

**JOINT LABOR – MANAGEMENT
UNIFORM DRUG/ALCOHOL ABUSE PROGRAM**

I. POLICY STATEMENT

The Parties recognize the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. Local Union #5 and the signatory contractors have a commitment to protect people and property, and to provide a safe working environment. The purpose of the following program is to establish and maintain a drug free, alcohol free, safe, healthy work environment for all of its employees.

II. DEFINITIONS

- a. Company Premises – The term “Company Premises” as used in this policy includes all property, facilities, land, building, structures, automobiles, trucks and other vehicles owned, leased or used by the company. Construction job sites for which the company has responsibility are included.
- b. Prohibited Substances – Prohibited substances include illegal drugs (including controlled substances look alike drugs and designed drugs) and alcoholic beverages in the possession of or being used by an employee on the job.
- c. Employees – Individuals, who perform work for (Company Name), including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.
- d. Accident – Any event resulting in injury to a person or property to which an employee, or contractor/contractor’s employee, contributed as a direct or indirect cause.
- e. Incident – An event, which has all the attributes of an accident, except that no harm was caused to person or property.
- f. Reasonable Cause – Reasonable cause shall be defined as excessive absenteeism or tardiness, slurred speech, alcohol smell, and erratic behavior such as noticeable imbalance, incoherence, and disorientation.
- g. Under the Influence of a Prohibited Substance – “Under the influence of a prohibited substance” as used by this policy means the following:

Revised January 17, 2003

- i. Alcohol – Blood alcohol level of .08, as measured by blood or breath tests.
- ii. Other Prohibited Substances – Positive results over the following thresholds for urine testing:
 - a. Marijuana – 50-ng/ml initial screens; 15-ng/ml confirmatory tests
 - b. Cocaine – 300 ng/ml initial screen; 150 ng/ml confirmatory tests
 - c. Opiates – 2000 ng/ml initial screen and confirmatory tests
 - d. Phencyclidine – 25 ng/ml initial screen and confirmatory tests
 - e. Amphetamines – 1000 ng/ml initial screen; 500 ng/ml confirmatory tests
 - f. Barbiturates – 300 ng/ml initial screen; 200 ng/ml confirmatory test
 - g. Benzodiazepines – 300 ng/ml initial screen and confirmatory tests
 - h. Methadone – 300 ng/ml initial screen and confirmatory tests
 - i. Methaqualone – 300 ng/ml initial screen and confirmatory tests
 - j. Propoxyphene – 300 ng/ml initial screen and confirmatory tests
 - k. Levels for other prohibited substances shall be in accord with accepted GC/MS quantitative procedures

III. DRUG/ALCOHOL TESTING

The parties to this policy and program agree that under certain circumstances, the company will find it necessary to conduct drug and alcohol testing. An annual drug test will be performed on a mandatory basis once between January 1st and December 31st of each year. While computer generated testing of 25% is necessary for the proper operation of this policy and program, it may be necessary to require testing under the following conditions:

- a. A pre-employment drug and alcohol test may be administered to all applicants for employment;
- b. A test may be administered in the event a supervisor has a reasonable cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. During the

- process of establishing reasonable cause for testing, the employee has the right to request his on-site representative to be present;
- c. Testing may be required if an employee is involved in a workplace accident/incident or if there is a workplace injury;
 - d. Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 1-year period;
 - e. Employees may also be tested on a voluntary basis.

Each employee to be tested will be required to sign consent and a chain of custody form, assuring proper documentation and accuracy.

Drug testing will be conducted by an independent accredited laboratory, which is jointly selected by the employer and the Union. The testing may consist of blood, or urine tests, as required. In the case of a positive test result, the employee shall have the opportunity to contest the result by having an appropriate portion of the sample re-tested at an independent laboratory selected by the employee from those listed below.

The Construction Industry Service Program (CISP) will pay all costs for the annual (once per 12 month period) and 25% of computer generated drug screening.

The company will bear the costs of all other testing procedures except that the employee will pay the cost of any re-test requested by the employee.

IV. TESTING PROCEDURES

Laboratories will be selected per third party administrator.

- i. All samples for testing will be taken by appropriately qualified personnel (e.g. medical personnel for drawing blood).
- ii. To the greatest extent possible, the privacy of the employee will be preserved while the sample(s) to be tested are taken. However, some precautions will help to ensure that pure specimens are obtained. When urine samples are collected, the following procedures should be observed.
 - a. There shall be no visual observation of the act of urination.
 - b. If the person at the collection site does not know the employee to be tested, some form of photographic identification will be required or identification by a supervisor at the collection site;
 - c. The person at the collection site will ask the employee to remove unnecessary outer

- garments such as coats and jackets and to leave personal belongings such as purses and bags with the other garments.
 - d. The employee may provide his or her specimen in the privacy of a stall or partitioned area;
 - e. Bluing agents shall be placed in the toilet so that the water always remains blue. No other water source should be available; and
 - f. The person at the collection site shall remain outside the stall until the employee hands that person the container with the specimen inside (minimum of 60 milliliters). The specimen shall be visually inspected for signs of contamination;
- iii. Regarding both urine and blood samples, the following procedures will be observed:
- a. The specimen container shall be immediately sealed and labeled by the person at the collection site, in the presence of the employee. The label shall contain only an identification number and the date, and shall be initialed by the employee;
 - b. A chain of custody form will be completed by the person at the collection site and initialed by the employee;
 - c. The chain of custody form and the specimen should be immediately shipped to the laboratory;
 - d. Appropriate security measures will be taken at the collection site.
- iv. Initial testing of a urine sample shall use an immunoassay. All samples identified as positive shall be confirmed by gas chromatography/mass spectrometry (GC/MS).
- v. Reports shall be made in writing and sent to the single person designated by the employer. In the case of urine testing, only those specimens who showed positive results on both the initial screening and the confirmatory test shall be reported as positive. The completed chain of custody form shall accompany any positive report, and copies of analytical reports shall be available to the employee and the employer.
- vi. Samples shall be properly stored at all times. All reported as positive will be stored frozen for at least 365 days. If the employer or employee requests it, the sample shall be stored for a longer period.

- vii. All handling and transportation of each specimen will be properly documented through strict chain of custody procedures.

V. CONFIDENTIALITY

- a. All parties to this policy and program have only the interests of employees in mind. Therefore, encourage any employee with a substance abuse problem to come forward and voluntarily accept our assistance in dealing with the illness. An employee assistance program will provide guidance and direction for you during your recovery period. If you volunteer for help, the company will make every reasonable effort to return you to work upon your recovery. The company will also take action to assure that your illness is handled in a confidential manner.
- b. All actions taken under this policy and program will be strictly confidential, and disclosed only to the designated representatives.
- c. The persons that are designated representatives will be assigned by the Union Chairman of the Arbitration Board for the Union and assigned by the Chairman of the Construction Industry Service Program (CISP) for management.

VI. RULES – DISCIPLINARY ACTIONS – GRIEVANCE PROCEDURES

1. Rules. All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not:
 - a. Use, possess, dispense or receive prohibited substances on or at the job site; or
 - b. Report to work while under the influence of a prohibited substance.
2. Discipline. When the company has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended until test results are available. If no test results are received after three (3) working days, the employee, if available, shall be returned to work with back pay. If the test results prove negative, the employee shall be reinstated with back pay. In other cases:
 - i. Applicants testing positive for drug use will be suspended from consideration for a period of two months, and may be considered upon re-application if he or she can demonstrate meaningful participation in a rehabilitation program following the positive drug test.

- a. Employees will be required to cooperate with testing procedures and to sign the required consent and chain of custody forms as a condition of continued employment or will otherwise be terminated.
 - b. Employees found in possession of drugs will be subject to discipline as provided by subsection (d) of this section.
 - c. Employees found to be under the influence of a prohibited substance, including alcohol, while on duty or operating a company vehicle shall be subject to discipline as provided by subsection (d) of this section.
 - d. The following stages of discipline shall be imposed:
 1. On the first violation of this policy, the employee shall be given a written reprimand and shall be required to demonstrate meaningful participation in a rehabilitation program as a condition of further employment.
 2. On the second violation of this policy, the employee shall be suspended for up to six weeks without pay and shall be required to complete a further rehabilitation program as a condition of further employment.
 3. On the third violation of this policy, the employee shall be terminated from the Joint Labor Management Uniform Drug/Alcohol Program.
3. Sale and Distribution. Any sale and/or distribution of a prohibited substance on Company property are grounds for immediate termination.
 4. All aspects of this policy and program will be subject to the grievance procedure of the applicable collective bargaining agreements.

VII. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAM

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee

voluntarily notifies supervision that he or she may have a substance abuse problem, the company will assist in locating a suitable employee assistance program for treatment, and will counsel the employee regarding medical benefits available under the company or union health & welfare\insurance program.

If treatment necessitates time away from work, the company shall provide for the employee an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status, if work for which he/she is qualified exists.

Employees returning to work after successfully completing the rehabilitation program will be subject to drug tests without prior notice for a period of one year. A positive test will then result in disciplinary action as previously outlined in this policy and program.

VIII. EMPLOYER AND EMPLOYEE TRAINING

Training Programs will meet the requirements of the Ohio Bureau of Workers Compensation Drug Free Workplace (BWC-DFWP) initiative regardless of the size of the company. All company participants will be required to attend training annually.

a. Supervisor Training: (4 hours annually)

Training Program Goals:

- i. Report the current drug and alcohol abuse trends as they pertain to the construction industry.
- ii. Delineate policies and procedures applicable to the covered employers and associated collective bargaining agreements.
- iii. Identify the classes of drugs of abuse and provide information about the physical and/or behavioral signs of an individual under the influence.
- iv. List the appropriate steps for a supervisor to follow if suspicious of a worker being under the influence of drugs or alcohol.
- v. Identify at least two resources that employers can refer to for assistance in resolving a substance abuse problem.

Program Outline:

1. The Importance of Substance Abuse Training for Job Site Supervisors.
2. DFWP Supervisory Responsibilities
3. Facts About Alcohol and Other Drugs
4. Work Site Drug and Alcohol Testing

Revised January 17, 2003

5. Taking Action
6. Referral to Assistance

b. Employee Training: (2 hours annually)

Program Goals: At the end of the training sessions, participants should be able to:

- i. Report circumstances under which a worker may be subject to drug/alcohol testing under the negotiated policy.
- ii. Identify conduct prohibited under the negotiated policy.
- iii. Explain the difference between tolerance, psychological dependence, and physical dependence (addiction).
- iv. Identify the classes of drugs of abuse and provide a general description of the impact and health effects of each.
- v. Identify at least two resources available to workers to resolve a substance abuse problem.

IX. NOTIFICATION

This policy will go into effect one month after its announcement to current employees. All applicants will be informed of the policy. All employees will be required to sign a consent form to participate with the terms of this policy.

EXHIBIT A

CONSENT FOR ALCOHOL AND DRUG TESTS

I, _____, hereby consent and agree to give specimens of my body fluids (*) at a medical facility designated by _____ for transmittal and testing by an approved testing laboratory.

It is my understanding that body fluid (*) specimens will be tested to detect the presence of alcohol and/or other drugs in my body.

I agree and consent to provide specimens of my body fluids (*) for testing to discover the presence of alcohol and/or drugs.

- Annual/Initial Testing
- Computer Generated Selection Testing
- Pre-Employment Testing
- Reasonable Cause Testing
- Work Pace Accident/Incident Testing
- Follow-Up/Rehabilitation Testing

It is agreed that upon request I will be furnished result of tests performed on my body fluids (*) specimen by the testing laboratory. The testing laboratory is only authorized to confirm, to the third party administrator designated above, whether test results are **POSITIVE** or **NEGATIVE** in accordance with the predetermined threshold levels.

(*) Body fluids tests will normally utilize urine specimens and blood specimens. Tests, which entail the withdrawal of blood, may be exercised in situations involving an injury accident where I am rendered unconscious.

Witness Signature

Member Signature

Date