Any time a worker is under the influence of alcohol or drugs, he or she is a safety hazard, especially in a mine. A worker who is alcohol or drug dependent can also be a safety hazard, even if that person is not intoxicated at work. Put simply, alcohol and drug abuse and mines just don't mix.

Alcohol and drug abuse is a problem in all communities – including mining communities. And if it's a problem in our communities, it's a problem in our mines. That's why it's so important that you take the appropriate steps to ensure your mine is safe, healthy and alcohol- and drug-free. By understanding your company's alcohol- and drug-free mine policy, setting a good

example, and rising to the responsibility of making referrals when necessary and appropriate, you have the power to make a real difference.