Course Synopsis: Navigating Jobsite Risk – Reasonable Suspicion & Emergency Action Plans

Course Description (1.5 Hours) This fast-paced, 90-minute session equips construction supervisors, superintendents, and safety managers to handle two critical areas of jobsite liability: managing impaired workers and preparing for site-wide emergencies.

The first half addresses the "liability tightrope" of reasonable suspicion. Supervisors will learn how to balance the legal risk of failing to remove an impaired worker (negligence, OSHA General Duty Clause violations) against the risks of acting improperly (discrimination claims, inconsistent enforcement, and privacy violations). The second half pivots to OSHA Emergency Action Plans (EAPs), breaking down exactly who needs them, what mandatory elements must be included, and the easily overlooked details that frequently lead to citations on multi-employer worksites.

Learning Objectives

- Identify the legal and financial liabilities associated with both failing.to.act and acting.inconsistently regarding jobsite impairment.
- Recognize objective, articulable signs of substance abuse and correctly document them using the two-person verification rule.
- Execute a reasonable suspicion intervention safely, including transport protocols and managing test refusals.
- Determine if your company requires a written OSHA Emergency Action Plan (EAP) and identify the mandatory minimum requirements.
- Update and manage EAPs for the dynamic nature of construction sites, particularly concerning multi-employer coordination and shifting evacuation routes.

Course Outline (90 Minutes)

Module 1: The Reasonable Suspicion Tightrope (20 Minutes)

- **The Cost of Inaction (Failing to Act):**
    - The OSHA General Duty Clause: Your obligation to provide a workplace free from recognized hazards.
    - Vicarious liability and negligence: If a supervisor "should have known" a worker was impaired and an accident occurs.

- Workers' compensation complications following an impairment-related incident.

- **The Cost of Improper Action (Overstepping & Inconsistency):**
    - Discrimination and targeting: Why "gut feelings" or selecting employees based on personality/demographics leads to lawsuits.
    - Defamation and privacy: The dangers of sharing suspicion with the crew or using medical/diagnostic language (e.g., saying "He's drunk" vs. "He smells of alcohol and is stumbling").
    - The importance of a rock-solid, uniformly enforced company drug and alcohol policy.
- **Navigating the Fine Line:**
    - Basing actions strictly on current?.contemporaneous?.and.articulable observations.

Module 2: Recognition and Documentation (20 Minutes)

- **Identifying the Signs:**
    - **Physical:** Bloodshot eyes, dilated pupils, sweating, tremors, odor of alcohol or marijuana.
    - **Behavioral:** Erratic mood swings, unusual aggression, lethargy, paranoia.
    - **Performance:** Sudden drop in work quality, blatant disregard for safety protocols, near-misses.
- **The Two-Person Rule:**
    - Why a second trained supervisor or manager should always verify the observations to protect against bias claims.
- **Bulletproof Documentation:**
    - Using a standardized Reasonable Suspicion Observation Checklist.
    - Documenting exactly what you see?.hear?.and.smell—not what you assume.

Module 3: Executing the Intervention (15 Minutes)

- **Making the Approach:**

    - Removing the employee from safety-sensitive duties immediately and discreetly.
    - Conducting the conversation in a private area to avoid humiliation and escalation.
- **Logistics of the Test:**
    - Explaining the policy requirements without arguing.
    - **The Golden Rule of Transport:** Never allow an employee under reasonable suspicion to drive themselves to the clinic or home. (Arranging an Uber/taxi or having management drive).
- **Handling Refusals:**
    - Treating a refusal to test as a positive result per company policy.
    - De-escalation tactics if an employee becomes combative or attempts to drive away.

Module 4: OSHA Emergency Action Plans (EAPs) (25 Minutes)

- **Who Needs an EAP?**
    - OSHA standard 1926.35 (Construction) requirements.
    - The 10-employee threshold: When the plan must be in writing vs. communicated orally.
- **The Mandatory Elements:**
    - Reporting procedures for fires and other emergencies.
    - Evacuation procedures and designated emergency escape route assignments.
    - Procedures for employees who remain to operate critical plant operations before they evacuate.
    - Accounting for all employees after evacuation (headcounts).
    - Rescue and medical duties for designated employees.
    - Names/job titles of persons to contact for EAP explanation.
- **Things People Forget (The "Gotchas"):**

- **The Multi-Employer Worksite:** Who is in charge of the EAP? (GCs vs. Subs coordinating under UOSH/Federal OSHA guidelines).
- **The Shifting Jobsite:** An evacuation muster point that made sense during excavation might be blocked by scaffolding during framing. EAPs must evolve with the project phase.
- **Site-Specific Hazards:** Planning beyond just "fire." Do you have a plan for crane collapse, trench rescue, severe weather, or active threats?
- **Temporary Workers & Visitors:** How are delivery drivers or day laborers accounted for in your headcount?

Q&A and Wrap-Up (10 Minutes)

- Open floor for contractor scenarios and specific policy questions.
- Review of provided handouts (Reasonable Suspicion Checklist template & EAP self-audit form).