

**AGC Safety Initiative – Dog Days of Summer\***  
**7-24-2019**

Your best defense against heat-related illness is prevention. **Avoid Heat-Related Illness with these [Tips](#)**

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You’ll have it made in the shade with a review of the [AGC Nebraska Building Chapter Safety Resources](#) site. Feel free to share this link with additional team members!

**The site offers on-demand, online or on-site training opportunities on a variety of topics including:**

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A selection of short videos, viewable on any device, are available at **no charge** and easy to [preview](#).

- **EMPLOYEE SAFE DRIVER/DEFENSIVE DRIVER TRAINING**

Through September 30, 2019, at your location; made available through a grant from the Nebraska Safety Council.

**Save the date for the Fall Roundtable, October 16, 3 – 5 p.m.** Our presenter will be Kevin Cannon, Senior Director of Safety and Health at the Associated General Contractors of America. He currently serves on the Federal Advisory Committee on Construction Safety and Health (ACCSH) which advises the Assistant Secretary of Labor for OSHA on regulations, standards and policies that impact the construction industry.

This event includes Kevin’s presentation, ‘Best Practices from the 2019 AGCA Safety Award Entries and OSHA Updates and Forecasting.’ and a facilitated discussion.

**AGCA Forums provide excellent resources for information and opinion**

This post regarding Pre-Employment Drug testing and Marijuana was on the AGC Safety Committee and Chapter Safety Professional’s forum. Here is the inquiry and a composite of the responses. For the full transcript, visit [here](#)

\*Content edited for length; misspellings and grammar are in original documents.

**Inquiry:** We have a client who is considering amending their Drug policy to not include a pre-employment drug screen. They feel with the decriminalization of marijuana, they are excluding a portion of the labor market with the pre-employment drug screen policy.

Sr. Control Risk Specialist, Willis Towers Watson

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**Responses:**

Our issue is about the transport of an individual that is under the “suspicious behavior” realm needing to have a drug test performed. Our employees are concerned about being responsible for someone who

may be under the influence of a substance that may create unstable and violent behavior. I would not delete the pre-employment screening. Employers still have the obligation to provide a safe work environment. It may be legal to use and own MJ but it is not legal to be under the influence of any legal or illegal drug while employed working at a safety related task. I think that that can be defined as any task that may pose a threat of Loss of limb or Life. Probably all tasks related to construction would fall into that category because of the power tools, heavy equipment, heights of work in the building trades, proximity to traffic with linear highway works and so on. MJ is defined as having mind altering capacities to the user rendering the user as less than competent to operate equipment, power tools and vehicles.

Safety Director, Acme Concrete Paving, Inc.

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It behooves us all to make sure our current drug policies have “zero Tolerance” verbiage and a “I have read and understand” (with signatures) sheet at the end, to keep on file.

If there are no teeth to the policy or no pre-employment, for cause or post incident drug screens in the policy we are opened to serious liability. Construction jobs are safety related tasks. This also opens the door for due diligence in Substance Abuse and reasonable suspicion training. Supervisors and Managers are going to have added responsibilities in this (if not already in place).

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If there is a concern for safety, violence or other type of unacceptable behavior why not have a service available to call and do the testing onsite? Amending <drug policy> because labor pool won't pass a test vs. amending because company doesn't consider some drug use like marijuana as severe as other type amend disciplinary section of the policy. Zero tolerance was never intended to be instant termination for violation. It is intended to make a statement that it's not accepted, if you do your subject to disciplinary action, up to and including termination. If you fail a test and it positive of marijuana you will receive 2 week off with no pay and subject to random testing for 12-months. Another positive in 18 months will result in termination. Any other drug likely leads to termination

Director of Safety, The Beck Group

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Oklahoma just passed medical marijuana late last year. Our legislature just got the rules in place this spring. Our state chamber helped to get rules whereby anyone working in a Sensitive or hazardous environment could be required to comply with all drug testing, including marijuana. Pre-testing, random and post-accident. Given we are heavy highway, heavy commercial paving contractor, most of our employees are still subject to the testing. Office only personal are exempt.

President, Silver Star Construction Co., Inc

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If a contractor does federal work they have to comply with the Drug Free Workplace Act. The testing should comply with the bargaining agreements of any unions. Contractors need to identify safety sensitive positions and prohibit marijuana use for those positions. The FAA completed a study about

marijuana and the effects related to pilots. They concluded marijuana use impacts motor skills for up to 24 hours post use.

Joaquin M. Diaz, MM, CSP, CIH, CHST, OHST, Lawson & Associates, Inc

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Fail to see the logic in doing away with the pre employment drug screen just due to marijuana becoming legal. Do the screen for all drugs and exclude Mary Jane if that's what you want. I would never take the chance of having an employee involved in an accident related to his work and not have the documentation that he last tested clean for all controlled substances.

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I have just one question, is your program for local only? I live in Colorado, but our program for pre-employment is based on the federal requirements, which haven't made the drug legal.

Senior Environmental Safety Engineer, Haselden Construction

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The fact that it may be legal in some states does not mean your policy needs to be amended. Unless you are prohibited by law to test then you can test under the presumption that most if not all employment on a construction site are safety sensitive positions. Just like with alcohol, legal use of marijuana does not make it acceptable to be under the influence at the work place. The ointments and pills that are prescribed for medicinal purpose should not have any positive results in your testing and should not hamper employees using them. Unlike alcohol the current testing for marijuana may show positive but in reality the employee may in fact may not seem impaired. That is because there are residuals in the body longer then the actual effects of the drug. Until the industry comes up with a more accurate test that will access the current impairment vs. the prior use (smoked Saturday and tested + on Monday) we need to work with what we have.

Account Executive, Medcor Inc. | Brown Safety Services | Medcor Canada

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Interested in participating via AGCA forums? Contact [Sheila](#) to learn more.

***\*Why Are They Called the 'Dog Days' of Summer?***

The phrase is a reference to the fact that, during this time, the Sun occupies the same region of the sky as Sirius, the brightest star visible from any part of Earth and part of the constellation Canis Major, the Greater Dog. Therefore, Sirius is sometimes called the Dog Star.

In the summer, Sirius rises and sets with the Sun. On July 23rd, specifically, it is in conjunction with the Sun, and because the star is so bright, the ancient Romans believed it gave off heat and added to the Sun's warmth, accounting for the long stretch of sultry weather. They referred to this time as *diēs caniculārēs*, or 'dog days.'

Thus, the term Dog Days of Summer came to mean the 20 days before and 20 days after this alignment of Sirius with the Sun—July 3 to Aug. 11.