

# ***THE CONSTRUCTION INDUSTRY SUBSTANCE ABUSE PROGRAM (CISAP)***

Adopted by:

**Sheet Metal Workers' Local Union No. 33 - Vermilion District  
And SMACNA of North Central Ohio, Inc**

As prepared by

## ***THE CONSTRUCTION INDUSTRY SUBSTANCE ABUSE COMMITTEE***

"The purpose of the substance abuse program is to establish and maintain a drug free, alcohol free, safe, healthy work environment for all of its employees."

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# ***THE CONSTRUCTION INDUSTRY SUBSTANCE ABUSE POLICY***

## **I. POLICY STATEMENT.**

The Parties recognize the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. ***The Sheet Metal Workers International Association Local Union No. 33 - Vermilion District (SMWIA No. 33)*** and ***The Sheet Metal and Air Conditioning Contractors National Association of North Central Ohio, Inc, Vermilion Chapter***, 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. All tests are for the sole purpose of drug and alcohol screening and cannot be used for any other screening or identifying medical information about the employee.

## **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 designer drugs) and alcoholic beverages in the possession of or being used by an employee on the job.
- c) Employee – Individuals, who perform work for (Company Name), including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.
- d) Eligible - Database system status referring to an employee who is validated as a participant in the Construction Industry Substance Abuse Program.
- e) Ineligible - Database system status referring to an employee is not validated as a participant in the Construction Industry Substance Abuse Program. (An ineligible employee should contact the third party administrator or his or her designated representative.)
- f) Accident – Any event resulting in injury to a person or property to which an employee, or contractor/contractor’s employees, contributed as a direct or indirect cause.
- g) Incident – An event, which has all the attributes of an accident, except that no harm was caused to person or property.

- h) 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) Retest – testing required to reenter the program after positive test and proper procedural steps have been taken. Test is taken at the expense of the employee.
- h) Re-analyze – A challenge of a positive test can be requested. Split sample of the original test can be examined by a certified laboratory of the employee's choice. If the re-analysis confirms the positive test, the employee must pay for the analysis. If the re-analysis reverses the result, the program will absorb the cost.
- i) Computer Generated Selection Testing (CGST) – Third party administrator will select participant to be tested monthly through a computer generated selection process.
- j) CGST Testing Pool – All participating members (labor and management) will be subject to monthly CGST selection.
- k) Split Sample – Sample taken at the collection site will be separated into two samples. Both samples will be appropriately marked with the employee's identification.
- l) Positive Drug Test – A test, which exceeds the cut-off, limits within the established guidelines developed by the U.S. Department of Health and Human Services or one that is tampered with in any way (adulterated specimen).
- m) Negative Drug Test – A test acceptable for employment.
- n) Adulterated Specimen – A urine screening, which has been tampered with to cover the true results.
- o) Diluted Samples - The Construction Industry Substance Abuse Program will follow guidelines for diluted samples set by the Federal Government.
- p) Collection Facility/Site – Approved location where participants can provide a specimen for testing.
- q) Construction Industry Substance Abuse Program – CISAP.
- r) Substance Abuse and Mental Health Services Administration – SAMSHA.
- s) Gas Chromatography/Mass Spectrometry – GC/MS.
- t) Medical Review Officer – MRO.
- u) Under the Influence of a Prohibited Substance – “Under the influence of a prohibited substance” as used by this policy, means the following:
  - 1) Alcohol – Blood or Breath alcohol level of .08 or as determined by the owner.

- 2) Other Prohibited Substances – Positive results based on the following thresholds for urine split sample testing
- a) Marijuana 50 ng/ml initial screen and 15 ng/ml confirmatory test
  - b) Cocaine 300 ng/ml initial screen and 150 ng/ml confirmatory test
  - c) Opiates 2000 ng/ml initial screen and 2000 ng/ml confirmatory test
  - d) Phencyclidine 25 ng/ml initial screen and 25 ng/ml confirmatory test
  - e) Amphetamines 1000 ng/ml initial screen and 500 ng/ml confirmatory test
  - f) Barbiturates 300 ng/ml initial screen and 200 ng/ml confirmatory test
  - g) Benzodiazepines 300 ng/ml initial screen and 300 ng/ml confirmatory test
  - h) Methadone 300 ng/ml initial screen and 300 ng/ml confirmatory test
  - i) Methaqualone 300 ng/ml initial screen and 300 ng/ml confirmatory test
  - j) Propoxyphene 300 ng/ml initial screen and 300 ng/ml confirmatory test
  - k) Levels for other prohibited substances shall be in accord with accepted GC/MS quantitative procedures as recommended by the Federal Government Standards.

### 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. Annual testing will be performed on a mandatory basis once between January 1 and December 31 of each year. The Construction Industry Substance Abuse Program will pay all costs for the annual (once per 12 month period) drug screen. Records of such tests shall be maintained by the Independent Testing Laboratory and/or the Medical Review Officer. For all participants covered by the appropriate collective bargaining agreement, all costs for collection, analysis, reporting, maintenance of records, and notifications shall be borne by The Construction Industry Substance Abuse Program, except as specified in paragraph III (a) and III (f). Securing the drug screen test shall be the applicant's responsibility and shall be performed on his/her time. It will be necessary to require testing under the following conditions:

- a) A drug and alcohol test required by a customer may be administered to all applicants for employment.
- b) A test may be administered in the event a trained 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 onsite union representative to be present. If on-site representation is not available, all effort will be made to contact representation from the employee's union.
- c) Testing may be required if an employee is involved in a workplace accident/incident or if there is a workplace injury;

Note: The CISAP will supply an easy to use report form for testing required for reasonable cause and/or post accident.

- d) CGST Testing – Selection of employees for CGST drug and alcohol testing will be conducted through the use of a CGST number generator or other neutral selection process. Employees will be selected for testing by a third party agency as determined by The Construction Industry Substance Abuse Program. Third Party Administrator will test a minimum of 25% of the participants annually by CGST.
- e) Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse. Employees returning to work after successfully completing a rehabilitation program will be subject to up to four drug/alcohol tests without prior notice or as may be recommended by the testing medical health professional during the first twelve (12) months after returning to work, a positive test will result in disciplinary action.
- f) The Construction Industry Substance Abuse Program will bear the costs of CGST testing procedures except that the employee will pay the cost of any reanalyze requested by the employee. Employee is responsible for tests for reactivation following a positive test.

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

Drug testing will be conducted by an independent Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, which is jointly selected by the employer and the third party administrator selected by the CISAP. The testing may consist of blood, breath, 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 split sample retested at a SAMHSA certified laboratory selected by the employee.

#### **IV. TESTING PROCEDURES**

- 1) All samples for testing will be taken by appropriately qualified personnel (e.g. medical personnel for drawing blood.)
- 2) 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.
- 3) The initial screening will be by immunoassay and require gas chromatography/mass spectrometry (GC/MS) for confirmation.
- 4) Reports shall be made in writing and sent to the single person designated by the employer and designated by the union. In the case of urine testing, only those specimens which show positive results on both the initial screening and the confirmatory test shall be reported as positive, pending MRO review and verification. The completed chain of custody form shall accompany any positive report, and copies of analytical reports shall be available to the employee, the employer and the designated union representative.
- 5) 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, the sample shall be stored for a longer period.
- 6) 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 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 those with a "need to know."

#### **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:
- a) Individuals testing positive for drug and/or alcohol use under III (a) may be suspended from consideration for a period of up to two months or as required by the customer or facility owner, and may be considered upon re-application if he or she can demonstrate meaningful participation in a rehabilitation program following the positive drug test.
  - b) 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.
  - c) Employees found in possession of drugs on the work site may be subject to discipline as provided by subsection (e) (3) of this section.
  - d) 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 e) of this section.
  - e) The following stages of discipline shall be imposed:
    - 1) On the first violation of this policy, the employee shall be given a written reprimand, shall be required to demonstrate meaningful participation in a rehabilitation program and provide the employer with a subsequent negative drug test and negative results on CGST testing up to four times over a one year period as a condition of further employment.
    - 2) On the second violation of this policy, the employee shall be suspended for up to thirty (30) days without pay, shall be required to complete a further rehabilitation program and provide the employer with a subsequent negative drug test and negative results on CGST testing up to four times over a one year period as a condition of further employment.

- 3) On the third and subsequent violation(s) of this policy, the employee shall be suspended for one year without pay, shall be required to complete a further rehabilitation program and provide the employer with a subsequent negative drug test and negative results on CGST testing up to four times over a one year period as a condition of further employment.
- 4) Sale and Distribution. Any sale and/or distribution of a prohibited substance on Company property is grounds for immediate termination.
- 5) 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 and/or union 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 insurance program.

If treatment necessitates time away from work, the company shall provide 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 and provides a negative substance abuse test shall be reinstated to his/her former employment status, if work for which he/she is qualified is available.

## **VIII. NOTIFICATION**

This policy will go into effect one month after its announcement to all The Construction Industry Substance Abuse Program participants. All applicants will be informed of the policy. All individuals will be required to sign a form indicating their consent to the terms of this policy and testing procedure as a condition of employment which form is attached hereto as Exhibit A.

The Substance Abuse Policy and Program will be reviewed periodically by a joint Committee. The Committee will be comprised of equal representation from the participating unions and contractor association representatives.

## **IX. EMPLOYER AND EMPLOYEE TRAINING**

CISAP 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 CISAP Participants will be required to attend training annually.

## **A. Supervisor Training: (4 hours annually)**

### **Training Program Goals:**

1. Report the current drug and alcohol abuse trends as they pertain to the construction industry.
2. Delineate policies and procedures applicable to CISAP covered employers and associated collective bargaining agreements.
3. Identify the classes of drugs of abuse and provide information about the physical and/or behavioral signs of an individual under the influence.
4. List the appropriate steps for a supervisor to follow if suspicious of a worker being under the influence of drugs or alcohol.
5. 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. Worksite Drug and Alcohol Testing
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:

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

Signed and agreed to on this the 28<sup>th</sup> day of March, 2003:

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Reggie Hohenberger, Business Manager SMWIA #33

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Ken Castro, President SMACNA - Cleveland

**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 fluids (\*) 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 fluid (as listed below) for testing to discover the presence of alcohol and/or drugs.

- Annual Testing
- Computer Generated Testing
- Pre-employment
- Reasonable Cause
- Workplace Accident/Incident
- Follow-up/Rehabilitation

It is agreed that upon request I will be furnished results of tests performed on my body fluid (\*) specimen by the testing laboratory. The testing laboratory is only authorized to confirm, to the employer designated above and designated union representative.

(\*) Body fluids tests will normally utilize urine specimens, breath and blood specimens. Tests, which entail the withdrawal of blood by a qualified medical person, may be exercised in situations involving an injury accident where I am rendered unconscious and unable to provide a urine specimen, and I agree and consent to such a test under those circumstances.

I acknowledge that I have read, understand and have received a copy of the The Construction Industry Substance Abuse Program. Furthermore, I understand that refusal to submit to the alcohol and drug-screening test will constitute voluntary withdrawal of my application for employment; if employed, refusal to submit to such testing will be considered a positive test and will result in the appropriate level of disciplinary action as specified by the Policy.

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

6/9/03