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**PLUMBING, PIPING & REFRIGERATION
INDUSTRY DRUG-FREE WORKPLACE
PROGRAM, INC.**

**POLICY FOR
DRUG AND ALCOHOL-FREE
WORKPLACE PROGRAM**

**United Association Local #140
Utah Mechanical Contractors Association**

Prepared by:
Workforce QA
1430 S Main Street
Salt Lake City, Utah 84115
Telephone: (801) 503-3400

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POLICY

PURPOSE

The members of United Association Local Union 140 (UA) and the Utah Mechanical Contractors Association (UMCA) are committed to a workplace environment, which ensures the safety and encourages the personal health and productivity of all employees in our industry. We recognize that substance abuse in the workplace is a threat to the safety, health, and job performance of all employees. The goal of this policy is to balance respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. The UA Local 140, UMCA, Piping, Plumbing and Refrigeration Drug-Free Workplace Policy Committee (DFWPC) have established this policy to detect and remove abusers of alcohol and drugs from the workplace.

The DFWPC wishes to promote and facilitate follow-up procedures that enable detected users to stop using drugs and/or abusing alcohol permanently and return to employment without bias, as safely and expediently as possible, pursuant to this policy. To meet this goal the DFWPC, Employee Assistance Program, UA, and employer will need the full cooperation and compliance of the employee with the procedures outlined in this policy.

This Policy will be governed under the Administrative Procedures negotiated by the DFWPC. The DFWPC reserves the right to change the Policy and/or the Administrative Procedures. Any amendments to the Policy or the Administrative Procedures shall be negotiated by the DFWPC and will become effective upon written notice.

The purpose of this document is to convey to employees/employers the DFWPC's policy on alcohol and controlled substance use in the workplace.

SCOPE

This substance abuse policy shall be the policy for all employers and their employees.

As a condition of employment, employees are required to abide by this policy. Certain employees may also be subject to additional requirements that are mandated for their job duties under State and/or Federal regulations, including, but not limited to, CDL licensed employees and oil and natural gas pipeline employees.

DEFINITIONS

- a. **"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- b. **"Alcohol Testing"** means breath testing by a certified breath-alcohol technician, using a DOT approved breath-testing device or urine testing.
- c. **"Drugs" or "Controlled Substances"** means any drug including those assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I, through Schedule V., as they may be revised from time-to-time (21 CFR 1308). They may include, but are not limited to:
 1. Marijuana
 2. Cocaine
 3. Opiates
 4. Phencyclidine (PCP)
 5. Amphetamines
 6. Barbiturates
 7. Benzodiazepines
 8. Methadone
 9. Propoxyphene
 10. Synthetic Opiates
- d. **"Drug Testing" or "Drug Test"** means scientific analysis for the presence of drugs or their metabolites in the human body.
- e. **"Designated Representative"** means persons authorized to receive confidential drug and alcohol information.
- f. **"Employee"** means contractors (sole proprietors, partners, owner members, corporate officers), their overhead staff (clerical workers, estimators, detailers, supervisors, warehouse workers, laborers), their bargaining unit employees employed under the National Service & Maintenance Agreement, National Industrial Agreement and National Agreement for Residential & Light and UMCA who are not covered by a collective bargaining agreement.
- g. **"Employer"** means a contractor who is signatory to a collective bargaining agreement with UA Local 140.
- h. **"Employee Assistance Program (EAP)"** means a designated provider of services for the purpose of drug and alcohol use assessment, provision of treatment options and plans and referrals for employees who violate this policy.
- i. **"Employer Property"** means all facilities, job sites, vehicles and equipment that are leased, operated or utilized by the Employer or its employees for work-related purposes. This will include parking areas and driveways, lockers, tool boxes or other related storage areas used by employees. It will also include other public or private property, facilities, vehicles and equipment located away from the Employer

facility if the employee is present on such property for work-related purposes.

- j. **"Employer Time"** means all working hours regardless of whether the employee is on the Employer's property, and at any time the employee represents the Employer in any capacity.
- k. **"Medical Review Officer (MRO)"** means a licensed physician with knowledge of controlled substance abuse disorders that is employed or used by the third-party administrator to conduct a review of drug test results.
- l. **"New Entrant"** means any person applying for a bargaining or non-bargaining position, who is not currently a member of UA Local 140, nor employed by an employer covered by this policy. New entrants must pass a DFWPC approved new entrant test before being hired and entered into the random testing pool. New entrants shall also include those individuals who have been out of the random pool for a period of six months. New Entrant tests will be on his/her own time.
- m. **"Pre-Employment Test"** under this policy shall be an optional drug test that the individual employer may require for a new employee who is already part of the random pool. If an employer chooses to conduct pre-employment testing, they must pre-employment test all new employees.
- n. **"Positive Test"** means any test result which meets any of the following criteria:
 - 1. **Positive Alcohol Test** means test levels on both the initial test and the confirmation test produce a result of .02 grams per 210 liters of breath (or .02 grams per deciliter of urine or blood) or greater for fitness for duty determination; or a confirmation test result of .04 grams per 210 liters of breath (or .04 grams per deciliter of urine or blood) or greater for violation of this policy determination.
 - 2. **Positive Drug Test** means test levels on both the screening test and the confirmatory test which are recognized as positive by the U.S. Department of Health and Human Services (DHHS) in its Mandatory Guidelines for Federal Workplace Drug Testing Program, or the standard cutoff levels for a drug as established by the laboratory, if DHHS has not established cutoff levels for that drug. In the event that the DHHS issues subsequent rules or regulations regarding test levels, the DFWPC shall meet to consider amendments.
 - 3. **Adulterated Test** means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present, but is at a concentration so high that it is not consistent with human urine.
 - 4. **Substituted Test** means a specimen with creatinine and specific gravity values that are so diminished, or so divergent, that they are not consistent with human urine.
 - 5. **Refusal to Test** means that an employee/applicant failed to provide an

adequate specimen due to any of the reasons listed below:

- a. Failure to appear for any test within a reasonable time, as determined by the employer, after being directed to take a test;
- b. Failure to provide a specimen or a sufficient amount of specimen when directed, unless the MRO has verified a pre-existing medical condition, which explains why an adequate specimen cannot be provided; or
- c. Failure to cooperate with any part of the collection or testing process.

A "Positive Test" is a violation of this policy, for consequences see "Disciplinary Action" section. The MRO must verify the urine test result as "Positive" before any action may be taken for violation of this policy.

- o. **"Prospective Employee"** means any person who has made a written or oral application to become an employee of an employer, or a person dispatched from the Union to a new employer.
- p. **"Random Testing"** means the unannounced drug testing of an employee who was selected by using a systematic computer generated selection method uninfluenced by any personal characteristic other than job category. Random testing will be on contractor time.
- q. **"Reasonable Cause"** or **"For-Cause Testing"** means testing founded on an articulated belief, based on recorded specific facts and reasonable inference drawn from those facts, that an employee is impaired, under the influence of, or has used drugs or alcohol at work. Reasonable cause testing will be on contractor time.
- r. **"Sample or Specimen"** means any sample of urine, or breath used for controlled substance or alcohol testing.
- s. **"Union"** shall mean all members of the UA Local 140.
- t. **"Use"** means to illegally consume, sell, purchase, manufacture, distribute, report to work under the influence of, or be in the possession of drugs or alcohol at work. The term "use" shall also include the presence of drugs or alcohol in the body of an employee, including the presence as a metabolite, as indicated by a positive test, and the use of a prescription drug without a valid prescription from an authorizing physician or other healthcare provider.

PROHIBITED ACTIVITIES

It is a violation of this policy for any employee to use drugs or alcohol while on Employer time, conducting Employer business or on Employer property.

An employee shall be considered to be in violation of the policy if he/she reports to work under the influence of, or have the presence in their body of drugs or alcohol. A drug test will be considered positive, when the test result is verified by the MRO as “positive” for drugs or their metabolites. An alcohol test will be considered positive when the test result is at or above .02. See the Definitions section, “Positive Test,” for more specific criteria of what constitutes a positive test. Employer sponsored events attended voluntarily are not considered to be covered by this policy.

The use of a prescription drug under the care of a physician that may impair the employee's ability to safely perform their duties must be reported to the employee's supervisor. It will be a violation of the policy to use a prescription drug without a valid prescription from an authorizing physician or other healthcare provider, or to use a prescription in excess of the prescription instructions.

It is a violation of this policy for an employee to use alcohol while on Employer time or on Employer business, or to report to work under the influence of alcohol.

1. If an employee's alcohol test is between .02-.04 he/she will not be allowed to work for 24 hours, or one shift and will be required to pass a return to duty breath alcohol test with the result below .02 grams per 210 liters of breath.
2. Any employee with an alcohol test of .04 or higher will be in violation of this policy and shall be referred to the EAP for evaluation.
3. Any employee whose alcohol test is .02 or greater, but less than .04, for the second time in 12 consecutive months shall be referred to the “Employee Assistance Program” (EAP) for evaluation and will not be allowed to work for 24 hours, or one shift and will be required to pass a return to duty breath alcohol test with the result below .02. This is not a violation unless employee does not complete the EAP evaluation.

It is a violation of this policy for any employee who is required to submit to a post-accident drug and/or alcohol test to use any controlled substance or alcohol, until they have received a post-accident drug and/or alcohol test, unless the controlled substance is by valid prescription or medical treatment.

It is a violation of this policy for an employee to refuse to submit a specimen when required to do so under the terms of this policy. Refusal to submit a specimen (breath and/or urine) will be treated as a positive test result.

Any employee who tampers with, substitutes or adulterates a specimen for drug or

alcohol testing will be in violation of this policy. Any specimen reported by the MRO as substituted or adulterated will be treated as a positive test result.

It is a violation of this policy for any employee to fail to cooperate in the collection of a specimen for a drug or alcohol test which has been properly ordered. Failure to cooperate will be treated as a positive test result.

It is a violation of this policy for any employee to refuse to cooperate with the EAP in counseling, rehabilitation and aftercare after referral to the EAP for violation of this substance abuse policy.

If a customer of an employer has additional written requirements for drug and alcohol testing, policies, or procedures, all employees and employers shall abide by such requirements. Failure to abide by such requirements shall constitute a violation of this policy justifying reassignment or other appropriate discipline. The designated employer representative will forward the positive "customer" test result (with lab report and custody & control form) to the MRO for review. After MRO interview of the employee, if the test is a verified as positive, the MRO will notify the designated employer representative, UA Local 140 and the EAP of the policy violation.

POLICY VIOLATIONS/DISCIPLINARY ACTIONS

For the **first** policy violation employees will be referred to the EAP for evaluation. Such employees shall be allowed to return to work as long as the employee complies with recommended treatment or counseling, if any is required by the EAP counselor. Then the employee must take and pass the return-to-duty test as interpreted by the Medical Review Officer. **Refer to: Safe Harbor Section**

While the intent of this policy is always to enable detected users to stop using drugs and alcohol, employers have the right to terminate employees who violate this policy again.

For the **second** policy violation, employees will be suspended for a period of 30 days. At the conclusion of the 30 days, the EAP will verify completion of recommended treatment program (if applicable), and employee must pass a return-to-duty test. **Refer to: Safe Harbor Section**

For the **third** (or more) policy violation employees will be suspended for a period of 90 days. At the conclusion of the 90 days, the EAP will verify completion of recommended treatment program (if applicable), and employee must pass a return-to-duty test. If either the employee or employer wishes to contest the 90-day suspension, either (or both) may request in writing to have the suspension reviewed by the DFWPC. The DFWPC, by majority vote, can override the 90-day suspension rule and determine a shorter time of suspension.

A New Entrant (bargaining or non-bargaining) who has a positive new entrant test shall not be hired and must wait one year before he/she can take another New Entrant test. A previous member of this program, who has been out of the random pool for six or more months and has a positive New Entrant test, will be referred to the EAP and is subject to the Disciplinary Actions as outlined in this policy, but is not required to wait one year to take another test.

Employees who violate this policy by **selling, manufacturing or distributing drugs** or alcohol at work will be terminated from employment.

If an employee who violates this policy is an **owner** of a company or an **employee not covered** by a bargaining agreement, he/she shall be barred from the work-site and referred to the EAP. If he/she refuses to comply with this policy, the matter shall be referred to the DFWPC.

An employee with a previous violation of this policy, who has had no new violation in the most recent five or more years, will be treated as if he/she has no prior violation.

If an employee suspects that he or she has a controlled substance abuse problem, the employee is expected to contact the EAP. Any employee who voluntarily seeks assistance or rehabilitation for controlled substance or alcohol abuse prior to being subject to testing under this Policy shall not be subject to the disciplinary action for violation of the Policy, as long as the employee continues to participate satisfactorily in the counseling or rehabilitation program. Employees who report drug or alcohol use which is in violation of this policy to the employer must be referred to the EAP for evaluation and the employee must comply with the EAP counselor's recommendations.

DILUTE SPECIMENS

For New Entrant, Return to Duty or Follow-up tests, if any urine specimen is reported as "dilute" (having a specific gravity of less than 1.003 and a creatinine level less than 20 mg/dL) and negative, it will be considered an "invalid" result and the employee will be required to give a second specimen. If the second specimen is invalid, the employee will not be allowed to return to work until a "non-dilute" specimen is provided.

Pre-employment tests which are reported as dilute and negative can be recollected at the discretion of the employer, but if the employer chooses to, the employer must consistently recollect all dilute and negative pre-employment test results.

SAFE HARBOR

The purpose of safe harbor is to allow for relapse management and to prevent second and third policy violations if possible. Any employee who has had a first or second

policy violation is eligible. If the employee slips and begins using again, they can call their EAP counselor and ask for “safe harbor.” As long as the employee calls before the employer is notified of a pending test by the collection dispatcher, the employee will be given immunity. The employee will be required to meet with the EAP counselor and follow the counselor’s recommendations.

GRIEVANCE PROCEDURE

In the event a union employee, covered by the collective bargaining agreement has a grievance as a result of the application and administration of this policy, the employee shall grieve the issue through the procedure as outlined in Article I p. 16-20.

In the event a non-bargaining employee has a grievance as a result of the application and administration of this policy, the grievance will be submitted to the American Arbitration Association for adjudication. The grievance must be submitted within thirty (30) days following the decision of the DFWPC. The parties in arbitration will be responsible for securing their legal representation in this matter. The arbitrator’s decision is final and binding on both parties and upon such decision neither party will pursue any further litigation in regards to the grievance. All related arbitration costs and attorney fees will be paid for by the party found in default.

DRUG TESTING CIRCUMSTANCES

New Entrant Procedures: All new entrants, bargaining and non-bargaining, into the random testing pool shall pass a DFWPC approved drug test, the cost of which is paid for by the program. Bargaining unit employees shall pass this drug test before being dispatched by UA Local 140 to an employer. Non-bargaining unit employees shall pass this drug test before being hired by an employer.

Pre-employment Procedures: Employers, at their discretion and expense, can test prospective employees who are already entered into random testing pool. Refusal to consent to a pre-employment drug test will stop any further action toward employment.

Post-Accident Tests: In the event of an accident which is OSHA/UOSHA recordable and/or which results in damage to property or equipment, any person(s) directly involved in the accident may be required to submit to a drug/alcohol test.

Reasonable Cause: (For-Cause Test) Reasonable Cause testing will be done in cases where there is a belief by a designated company official, safety manager or designated supervisor, trained in controlled substance and alcohol use and misuse, that an employee may be using drugs or alcohol while at work or reporting to work under the influence of drugs and alcohol, or using prescription drugs illegally. Reasonable Cause or For-cause tests will be required when there is any of the following:

1. Observable phenomena (actual use or possession), or
2. Abnormal behavior or physical characteristics (as specified in the “Observed Behavior-Reasonable Cause” Record form) not satisfactorily explained by circumstances not attributable to controlled substance or alcohol use.

An employee’s private property may only be inspected for reasonable cause and shall include employee’s lunch boxes, tool boxes, back packs, purses and the like that are brought by the employee onto the Employer’s property or used for work-related purposes.

Random Testing: Random testing will be administrated by a third-party administrator retained by the DFWPC. Random testing will be conducted for those employees covered by the scope of this policy.

Return to Duty and Follow-up

When an employee has violated this policy and has been referred to the EAP (BHC) for evaluation, he/she must pass a drug &/or alcohol test prior to being released by the MRO to return to work. If it is the first violation of this policy, passing the return to duty test means that a negative result is obtained on the drug/alcohol test for all substances except marijuana. If the offending controlled substance is marijuana, the employee may pass the test if the result shows significantly descending levels, indicating the employee is not currently using the controlled substance. Therefore a positive marijuana test can be defined as a passing test by the MRO as long as the employee verifies no current use, and the descending THC levels are consistent with the profile of someone who is no longer using.

Once the employee returns to work, he/she will be subject to follow-up tests to verify continued compliance with this policy. The EAP will specify the number and frequency of the follow-up tests. A positive follow-up drug test will be treated as an additional violation of the policy, subjecting the employee to the disciplinary actions specified in the policy for subsequent violations.

CONTESTING A DRUG TEST RESULT

An employee will have 72 hours to request the reconfirmation of any specimen that is deemed positive, adulterated or substituted. The reconfirmation test will be on the original specimen only and at a different SAMHSA-certified laboratory.

An employee who has tested positive, adulterated or substituted shall have the right to request in writing, from the employer or MRO, a copy of the laboratory report.

GENERAL PROVISIONS

No employee shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the substance abuse program.

Neither the Union, UMCA Utah nor the DFWPC is responsible for ascertaining the drug-free or alcohol-free status of any employee or prospective employee. The employers agree to hold harmless and indemnify the UA local 140, the Utah Mechanical Contractors Association, and the DFWPC from any liability that may be incurred as a result of the substance abuse policy, including drug and alcohol testing.

Nothing herein shall be construed as giving rise to a duty, undertaking or obligation on the part of the Union, UMCA or the DFWPC to provide a safe workplace. The Union, UMCA or the DFWPC does not warrant or assure the proper administration of the testing program by the Testing Officer, Medical Officer or laboratory. It is recognized that the actions of the Union, UMCA, and the DFWPC in administering this program are necessary for the effective performance of their functions in representing their constituencies under the terms and conditions of the collective bargaining agreements.

If any provision of this substance abuse policy is declared to be illegal by any court of competent jurisdiction, the remainder of the policy shall be in full force and effect and the DFWPC shall seek to negotiate substitute provisions, which are in conformity with the applicable laws.

PAYMENTS FOR DRUG TESTING SERVICES

Paid by the Program:

1. Random Tests
2. Return to Duty Tests
3. Follow Up Tests
4. New Entrants into the Random Pool

Paid by the Employer:

1. Reasonable Cause Tests
2. Post-Accident Tests
3. Pre-Employment Tests
4. Job Site/Customer Mandated Tests (will be paid by Employer, Contractor, Customer or other party)

Paid by the Individual:

1. Re-analysis of positive, adulterated and substituted specimens.
2. Individuals will be reimbursed, if the re-analysis fails to return a result of positive, adulterated or substituted.

PROCEDURES

CONFIDENTIALITY

To ensure the confidentiality of test results and the privacy of employees, all communication concerning drug or alcohol testing, sample collection, test results, employee notification, and discipline will be handled only by an designated representative of the employer, UA Local 140, the third party administrator, the EAP, or the Medical Review Officer.

In cases involving bargaining unit employees where notification to the employer or the third party administrator is required in these procedures, notification will also be given to a designated representative of the UA Local 140.

Drug testing records will be kept in a separate locked file not accessible to non-authorized personnel.

REASONABLE CAUSE TESTING

Supervisors will fill out the form "Observed Behavior-Reasonable Cause Record" before requesting a reasonable-cause test. The circumstances supporting a reasonable cause test shall be set forth by completing the narrative portion of the reasonable cause test form. If a second supervisor is not available to corroborate the request for a test, the test will be based on the observations of a single supervisor. A reasonable-cause test can be conducted at the third-party administrator's testing facility, another approved collection site or on-site. If an on-site reasonable-cause test is needed, the third-party administrator should be contacted immediately.

When a reasonable cause test has been properly ordered, the test will be done as soon as reasonably possible of notification of the employee by the employer for a drug test and within 8 hours of notification to the employee for an alcohol test.

No employee will be allowed to proceed to a "Reasonable-Cause" test on his/her own. Any employee who is suspected of being under the influence of drugs or alcohol, or who may test positive for alcohol, will be offered transportation to their place of residence.

Any employee who is required to submit to a "Reasonable Cause" test will not be allowed to return to work until a negative test result is received by the employer.

When an employee is tested under the "Reasonable Cause" provision of the Substance Abuse Policy and the test result is negative, the employee will be compensated for all lost time as a result of compliance with the Policy.

POST-ACCIDENT TESTING

Post-accident drug tests will be conducted within 32 hours of the accident. If a drug test is not conducted within 32 hours of the occurrence of the accident all drug testing will stop. If an employee is not allowed to return to work until the test result is received and the test result is negative, the employee will be compensated for all lost time. All alcohol testing will take place within 2 hours, but not later than 8 hours of the accident. If an alcohol test is not conducted within 8 hours of an accident all alcohol testing will stop. If a post-accident test is needed, the third-party administrator should be contacted immediately. Post-accident tests can be conducted either at the Employer's facility, or **other prearranged collection facilities/clinics** or, if the parties are injured and admitted to a hospital, at the hospital.

NEW ENTRANT/PRE-EMPLOYMENT TESTS

Pre-employment & New Entrant tests are conducted at the third-party administrator's facility or under the supervision and in compliance with third party administrator's procedures and this policy and procedure. A prospective employee will be given an opportunity to explain to the MRO, any circumstance that may result in a pre-employment or new entrant positive test.

A New Entrant (bargaining or non-bargaining) who has a positive new entrant test shall not be hired and must wait one year before he/she can take another New Entrant test. A previous member of this program, who has been out of the random pool for six or more months and has a positive New Entrant test, will be referred to the EAP and is subject to the Disciplinary Actions as outlined in this policy, but is not required to wait one year to take another test.

Members of UA Local 140 who have a positive pre-employment test are in violation of this policy and will be referred to the EAP in accordance with Disciplinary Procedures.

RANDOM TESTING

The initial pool of employees subject to random testing will be made up of all employees of employers and all employees on the out of work list. New entrants to the work force will have their names added to this pool after passing a new entrant drug test. Names will be randomly selected by computer generation once a month for drug and/or alcohol testing. The third-party administrator, WorkforceQA (WFQA), will be responsible for this random selection and testing.

The number of tests collected annually will be equal to 50% of the names in the pool, unless the number is otherwise adjusted by the DFWPC. WFQA will contact the employers of those employees who were selected for random testing and coordinate on the job testing with them.

When an employee is selected for random testing, while on the out of work list, the third party administrator will notify the authorized representative of the Local Union. When the employee is dispatched to the employer, the authorized representative of the Local Union will notify the third party administrator, who will then contact the employer and schedule the random test. Employees who are on the out-of-work list will not be called in for random testing.

When an employee is selected for random testing and is no longer working for a signatory employer and is not on the out of work list, their name will be removed from the pool of employees subject to random testing, and the authorized representative of the Local Union will be notified. If such employee desires to return to work for an employer, and six or more months have passed since his/her removal from random pool, he/she will be considered a new entrant into the manpower pool and will be subject to the drug test procedure for new entrants.

FOLLOW-UP TESTING

Employees who are on the out-of-work list will be called in for follow-up testing.

RETURN TO DUTY PROCESS AND EAP

Once an employee has been informed by the MRO that he/she has given a positive test result it will be the responsibility of the employee to contact and set up an appointment with the EAP. At the appointment the EAP Clinician will do an assessment and will specify a plan of treatment for the employee. This treatment plan could include education, EAP counseling, various treatment options, and aftercare. The EAP will also set the number of and duration of the Follow-up tests. This information will be specified on the Assessment and Treatment Plan form, which the employee will be asked by the clinician to sign. Once the EAP has signed releases by the employee the Assessment and Treatment Plan form will be faxed to the MRO, Designated Union Representative, and the Designated Employer Representative. During the appointment the EAP will inform the employee of when he/she can take the Return to Duty test, according to the information given the EAP by the MRO. The EAP will give the employee the Return to Duty Test Request form specifying the date that the employee can retest.

When the MRO receives a negative return to duty test result from the laboratory it will be reported to the employer and the union representative. **Upon notification of a negative return to duty test result the employee is eligible to return to duty** and a compliance letter will be issued by the MRO.

For employees who are placed into treatment they will need both, notification of compliance by the MRO and to have completed their intake assessment with the treatment provider.

If an employee does not complete the specified recommendations by the EAP the employee will be non-compliant and the EAP will inform both the Union Representative and the Designated Company Contact of the non-compliance and the employee must be removed from duty until he/she is compliant with EAP recommendations.

SAMPLING & TESTING PROCEDURES

Drug tests, sample collections, chain of custody, alcohol tests and reporting of results will be done in conformity with this policy and shall be conducted in accordance with the requirements of Title 34, Chapter 38 of the Utah Code Annotated and in accordance with the DHHS Mandatory Guidelines for Federal Drug Testing Programs and all normal chain-of-custody procedures used in sample collection.

Any laboratory used for drug testing will be Substance Abuse Mental Health Services Administration (SAMHSA) certified and will comply with all applicable rules and regulations of the Department of Health and Human Services for drug testing. All drug tests, alcohol tests and sample collection procedures shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested. Department of Transportation (DOT) procedures and forms will be used for any DOT regulated employee.

REANALYSIS PROCEDURE

Urine samples may, but are not required, to be split into two containers at the time of collection. The original positive urine sample shall be kept secure in frozen storage for one year, and available for reanalysis of laboratory testing. An employee, or prospective employee, testing "positive, adulterated or substituted" shall have the right to request within 72 hours, of notification by MRO, to have a portion of his/her urine sample independently reconfirmed by a different SAMHSA-certified laboratory at his/her expense. If the independent reconfirmation test is "negative" the employee, or prospective employee, shall be allowed to return to work immediately, shall be compensated for the time lost and shall be reimbursed for the cost of such independent test from the DFWPC.

MEDICAL REVIEW OFFICER

In the case of a positive, adulterated, substituted or invalid laboratory test result, the employee or prospective employee shall be so advised by the MRO by telephone, on a confidential basis, prior to the reporting of the results to the designated company official(s). The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any medication prescribed by his/her physician, which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with DHHS guidelines and normal

chain-of-custody procedures.

The MRO can report a positive test to the employer, EAP and UA Local 140 representative, without interviewing the individual if:

- a. An employee has expressly declined the opportunity to discuss the test result with the MRO.
- b. The employer has successfully made contact with the individual and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the individual.
- c. If neither the employer nor MRO, after making and documenting reasonable efforts, has been able to contact the employee within 5 business days of the date on which the MRO receives the confirmed test result from the laboratory.

REPORTING PROCEDURES

Following a random or follow up drug test an employee shall return to work until notified of the test results. If the result is negative, the employee shall continue to work. For any test result that is positive, after the MRO was interviewed (or attempted to interview) the donor, the result will be verbally called by the MRO to a designated representative of the employer and will be followed secure electronic transmission of the non-compliance notification letter on the day that the MRO interview is completed. Secure electronic notification will also be sent to the UA Local 140 Program Administrator (for bargaining personnel & pre-apprentice only) and the EAP. Positive alcohol tests will be reported immediately to a designated representative of the employer.

Employees, who test positive, will be removed from the job site by an authorized representative of the employer upon receipt of notification of the positive, adulterated or substituted or refusal to test result. In notifying an employee of a positive test result, the authorized representative of the employer shall utilize the written standard form of notification and shall make certain that the notification is given to the employee in privacy. This notification will include information concerning how to contact the EAP.

For those who are on the out-of-work list at the time, the written notification will be given to the employee by an authorized representative of the Local Union.

The employee may return to work for the employer when the employer, or UA Local 140, has received a notification of compliance letter from the MRO. If the employee is on the out of work list, or does not return to work for the employer and signs the out of work list, the employee must have a notification of compliance from the MRO in order to be dispatched by the Local Union.

CONTROLLED SUBSTANCE & ALCOHOL SCREENING CUT-OFF LEVELS

Urine Screening and Confirmation Test Cut-off Levels for the Drugs being tested are as follows:

	<u>Screening</u>	<u>Confirmation</u>
Marijuana	50 ng/mL	15 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Opiates	300 ng/mL	300 ng/mL
Amphetamines	500 ng/mL	250 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Barbiturates	300 ng/mL	100 ng/mL
Benzodiazepines	300 ng/mL	100 ng/mL
Methadone	300 ng/mL	300 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Oxycodone	100 ng/mL	100 ng/mL
Alcohol	0.04 %	0.04 %

CASES OF POSSIBLE SPECIMEN TAMPERING

Directly observed collections are allowed under the following circumstances:

1. At the time of specimen collection, if a collector observes any behaviors, materials or finds physical evidence which clearly indicates an attempt to tamper with specimen or other clear signs of tampering, another specimen will be immediately collected under direct observation. Collector must have approval of an WFQA Manager before conducting the observed collection under these circumstances;
2. At the time of collection, if the specimen temperature is outside of acceptable range of 90 to 100 degrees F;
3. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL; or
4. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported that there was not an adequate medical explanation for the result.

Employer: _____

Reasonable Suspicion Record

Employee Name

Social Security Number/Employee ID

Date of Birth

Location

From: _____ am/pm To: _____ am/pm

Observation Time

Observation Date

Reasonable suspicion of current use or impairment by: Alcohol Drugs Both

Cause for Suspicion

Appearance

- Normal Flushed Skin Puncture Marks Disheveled Bloodshot Eyes Tremors
 Dilated/Constricted Pupils Profuse Sweating Dry-Mouth Runny Nose/Sores/Frequent Sniffing
 Chills Inappropriate use of Sunglasses Weight loss Odor of: _____
 Other: _____

Behavior: Speech

- Normal Incoherent Slurred Silent Confused Slow Fast
 Loud Whispering/soft Excessive talking Inappropriate comments
 Other: _____

Behavior: Awareness

- Normal Confused Euphoria Lethargic Disoriented Head bobbing
 Difficult to Arouse Slow responses Blank stare Sleepy Short attention span
 Other: _____

Behavior: Other

- Mood Swings Poor memory Secretive Aggressive/Violent Paranoid/distrustful
 Disruptive Unsafe acts Excessive fatigue Poor comprehension Poor job performance
 Anxiety Depression Other: _____

Motor Skills: Balance and Walking

- Normal Swaying Stagger/stumbling Falling Arms raised for balance
 Reaching for support Wide Based Gait Other: _____

Motor Skills: Other

- Dropping Objects Lack of Coordination Slowed reaction time Over-reaction/Startled
 Other: _____

Other Observable Actions of Behavior (Specify):

Check if the following conditions are met, (alcohol test only if both conditions are met):

- Observations are specific, contemporaneous, and articulated on the appearance, behavior, speech, or body odors of the individual
 Alcohol testing observations are made during, just preceding, or just after the individual is required to be in compliance Employer policies.

Supervisor/Company Official Name

Signature

Date

Date

NOTIFICATION TO EMPLOYER OF NON-COMPLIANCE

(Date)

TO: Authorized Representative: _____

Phone: _____ Email (confidential): _____

FROM: Intermountain Drug Testing/IMRO

RE: Name of Donor: _____

Social Security/ID#: _____

Employer: _____

Please be advised that the above listed employee is not in compliance with the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy and his/her compliance card has been listed as invalid.

Thank you for your cooperation and help in creating a drug free workplace.

Sincerely,

Paul Teynor, MD, MRO/
President, IMRO

NOTIFICATION TO EMPLOYER OF COMPLIANCE

(Date)

TO: Authorized Representative: _____

Phone _____ Email: _____ (Confidential)

FROM: Intermountain Drug Testing/IMRO

RE: Name of Donor: _____

Social Security/ID#: _____

Employer: _____

Please be advised that the above-mentioned employee is in compliance with the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy.

The Employer should call the Employee listed above and instruct them when and where they should report for work.

Thank you for your help in creating a drug free workplace.

Sincerely,

Paul Teynor, MD, MRO
President, IMRO

NOTIFICATION TO LOCAL UNION OF NON-COMPLIANCE

(Date)

TO: Authorized Representative: John Wadlow
UA Local #140, Business Manager
Email: jwadlow@ua140.com
Office: (801) 973-6784

FROM: Intermountain Drug Testing/IMRO

RE: Name of Donor: _____
Social Security/ID#: _____
Employer: _____

Please be advised that the above listed employee is not in compliance with the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy and his/her compliance card should be listed as invalid.

Thank you for your cooperation and help in creating a drug free workplace.

Sincerely,

Paul Teynor, MD, MRO/
President, IMRO

NOTIFICATION TO LOCAL UNION OF COMPLIANCE

(Date)

TO: Authorized Representative: John Wadlow
UA Local #140, Business Manager
Email: jwadlow@ual40.com
Office: (801)973-6784

FROM: Intermountain Drug Testing/IMRO

RE: Name of Donor: _____

Social Security/ID#: _____

Employer: _____

Please be advised that the above-mentioned employee should immediately be listed as in compliance with the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy and is ready for return to duty.

The Employer will also be notified of employee's compliance.

Thank you for your help in creating a drug free workplace.

Sincerely,

Paul Teynor, MD, MRO
President, IMRO

NOTIFICATION TO EAP OF NON-COMPLIANCE

(Date)

TO: Sean Morris 801-262-9619 sean@blomquisthale.com
 800-926-9619 Fax #:801-262-9630 (secured)

Blomquist Hale Consulting

FROM: Intermountain Drug Testing/IMRO

RE: Name of Donor: _____

Social Security/ID#: _____

Employer: _____

Authorized Representative: _____

Phone: _____ Email: _____ (Confidential Yes-No)

Please be advised that the above listed employee is not in compliance with the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy and his/her compliance card has been listed as invalid.

The donor tested positive for: _____

Quantitative level: _____

Reason for Test: _____

Return to Duty testing is not recommended before: _____

Other Violations: _____

Thank you for your help in creating a drug free workplace.

Sincerely,

Paul Teynor, MD, MRO/
President, IMRO

**INSTRUCTIONS TO EMPLOYER IN CASES DEALING WITH
EMPLOYEE VIOLATION OF SUBSTANCE ABUSE POLICY**

1. Complete the "Notification to Employee of Violation of Substance Abuse Policy" form. Violations of the policy may include, but are not limited to:

Testing positive for drugs

Testing positive for alcohol

Using drugs, including the presence as a metabolite or alcohol while on employer time, conducting employer business, or on employer property. (Use means to consume, sell, purchase, manufacture, distribute, be under the influence of, or be in possession of drugs or alcohol)

Refusing to provide a specimen (urine or breath)

Failure to cooperate in the collection of a specimen

Adulterating a specimen

Failing to comply with the EAP

2. An authorized representative of the company needs to remove the employee from the job and notify him/her of violation of policy. Make sure the notification is given to them in privacy. No information is to be communicated to any person who does not have a bona fide need to know.
3. Provide the employee with a copy of the completed form listed in #1 above. This form will tell the employee what he/she needs to do next, how to contact the EAP, and what the procedure is for requesting a retest.
4. You are not obligated to hold their position open. Do not allow the employee to return to work unless they have signed the "Return to Work Agreement" from the EAP.
5. Send a copy of the completed form listed in #1 above to Intermountain MRO Services, unless you were first notified of the employee's violation of the substance abuse policy by IMRO.

If you have any questions or need further assistance, please contact the UMCA at (801)364-7768 or the Union Hall at (801)973-6784 or IMRO at (801)486-5400.

NOTIFICATION TO EMPLOYEE OF VIOLATION OF SUBSTANCE ABUSE POLICY

(Date)

TO: _____
(Employee) (Social Security #)

This is to inform you that on _____ (date) you are in violation of the UA Local 140/UMCA Drug-Free Workplace Committee Substance Abuse Policy for the following:

Your compliance has been listed as invalid. If you are a bargaining unit employee, the authorized representative of the Local Union has been notified that you are not in compliance with the Substance Abuse Policy.

This is to further inform you of what steps you are required to take at this time.

1. An authorized representative of our company will remove you from the job immediately.
2. You must contact the Employee Assistance Program (EAP) for evaluation. The EAP is Blomquist Hale Consulting and can be reached by calling **(801) 262-9619 or (800) 926-9619**. The EAP will schedule you for an evaluation to determine what type of counseling and/or rehabilitation you need. The company is not obligated to hold your position open while you are gone.
3. You will be required to follow the direction of the EAP. The EAP will determine when you will be able to return to work. You may return to work when the EAP has given you a "Return to Work Release" and your compliance has been listed as valid. If you are a bargaining unit employee, you will not be dispatched by the UA Local 140 without a "Return to Work Release" and a compliance letter has been issued.
4. Upon returning to work, you will be required to continue any program of counseling or rehabilitation required by the EAP. If you fail to comply, you will be in violation of the Substance Abuse Policy. If you are a bargaining unit employee, the authorized representative of the Local Union will list your compliance as invalid.
5. You have the right to request within 72 hours the retest of your original specimen at another SAMHSA certified lab at your expense. To arrange a retest, contact IMRO/Dr. Teynor at (801)486-5400.

Designated Representative _____ Contact Phone _____

Employer _____

____ Bargaining, _____ Non-Bargaining,
____ Journeyman, ____ Apprentice, ____ Pre-Apprentice, ____ Metal Trades Worker

UMCA-UA LOCAL #140
RETURN TO DUTY TEST REQUEST FORM
Donor must present this letter to the collection site:

Preferred Collection Sites:

Workforce QA-SLC, UT
535 S. 300 W.
SLC, Utah 84101
Phone: (801) 328-4027
Fax: (801) 530-1550
Hours: 8am – 5pm

Workforce QA -WVC, UT
3489 West 2100 South
WVC, Utah 84119
Phone: (801) 965-0665
Fax: (801) 965-0670
Hours: 8am – 5:30pm

Workforce QA -Sandy UT
8657 S. Sandy Pkwy (450 W)
Sandy, UT 84070
Phone: (801) 316-4125
Fax: (801) 316-4161
Hours: 8am – 5 pm

Donor Name: _____

Social Security Number: _____

Employer: _____ Designated Employer Contact: _____

_____, is authorized to take a “**RETURN TO DUTY**” test on or after
Donor Name
the following date. _____.

Tests to be performed: (please **Check** which type of tests are required).

____ Drug Test (urine 9 panel, synthetic opiates & alcohol); &/or

____ Breath Alcohol Test

Respectfully yours,

Signature
Representative of Blomquist Hale

Print Name

Phone #

The above-mentioned donor was tested on ___/___/___ for Return to Duty. The test result was **Passed/Failed** and reported to the DER, EAP and UA Local 140 Representative on ___/___/___.

Representative of Workforce QA

(Compliance letters must be transmitted to DER, Local 312 & EAP)

Collector Instructions:

- Use Quest Forensic Custody & Control Forms (NonDOT) (Call WFQA Client Services@ 801-316-4131 if Acct # is needed)
- Single Bottle Collections for all drug tests; otherwise follow DOT collection procedures.
- Direct observed collections are needed for “Temperature out of range” & other indications of likely tampering; Please Call WFQA office before conducting observed collection, at 801-316-4131.
- Call MRO office immediately about any problem collection or positive alcohol test at 801-316-4131;
- Fax CCF & Alcohol test report to MRO office ASAP (801-994-9953)**

Donor Instructions:

- Please arrive at least one hour before closing time;
- Bring picture ID & this form to the collection site;
- Do not consume large amounts of liquid before testing as this may cause a “dilute” result and recollection of the specimen will be required.

Revision Date: 3/11/2016

Preferred Collection Sites:

Workforce QA-SLC, UT
535 S. 300 W.
SLC, Utah 84101
Phone: (801) 328-4027
Fax: (801) 530-1550
Hours: 8am – 5pm

Workforce QA -WVC, UT
3489 West 2100 South
WVC, Utah 84119
Phone: (801) 965-0665
Fax: (801) 965-0670
Hours: 8am – 5:30pm

Workforce QA -Sandy UT
8657 S. Sandy Pkwy (450 W)
Sandy, UT 84070
Phone: (801) 316-4125
Fax: (801) 316-4161
Hours: 8am – 5 pm

Additional Collection Sites:

WorkMed Logan
Hours: 8am-4:30pm (M-F)
412 N. 200 E.
Logan, UT 84321
Phone: (435) 713-2850

WorkMed Cedar City
Hours: 8am-5pm (M-F)
962 Sage Drive
Cedar City, UT 84720
Phone: (435)865-3461

WorkMed Ogden
Hours: 7:30am-5pm (M-F)
1355 West Hinckley Drive
Ogden, UT 84401
Phone: (801) 387-6150

WorkMed St. George
Hours: 9am-5 pm (M-F)
385 N. 3050 East
ST. George, UT 84790
Phone: (435) 251-2630

WorkMed Layton
Hours: 8am-4:30pm (M-F)
275 University Blvd
Layton, UT 84041
Phone: (801) 776-4444

ITC-Vernal
Hours 8:30am-4:45pm (M-F)
-closed 11:45 1:00pm for lunch
38 East 100 North, Ste. 1
Vernal, UT 84078
Phone: (435) 789-5249

Park City Bonanza InstaCare
Hours: 8am-8pm (M-F)
1665 Bonanza Dr.
Park City, UT 84068
Phone: (435) 649-7640

Collections, Inc.-Wendover
Hours: 9am-3pm (M-F)
427 Mesa St.
Wendover, NV 89883
Phone: (775) 664-2081

WorkMed Orem
Hours: 8am-5pm (M-F)
830 N 980 W.
Orem, UT 84057
Phone: (801) 724-4000

Elwood Staffing-Richfield
Hours: 8am-5pm (M-F)
-closed 12pm-1pm for lunch
5 W. Constitution Way
Richfield, UT 84701
Phone: (435) 896-5922

**ADOPTION BY EMPLOYER
OF
UA LOCAL #140/UTAH MECHANICAL CONTRACTORS ASSOCIATION
DRUG-FREE WORKPLACE SUBSTANCE ABUSE POLICY**

_____ (Employer) hereby adopts the Substance Abuse Policy negotiated by and between UA Local 140/UMCA as our policy on substance abuse.

The Company hereby authorizes and instructs UA Local 140 to dispatch to us under the terms of the collective bargaining agreements only those applicants for employment who are in compliance with the Substance Abuse Policy.

Signature _____

Name _____

Title _____

Date _____

**DESIGNATION OF AUTHORIZED EMPLOYER REPRESENTATIVES
FOR
UA Local 140/UMCA
DRUG-FREE WORKPLACE SUBSTANCE ABUSE POLICY**

_____ (Employer) has designated the two individuals listed below as our authorized representatives for the UA Local 140/UMCA Drug-Free Workplace Substance Abuse Policy.

To ensure the privacy of all employees, only these two individuals will handle any confidential correspondence or information in regard to the Substance Abuse Policy. Two or more representatives are required in order to ensure that a designated official is always available to receive positive drug and alcohol test results and to remove donors from the worksite who have violated this policy.

Authorized Representative

Authorized Representative(alternate)

Telephone Number and Extension

Telephone Number and Extension

Email (confidential)

Email (confidential)

**ACKNOWLEDGMENT OF RECEIPT AND CONSENT TO ABIDE BY
UA LOCAL 140/UMCA DRUG FREE WORKPLACE COMMITTEE'S
SUBSTANCE ABUSE POLICY**

I, the undersigned employee or prospective employee hereby acknowledges that I have received a copy of the UA Local 140/UMCA Drug-Free Workplace Substance Abuse policy. I also agree to comply with the substance abuse policy as a condition of employment with any employer or dispatch to any employer by UA Local 140. Further, I also understand that this agreement does not create an obligation or contract of employment between myself and any employer or UA Local 140; however the policy may be subject to an applicable collective bargaining agreement (CBA) if I am included in the bargaining unit covered by said CBA.

Further, I agree to any request under the Substance Abuse policy for a specimen for the purpose of detecting the presence of drugs or their metabolites or alcohol and authorize the designated third-party administrator to arrange the collection the specimen.

I also understand and agree that drug and alcohol test results shall be given to a Medical Review Officer (MRO), an authorized agent for the Employer, an authorized agent of UA Local 140 in so far as the union represents my bargaining unit, the third party administrator and the Employee Assistance Program (EAP). Further, I understand that appropriate disciplinary action may be taken in conformity with the substance abuse policy, if the test is positive.

I understand that if I fail to cooperate with the EAP in regard to a program of counseling and/or rehabilitation required under this policy, the EAP will notify the third party administrator who will then notify the authorized agent of the employer and the authorized agent of UA Local 140 in so far as the Union represents my bargaining unit.

Name (Please Print) _____

Signature _____

Social Security Number _____

Date _____