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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**

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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.
- 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/Opioids
- 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"** a drug test performed by the individual employer will be required for each new employee who is already part of the random pool.
- 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) to .039 grams are not fit for duty, 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. A second or more confirmed alcohol level of .02 or greater within twelve consecutive months will be considered a new violation.
 - 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 oral fluid, urine, hair, blood 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 for drug and/or alcohol test 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 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 who were not referred into intensive outpatient treatment after their first policy violation will be required to enter and comply with the recommended level of treatment but will not be suspended from work once they pass a return-to-duty test. **Refer to: Safe Harbor Section**

For the **second** policy violation, employees who have previously completed intensive outpatient treatment because of an earlier policy violation 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.

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) 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 any active employee or union member to:

A-Acknowledge they have a drug or alcohol abuse problem by contacting the EAP counselor direct. This can be done at any time, if there is a pending test the notification must be done prior to the employer being notified of the test results.

B-To prevent a second and third policy violation the employee and/or union member must notify the EAP counselor prior to the notification of the pending test results to the employer.

Calling and receiving "Safe harbor" will result in not receiving a policy violation as long as the employee and/or union member follows the EAP counselor's instructions and completes all requirements.

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 regard 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 will test prospective employees who are

already entered into the 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 Suspicion: Reasonable suspicion 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 suspicion 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 Suspicion" 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 suspicion and shall include employee's lunch boxes, toolboxes, 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/Pre-Employment Tests

5. Reasonable Suspicion Tests
6. Post-Accident Tests
7. Job Site/Customer Mandated Tests

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 SUSPICION TESTING

Supervisors will fill out the form "Observed Behavior-Reasonable Suspicion Record" before requesting a reasonable suspicion test. The circumstances supporting a reasonable suspicion test shall be set forth by completing the narrative portion of the reasonable suspicion 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 suspicion test can be conducted at the third-party administrator's testing facility, another approved collection site or on-site. If an on-site reasonable suspicion test is needed, the third-party administrator should be contacted immediately.

When a reasonable suspicion 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 Suspicion" 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 Suspicion" 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 Suspicion" 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 shall be referred to the EAP in accordance with the 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, CODA, 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. CODA 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.

An employee who is in the EAP program and is undergoing counseling, treatment or therapy will be excused from random testing. When the employee returns to work, passes a return-to-duty drug and/or alcohol test, the employee will then be eligible for random 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 may be advised by the MRO, MRO-A or the TPA by telephone on a confidential basis. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any medication prescribed by their 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 will report a positive test if:

- a. An employee has expressly declined the opportunity to discuss the test result with the MRO.
- b. The employer has successfully contacted the employee and instructed them to contact the MRO and the employee has failed to contact the MRO within 3 business days.
- c. Neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within 5 days of the date on which the MRO receives the confirmed test result from the laboratory.
- d. The positive test result is for a substance that has no valid prescription or valid explanation.

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 verified as positive, the result will be verbally called by either the MRO, MRO-A or the TPA to the DER and will be followed by an electronically transmitted notification of non-compliance on the day that the final result is confirmed.

Copies of the notification will also be sent to the EAP, along with any MRO’s remarks for RTD testing protocol. An additional copy of the non-compliance notification will be sent to any other designated UA Local 140 and/or Union representative. All positive alcohol tests will be reported immediately to the DER/Supervisor.

Employees who test positive for drugs or alcohol will be removed from the job site by an authorized representative of the employer upon receipt and/or notice of the positive 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 the EAP and how to contact them. The written notification will be given to the potential employee by an authorized representative of the Local Union. The employee must have a notification of compliance from the TPA/MRO in order to be dispatched by the Local Union.

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

Specimen	Substance	Screen Level	Confirmation Level
Oral Fluid	Marijuana	4 ng/mL	2 ng/mL
	Cocaine	15 ng/mL	8 ng/mL
	Opiates	30 ng/mL	15 ng/mL
	Amphetamines	50 ng/mL	25 ng/mL
	Methamphetamine	50 ng/mL	25 ng/mL
	Benzodiazepines	20 ng/mL	20 ng/mL
	Barbiturates	60 ng/mL	120 ng/mL
	Methadone	50 ng/mL	20 ng/mL
Urine	Marijuana	50 ng/mL	15 ng/mL
	Cocaine	300 ng/mL	150 ng/mL
	Opiates	300 ng/mL	300 ng/mL
	Amphetamines	1000 ng/mL	500 ng/mL
	Phencyclidine	25 ng/mL	25 ng/mL
	Barbiturates	300 ng/mL	300 ng/mL
	Benzodiazepines	300 ng/mL	300 ng/mL

	Methadone	300 ng/mL	300 ng/mL
	Propoxyphene	300 ng/mL	300 ng/mL
	Oxycodone	100 ng/mL	100 ng/mL
Breath	Alcohol	0.02 BrAC	0.02 BrAC

CASES OF POSSIBLE SPECIMEN TAMPERING

Directly observed collections or oral fluid tests 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, it becomes a refusal to test, or an oral fluid test will be immediately given depending on the collector's observations.
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 _____

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 (oral fluid, urine, hair, blood 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.

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 CODA at (801)561-2777.

NOTIFICATION TO EMPLOYEE OF VIOLATION OF SUBSTANCE ABUSE POLICY

(Date)

TO: _____

(Employee)

(DOB)

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 the CODA MRO Services dept at (801) 561-2777.**

Designated Representative _____ Contact Phone _____

Employer _____

____ Bargaining, _____ Non-Bargaining,
____ Journeyman, ____ Apprentice, ____ Pre-Apprentice, ____ Industrial Worker

CONFIDENTIAL
UMCA & UA Local 140
Plumbing, Piping & Refrigeration Industry Drug Free Workplace Program

Assessment and Treatment Plan

Name of Employee

Last Four Digits of SSN

Employer

According to the UMCA/UA Local 140 Policy this assessment and treatment plan is not the release to work. Rather, the Employee is released to work upon the notice from the MRO that the employee has passed the return to work alcohol and/or drug test.

TREATMENT PLAN

- ____ 1. Education Class Date _____ Time _____
____ 2. EAP Counseling
____ 3. Treatment (Specify Type) _____
____ 4. Aftercare (Specify Duration) _____

Follow-up Test Recommendations

The EAP recommends that this employee be subject to unannounced follow-up:
____ drug (urine 9 panel with alcohol) and/or ____ alcohol testing (breath alcohol)
for the following period of time _____. During that period of time, the EAP recommends
that there be a minimum of ____ drug and/or alcohol tests be conducted.

Number of follow-up tests in first year _____.

Number of follow-up tests in second year _____.

Number of follow-up tests in third year _____.

Follow-up testing can start on the first day of _____, 20____.
Month

Employee's Agreement with Treatment Recommendations

I understand that should I choose to discontinue treatment or testing for any reason that I will be listed as non-compliant with this policy. I also acknowledge, I must successfully take and pass with a negative result all the required follow-up tests.

Employee Signature

Date

EAP Professional/Witness (sign & print)

A signed copy of this agreement must be received by CODA (shane@codatesting.com)
Union representative Jeremy Haslam (jhaslam@ua140.com) & the designated company contact person.

Copies of the Following CODA Forms are Available Upon Request:

- Notice to Union, EAP and Employer (DER) of Non-Compliance
- Notification to Local Union, EAP and Employer (DER) of Compliance
- Return to Duty Form