



QUALITY CONNECTION OF KOKOMO-MARION SUBSTANCE ABUSE PROGRAM

I. OBJECTIVES

Local Union 873 of the International Brotherhood of Electrical Workers (IBEW) and the Kokomo-Marion Division, Central Indiana Chapter of the National Electrical Contractors Association (NECA) are firmly committed to the safe and efficient performance of work in the electrical contracting industry. The safety and health of employees and the quality of workmanship are of paramount concern. The use, possession, manufacture, or distribution of alcohol and/or drugs is inconsistent with the achievement of these objectives, therefore, the parties resolve to combat chemical abuse in any form and encourage every individual in the industry to join in this effort.

The union and the employers advocate fair rules of employment, dignity of workers, and sensitivity for troubled or afflicted persons. Accordingly, the parties will strive to alleviate substance impairment through generally accepted methods of testing, education and training, and rehabilitation. Furthermore, the parties recognize the need to insure privacy and confidentiality to the greatest extent possible consistent with the stated objectives of this program.

II. INTRODUCTION

The procedures and guidelines contained in this document delineate essential information about the implementation and administration of the Quality Connection Substance Abuse Program. It is recognized that no set of standards and guidelines, however complete, can address all situations which may arise. Instead, this document is designed to be a basic framework, and the procedures and guidelines set forth herein are to be applied using fundamental fairness, sound judgement, and common sense.

III. DEFINITIONS

Accident/Incident: An accident is an event caused by an employee, either directly or indirectly, resulting in treatment by a health care provider, or resulting in damage to property. An incident is an event which has all the attributes of an accident, except that no harm was caused to person or property.

Adulterated Specimen: A specimen which contains an added substance or chemical intended to mask the presence of drugs.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath

Annual: Any period of twelve (12) consecutive months in which an employee is obligated to be tested for drugs at least one time.

Breathalyzer: An evidential breath testing device approved by the National Highway Traffic Safety Administration (NHTSA) for alcohol testing.

Certified Laboratory: A laboratory which has met the standards set forth in Subpart C of the "Mandatory Guidelines for Federal Workplace Drug Testing" and is approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the Department of Health and Human Services (DHHS) to conduct drug testing for federal agencies.

Chain of Custody: Procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition.

Collection Site: A designated location where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Controlled Substance: A drug or other substance listed in Schedules I-V of the "Controlled Substances Act of 1970," as amended.

Confirmation Test: A second analytical procedure performed by a certified laboratory to identify the presence of a specific drug or metabolite. This procedure is independent of the screening test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (See also: GC/MS)

Counterfeit Drug Card: A card certifying compliance with this Substance Abuse Program will be considered counterfeit

if it is modified in any manner without proper authorization, or if it was not issued to the person using it to verify compliance with the program.

Cut-off Level: The value at or above which a specimen is considered positive and below which it is considered negative.

Database Administrator: An independent third party responsible for recording test results, issuing drug cards, providing notification for annual tests, and keeping a current record of each employee's compliance status with this program.

Diluted Specimen: Diluted specimens are usually caused by either consuming a large volume of fluids or by adding water to a discharged sample. A diluted specimen contains a specific gravity of less than 1.003 and a creatinine concentration below 20mg/dl.

Employee: Any person covered by the terms and conditions of a collective bargaining agreement between the Kokomo-Marion Division, Central Indiana Chapter of the National Electrical Contractors Association and Local Union 873 of the International Brotherhood of Electrical Workers which contains the enabling language for this Substance Abuse Program.

Employer: An individual firm assented to a collective bargaining agreement between the Kokomo-Marion Division, Central Indiana Chapter of the National Electrical Contractors Association and Local Union 873 of the International Brotherhood of Electrical Workers which contains the enabling language for this Substance Abuse Program.

Enzyme Immunoassay: A screening method operating on the principle of antigen-antibody interaction. Enzyme immunoassay tests have limited accuracy, therefore, specimens testing positive must be confirmed by a more reliable second test.

Gas Chromatography/Mass Spectrometry (GC/MS): The current state-of-the-art technique in analytical toxicology used for confirmatory tests. GC/MS is the most sensitive and specific procedure commonly used for drug identification.

He/His: As used in this document, the terms "he" or "his" or similar masculine pronouns shall be construed to include the feminine alternatives of such pronouns. Such terms are used solely for grammatical purposes and shall not be construed to limit this program or its application on the basis of gender.

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results generated by a drug testing program, who has knowledge of substance abuse

disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Negative Test Result: A negative test result is reported if: (1) the screening test indicates that no substances were present at or above the established cut-off levels, or (2) the screening test indicates the presence of a substance(s) at or above the established initial cut-off level(s), but the confirmation test indicates that no substances were present at or above the established confirmatory cut-off levels.

Owner: A corporation, agency, person, or other entity which hires contractors to perform construction and/or maintenance work.

Positive Test Result (Alcohol): A positive alcohol test result is reported if the breathalyzer test, or a more reliable test, indicates the presence of alcohol at or above the established cut-off levels.

Positive Test Result (Drugs): A positive test result is reported from the laboratory to the Medical Review Officer (MRO) if both the screening test and the confirmation test indicate the presence of a substance(s) at or above the established cut-off levels. A positive test result is reported from the Medical Review Officer (MRO) to the employer after the MRO has reviewed the test results with the employee and determined that the positive results do not stem from the proper use of prescription medicines, over the counter medicines, or any other medically acceptable reason.

Probable Cause: Probable cause shall be defined as those circumstances, based on objective evidence about the employee's conduct in the workplace, that would cause a reasonable person to believe that the worker is demonstrating signs of impairment due to alcohol or other drugs.

Random Testing: A method of testing conducted upon an employee population without the employees' prior knowledge of exactly when specimens will be collected.

Screening Test (or Initial Test): An enzyme immunoassay screen used to eliminate "negative" urine specimens from further analysis.

Substance Abuse Professional (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. All must have knowledge of and clinical experience in the diagnosis and

treatment of alcohol and controlled substances-related disorders.

Substituted Specimen: A specimen which has been brought into the collection site and is not the donor's discharge.

IV. TESTING

(A) **Circumstances for Drug Testing:** Listed below are the circumstances under which an employee will be required to submit to a urine drug test:

(1) Annual: An employee is required to be drug tested each year, within the fourteen (14) day period prior to the expiration date of his/her valid drug card.

It shall be the responsibility of each employee to make certain that his/her drug card remains valid by submitting to the required annual test within the fourteen (14) day period. The Quality Connection will attempt to notify each employee by regular mail, sent to his/her last known address, no more than fourteen (14) days prior to the expiration date of his/her drug card. However, the lack of such notice shall not be an excuse for an employee's failure to be tested in a timely manner.

Employees shall make arrangements to take the annual drug test on their own time, outside scheduled working hours, except for employees assigned to projects where on-site testing facilities (either mobile or permanent) are made available.

An individual who is not a member of Local Union 873 (e.g. Group II, III, IV journeymen), or an individual who is a member of the local union but was unemployed or was working outside the jurisdiction of the local union when his/her drug card expired, or a newly organized worker, shall submit to a drug test within five (5) working days following employment with a covered employer.

(2) Post Accident/Incident: It shall be the employer's responsibility to have employees tested for drugs following a work related accident or incident. Drug testing must be completed within forty-eight (48) hours of the accident/incident.

In instances of post accident/incident or probable cause testing (for drugs or alcohol), the employee will be transported to the testing facility by the employer, or be tested at the work site. At the option of the employer, the employee may be suspended pending the test result. In the event a negative test result is reported, the employee shall be compensated for all lost time.

When an employee is injured in a qualifying accident, priority must be given to the employee's medical treatment before any consideration is given to collecting a specimen for testing.

(3) Probable Cause: An employee may be tested for drugs if a reasonable suspicion exists that the employee is impaired by drugs.

A determination of probable cause (either for drugs or alcohol) must be based on specific, contemporaneous observations, made by a qualified supervisor, concerning the appearance, behavior, speech, and/or body odors of an employee. Such observations must be documented and a copy of all documentation shall be furnished to the employee.

In order to make a determination of probable cause, a supervisor must have completed training on the effects of alcohol and controlled substances usage. Such training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances and shall be conducted by a qualified instructor.

(4) Random: Random drug testing will be required for at least twenty-five percent (25%) of bargaining unit employees each calendar year. An employee selected to take a random drug test will be granted thirty (30) minutes of time with pay in order to comply with this provision of the program.

An employee may also be tested on a random basis when such testing is mandated by an owner. Employee selection should not be discriminatory or arbitrary. The costs of owner mandated random drug testing shall be borne by the owner and/or employer.

(5) Return to Work & Follow-Up: An employee who has tested positive for drugs will be required to obtain a negative test result before returning to work. The return to work urine test, at the employee's expense, shall be authorized by a substance abuse professional. (See also: Consequences of a Confirmed Positive Test Result)

Follow-up testing, at the employee's expense, may be prescribed by a substance abuse professional in conjunction with a treatment program. Follow-up tests shall be scheduled without an employee having prior knowledge.

If a testing facility does not accept payment from an individual employee, then the Quality Connection will accept responsibility for payment of the drug test and the employee will be required to reimburse the Quality Connection. If an employee fails to fully reimburse the Quality Connection within thirty (30) days following issuance of an invoice, then

the employee shall be considered “non-compliant” with this Substance Abuse Program.

(B) **Circumstances for Alcohol Testing:** Listed below are the circumstances under which an employee may be required to submit to an alcohol test:

(1) Post Accident/Incident: It shall be the employer’s responsibility to have employee’s tested for alcohol following a work related accident or incident. Alcohol testing should be conducted within two (2) hours of the accident/incident, if at all possible.

(2) Probable Cause: An employee may be tested for alcohol if a reasonable suspicion exists that the employee is impaired by alcohol.

V. TESTING PROTOCOLS

(A) All substance abuse testing shall, at a minimum, be conducted in accordance with the Department of Health and Human Services (DHHS) “Mandatory Guidelines for Federal Workplace Drug Testing Programs,” as set forth in the Federal Register. Only laboratories certified by the Department of Health and Human Services/Substance Abuse and Mental Health Services Administration (DHHS/SAMHSA) will perform urine drug testing.

(B) Employees will be required to furnish photo identification, their social security number (or other acceptable identification number), and their drug testing notice (from the Quality Connection) at the collection site prior to testing.

(C) Urine specimens will be collected from employees utilizing standardized procedures which ensure both individual privacy for the donor (unless an attempt is made to dilute, substitute, or adulterate a sample) and proper chain-of-custody of the urine sample. Collection procedures will be consistent with federal standards for collection. Employees caught attempting to dilute, substitute, or adulterate their specimen at an authorized collection site may be required to have a second sample collected under direct observation before the employee leaves the collection facility. Should the employee refuse to provide the second sample as required, the original sample will be treated as a positive test.

(D) Urine specimens will be screened initially by a federally approved enzyme immunoassay and presumptively positive specimens must be confirmed by gas chromatography/mass spectrometry (GC/MS).

(E) The drugs to be tested for, and the applicable cut-off levels, are as follows:

Drug	Initial Cut-Off Level (ng/mL)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine (PCP)	25
Amphetamines	1,000
Barbiturates	300
Benzodiazepine	300
Methadone	300
Propoxyphene	300
Methaqualone	300

Drug	Confirmatory Cut-Off Level (ng/mL)
Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
6-Atcetylmorphine	10
Phencyclidine (PCP)	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500
Barbiturates	200
Benzodiazepine	300
Methadone	300
Propoxyphene	300
Methaqualone	300

These test levels are subject to change in order to conform with the levels set forth in the “Mandatory Guidelines for Federal Workplace Drug Testing Programs.”

(F) The cut-off levels for alcohol testing shall be equivalent to the values established by the Department of Transportation (DOT) under its Commercial Drivers License guidelines. Currently, an alcohol concentration of .04 or greater is considered positive.

(G) All test results will be forwarded to the Medical Review Officer (MRO) for verification. The MRO will advise the database administrator of all negative tests and the issuance of a drug card will be initiated.

(H) If the results of both the screening test and the confirmation test are positive, or the specimen was substituted or adulterated, the donor will be contacted by the MRO and given the opportunity to provide the MRO with any legitimate medical reason(s) they wish to offer for the positive test or untestable specimen. If the MRO’s determines there is a

legitimate, verifiable medical explanation for the positive test result or composition of the specimen, the result will be treated as equivalent to a negative laboratory test. If not, it will be considered a confirmed positive result. Exceeding the prescribed dosage of a legal drug or using another person's medication will not be acceptable reasons.

The MRO may verify a test as positive without having communicated with the employee about the test if: (1) the employee expressly declines the opportunity to discuss the test, or (2) the MRO, after making all reasonable efforts, is unable to contact the employee.

(I) An employee testing positive shall have the right to direct the MRO (within 48 hours) to have the secured remaining portion of the urine sample independently retested by a certified laboratory of his or her choice at his or her own expense. If the independent retest is negative, the employee shall be reimbursed for the cost of such independent test plus be compensated for any lost time.

(J) An employee providing a diluted specimen will be given the opportunity to return to a collection site within twenty-four (24) hours to provide a second specimen, on his/her own time. Employees should refrain from excessive consumption of fluids prior to the retest.

No adverse action or discipline shall be taken against any employee on the basis of a first diluted specimen. A second diluted specimen, without a valid medical reason, will be treated as equivalent to a confirmed positive test.

(K) An employee who refuses to submit to any test required by this Substance Abuse Program, substitutes or adulterates a urine specimen, or uses or possesses a counterfeit drug card will be reported as having received a confirmed positive test. In addition, the employee shall be subject to employer discipline, up to and including discharge.

(L) No adverse action or discipline shall be taken against any employee on the basis of an unconfirmed positive test result.

VI. CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

(A) In the case of a confirmed positive drug or alcohol test, the employer's designated contact person will be notified that the employee no longer has a valid drug card. Employers will not be required to retrieve a voided drug card.

(B) An employee who tests positive for drugs and/or alcohol shall be ineligible for work and will be directed to a qualified Substance Abuse Professional (SAP) for consultation and review.

(C) Before returning to work, an employee must (1) complete an evaluation with a qualified Substance Abuse Professional, (2) follow any treatment prescribed by the SAP, (3) obtain written documentation from the SAP verifying fitness for duty, and (4) obtain a negative result on a return-to-work test. (Documentation from the SAP must be presented to the database administrator prior to taking the test)

(D) A confirmed positive test result shall not be the sole basis for termination of employment. Only employees who are non-compliant with this Substance Abuse Program may be discharged. For the purposes of this provision, "non-compliant" shall include, but not be limited to, the following: (1) failure to report to a Substance Abuse Professional as directed, (2) failure to follow and/or complete a SAP-prescribed treatment program, or (3) failure to take a return-to-work or follow-up test.

(E) An individual testing positive for a third time in a twelve (12) month period shall be ineligible to retest for one (1) year and shall also be ineligible to work during that period under any collective bargaining agreement that recognizes this substance abuse program. The individual must also complete a SAP-prescribed treatment program, at his/her own expense, before returning to work.

VII. EMPLOYER RESPONSIBILITIES

(A) Employers shall prohibit the unlawful use, possession, consumption, manufacture, or distribution of controlled substances in the workplace.

(B) Employers shall furnish the names of a primary and secondary contact person to handle all communications and/or correspondence associated with this program. For reasons of confidentiality, only these persons will be contacted regarding employee test results or other sensitive information. Employers will be responsible for notifying the Quality Connection and /or database administrator of any changes in their designated contact persons.

(C) The Employer shall be responsible for contacting the database administrator to verify that each employee, or applicant for employment, covered by this substance abuse program possesses a valid drug card. Employers shall not employ individuals who do not possess a valid drug card (except for certain new hires who may have five working days to be tested).

(D) It shall be the responsibility of the Employer to comply with the substance abuse policy requirements of an owner, when such requirements are more stringent than those set forth in this document.

(E) Employers are responsible for providing post accident and probable cause test results to the database administrator.

(F) Employers shall take all reasonable and necessary precautions to protect the confidentiality of test-related information.

VIII. EMPLOYEE RESPONSIBILITIES

(A) Employees shall report to work fit for duty, including being in the appropriate mental and physical condition necessary to perform work in a safe, competent manner, free from the influence of drugs and alcohol.

(B) Employees are required to carry a valid drug card at all times during work hours. Upon request, an employee shall present his/her drug card to an employer or owner, either at the time of employment or during work hours. Employees shall be responsible for the replacement of lost or stolen drug cards.

(C) An employee shall consent to the release of drug test results to the database administrator as well as his/her employer. Also, the employee will comply with all owner mandated substance abuse policy requirements not inconsistent with this Program.

(D) In accordance with the Drug Free Workplace Act of 1988, an employee must notify management of any criminal conviction for a drug-related offense occurring in the workplace, not later than five (5) days after such conviction.

(E) Employees are encouraged to seek voluntary assistance for substance abuse problems. Seeking voluntary assistance will not be considered the equivalent of having obtained a positive test result.

IX. COMPLIANCE AUDITS

In order to maintain the integrity and effectiveness of the Quality Connection Substance Abuse Program, it is essential that employers comply with Article VII, Section (C). As a means to ensure such compliance, The Quality Connection and/or the Labor-Management Committee reserves the right to audit any or all signatory employers and assess penalties for program violations.

Such audits may be conducted on a regularly scheduled basis, on a random basis, or in conjunction with the investigation of a complaint. Employers shall cooperate in the auditing process and any employer who refuses or impedes an audit shall be subject to the maximum penalties available.

The purpose of an employer audit will be to verify that all covered employees possess a valid drug card. If it is determined that any employees are working without a valid drug card (except for certain new hires who may have five working days to be tested), an employer may be assessed as follows:

First ten (10) days of employment without a valid card: \$50 per employee per day.

Eleventh (11th) through thirtieth (30th) days of employment: \$100 per employee per day.

Thirty-first (31st) day of employment and beyond: \$150 per employee per day.

Assessments shall be payable to "The Quality Connection of Kokomo-Marion" If an employer believes that an assessment is erroneous or unfair, an appeal can be made to the Labor-Management Committee. Assessments will be treated in the same manner as any other payment required by the collective bargaining agreement and if an employer fails to remit, then the provisions outlined in Article VII, Section 7.02 of the collective bargaining agreement shall apply. The Quality Connection shall be responsible for the enforcement of this provision and the collection of all assessments.

X. GENERAL PROVISIONS

(A) **Grievance Procedure:** Any alleged violation of this program shall be subject to the grievance procedure outlined in the collective bargaining agreement.

(B) **Reciprocity:** The granting of reciprocity with any other substance abuse program shall be determined, on a case-by-case basis, by the Labor-Management Committee.

(C) **Amendments:** This program is subject to change or supplement at any time by mutual agreement between the Kokomo-Marion Division, Central Indiana Chapter, NECA and Local Union No. 873, IBEW.

(D) **Effect of Law / Separability:** Nothing contained in this document is intended, nor shall be construed, to authorize any action that is contrary to federal or state law.

Should any provision of this document be declared illegal by any court of competent jurisdiction, such provision shall immediately become null and void, leaving all remaining provisions in full force and effect and the parties shall, thereupon, seek to negotiate substitute provisions which are in conformity with the applicable laws.