

HARVARD UNIVERSITY



CONSTRUCTION ENVIRONMENTAL HEALTH AND SAFETY STANDARD



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Construction Environmental Health and Safety Standard

Introduction

Harvard University is committed to the safety, health, and protection of our students, faculty, staff, the public, as well as our construction management and subcontractor partners and their respective workforces. It is therefore expected that each person, of every tier and position, will commit to maintaining Harvard's values, goals, and objectives, as outlined within the body of this Standard.

Scope

1. This program is a contractual obligation and applies to all Capital Projects as defined by the University.
2. Construction Managers, General Contractors, and Subcontractors of every tier, and their respective employees are required to adhere to these requirements and the requirements of the supplemental exhibits as they apply to a contractor's specific scope of work.
3. Where conflicts exist between these requirements and federal, state, local or Owner Controlled Insurance Program (OCIP) project insurance manual requirements the more stringent of the requirements shall apply.
4. The Construction Manager, General Contractor, and Subcontractors of every tier are responsible for complying fully with all applicable laws, statutes, ordinances, rules, regulations, and/or orders of any public authority (federal, state, local) as they relate to the safety of persons, environment, public, or property. These requirements are not an attempt to reiterate or replace applicable environmental, health, and safety standards.
5. Throughout the duration of the project, the Construction Manager, General Contractor, and Subcontractors of every tier shall be responsible for developing and administering their own safety programs. Neither these requirements, nor the safety or environmental services provided by individuals associated with this project, is intended to serve as a substitute for the control and responsibility of the Construction Manager, General Contractor, and Subcontractors of every tier to provide a safe work environment for their employees, students, faculty, staff, and the public.
6. For OCIP projects, the requirements of the project insurance manual will also apply.

Note: The requirements outlined in this Standard are minimum requirements. Additional requirements may be incorporated depending on the size and/or complexity of a specific project.



Definitions

Code of Federal Regulations (CFR)	The Code of Federal Regulations, as promulgated by the Occupational Safety and Health Administration (Title 29CFR), the Environmental Protection Agency (Title 40CFR), or the Department of Transportation (Title 49CFR).
Competent Person	One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, the public, and the environment, and who has authorization to take prompt corrective measures to eliminate them.
Construction Project or Project	Any project involving construction, demolition, on buildings, utilities, landscaping and the like major renovation, or alteration on buildings, utilities, landscaping and the like. The term 'construction' is interchangeable with demolition, major renovation, and alteration, except where otherwise noted.
Construction Manager	The organization contractually responsible for ensuring acceptable performance of construction-related work and for the payments and debts pertaining to this work.
Contract	The binding agreement, written or otherwise, between Harvard University and the Construction Manager/General Contractor. Included in this term are all associated documents and drawings referenced or included in the contract. The term 'contract' may also apply to agreement entered between a prime-tier contractor and lower-tier contractors/suppliers/vendors.
Contractor	The entity to which this document applies. 'Contractor' includes entities of every tier.
Critical Lift	Any hoisting operation where the load weight exceeds 75% of the lifting device's net capacity, where hoisting over an occupied structure, where two lifting devices are used in tandem to hoist a load, where non-standard rigging practices are employed, or is in the presence of special hazards.
DART	D ays A way from work, R estriction of duty, or T ransfer. This term is used and defined by OSHA and the Bureau of Labor Statistics for the tracking and reporting of these types of injuries and is used in this Standard consistent with that definition.
Emergency Coordinator	General Contractor's designated employee responsible for notification and coordination of all incidents related to the jobsite.
Employee	Persons employed by the construction manager, general contractor, subcontractor, vendor, supplier, or Harvard employee. This term means any person on the Project, except where specifically denoted.
Employer	Any entity employing workers at or in support of the construction project.



General Contractor	The organization contractually responsible for ensuring acceptable performance of construction–related work and for the payments and debts pertaining to this work. This entity maintains the overall responsibility and authority for management of the safety program at the construction project. This term will be interchangeable with ‘Construction Manager’, where contractual language requires, but shall in no way relieve the General Contractor of the obligation(s) related to safety responsibility.
Harvard University Environmental, Health, and Safety (HUEHS)	The Environmental, Health, and Safety Officer, part of the Construction Services Group, responsible for a defined set of services on behalf of the University. HUEHS is also responsible for a core set of services to the University proper, including HUEHS policy establishment and qualification of contractor safety programs. NOTE: Where the project is an OCIP project, the term HUEHS shall be interchangeable with the OCIP Program Safety Director. Roles and responsibilities between HUEHS and the OCIP Program Safety Director shall be established at the inception of the project or the initiation of the OCIP Program.
Harvard University Project Manager (HUPM)	The Project Manager(s) responsible for the oversight and coordination of the construction Project. This person may be a Harvard University employee or an employee of a 3 rd party service corporation contracted to perform the duties of the Harvard University Project Manager.
Harvard University Construction Mitigation Manager	Works to minimize or eliminate negative impacts to the surrounding abutters, the City, and the internal Harvard community from University construction projects, while allowing for an efficient approach to construction work.
Environmental Health and Safety Plan (EHASP)	The environmental health and safety plan, owned by each individual contractor, which outlines the requirements, policies, procedures, responsibilities, goals, and accountability structure specific to this contractor.
Insurance Company	Any insurance company (OCIP or otherwise) that provides insurance coverage for the construction project or contractor, regardless of tier. This term may include, but is not limited to, insurers for worker’s compensation, general liability, excess liability, professional liability, pollution liability, or builder’s risk. This term is meant to indicate both insurance carriers and insurance brokers.
Jobsite	The property owned by, leased by, or under the control of the Owner on which construction activities with respect to the project are being conducted and/or areas and ways contiguous thereto. Jobsite includes any work area set up by the Owner for use by an authorized project contractor exclusively for storage of material or equipment, or for on-site fabrication of material to be used in the construction and all staging and project support areas. Jobsite does not include any permanent locations of any insured party other than the Owner. This term is interchangeable with ‘Project’ and ‘Site’.



Leading Edge	The edge of a floor, roof, or formwork for a floor or other walking/working surface which changes location as additional floor/roof/decking/formwork is placed or constructed.
OCIP	Owner-Controlled Insurance Program, providing the insurance as described in the Insurance Manual.
OSHA	O ccupational S afety and H ealth A dministration, working under the authority of the U.S. Department of Labor. OSHA is responsible for the enforcement of the Occupational Safety and Health Act of 1970, and charged with the promulgation of standards under this Act.
Owner	Harvard University; The President and Fellows of Harvard College.
Safety Monitoring System	A system in which a Competent Person is responsible for recognizing and warning employees of fall hazards.
Subcontractor Safety Representative	The individual assigned by the subcontractor who is responsible for the oversight and maintenance of the project safety program and its attributes.
Subcontractor	Any person or organization of a lower-tier, having a direct contract with an upper-tier contractor. The term subcontractor also applies to vendors and suppliers performing work at the project.
Superintendent	The person typically employed by the General Contractor, responsible for the general coordination of work and labor forces. This person may be a General Superintendent overseeing other Superintendents, or an Area Superintendent responsible for a defined operation or contractor.
Supplemental Exhibits	Documents that supplement the requirements of this Standard. Exhibits contain requirements that are specific to operations or tasks (i.e., scaffolding, trenching, etc.).
TRC	Total Recordable Cases. This term is used and defined by OSHA and the Bureau of Labor Statistics for tracking and reporting of injuries and illnesses that meet the defined criteria of a 'recordable incident' and is used in this Standard consistent with that definition. Commonly referred to as 'OSHA Recordable' rate.
University	Harvard University; The President and Fellows of Harvard College.
Visitor	Any person who is not an employee of the Owner, construction manager, general contractor, or subcontractor(s), working on the project. This term includes salespersons, vendors, suppliers, architects, engineers, students, etc.
Work	Includes all matters and activities conducted on the construction project required for the progress or completion of the project.



PRE-CONSTRUCTION PHASE

Supplemental Exhibits

1. The Construction Manager, General Contractor, and Subcontractors of all tiers are responsible to review the supplemental exhibits to this Standard and determine which of the exhibits apply to the specific scope of the project.
2. The Construction Manager, General Contractor, and Subcontractors of all tiers are required to adhere to the requirements of the applicable [supplemental exhibits](#).

Contractor Safety Assessment Program (CSAP)

1. All Contractors (General Contractors and Subcontractors of every tier), working on Harvard University construction projects are required to provide Harvard with their past safety performance and experience either prior to submission of a proposal/bid for a University project, or through general business practice. Contractor's safety programs will be evaluated and rated according to pre-determined criteria and weighting factors. The resulting list of Contractors, based on the trade category in which they reside (i.e. NAICS number), shall be available to Harvard University Project and Facility Managers and Building Owners and will be used in the contractor selection process.
2. Contractors shall access the assessment page via the internet at www.constructsecure.com/harvard. Contractors are required to enroll in the safety assessment program prior to bidding work at Harvard University, and shall update the assessment criteria annually thereafter. A processing fee is required.
3. The assessment process addresses the following items:
 - a. Company Information
 - b. Insurance/Injury/Illness Experience (previous three years)
 - c. OSHA Citation Experience (previous three years)
 - d. Safety Management Systems
 - e. Safety Program Elements – As part of the assessment process, each enrolled Contractor shall submit a written Safety and Health Program, which must comply with federal, state, and municipal regulations. This safety program will be considered to apply to each project where the Contractor performs work.
4. Contractors will be required to upload requested information via the website. No assessment package will be evaluated until all requested information is completed and received, and the processing fee has been paid.
5. The General Contractor will be responsible to utilize the program to confirm subcontractor enrollment and evaluate subcontractor safety performance.

Project Hazard Analysis

1. The General Contractor is required to develop a Project Hazard Analysis (PHA) prior to commencement of work. The PHA shall identify the following: major hazards anticipated as they relate to the scope of work, methods the General Contractor will employ to manage/mitigate/abate/reduce the hazards, and the responsibility for each of the management/mitigation/abatement/reduction techniques. The PHA shall be made available to Harvard upon request.
2. Prior to commencement of work, a Project Hazard Assessment meeting will be conducted with the HUPM and HUEHS when appropriate.
3. The General Contractor shall develop and implement a process, to be followed by all subcontractors, that identifies and communicates job related hazards and control



measures to the workforce. This process shall be documented and shall include an expectation for the frequency with which hazards will be reviewed, identified and communicated to the workforce during the course of construction.

4. On projects with no General Contractor, each Contractor shall develop and implement a similar process.

Pre-Construction Safety Meetings

1. For projects with subcontractors, the General Contractor shall coordinate and chair a pre-construction safety meeting for each Contractor (of all tiers) working on the project. This meeting shall be held prior to the commencement of work by the Contractor and is intended to communicate project-specific safety requirements and expectations to subcontractor project management and site supervision (i.e., superintendent, foreman, competent person, safety representative) and to review the elements of the Project Hazard Analysis (PHA).
2. This meeting shall be documented.
3. On projects with no General Contractor or Construction Manager, trade contractors may be required to attend and participate in a pre-construction safety meeting at the request of the Owner.

Competent Persons

1. A Competent Person, as defined by OSHA29CFR Part 1926.32(f) is required where Contractors are performing any of the activities listed below. The Competent Person is responsible for inspection of the operations for which he/she is listed as the Competent Person, as well as identification and correction of hazards.
2. Each Contractor, of every tier, is required to identify in writing the name of the Competent Person assigned to the project, specifically for the following areas:
 - a. Aerial Lifts; Asbestos; Bolting/Riveting/Fitting; Concrete/Forms/Shoring; Confined Space Entry; Cranes/Derricks; Demolition; Electrical/LO/TO; Excavation/Trenching; Fall Protection; First Aid/CPR; Forklift Trucks; Hazardous Materials/Waste Handling; Hearing Conservation; Ladders; Lead; Material Handling; Rigging; Scaffolding; Welding/Cutting.
3. Prior to commencement of project activities, each Subcontractor must complete a Competent Person Identification Form and submit this form to the General Contractor for the project files. Re-submission of the Competent Person Identification Form is required any time the Competent Person or alternate changes.
4. For each Contractor, regardless of tier, the Competent Person Identification Form shall be used to deliver a Tool Box Talk to the project workforce, describing the roles and responsibilities of the Competent Person(s), as well as identification of the Competent Person(s) specific to that project. This Tool Box Talk shall be re-delivered as necessary when changes to the project workforce are made.



CONSTRUCTION PHASE

Employee Orientations

1. The General Contractor shall develop a Safety Orientation Program, specific to the project. The Safety Orientation Program shall address the major hazards associated with the project scope as defined by the PHA, project-specific safety requirements and expectations, and emergency response procedures at a minimum.
2. Each employee entering the project site shall undergo the Safety Orientation.
3. The General Contractor shall maintain a log of all persons who have undergone the Safety Orientation, including the name, signature, date, and trainer's name.

Contractor Inspections

1. It is ultimately the responsibility of the general contractor's Project Manager(s), Project Superintendent(s), and Project Safety Manager(s) and each Subcontractor to assure safe working conditions and practices are employed at the project. At a minimum, walkthrough-type inspections shall be conducted at prescribed frequencies, dependent upon the role of the individual.
2. Formal inspections shall be documented by the inspector. Following each inspection, communications shall be made to the responsible parties/Contractors, and the documentation/report shall be forwarded.
3. Where life-threatening or high-severity hazards are identified by either the owner or the General Contractor, the General Contractor shall ensure that the corrective action taken is documented by the non-compliant Contractor.
4. Inspections shall be conducted as follows:
 - a. General Contractor Project Manager: One inspection per month.
 - b. General Contractor Project and Area Superintendents: One inspection per week.
 - c. Project Safety Manager: One inspection per day (>\$25,000,000 contract volume) or one inspection per week (<\$25,000,000 contract volume)
 - d. Subcontractor Safety Representative: One inspection per week.

High Hazard Planning

1. Prior to commencement of each high hazard operation conducted on the project, the General Contractor shall coordinate and chair a High Hazard Planning Meeting.
2. The general contractor's Project Manager, Project Safety Manager, General Superintendent, and Area Superintendent (if assigned), the subcontractor's Project Manager, Safety Representative, and Foreman shall attend this meeting. The HUPM and HUEHS shall be invited to attend this meeting.
3. At a minimum, the following activities/operations require that a High Hazard Planning Meeting be held:
 - a. Critical Lifts – See Definitions
 - b. Energized Electrical Work
 - c. Hazardous Waste Remediation or Abatement
 - d. Leading Edge Work – See Definitions
 - e. Precast Concrete Erection
 - f. Scaffold Erection
 - g. Steel Erection (meeting shall also comply with 29CFR Part 1926.752)
 - h. Structural Demolition
4. The High Hazard Planning Meeting shall address the policies, procedures, coordination, communication, and training that will be required or employed during the activity. The meeting shall be documented.



Accountability Plan

1. The General Contractor shall implement an Accountability Plan for the project. The Accountability Plan shall include escalating disciplinary procedures to be utilized where compliance by a Contractor or Employee is not met. If OCIP, refer to the project insurance manual for specific requirements.

Fall Protection Requirements

1. All work and practices with respect to fall protection shall comply with all applicable laws, including but not limited to 29 CFR Part 1926.500 through 1926.503, and the manufacturer's requirements and recommendations for any equipment and tools used.
2. Observation of any person utilizing fall protection in an unsafe manner shall be cause for immediate halt of the operation. The owner reserves the right to require training, assurance that proper fall protection measures will be implemented and/or to require removal of the individual violating fall protection requirements from the project. Training or re-training is the responsibility of the Contractor and shall be documented.
3. Fall prevention or protection systems are required for all project personnel that are potentially exposed to falls **equal to or greater than six (6) feet**.
4. The use of safety monitoring systems as described by 29 CFR 1926.502(h) is not allowed for fall protection purposes on roofs or in any other location.

Emergency Notifications

Incidents involving medical attention, public interruption or injury, or property damage in excess of \$1000 (an "Emergency Situation") shall be reported immediately but not as to delay notification of emergency services and proper medical care.

1. Emergency phone numbers shall be posted at each phone location on the project. Coordinate with the Harvard Project Manager to identify communications protocols and emergency phone numbers for different campus locations (i.e. Cambridge, Longwood, Allston/Boston, etc.)
2. The General Contractor's Emergency Coordinator must coordinate the following:
 - a. Emergency Services Notification (911), if not already notified;
 - b. Harvard University Operations Center [(617) 495-5560 Cambridge] Notification;
 - c. Harvard University Police Department [(617) 495-1212 Cambridge] Notification;
 - d. Harvard University Project Manager Notification;
 - e. Harvard University Construction Mitigation Manager [(617) 496-0857 Cambridge] Notification;

Note: If OCIP, refer to the project insurance manual for additional notification and reporting requirements.

3. The Harvard University Project Manager shall coordinate notification to the following:
 - a. Internal Notifications to Harvard University
 - b. Notification to the University Operations Center, requesting notification to the Local Emergency Management Team, HUEHS, or other University responding agencies/ departments, dependent upon the severity and/or location of the incident.
4. Upon arrival of emergency responders (i.e. fire department), the Emergency Coordinator shall pass any and all information pertaining to the emergency to the Fire



- Department's Incident Commander. Following the passing of information, the Emergency Coordinator shall then serve as support to the Incident Commander.
5. All media inquiries and communications shall be handled by the Harvard Public Affairs and Communications Office (617-495-1585).

Maintenance of Project Emergency Contacts

1. The **General Contractor** shall provide emergency contact information to the Harvard University Project Manager, Mitigation Manager, Operations Center, Police Department, HUEHS, and the Program Safety Director (if OCIP) prior to commencement of construction. The following information shall be provided:
 - a. Project Name and Address.
 - b. Harvard University Project Manager's Name.
 - c. The Name and Emergency Phone Numbers (either mobile number, home number, or other method of 24-hour emergency contact) for the General Contractor's Project Manager, Superintendent(s), and Project Safety Manager.
 - d. The Name and Emergency Phone Numbers for the security firm overseeing project security, if applicable.
2. The emergency contact information shall be updated by the General Contractor whenever changes are made to project staff or associated phone numbers. Updates shall occur no less frequently than every six (6) months.



PROJECT REPORTING

1. The General Contractor shall compile and/or prepare all reports associated with incidents or injuries occurring on or related to the project. The preparation of reports may be the responsibility of another employer or Contractor, but shall be overseen and distributed by the General Contractor.
2. Incident/injury reports include the following:
 - a. Commonwealth of Massachusetts Department of Industrial Accidents – MA101 Employer’s First Report of Injury;
 - b. OCIP (or other insurance company) Claims Reports (Worker’s Compensation, General Liability, Auto Liability, Builder’s Risk, Property, etc.)
 - c. Supervisor’s Incident/Accident Investigation Report may be used to satisfy this documentation requirement;
3. All incident/accident/injury reports shall be sent to the required insurance company, per their policy guidelines, with copies of the reports distributed to the HUPM or his designee for the project files.
4. Each Contractor shall submit a Safety Report, specific to the project, through a web-based program (CSAP). The Safety Report shall contain, at a minimum, the following information:
 - a. Summary of accidents/incidents from the previous month;
 - b. The number of man-hours worked by each contractor during the previous month;
 - c. Summary of accountability actions (safety violations, dismissals, and fines issued).

This reporting program can be accessed through www.constructsecure.com/harvard. The report shall be completed by the 10th of each month for the previous month’s activities.

Post-Incident Report

1. Following an Emergency Situation the General Contractor shall provide to the HUPM in writing :
 - a. A review of the incident, including the chronology of events, responses, and outcomes;
 - b. A review of all of the factors that contributed and/or led up to the incident, and identification of the root cause of the incident (the single failure point, typically involving the absence of policy or procedure, absence of training, mismanagement of activities, etc., which if removed or enhanced would prevent future incidents);
 - c. A review of corrective actions, and identification of completion times and responsibilities. All corrective actions must identify the action, the required time for completion, and the person(s) responsible for implementation of the action.



SUBSTANCE ABUSE PREVENTION PROGRAM

Definitions

1. Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and for evaluating medical explanations for certain drug test results.
2. Third Party Administrator (TPA). A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services.

General Requirements

1. The use of illegal drugs or the abuse of alcohol, prescription or controlled substances on or off duty by project employees, whether actively employed or seeking employment on Harvard projects, is inconsistent with a safe, healthy and productive work environment. The policy directs the establishment and maintenance of an effective program for achieving a drug and alcohol free workforce.
2. The intention of this program is to establish Harvard projects as drug and alcohol free workplaces in order to ensure safe and productive working conditions with due regard for the personal privacy interests of project employees. It is not the intention of the policy to intrude on off-duty activities of project employees away from project sites unless those activities have a job related impact.
3. The basic elements of the program are as follows:
 - a. Use, possession, or sale of illegal drugs or alcohol on the Owner's property is prohibited.
 - b. Employees who report for work with illegal drugs, prescription drugs causing impairment that affects the employee's ability to perform his or her job duties safely, or alcohol in their system will not be permitted to remain on the project. Such employees will be barred from Harvard projects in accordance with this program. The program will apply to all project personnel, including on-site management.
 - c. Employees taking prescription medication are required to advise their supervisor of such drug use in advance of the workday. The supervisor, in conjunction with the employee, must determine if the medication may potentially impair the employee's ability to perform his or her job duties safely. If it does, the employee shall not be allowed access to the project, and shall be advised to inform his or her physician of the effect on this person's job duties.
 - d. Persons who violate these rules will not be permitted access to any Harvard project.
4. The policy will be enforced by drug and alcohol testing. Special safeguards have been undertaken to ensure that testing will be conducted by a qualified vendor, under strict guidelines, including provisions to ensure test reliability, employee privacy and confidentiality. All confirmatory testing will be conducted by a NIDA/SAMHSA certified laboratory, in accordance with the Mandatory Guidelines for Federal Workplace Testing programs established by the U.S. Department of Health and Human Services, as amended.
5. The Owner will retain oversight over all Contractor programs and will monitor test procedures for consistency and policy compliance. It is the responsibility of the General Contractor to ensure compliance with this program for all contractor employees through monitoring and coordination with the TPA.



6. The General Contractor and each Subcontractor shall bear the entire cost of all drug and alcohol testing for its employees working on this project unless otherwise directed by the Owner.
7. This Substance Abuse Policy is intended to comply with the most current Harvard University Project Labor Agreement (PLA) for Major Construction, Renovation, and Rehabilitation. Where conflicts exist between this document and the most current Harvard PLA Substance Abuse Program, for projects covered under the PLA, the program requirements as defined in the PLA shall prevail.

Pre-Employment Screening (Job Applicants)

1. The special circumstances and working conditions on Harvard projects warrant special assurances that General Contractor and Subcontractor personnel employed at the site are certified as drug-free before they are eligible for regular employment. Specimens will be collected prior to the General Contractor and Subcontractor employees being permitted to perform any work on project sites.
2. All General Contractor and Subcontractor employees will be required to satisfactorily complete a drug test, unless such employee provides acceptable documentation that he/she has tested drug free within the preceding six months by a NIDA/SAMHSA certified laboratory. Specimens will be collected during in-processing on the project or at a designated off-site location. Applicants who report to the in-processing site who display reasonable cause to suspect they may be impaired by alcohol may be subject to alcohol testing as described in the reasonable Suspicion/For Cause section below.
3. General Contractor and Subcontractor employees will only be granted access to the project after a “Negative” initial drug test. A document confirming that the employee has successfully completed a “Negative” initial drug test will be issued by the testing agency and shown to the Project Safety Manager. Only after the result is confirmed “Negative” will an employee be permitted access to the project and permitted to attend the project safety orientation.
4. Any General Contractor or Subcontractor employee whose test results are “inconclusive” shall not be allowed access to the project, until test results have been verified in accordance with the “test procedures” and “test results” sections below.
5. Any General Contractor or Subcontractor employee whose confirmed test results are “Positive” shall be barred from the project in accordance with the “disciplinary action” section below.
6. Refusal on the part of any employee to comply with the testing procedure will permanently disqualify the employee from consideration for employment on Harvard projects until such time as the applicant certifies, in writing, a willingness to comply with this program.
7. Where the applicant tests ‘positive’, he or she shall be paid two hours of straight time for participating in the orientation and/or screening program. Where participation in the orientation and/or screening program requires more than two hours of the applicant’s time, the applicant shall be paid a maximum of four hours of straight time. Payment for time spent is the responsibility of the Employer, and shall not be charged to the Owner.

Reasonable Suspicion/For Cause

1. All employees are subject to a substance test where there is reasonable suspicion/cause to suspect that an employee has an in-system presence of intoxicants or drugs on the job or in a job status. An employee will not be tested after initial testing under this



- paragraph unless employee conduct or other related circumstances provide a reasonable basis to believe that the employee may have ingested an intoxicating substance and/or is suffering from impairment of some sort while on duty. If testing results from an observation, the observation must be confirmed by a second member of General Contractor's staff, or Owner, or Owner's Representatives who has received appropriate training on the detection of possible impairment through observation. Observation shall be reviewed with a union steward, if applicable, and provided the steward is readily available. Before an employee is referred for reasonable cause testing, the action must be approved by a senior member of the General Contractor's staff (above foreman/supervisor) or by the Owner. Employees participating in the Comprehensive Addiction Program shall be subject to the reasonable cause procedures of that program; all others will be subject to the reasonable cause procedures outlined here.
2. Employees removed from duty for reasonable cause testing will remain off duty until test results are received. If the employee tests "Negative" for drugs or alcohol, the General Contractor or Subcontractor shall be responsible for back pay for the time missed. Such payment will not be subject to reimbursement from the Owner, or Owner's Representatives.
 3. Any General Contractor or Subcontractor employee whose confirmed test results are "Positive" shall be barred from Harvard projects in accordance with the "disciplinary action" section below.
 4. Refusal on the part of any employee to comply with the testing procedure will permanently disqualify the employee from consideration for employment on Harvard projects until such time as the applicant certifies, in writing, a willingness to comply with this program.
 5. Employees are entitled to request the presence of a Union steward in pre-test meetings with Contractor management. Provided a Union representative has been requested and is readily available, no specimen will be collected until the steward can meet with Contractor representatives. The procedures described in this paragraph shall not operate to impede timely collection of test specimens.

Post-Accident/Incident/Injury

1. Any employee who is directly involved in an accident on the job site or in the course of job duties which involves use of vehicular equipment, heavy equipment, power tools or other dangerous instrumentality or working conditions and which results in a need for off-site medical care or substantial property damage (in excess of \$1,000) shall be referred for a substance test.
2. The test must be conducted by a NIDA/SAMSHA certified laboratory as soon as practical following the accident. Such test shall be undertaken prior to and as a condition of returning to work. Post-accident testing will be a 9-panel drug test regimen listed in Exhibit 2 of the PLA.
3. Any General Contractor or Subcontractor employee removed from duty for post-accident testing will remain off duty until test results are received. If test results are confirmed "Positive" the employee shall be barred from the project in accordance with the "disciplinary action" section below.
4. Refusal on the part of any employee to comply with the testing procedure will permanently disqualify the employee from consideration for employment on Harvard projects until such time as the applicant certifies, in writing, a willingness to comply with this program.



5. Employees are entitled to request the presence of a Union steward in pre-test meetings with Contractor management. Provided a Union representative has been requested and is readily available, no specimen will be collected until the steward can meet with Contractor representatives. The procedures described in this paragraph shall not operate to impede timely collection of test specimens.

Disciplinary Action

1. Possession of illegal drugs on the job or in a job status shall be cause for a permanent bar from the project site and a one year bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not. A second offense will lead to a three year bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not.
2. Use of illegal drugs on the job or in a job status shall be cause for a permanent bar from the project site and a one year bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not. A second offense will lead to a three year bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not.
3. Selling, aiding, or abetting the sale of or conspiring to sell illegal drugs or prescription drugs on the job or in a job status or conviction for such activity off the job shall be cause for a permanent bar from the project site and a three year bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not. A second offense will lead to a permanent bar from all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not.
4. System presence of illegal drugs or alcohol shall result in immediate bar from the project and all other Harvard construction, renovation and/or rehabilitation projects, whether covered by a PLA or not. An employee may be considered for re-employment on the project provided the employee satisfactorily completes a drug test conducted by a NIDA/SAMHSA certified laboratory or an approved drug rehabilitation program at the employee's expense not less than sixty days following the initial disqualification. Upon successful completion of such a subsequent test or program, the applicant will be eligible for project employment providing, as a condition of continuing employment, the employee voluntarily agrees in writing to submit to substance testing at the Owner or General Contractor's request for a period of six months. Any second offense involving on-the-job system presence of illegal drugs or alcohol will result in a permanent bar from employment on the project.
5. Possession, use or system presence of prescription drugs without a valid prescription or alcohol on the job or in a job status may result in a temporary or permanent project bar. The severity of the sanction will be determined on a case-by-case basis following the investigation concerning the use of the drug. Employees are reminded of the project safety rule which requires all persons taking medication to advise their supervisor of such drug use in advance of the workday. It is the Contractor's intent that recreational use or abuse of prescription drugs will be treated the same as use of illegal drugs.

Test Procedures

1. Confirmatory testing procedures, including which drugs are to be screened, chain of custody and threshold and confirmation test levels shall comply with the Mandatory Guidelines for Federal Workplace Testing Programs established by the U.S. Department of Health and Human Services. Initial screening shall be conducted



- utilizing instant test methodology for substances listed in Exhibit 2 of the PLA. Post-accident tests will use a 9-panel test, which will include the substances listed in Exhibit 2 of the PLA.
2. Pre-Employment, Post Accident/Incident/Injury, and Reasonable Suspicion drug tests shall be by RapidTox test, or its equivalent. If the instant test is “Negative”, there shall be no further testing. If the drug test is “Inconclusive”, the specimen shall be split and will be sent to a NIDA/SAMHSA lab. If the subsequent test(s) (Immunoassay Screen or GC/MS) comes back from the lab as “Negative”, the employer shall be responsible for any back pay owed to the employee at no cost to the Owner, or Owner’s Representatives. Urine specimens shall be collected in such a manner as to give the employee as much privacy as possible without compromising the reliability of the test.
 3. The employer shall also contact the Third Party Administrator for any employee whose test result is initially “Inconclusive” and shall continue to contact the Third Party Administrator until the test result is confirmed “Negative” or confirmed “Positive”.

Alcohol Screening

1. Alcohol screening will be conducted in reasonable suspicion/for cause circumstances. Alcohol screening shall be conducted utilizing certified Breath Alcohol Testing devices. A test result greater than .08 blood alcohol concentration (b.a.c.) is considered a “Positive” result and in violation of the policy.

Test Results

1. Any “Positive” test for drugs shall be reported to a Medical Review Officer (MRO). The MRO shall review the test result and shall attempt to interview the employee to determine if there is any physiological or medical reason why the result shall not be deemed positive. If the MRO declares the test “Positive”, notification shall be provided first to the employee and then to the employer's Designated Employer Representative (DER). If the employee is a member of a local union, the employer shall notify the area business agent that the individual "failed to satisfy the employment requirements of the project."

Split Specimen Test

1. In the event of a confirmed “Positive” result, the following shall apply for split specimen testing:
 - a. The employee, Union, or employer may request a split specimen test within three working days from notice of a “Positive” test result by the MRO.
 - b. The drug testing laboratory shall package the split specimen and send the specimen to a designated certified laboratory at the request of the employee, Union, or employer. The cost associated with the split specimen test shall be at the expense of the employee, Union, or employer. Costs for the split specimen test will be paid in advance by the requesting party.
 - c. Split specimen tests shall be conducted by an NIDA/SAMHSA certified laboratory. The laboratory shall endeavor to notify the MRO of “Positive” test results within five working days after receipt of the specimen. In the event the initial test proves to be a “Negative” result instead of the original “Positive” result, and the employee has paid for the test, costs for the split specimen test shall be reimbursed to the employee by the employer at no cost to the Owner, or Owner’s Representatives.



Chain of Custody

1. The collection facility and the laboratory shall establish and maintain a forensically acceptable chain of custody.
2. The collection facility must establish and maintain a forensically acceptable chain of custody, which includes the specimen technicians, the substance testing laboratory and the MRO. It will be the responsibility of the Third Party Administrator and the laboratory to ensure that the appropriate chain of custody is maintained.

Refusal

1. Failure to sign the appropriate release forms or to comply with the testing procedures shall result in the employee being barred from Harvard projects until such time as the applicant certifies, in writing, a willingness to comply with this program. Signing the consent form shall not waive any individual rights available under federal and state law.

Confidentiality Requirements

1. Strict confidentiality shall be maintained at all times for all substance abuse testing program activities. All information generated in connection with the testing program is inherently sensitive and is to be treated as confidential.
2. In implementing this program care must be taken to:
 - a. Safeguard all written reports by maintaining separate, secured files and limiting written and verbal communications to the necessary functions of this procedure.
 - b. Conduct testing as privately as possible.
 - c. Limit the number of persons involved in testing activities to essential personnel only.
 - d. Prohibit the communication of confidential information about searches, tests, investigations, or the results of same to persons not authorized to receive it, including family members, friends, union representatives, or law enforcement agencies.
 - e. Release information only to those necessary to administer site employment, safety, and security; in response to legal process or when a written release has been obtained from the individual involved.
 - f. Drug and/or alcohol test results shall only be released to designated employee representatives from the General Contractor, Subcontractor, Owner, or Owner's Representatives. Written authorization from the donor of the urine specimen and/or breath alcohol test shall be required for any others requesting drug and/or alcohol results. Federal, state, and/or local authorities will be able to obtain drug and/or alcohol test results only with a subpoena. The procedure to release drug and/or alcohol results is per 49CFR Part 40 of the federal guidelines.

Statistical Reports

1. The Third Party Administrator shall provide a report indicating the individuals that passed the drug test by the end of each month. The reports and method of reporting shall also meet strict confidentiality protocol. The Third Party Administrator shall provide monthly reports on all test results to the Owner, General Contractor and Project Safety Manager. The reports shall be sorted by employer, number of tests performed, percent of Negative test results, number of tests for the month and the number of tests to date.



Supplemental Exhibits and Worksheets

Exhibits

- Air Quality
- Confined Space
- Control of Hazardous Energy
- Cranes and Hoisting Equipment
- Demolition
- Electrical Safety
- Equipment Safety
- Excavation and Trenching
- Fall Prevention
- Fire Prevention and Protection
- Hazard Communication
- Hazardous Materials & Waste Management
- Housekeeping and Material Storage
- Lead-Based Paint
- Moisture Control and Mold Prevention
- Personal Protective Equipment
- Public Protection
- Safety Management Systems
- Scaffolding
- Solid Waste Management
- Spill Prevention and Countermeasures (SPCC)
- Steel Erection
- Stormwater Management
- Wastewater Management
- Water Quality

Worksheets

- Competent Person Identification form
- Confined Space Entry Permit
- Crane Hoist Plan Form
- Critical Lift Plan
- Emergency Management Plan
- Energized Electrical Work Permit
- Fire Prevention and Protection Plan
- Guardrail Removal Permit
- Noncompliance Corrective Action Plan
- Post Incident Review Form
- Pre-Demolition Inspection Checklist
- Pre-Task Plan Form
- Project Hot Work Permit
- Scaffold Inspection Form
- Supervisor Accident Incident Investigation Form
- Utility Disruption Permit Form
- Visitor Form