

INDUSTRY DRUG FREE WORKPLACE POLICY
and
TESTING PROCEDURE
ROCKY MOUNTAIN CHAPTER, NECA/LOCAL UNION 68, IBEW
(9-1-06)

I. PURPOSE

The Employer and Employees are responsible to ensure safety in matters concerning the Employer's or customer's facilities, equipment and employees. The employer is responsible to maintain a safe and healthy workplace. It is recognized that an employee under the influence of drugs or alcohol while working can compromise safety and productivity. It is further recognized that the Employer is required to maintain a drug-free workplace when working on Federal government contracts under the Drug-Free Workplace Act of 1988 as well as various private sector contracts. The purpose of this policy and program is to establish and promote a safe, efficient and productive working environment by providing a workplace and a work force free from drugs, alcohol and controlled substances. Participants who are employees of contractors associated with Rocky Mountain Chapter, NECA or IBEW Local Union 68 will be subject to internal company disciplinary policies. All policies that differ from RMC-NECA/IBEW Local 68 Industry Drug Free Workplace Policy, customer or company will be submitted to NECA and IBEW Local 68. All reasonable measures will be taken to safeguard the privacy of participants in connection with this Policy, including maintaining the confidentiality of participants who come forward to discuss alcohol or drug abuse affecting them. Any employee who voluntarily seeks assistance or rehabilitation for drug or alcohol related problems before being asked to submit to a test shall be granted a one time amnesty. However, seeking assistance after a positive result is not a defense to discipline for violations of this policy. Amnesty shall not be applicable under Random Testing procedures.

II. POLICY

- A. The manufacture, distribution, sale, possession or use of a controlled substance in the Employer's workplace is prohibited and shall result in disciplinary action up to, and including, termination and the possible involvement of law enforcement authorities. Controlled substances include not only illegal drugs, but also legal prescription drugs used in an illegal manner.
- B. The possession, use or distribution of intoxicating or impairing substances in the workplace is prohibited and shall result in disciplinary action up to, and including, termination if internal company or customer policy require termination.
- C. The Employee shall notify his/her Employer of any criminal drug statute conviction of the Employee for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to give such notification shall result in disciplinary action up to, and including, termination. Employees convicted of such an offense shall be subject to disciplinary action up to and including termination if internal company or customer policy require termination or shall be required to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

- D. The Employer shall maintain a drug-free awareness program to inform its Employees about:
 - 1. The dangers of drug and alcohol abuse in the workplace;
 - 2. The Employer's policy of maintaining a drug-free and alcohol-free work place;
 - 3. Available drug and alcohol counseling, rehabilitation, and Employee assistance programs;
 - 4. The penalties that may be imposed on employees for drug and alcohol abuse violations occurring in the workplace.

III. TESTING

A. Pre-employment Testing

Pre-employment testing shall be performed on all job applicants as a condition of employment. An applicant for employment taking a drug and alcohol screening test with a negative result and being accepted for employment by the contractor will receive a total payment of \$50.00.

B. Customer Request Testing

Testing may be done by customer request to determine the use of any illegal and unauthorized drug, alcohol or other prohibited substance. An individual who receives a verified positive test may be subject to immediate discharge, if internal company or customer policy requires termination. Employees taking a drug and alcohol screening test with a negative result will receive a total payment of \$50.00.

C. Post-Accident Testing

If an employee is involved in or suffers an occupational on-the-job injury (requiring treatment from a "Health Care Provider" as defined in The Family and Medical Leave Act) or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, unusually careless acts were performed or where the cause was due to an employee's failure to wear prescribed personal protective equipment or follow prescribed safety rules while working on Employer premises or the property of a customer. Such test shall be conducted immediately following the accident or incident in question.

Any individual involved in an incident who receives a post-accident verified positive test result, may be subject to immediate discharge if internal company or customer policy require termination. Employees being tested shall be paid straight time wages plus fringes by the employer for lost time for negative results only.

D. For Cause Testing

When a supervisor trained on controlled substance and alcohol use and misuse has reasonable suspicion that an employee shows signs of being under the influence of drugs or alcohol, or other facts that would lead the supervisor to be concerned about the employee's safety or the safety of others. If reasonable to do so, the supervisor shall verify suspicions with another supervisor before a For Cause Test is required.

The Supervisor shall document in writing the incident and the reasonable suspicion basis for such testing. The documentation shall specifically detail actions of the participant, the location, date, time, length of observation by any witnesses, and should be signed by the supervisor who witnessed the incident.

When the Employer has a reasonable suspicion based on information such as an unusual number of post-accident positive test results, incidents of theft, lost productivity or reports of unexplained personal behavior, or other facts that would lead management to test specific individuals or groups of individuals, I.B.E.W. Local Union # 68's confidants shall be notified in a timely matter.

When an employee or other person is found to be in possession of suspected illicit or unauthorized drugs and/or alcohol, drug paraphernalia or when any of these items are found in an area controlled or used exclusively by such employees. An individual who receives a verified positive test result may be subject to immediate discharge if internal company or customer policy requires termination. Employees being tested shall be paid straight time wages plus fringes by the employer for lost time for negative results only.

E. D.O.T. Driver Testing

Employers with D.O.T. Drivers shall randomly test their driver pool in accordance with current D.O.T. regulations. An individual who receives a verified positive test result may be subject to immediate discharge if internal company or customer policy requires termination. Employees taking a drug and alcohol screening test with a negative result will receive a total payment of \$50.00.

F. Random Testing

Random selection will be computer generated and performed by a contracted outside administrator. Participants will be selected randomly from the 50% pool. The names of selected participants will not be returned to the pool, so that every two years all employees will have been tested at least once. At the same time all participants will be part of a second pool in which 10% of the participants will be selected for testing each year. Participants in the 10% pool can be selected for testing at any time even if they have been selected recently from the 50% or 10% pools. Employees taking a random drug screening test with a negative result will receive a total payment of \$50.00.

An individual who refuses to participate in any of the above testing requirements shall be subject to immediate discharge. An individual who tampers with, switches or otherwise adulterates any test sample shall be subject to immediate discharge if internal company or customer policy requires termination.

G. Portability

The Industry Drug Free Workplace Policy and Testing Procedure shall also apply to Electrical Contractors and personnel working under Portability Rules in Rocky Mountain Chapter, NECA/IBEW Local 68's Jurisdiction. In order to avoid situations wherein a Contractor or personnel working under Portability rules will be forced to have one (1) or two (2) uncompensated days while waiting for the initial drug or alcohol screen to be reported, Contractors and personnel will be allowed to report to work immediately after dispatch and providing a drug and alcohol screen. Contractors and personnel working under Portability Agreements in RMC, NECA/IBEW Local 68 jurisdiction for less than five (5) days, are subject to the Industry Drug Free Workplace Policy and Testing Procedure, but may be exempt from the random drug and alcohol-testing program. If the job/assignment exceeds five (5) days, or the employee accumulates more than five (5) days, the participant becomes subject to the random drug/alcohol testing program. The Electrical Contractor and employees understand and accept that should his or her drug or alcohol test positive for any prohibited substance, that all policies contained in the Industry Drug Free Workplace Policy and Testing Procedure shall apply.

IV. CONTROLLED SUBSTANCES TESTED

Employees shall be required to provide urine specimens, which shall be tested for the presence of the following controlled substances at the cut off levels established by the Department of Transportation Regulations:

- A. Amphetamines
- B. Cocaine
- C. Marijuana
- D. Opiates
- E. Phencyclidine (PCP)
- F. Additional substances as may be government mandated or customer/employer required.

V. ALCOHOL TESTING

Alcohol testing shall be conducted by GCMS, Breath Testing Device or other recognized method. An employee or applicant with a confirmed result above .02 percent shall not be assigned to work until such time that they can test below the .02 percent level. Employees taking an alcohol screening test with a negative result will receive a total payment of \$50.00. Such payment will only apply should test results be below the .02 percent level. Employees testing above the .02 percent level may be subject to immediate discharge if internal company or customer policy requires termination.

VI. TESTING PROCEDURES

- A. Confirmatory Drug testing shall be conducted by an independent testing laboratory holding a current certification from the Substance Abuse and Mental Health Services Administration

(SAMHSA), National Institute on Drug Abuse or other appropriate agency as set forth in the Federal Register. The Union shall be provided with a list of certified testing facilities that are being utilized by Employers subject to this Policy.

- B. All drug testing shall include cutoff levels outlined in the U.S. Department of Transportation Regulations. Urine analysis shall be the primary method of testing for prohibited drugs. An instant drug-screening test provided by a recognized independent professional testing laboratory may be utilized for initial testing. Non-compliant instant screen tests shall be subject to a confirmatory test requiring gas chromatography/mass spectrometry (GC/MS).

In the event the confirmatory test is positive, the applicant/employee may elect at his/her expense to have the secured portion of his/her urine sample re-tested within 48 hours by an independent testing laboratory holding a current certification from the Substance Abuse and Mental Health Services Administration (SAMSHA), National Institute on Drug Abuse or other appropriate agency as set forth in the Federal Register. If the independent re-test is negative and the results have been confirmed by a Medical Review Officer, the applicant/employee shall be allowed to go to work as soon as possible and be reimbursed for the cost of the independent re-test by the employer.

Applicants/Employees who have confirmed medical conditions that do not permit them to provide a urine specimen will be permitted to satisfy the testing requirements through alternative means of testing such as blood testing. These arrangements will require medical documentation and will be considered on a case-by-case basis.

- C. A "verified positive" drug test result shall mean test levels on both the screening test and the confirmatory test that are recognized as positive by the U.S. Department of Transportation guidelines. A "verified positive" alcohol test result shall mean test levels on both the initial test and the confirmatory test which do not meet allowable standards under this Policy.
- D. Prior to notice to the employer of a positive test result, the applicant/employee shall be notified by the designated Medical Review Officer and the applicant/employee shall have the right to discuss the results and to advise the Medical Review Officer of any medication prescribed by his/her own physician which may have affected the results of the test. If the Medical Review Officer is unable to contact the applicant/employee after at least two documented attempts within 48 hours from receiving the test results the Medical Review Officer shall subsequently advise the employer's "Drug Program Confidant" of a non-compliant test result. The employer shall notify the NECA Chapter Manager and the Union Business Manager of the names of the employer's "Drug Program Confidant(s)".

No action shall be taken based upon a non-negative/inconclusive result for an employee or an applicant until a recommendation is received from the designated Medical Review Officer. The

employee or applicant however shall not be assigned to work when a customer requirement or employer policy would prevent such an assignment.

- E. The employer shall provide information to employees concerning the employer's Employee Assistance Program (EAP) and/or the availability of public and private drug counseling, rehabilitation and other drug and alcohol abuse treatment programs where applicable (such information may be obtained by contacting the Colorado Department of Human Services Alcohol and Drug Abuse Division).
- F. Any discipline or adverse action imposed by the employer as a result of the employer's drug and alcohol program, including the results of testing, shall be subject to the grievance and arbitration procedure for those employees covered under any applicable collective bargaining agreement(s).
- G. 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 testing program and procedures

VII. In the case of a verified positive test with respect to prohibited substances, drugs or alcohol, an employee may be (1) immediately terminated if an employers or customers policy provides that employees who use, possess, sell, distribute or transport prohibited substances, drugs or alcohol may be terminated or (2) suspended from work without pay until the employee can successfully pass a drug test. A suspended employee shall also be required to begin or commence counseling and rehabilitation from an acceptable and recognized source within five working days in order to be considered for re-employment and may be re-employed if work is available. If re-employed, the employee shall remain in the appropriate program and/or counseling as a condition of employment until satisfactory completion. After successful completion of the appropriate program and/or counseling the employee shall be subject to the following:

- (1) Employee shall be subject to unannounced follow-up alcohol/drug screens for a period of 12 (twelve) months.
- (2) If a later test is positive, the employee shall be discharged immediately and not eligible for rehire.

Applicants and employees with verified positive test results who elect not to enroll in an acceptable counseling and rehabilitation program shall not remain employed or be considered for future employment until documentation has been provided to the Employer and Local Union Drug Program Confidants that he/she have enrolled in an acceptable counseling and rehabilitation program and have successfully passed an alcohol and/or drug test administered by an appropriate agency within 48 hours of being considered for employment. Applicants with previous verified positive test results may sign the "Out of Work List" but shall not be referred until they are compliant with the aforementioned requirements.

The Union shall be provided with a copy of the employers or customers company policy that provides for termination of employees who use, possess, sell, distribute or transport prohibited

substances, drugs or alcohol.

- VIII. This policy and related testing procedures may be revised, amended or updated from time to time as agreed to by the Rocky Mountain Chapter, NECA and Local Union 68, IBEW.
- IX. The Local Union shall not be responsible for substance abuse testing, or costs associated with substance abuse testing. By implementation of this policy, the Local Union does not assume legal responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any employee/employer, or for providing employees a safe workplace.
- X. This policy or any portion thereof shall not be in conflict with any applicable State or Federal Laws.

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