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T3.6.6 Workplace Safety Added 4/2023

A Workplace Safety Added 4/2023

1 Drug Free Workplace Added 4/2023

a. Applicability

Drug-free workplace requirements apply to all contracts except the following contracts:

- (1) At or below the AMS risk threshold; however, the requirements of this section apply to all contracts of any value awarded to an individual;
- (2) For the acquisition of commercial products;
- (3) Performed outside of the United States and its outlying areas or any part of a contract performed outside the United States and its outlying areas; and
- (4) Where application would be inconsistent with international obligations of the U.S. or foreign laws or regulations.

b. Definitions

- (1) *Controlled substance* means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1308.11-1308.15.
- (2) *Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- (3) *Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- (4) *Employee* means an employee of a contractor directly engaged in the performance of work under a Government contract. Directly engaged is defined to include all direct cost employees and any other contract employee who has other than a minimal impact or involvement in contract performance.
- (5) *Individual* means an offeror/contractor that has no more than one employee including the offeror/contractor.

c. General

- (1) For an offeror to be considered a responsible source, the Offeror must agree that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace, and specifying the actions that will be taken against employees for violations of such prohibition.
- (b) Establishing an ongoing drug-free awareness program to inform its employees about
 - i. The dangers of drug abuse in the workplace;
 - ii. The contractor's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employee for drug abuse violations occurring in the workplace
- (c) Providing all employees engaged in performance of the contract with a copy of the statement required by paragraph (a) of this section.
- (d) Notify such employees in writing in the statement required by paragraph (a) of this section that, as a condition of continued employment on this contract, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction.
- (e) Notify the Contracting Officer in writing within 10 calendar days after receiving notice under subdivision (d)(ii) of this section, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;
- (f) Within 30 calendar days after receiving notice under subdivision (d)(ii) of this section of a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:
 - i. Taking appropriate personnel action against such employee, up to and including termination; or
 - ii. Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

- (g) Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (a) through (f) of this section.

(2) For all SIRs and contracts insert AMS clause 3.6.6-1 Drug Free Workplace.

d. Suspension, Termination, or Debarment of Contractor

- (1) After determining in writing that adequate evidence to suspect any of the causes at paragraph (2) of this subsection exists, the Contracting Officer (CO) may suspend contract payments or terminate the contract for default.
- (2) The specific causes for suspension of contract payments, termination of a contract for default, or suspension and debarment are:
 - (a) The contractor has failed to comply with the requirements of the clause at AMS 3.6.6-1, Drug-Free Workplace; or
 - (b) The number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace indicates that the contractor has failed to make a good faith effort to provide a drug-free workplace.
 - (c) A determination to suspend contract payments, terminate a contract, or debar or suspend a contractor may be waived by the FAA Acquisition Executive (FAE) for a particular contract, only if such waiver is necessary to prevent a severe disruption of FAA's operation to the detriment of the Federal Government or the general public.

2 Reducing Text Messaging While Driving Added 4/2023

a. Applicability

This section applies to all SIRs and contracts in accordance with the requirements of the Executive Order (E.O.) 13513, dated October 1, 2009, Federal Leadership on Reducing Text Messaging While Driving.

b. Definitions

- (1) *"Texting" or "Text Messaging"* means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.
- (2) *"Driving"* means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain

stationary.

c. General

Agencies shall encourage federal employees, contractor, and subcontractor to enforce policies that ban text messaging while driving-

- (1) Company-owned, leased or rented vehicles; or
- (2) Government-owned, leased or rented vehicles; or
- (3) Privately owned vehicles when on official Government business or when performing any work for or on behalf of the Government.
- (4) The CO must insert AMS Clause 3.6.6-2 Seat Belt Use by Contractor Employees in all SIRs and contracts.

3 Increasing Seat Belt Use Added 4/2023

a. Applicability

This section applies to all SIRs and contracts in accordance Executive Order (E.O.) 13043, dated April 16, 1997, Increasing Seat Belt Use in the United States.

b. General

Agencies shall encourage federal employees, contractors, and subcontractors to enforce seat belt policies and programs for all operators and passengers occupying any seating position while driving the following:

- (1) Company-owned, leased or rented vehicles; or
- (2) Government-owned, leased or rented vehicles; or
- (3) Privately owned vehicles when on official Government business or when performing any work for or on behalf of the Government.
- (4) The CO must insert AMS Clause 3.6.6-3 Contractor Policy to Ban Text Messaging While Driving in all SIRs and contracts.

B Clauses

[view contract clauses](#)

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