

# **Indiana Union Construction Substance Abuse Trust**

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# **INDIANA UNION CONSTRUCTION SUBSTANCE ABUSE TRUST**

## **INTRODUCTION**

The labor and management representatives of Indiana Union Construction Industry Substance Abuse Trust have formed an alliance to address the problems caused by drug and alcohol abuse. The alliance, representing both Labor and Management, has created the Indiana Union Construction Industry Substance Abuse Trust (IUCSAT), an industry wide program affecting the union construction industry in Indiana. The purpose of this program is to provide a vehicle to help establish and maintain a workplace free of the destructive effects caused by the use of drugs and alcohol. The activities of the program are not intended to interfere with normal practices of the unions or management. IUCSAT recognizes its responsibility to communicate with and educate its participants relative to this policy and the harmful effects of drugs and alcohol in our society and workplace. IUCSAT also recognizes the need to provide a program of assistance to those persons for whom drugs or alcohol may be causing problems. Finally, while not wishing to violate the rights or invade the privacy of any participant, IUCSAT will work to detect those participants who are unable or unwilling to conform to the guidelines outlined in the IUCSAT Drug Testing Program. This program has been established in accordance with federal guidelines for urine collection and confidentiality. In an effort to address the day-to-day operations of the IUCSAT Substance Abuse Program, IUCSAT has contracted with Midwest Toxicology Services, Inc. (hereafter "MTS"), an independent corporation with a history of managing drug testing programs, to serve as the program's Third Party Administrator (hereafter "TPA"). It is the intent of the Indiana Union Construction Industry Substance Abuse Trust to outline the specific duties of the TPA and to govern those activities by serving as advisors to the TPA.

## **THE POLICY**

Persons who use illegal drugs or abuse alcohol or other controlled substances, on or off their jobs, are likely to be less productive, to be less reliable, to be more frequently absent, and to have other work related problems that can cause increased cost, delays, accidents, injuries, and may damage the health, safety and well-being of other workers on the job. The union construction industry can control and reduce this problem through recognition of the problem, development of a comprehensive policy and program of education and information, promotion of an assistance program, and implementation of fair and respectful drug testing that conforms to federal guidelines for urine collection. All of this is to be done with the utmost confidentiality and respect for the individual.

In order to enhance substance abuse awareness among all those involved, educational seminars and training programs will be offered. The educational seminars will be directed toward education of all participants about the seriousness of the problem of drug and alcohol abuse in this country, and how the use of drugs and alcohol negatively impacts safety, productivity, and the competitive ability of the American workforce. Training of participants who may serve in supervisory positions will be directed towards assisting those participants in identifying problem situations and/or warning signs of impairment, as well as their responsibility to document, intervene and follow up with the troubled individual. These sessions will be offered as ongoing training programs.

IUCSAT encourages all participants troubled by their own or a family member's drug or alcohol abuse to seek professional care and treatment. Early recognition and treatment of alcohol and drug abuse provides the greatest opportunity for successful recovery. IUCSAT sponsors an Employee Assistance Program (EAP) for all participants and their families who need professional guidance in assessing their substance abuse or alcohol-related problem and choosing an appropriate course of treatment. The EAP program is governed by the trustees of the Union Construction Industry Employee Assistance Program. Eligible participants will be referred to an EAP representative as a result of a positive drug test. The content of the discussion with the EAP will be totally protected and confidential. A participant, who seeks the services of the EAP on his/her own, will never have his/her use of the program brought to the attention of IUCSAT or any of its subscribing organizations or participants. Individuals who use the EAP as a consequence of a positive drug test will be subject to the conditions established in the drug-testing portion of this policy.

The EAP provides confidential assistance to participants who are experiencing substance abuse or alcohol-related problems in their own lives, or who have family members with a similar problem that requires attention. The staff of the EAP has knowledge of the level and types of benefits available to IUCSAT participants. Participants can access the services of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year. Participants calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and may meet with them to further assess the nature of the problem in order to provide the best and most appropriate level of care. The EAP is staffed by certified and credentialed human services professionals who are sensitive to the needs of the individual. Individuals who take the initiative to contact the EAP for assistance do so with the assurance that their calls will be treated respectfully and confidentially. The direct services provided by the EAP are sponsored by IUCSAT.

In compliance with Public Law 100-690 (The Drug-Free Workplace Act), any participant who is convicted of a drug or alcohol violation occurring in the workplace and who is employed by an IUCSAT affiliated employer must report this information, in writing, to his/her immediate supervisor no later than five (5) days after such conviction. The supervisor must report this information immediately to the funding agency, if applicable.

Test records for participants that have not tested for the program in the previous five (5) years will be routinely purged from the program. If that participant returns to the program, they will be required to take an initial test as described in this policy.

### **DRUG TESTING**

As directed by IUCSAT, the Third Party Administrator ("TPA") will provide an identification card to each participant, which will be used to check the participant's status with the program. A participant's status will either be "available" or "not available" based on the determination of the TPA through data received from the laboratory, MRO and/or SAP. IUCSAT shall not assume nor bear any liability or responsibility for the testing, the results, the certification or anything related to the foregoing. To implement an appropriate and acceptable program, IUCSAT has adopted five (5) safeguards that reflect the standards established by the U.S. Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health

Services Administration (SAMSHA) for testing mandated by the Department of Transportation regulated entities. Those safeguards are as follows:

- 1) The integrity of collected urine specimens will be insured by utilization of standardized collection procedure. Specimen collections will be conducted in accordance with applicable state and federal laws and will use the same general procedures set for in the DOT specimen collection guidelines mandated by CFR Part 40 'Procedures for Transportation Workplace Drug and Alcohol Testing Programs' **unless noted otherwise in this policy**. A non-federal chain of custody will be used for all collections. A split collection is preferred but not mandatory, a collector can accept a single collection if the employees does not have enough specimen for a split specimen. If an employee provides an unacceptable specimen (ex. temperature out-of-range, unusual physical characteristics, etc.), the unacceptable specimen will be discarded and **WILL NOT** be sent to the lab for testing. A second collection performed under direct observation will be required and this specimen is the only specimen that will be sent to the laboratory for testing. If an employee is physically unable to provide a urine specimen for testing, another testing method can be utilized if approved by the third party administrator and MRO (Medical Review Officer).
- 2) Testing will be conducted by carefully selected accredited labs that have also obtained and retained DHHS certification.
- 3) All tests that screen positive must be confirmed by gas chromatography/mass spectrometry (GC/MS). GC/MS confirmation is the state-of-the-art drug testing technology, providing a fingerprint of the detected drug.
- 4) A Medical Review Officer (MRO) will review all drug tests prior to certification of a final result. The MRO is a physician with specialty training and expertise in substance abuse and drug testing. The MRO will review all test results to insure that proper procedure, protocol, and reporting is done. The MRO will interview the person with positive test results by telephone to assess whether any plausible explanation exists for the drug test positive. If no verifiable explanation exists for the positive drug test, the MRO will take appropriate steps to invalidate the employee's certification card. All persons who have tested positive must have their return to work cleared by the Substance Abuse Professional (SAP).
- 5) All drug test positive samples will be frozen and retained in a locked facility at the testing laboratory for one year. The retained urine samples will be available should the results of that test be disputed or should arbitration or litigation arise out of the actions taken because of the test results.

Individuals subject to this policy continue to have access to the usual protections provided as a part of their union membership and/or as members of bargaining units covered by collective bargaining agreements. Such individuals may request that a union representative be available or present prior to any

action taken by an employer, if any, at any stage of the policy and its administration. If an individual is aggrieved by any action taken under this Drug Policy and his/her complaint cannot be resolved, the complaint may, if the individual or Union requests, be referred as grievance under the grievance and arbitration provisions of the individual's collective bargaining agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provisions of this Drug Policy.

Any information related to an employee's drug or alcohol test results will not be disclosed to any parties unless the employee gives written permission to release the information; the information is released as evidence in an arbitration hearing, administrative proceeding, or legal action; or the information is released as part of a governmental investigation.

As a further protection to the five (5) listed safeguards and the representation described above, the TPA will monitor the laboratory for continued SAMHSA certification.

The IUCSAT Drug-Testing Program will test for the following drugs at the established cut-off levels listed:

Drug	Screening Levels ng/ml	Confirmation Levels ng/ml
Amphetamines		
Amphetamine	500	250
Methamphetamine	500	250
Ecstasy (MDMA, MDA)	500	250
Cocaine Metabolites		
	150	100
PCP-Phencyclidine		
	25	25
Opioid Metabolites		
6-Acetylmorphine	10	10
Codeine & Morphine	2000	2000
Hydrocodone & Hydromorphone	300	100
Oxycodone & Oxymorphone	100	100
Marijuana Metabolites		
	50	15
Barbiturates		
	300	200
Benzodiazepine		
	300	300
Methadone		
	300	300
Propoxyphene		
	300	300
Alcohol	Breathalyzer	.04 BAC

In the event that the U.S. Department of Transportation expands its list of drugs for which testing is required or modifies or adjusts the test thresholds, IUCSAT or the "TPA", reserves the right to begin testing immediately for those additional drugs and/or any modified testing levels. IUCSAT will notify all participating unions of any modified testing.

## **ALCOHOL TESTING**

Alcohol testing is required for probable cause, post accident/incident, and in immediate random testing situations.

Alcohol tests, when required, will be conducted by a trained Breath Alcohol Technician (BAT) if possible. Screening tests may be done using an evidential breath-testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done using an evidential breath-testing device. If it is not possible to test using the breath, then a blood draw may be performed.

The employee shall follow all instructions given by the testing technician. If an initial (screening) breath alcohol test result has an alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test.

In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from the worksite for twenty-four (24) hours or until his/her next scheduled work shift, whichever is longer. Any confirmation test with a result of a BAC of .04 or greater is considered to be positive and will require the immediate removal of the employee from the worksite. The consequences for a positive alcohol test are covered in the "Consequences of a Positive Test" section of this policy. All alcohol tests shall be performed only while the employee is considered on duty.

## **INITIAL TESTING**

Prospective employees and actual employees of IUCSAT affiliated employers will be subject to the IUCSAT Substance Abuse Program. All employees will be instructed to report and provide a urine sample at an approved collection site within a time period of 3 days. These individuals will be directed by their employer or union representative (who may ask them to contact the plan's Third Party Administrator) to report to a specified and/or approved collection site location. These collection sites will have on-hand collection kits, chain-of-custody forms, and all other necessary supplies.

## **PAYMENT FOR TESTING:**

The cost of the initial test will be borne by the program. The issue of payment for the employee's time will be categorized as follows:

- 1) Any new union member seeking an initial test, where the test becomes a condition of employment, will not be paid for their time in securing the initial test.
- 2) Anyone who has a current status with MICCS or reciprocal program will not require an initial test. A current valid MICCS card or reciprocal card will serve as their initial test.
- 3) All current employees, who do not currently hold a card from a recognized program, will not be paid for the time necessary to secure initial testing.

- 4) Employees will be paid a \$25.00 stipend by the program for the time necessary to secure all subsequent random testing required by the program. It is understood that such testing will occur on the employee's time.

### **DILUTED TESTS**

An employee providing a diluted specimen will be required to return to a collection site within twenty-four (24) hours to provide a second specimen, on his/her own time. Employees should refrain from excessive consumption of fluids prior to the retest. No adverse action or discipline shall be taken against any employee on the basis of a first diluted specimen. A second diluted specimen, without a valid medical reason, will be treated as equivalent to a confirmed positive test.

### **REFUSAL TO TEST**

A refusal to test would include any of the following situations:

- 1) Failure to submit to a test required by the IUCSAT Policy. This includes failing to appear for a test after being directed to do so or remain at the testing site until the testing process is completed.
- 2) Failure to provide a urine, breath, or blood specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by an approved physician. The physician will provide his findings to the MRO who will make a final result determination. If the MRO cannot verify a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test.
- 3) Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
- 4) In an observed collection event, refusing to follow the observer's instruction to raise and lower clothing to determine if a prosthetic or other device that could be used to interfere with the collection process is present.
- 5) The discovery that the employee possesses or is wearing a prosthetic or any other device that could be used to substitute a urine sample or interfere with the collection process.
- 6) A report from the MRO that the employee has a verified adulterated or substituted test result.
- 7) The use or possession of a counterfeit drug card will be recorded as having received a confirmed positive test.

In addition, the employee shall be subject to employer discipline, up to and including discharge, subject to the representation language included on page 5 of this policy.

### **RANDOM TESTING**

After the individual's successful completion of the initial drug test, he/she will be placed in the Random Pool, where he or she will remain for future selection, to be notified via mail to report to an approved



collection site for an at-random drug test when selected. The individual selected for an at-random drug test will be selected anonymously, from a computerized selection program. Five percent (5%) of the workforce will be selected for random testing each month.

Employee participants will be required to report to an approved collection site within 10 days (example - if random letter is dated March 5th, the member will be required to test on or before March 14th) from the date of the random notice for testing in order to maintain their IUCSAT identification card and status. Participating employees in the program will be re-entered into the random pool for re-selection. No participant will be placed in the random pool more than twice in one 12-month period. All participants will be selected for a random test at least once every two years.

If a participant does not provide a sample at an approved collection site within 10 days, his/her status in the IUCSAT Substance Abuse Program will be deemed "Not Available." Participants who fail to report for a random test should contact the TPA. If a participant does not report for a random test because he did not receive the notice to do so AND it is the first time the participant has failed to report, the TPA will allow the participant to take the test without reporting to an SAP for further review. However, once the "first strike clause" has been utilized, participants who fail to report for a random test will need to report to a SAP for review and instructions on how to remove the "Not Available" status from their card. If a participant's "first strike clause" is due to military obligations it will be waived.

#### **PROBABLE CAUSE**

An employee may be tested for drugs if a reasonable suspicion exists that the employee is affected by drugs and may pose a danger to the employee and others in their job performance. Such employees may request that a union representative be available or present prior to any action taken by an employer, if any, at any stage of the policy and its administration. If an employee is aggrieved by any action taken under this Drug Policy and his/her complaint cannot be resolved, the complaint may, if the employee or Union requests, be referred as grievance under the grievance and arbitration provisions of the employee's collective bargaining agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provisions of this Drug Policy.

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

The decision to test must be based on a reasonable and articulate belief that the employee is using a prohibited drug on the basis of specific contemporaneous physical, behavioral or performance indicators of probable drug or alcohol use, whenever possible. In order to make a determination of probable cause, a supervisor must have completed training on the effects of alcohol and controlled substances usage. Such training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances and shall be conducted by a qualified instructor.

Refusal to take the test for any of the described reasons, or failure to sign those forms necessary for testing, review by the MRO, and result reporting, are all grounds for the non-issuance of a IUCSAT card or its revocation and may result in the employed individual being disciplined up to and including discharge by his/her IUCSAT affiliated employer. All IUCSAT affiliated employers have agreed that for those individuals who are members of/represented by IUCSAT affiliated local unions and who, as a result of drug testing for probable cause, lose time from work while awaiting the drug test results, and who are found to be negative or below the established levels of prohibited substance in their specimen, shall be reimbursed at their applicable rate of pay for lost time from work by the employee's respective employer. Other employees of IUCSAT affiliated contractors shall likewise be subject to the same policies.

### **POST ACCIDENT/INCIDENT TESTING**

It shall be the contractor's responsibility to have employees tested for drugs and alcohol following a work related accident or incident. This includes any event caused by an employee, either directly or indirectly, that results in treatment by a health care provider, or that resulted in damage to property. This would also include any serious near-miss incidents.

The employee is to proceed directly for testing, or as soon as possible, and before the employee returns to the job site. Drug and alcohol testing must be completed within two (2) hours of the accident/incident. If the tests were not able to be completed within two (2) hours, the contractor must still try to complete the tests as soon as possible. The alcohol test should not be done if more than 8 hours has lapsed since the time of the accident and the drug test should not be done if more than 32 hours has lapsed since the time of the accident. The contractor is required to document why a test was not completed within the required time frames.

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

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

Such employees may request that a union representative be available or present prior to any action taken by an employer, if any, at any stage of the policy and its administration. If an employee is aggrieved by any action taken under this Drug Policy and his/her complaint cannot be resolved, the complaint may, if the employee or Union requests, be referred as grievance under the grievance and arbitration provisions of the employee's collective bargaining agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provisions of this Drug Policy.

## **RETURN-TO-WORK AND FOLLOW-UP TESTING**

Any employee returning to work after an absence of any duration for a positive test result and/or counseling/rehabilitation/treatment purposes must satisfactorily pass a drug screen to be eligible to work. Follow up tests will be required for a minimum of 12 months after an employee returns to work from a positive test result and/or counseling/rehabilitation/treatment and the time could be longer if recommended by the SAP. The employee will be subject to not less than three (3) unannounced follow-up tests. Three (3) follow up tests is the minimum number required and the SAP may recommend more than three (3). The TPA will schedule any unannounced tests under this policy. The TPA will give the employee notice of such unannounced tests by phone or mail. The employee must take the test within twenty-four (24) hours after receiving notice; if not the employee will be considered to have failed the test. The length of time to complete follow-up tests may be extended by the policy coordinator for any of the following situations:

- 1) The employee becomes non-compliant for failure to report timely for a follow-up test.
- 2) The employee is working out of the area and unable to do follow-ups while out of the area.
- 3) The employee does not report to test within 24 hours of notice to test.
- 4) If a follow-up test is dilute, the employee will be required to re-test. Under these circumstances the initial diluted test will not count as one of the required follow-up tests.
- 5) If alcohol tests are required for follow-up testing the SAP will require the employee to sign appropriate releases for the monitoring of the alcohol follow-up through his/her employer for the duration of follow-up testing.

Failure to complete a requested follow-up test in a timely manner would result in a "not available" status. To regain an "available status" the individual would be required to go back to the EAP for instructions.

## **CONSEQUENCES FOR A POSITIVE TEST**

- 1) In the case of a confirmed positive drug or alcohol test, the TPA will be notified that the employee's status should be marked "not available." The "N/A" status will be effective after the MRO review process and the final result has been determined to be positive.
- 2) An employee who tests positive for drugs and/or alcohol shall be contacted directly by the Medical Review Officer (MRO). If the MRO confirms the results of the positive test, the MRO will notify the individual that he or she is ineligible for work and will be directed to contact the program's Substance Abuse Professional (SAP) for consultation and review.
- 3) Before returning to work, an employee must (1) complete an evaluation with the program's Substance Abuse Professional provided by the Employee Assistance Program, (2) follow a prescribed treatment or education plan by the program's SAP, (3) have, at a minimum, started the prescribed program, (4) obtain written documentation from the program's SAP verifying fitness for duty, and (5) obtain a negative result on a return-to-work test.
- 4) After returning to work, follow-up tests must be completed as prescribed by the SAP. The SAP will determine the number of follow-up tests. A minimum of three (3) follow-up tests will be required to be

completed within 12 months, however, the SAP may recommend more than three follow-up tests and longer than 12 months to complete them.

- 5) A confirmed positive test or a "not available" status will not be the sole basis for termination of employment. Only employees who are in non-compliance with this program may be discharged. For the purposes of this provision, "non-compliance" shall mean one or more of the following: (1) failure to report to the program's Substance Abuse Professional as directed, (2) failure to follow and/or complete a SAP-prescribed treatment program, (3) failure to take a return-to-work or follow up test, or (4) failure to report for a random test request within the required time frame.
- 6) An individual testing positive for a third time in a twelve (12) month period shall be ineligible to retest for one (1) year and his IUCSAT Drug Testing Card shall be invalidated for the same time period. The individual must also complete a SAP-prescribed treatment program before returning to work. For the purposes of this policy, a negative test must occur before any future positive tests will be counted as additional strikes.

### **DISPUTED POSITIVE RESULTS**

Employees who dispute positive results shall have the right to have his/her split sample, if available, or a portion of the initial sample independently re-tested by a DHHS certified laboratory of his/her choice, at his/her own expense, within ten working days of when he/she was notified of the test results. The split specimen or a portion of the initial sample shall be forwarded under chain-of-custody directly from the laboratory performing the testing to the laboratory selected by the individual. Evaluation of the drug test must be performed by a SAMHSA laboratory approved by the TPA. If the second lab report test reveals a result different from the original laboratory test, then both tests will be cancelled and another drug test will be required to obtain a negative result. Under these circumstances, the affiliated contractor has agreed to reimburse the individual for compensation lost during the period of his/her disciplinary suspension or termination and will reimburse the individual for the cost of the second test.

An employee whose positive test results are confirmed will be referred to the EAP by the MRO. The employee is expected to attend all appointments with the EAP counselor and to follow the counselor's instructions.

### **CRAFT PERSONNEL WORK ASSIGNMENTS**

IUCSAT maintains the position that all craft personnel are subject to the policy and requirements heretofore listed, including the Drug Test provisions, as provided in their respective collective bargaining agreements. To accommodate craft personnel who have never taken an initial drug test for the IUCSAT program and obtained an IUCSAT identification card the following provisions will apply when starting a work assignment. The following accommodation will also be extended to craft personnel who work under heavy highway agreements or individuals who have been working out of the jurisdiction and are dispatched to a building trade job.

- 1) The employee shall secure a Testing Authorization Form from their union hall or authorized employer representative and report to an approved collection facility for the completion of a drug screen.

- 2) Upon arrival to job location, the employer representative (card manager) shall request of the employee his/her IUCSAT identification card and check Safesite for an "available" card status. If the individual does not possess an IUCSAT card:
  - a. The employee will be requested to secure a card and take an initial drug test within 3 days to comply with the IUCSAT Substance Abuse Policy if one has not been already completed.
  - b. If the employee has taken the drug screen but doesn't have their card, the employee is to provide evidence to the employer of the Chain of Custody form given to him by the collection site.
- 3) The employee will be allowed to work temporarily for the employer pending a receipt of an IUCSAT Identification Card and the status verification of the initial drug screen.
- 4) If the work assignments are consecutive, the employee will be allowed to work for up to a maximum of 7 days in order for the employee to receive his IUCSAT identification card and have the employer card manager verify an "available" card status.
- 5) If the member's work assignment is terminated by his employer before the member's status is verified within the allowable seven days for verification, and is rehired, the member will have to provide the same employer an IUCSAT identification card at the second (2<sup>nd</sup>) rehiring sign up, and an "available" status. Except in the event that the rehire is less than seven days from the initial hire date, the Craft Personnel, Local and Non-Local, IUCSAT card holders shall accept and understand that should his/her urine test results be reported as positive for any heretofore listed prohibitive substance, his/her employment may be terminated or disciplined without obligation for further compensation by the IUCSAT affiliated employer (contractor). Such termination shall also be subject to the individual's rights under his/her collective bargaining agreement.

#### **STATUS CONFIRMATION**

Participating contractors may verify the status of all IUCSAT participants, who are working, by having their card status verified through Safesite to determine if the employee is "available", "not available", or "not on file" under the IUCSAT program. Under the IUCSAT Substance Abuse Program, Contractors may check card status at any time, but are required to do so, at a minimum, weekly. The TPA will email monthly reports to last known contractors and unions confirming those individuals with a "not available" status.

When an employee's status is not available, he/she will be advised to contact the TPA's office to resolve the "not available" status. Once an employee has taken the initial drug test necessary to obtain an IUCSAT Identification Card, the employee shall provide a Chain of Custody form to his/her employer within one day. If the initial test is positive, the employee shall follow the "Consequences for a Positive Test" within the IUCSAT Substance Abuse Policy. This procedure will protect the employee's confidentiality and allow the employer to audit the status of his employees, which may be required by the owner to be submitted monthly.

### **CARD MANAGER**

Employers/Owners will designate a person as a card manager who will be able to access Safesite to confirm an employee's status through Safesite as (1) not on file, (2) not available, or (3) available.

The card manager shall maintain the strictest confidentiality of the IUCSAT membership. When a member is not in possession of his or her IUCSAT identification card, the card manager may request to use the member's social security number to secure the employee's status if proper consent is given.

### **AMENDMENTS TO THE POLICY**

The governing body of the IUCSAT Substance Abuse Program and Policy will be the IUCSAT Substance Abuse Committee. The committee will be comprised of three members of labor and three members of management. This group will have the authority to recommend changes to the policy through mutual negotiations. The committee will report any recommendations to the IUCSAT Board of Directors for action to adopt or reject the recommendations.

### **OWNER MANDATED PROGRAMS**

In the event that an owner requires additional procedures or specific testing, beyond the scope of the policy, for a particular project, the IUCSAT Substance Abuse Program would be amended to include those provisions for that particular project. Such procedures should never be discriminatory or arbitrary. The additional cost of such testing would be borne by the owner and/or the employer. Any positive test results from owner mandated testing will be reported to the TPA of the IUCSAT Substance Abuse Program.

### **APPLICANT'S/CURRENT CARDHOLDER'S INSTRUCTIONS & INFORMATION**

- 1) The IUCSAT applicant/cardholder will be asked to follow all instruction provided in Attachment I regarding the collection of their specimen.
- 2) Applicants/cardholders who want a hard copy of their results must complete an "Authorization for Release of Results" form. The form must be transmitted to the office of the TPA. The TPA will mail a copy of the results to the applicant following receipt of the form.
- 3) Urine collection process will, in general, follow the DOT published Urine Collection Guidelines.
- 4) If the drug test is for probable cause purposes or post-accident, not pre-employment or random, the supervisor or other company representative will be required to transport the employee to the specimen collection location. A union representative may accompany the employee, if he or she so requests. The accompanying supervisor and union representative will secure safe transportation back to the job site or home following the test.
- 5) The company supervisor shall prepare a report of all of the events, which occurred from the initial observation of probable cause through the testing process and the disposition

of the employee. The report should be sent to his or her immediate supervisor directly following the incident or in any event on the same day.

## **DEFINITIONS**

To ensure common understanding of terms, the following definitions should be consistently used

**Accredited Laboratory (SAMHSA):** A federally certified laboratory approved by the Department of Health and Human Services (DHHS) for testing of prohibited items and substances.

**Accident/Incident:** An accident/incident is any event that occurs while an employee is working or conducting a contractor's business, whether on or off a job site, either directly or indirectly, and results in treatment by a health care provider, or that resulted in damage to property. This would also include any serious near-miss incidents.

**Adulterated specimen:** Tampering with a test sample by the substitution or addition of other ingredients to mask the presence or use of illegal drugs, resulting in 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.

**Alcohol screening test:** An analytic procedure to determine whether an employee may have prohibited concentration of alcohol in a breath or saliva specimen.

**Breath Alcohol Technician (BAT)** is an individual who is certified as trained to operate an Evidential Breath Testing device (EBT) and who is proficient in breath-testing procedures.

**Chain of Custody:** The procedures used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This program will use a non-regulated custody and control form (CCF) that captures all elements of a Federal Drug Testing Custody and Control Form (CCF).

**Collection site:** A designated place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances, or for purposes of providing a saliva or breath sample to be analyzed for alcohol concentration.

**Confirmation Test:** A second test performed by a SAMHSA certified laboratory, on the same sample used for the screen test, which uses the more complex methodology of GC/MS (Gas Chromatography/Mass Spectrometry), that is more precise for the purposes of confirming or refuting screen test results.

**Controlled substances:** Includes all illegal drugs as listed in this policy including controlled substances, look alike drugs, designer drugs, or prescription drugs used by one for whom they were not prescribed, drug paraphernalia, and alcoholic beverages in the personal possession of or being used by an employee on the premises, or while assigned to work off premises.

**Diluted specimen:** A urine specimen with creatinine and specific gravity values that is lower than expected for human urine. A specimen is deemed dilute if the creatinine is less than 20 mg/dl and the specific gravity is less than 1.003.

**Follow-Up Testing:** For a minimum of twelve (12) months after an employee returns to work from a positive test result and/or counseling/rehabilitation/treatment, the employee will be subject to not less than three (3) unannounced follow-up tests. The Third Party Administrator will schedule all follow-up tests under this policy. The employee will be notified of such unannounced tests by mail or phone. The employee must take the test within twenty-four (24) hours after receiving notice; if not the employee will be considered to have failed the test.

**Medical Review Officer:** A licensed physician responsible for receiving laboratory results generated by a substance abuse testing program, who has knowledge of substance abuse disorders, and who has received appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant biomedical information.



**Negative Test:** A negative test is obtained if: (1) the screen test indicated the absence of legal or illegal substance in excess of the screen limit; or, (2) the screen test indicates the presence of legal or illegal substances in excess of the screen limit but the confirming test indicates the absence of legal or illegal substance in excess of the confirmation limits; or, (3) the screen test and confirmation test indicated the presence of a legal or illegal substance(s) in excess of the limits but the donor had a valid medical reason for the substance being detected in the specimen.

**Positive Alcohol Test:** A positive alcohol test is obtained when an employee's confirmatory test result reads 0.04% BrAC or higher.

**Positive Drug Test:** A positive test result is obtained if the result indicates the presence of an illegal substance that meets or exceeds the confirmation limits listed in this policy, as verified by a Medical Review Officer (MRO), and the MRO has determined that the test results do not stem from use of prescription medicines, over the counter medicines, food, or any cause other than the use of illegal substances. This would also include the illegal use of prescription drugs.

**Probable Cause/Reasonable Cause:** Probable Cause/Reasonable Cause testing may be based upon such things as: (a.) Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs; (b.) A pattern of abnormal or erratic behavior as evidenced by the employee's work time actions, appearance, or conduct; (c.) Arrest for drug-related offense while at the worksite or in company vehicle; (d.) Newly discovered evidence that the employee has tampered with a prior drug test.

**Random Testing:** An unannounced, unscheduled test if, pursuant to an objective method for random selection of employees to be tested. The selection must be truly random without discrimination or arbitrary selection.

**Refusal to Test:** It is considered a refusal to test if the employee adulterated and/or substituted or refused to provide a urine specimen, or if the employee failed to appear for testing within a reasonable time, or to remain at the testing site until testing process is complete, or if the employee failed to provide a sufficient amount of urine without a medical reason, and/or failed to undergo an MRO directed medical evaluation for such a reason. Failure to cooperate with any part of the testing process, including the use of abusive language or behaving in a threatening manner, or behaving in a confrontational way that disrupts the testing procedure, shall also be considered a refusal to test. A refusal to test will be treated as a positive test.

**Return to Work Test:** Any employee returning to work after an absence of any duration for a positive test result and/or counseling/rehabilitation/treatment purposes must satisfactorily pass a drug screen to be eligible to work.

**Substance Abuse Professional (SAP):** A person who provides substance abuse evaluations on employees who have tested positive or refused to test in violation of this program's policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP must hold one of the following credentials: A licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, a licensed or certified employee assistance professional, a state licensed or certified marriage and family therapist, a licensed or certified mental health counselor, an alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRC) or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addiction Counselor (NBCC), or any additional licensed or certified professional as approved by the federal government for compliance with the Department of Transportation's substance abuse program. All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**Substituted Specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## Attachment I

### IUCSAT APPLICANT/CARDHOLDER DRUG TEST INFORMATION AND INSTRUCTION SHEET

IUCSAT is exercising extreme care to insure that strict quality control measures are followed in the collection, handling, and analysis of your urine specimen. You play an important role in this process and should be certain that you have provided an unadulterated urine specimen to the laboratory. Remember, you are certifying that the urine specimen that you provide is yours and is unadulterated. Any adulteration or switching of urine will subject you to discipline up to and including termination by your employer. For your own protection and peace of mind, we ask that you:

- 1) Provide a photo identification to the collection site/technician at time of arrival;
- 2) Be escorted to a collection room and provide a minimum of 45 ml of urine into the collection container;
- 3) Return the specimen to the collection personnel and witness, initial and date the integrity seals placed on your specimen;
- 4) Verify the information you provided on the custody and control form is correct;
- 5) Verify that the specimen identification numbers on the custody and control form and the specimen bottles match.

#### Procedures for:

- **Urine Specimen with temperature out of range:** If you provide a specimen with a temperature that falls outside of the acceptable range (90-100 degrees Fahrenheit), the collector will inform you that they cannot accept the specimen. You will be required to provide another specimen under direct observation by the same gender. If there is not a same gender person to perform the observation, then the collection will occur unobserved. You must remain at the collection site until a valid specimen is provided or else a refusal to test may result.
- **Shy Bladder:** If you are unable to provide a urine specimen on your initial attempt, you will be allowed up to three (3) hours to provide a specimen. You may drink up to 40 ounces of fluids. You will not be allowed to leave the collection site until you provide a valid specimen. If you leave the collection site without providing a valid specimen, it could be deemed a refusal to test which has the same consequences as a positive test result.
- **Alcohol Testing:**
  - If an initial (screening) breath alcohol test result has an alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test.
  - In the event the confirmation test indicates a BAC of .020 to .039, you shall be removed from the worksite for twenty-four (24) hours or until your next scheduled work shift, whichever is longer. Any confirmation test with a result of a BAC of .04 or greater is considered to be positive and will require the immediate removal from the worksite. The consequences for a positive alcohol test are outlined in the Sanctions/Consequences section of this policy. All alcohol tests shall be performed only while you are considered on duty.