

**MID-CENTRAL ILLINOIS CARPENTERS  
JOINT LABOR MANAGEMENT  
SUBSTANCE ABUSE TESTING  
PROGRAM**

**POLICY**

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# MID-CENTRAL ILLINOIS CARPENTERS JOINT LABOR MANAGEMENT SUBSTANCE ABUSE TESTING PROGRAM

## I. PROGRAM OBJECTIVE

The Central Illinois Builders of AGC, the Greater Peoria Contractors & Suppliers Association, the Builders Association of Tazewell County and other participating employers who do not bargain through the aforementioned contractor associations (Employers) and the Chicago Regional Council of Carpenters (Union) are committed to establishing and maintaining a drug free workplace for every employee, both those covered under the Collective Bargaining Agreement (CBA) and those employees not under the CBA. As such, the objective of the Mid-Central Illinois Carpenters Joint Labor Management Substance Abuse Testing Fund, Inc.'s Substance Abuse Testing Program (Program) is to provide consistent, fair, and manageable procedures for drug and alcohol screening of employees that will be accepted by participating employers and job site Owners, and to maintain a central database of participating individuals in order to expedite their employment and access to the Owner's job site.

The Program seeks to provide uniformity in drug and alcohol testing procedures for Employers, Customers and Employees. The purpose of the Program is to increase on-the-job safety given the safety-sensitive nature of the construction industry and ensure high quality services and productivity to Customers by denying job site presence to individuals whose abilities are impaired by drugs or alcohol. The types of testing conducted under this Program will involve pre-access, random, post accident/incident, reasonable cause/suspicion, periodic, return to work, and probationary status/follow-up testing. This program will:

1. Help produce a safe, healthful and drug-free work place for all employees;
2. Educate employers and employees on the signs, symptoms and consequences of substance abuse;
3. Improve work place safety and reduce substance abuse-related injuries and property damage;
4. Reduce substance abuse-related absenteeism and tardiness;
5. Refer employees with substance abuse problems to Substance Abuse Professionals;
6. Deter individuals from bringing, possessing, using, distributing or having in their systems alcohol or other drugs on work time or premises;
7. Improve the image of our industry;
8. Improve productivity and service quality.

The Substance Abuse Testing Program does not provide or pay for any treatment or care for substance abuse or any other kind of medical services related to drug testing. The Program does not provide medical benefits and/or benefits in the event of sickness. The Program does not provide substance abuse counseling or care in connection with the drug and alcohol testing that is described herein. The Program does not employ counselors.

## II. DEFINITIONS - As used in this Program, the following terms shall have the following meaning:

1. **“Accident”** – Any event resulting in injury to a person requiring outside medical care or treatment or property damage to which an employee contributed as a direct or indirect cause.
2. **“Adulterated Test Result”** - The donor has tainted the specimen with a foreign contaminate, such as bleach, to prevent the detection by the laboratory of an illegal or controlled substance. An

adulterated sample is considered an administrative positive and has the same consequences as a confirmed positive test result.

3. **“Alcohol”** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
4. **“Applicant”** – Any individual who will perform work and has been referred for hire by a local union or a person selected through a direct hire process. As a condition of employment, applicant must meet the applicable conditions of this policy prior to employment.
5. **“Breath Alcohol Technician”** – A person trained to proficiency and certified in the use of Evidential Breath Testing device (EBT) in a DOT course.
6. **“Communicator”** – An Employer and/or Union Representative(s) designated by the Employer and/or Union to preserve the confidentiality of employee’s drug testing information. The Employer and the Union are required to designate both a Primary Communicator and an Alternate Communicator.
7. **“Customer”** – A buyer of construction services from an Employer.
8. **“Employer Premises”** – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of the Employer, and any job site to which the Employer assigns any Employee.
9. **“Diluted Test Result”** - A diluted test result means that the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl. The following are some of the causes for a diluted sample and the related procedures:

#### **Causes**

- a) Dialysis or chemotherapy.
- b) A kidney or pancreas disorder requiring medical attention.
- c) The individual is attempting to flush out their system of illegal substances. This requires an enormous amount of water to be consumed over approximately twenty-four (24) hours prior to providing a sample. The normal consumption of liquids or consuming liquids prior to testing will not cause a sample to be diluted.

#### **Procedures**

- a) A diluted specimen with a creatinine level of less than 20 mg/dl but greater than 5 mg/dl will require the employee to provide another sample.
  - b) A diluted specimen with a creatinine level greater than or equal to 2 mg/dl, but less than or equal to 5 mg/dl will require the employee to provide another specimen under direct observation.
  - c) A diluted specimen with a creatinine level of less than 2 mg/dl will be ruled as a substituted specimen and will have the same consequences as a positive test result.
10. **“Employee”** – Any individual employed by the Employer or subcontractor who directly or indirectly performs work for a Customer.

11. **“Employer”** – An entity that participates in this program pursuant to a collective bargaining agreement and that pays wages and benefits to an employee to directly or indirectly perform work for a Customer.
12. **“Employer Premises or Property”** – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of the Employer, and any job site to which the Employer assigns any Employee.
13. **“Illegal/Unauthorized Drugs”** – Any drug that is illegal under either Federal law or the laws of the State of Illinois to the extent allowed by applicable law and/or the use of a controlled substance by an individual other than the individual for whom the controlled substance was prescribed or the abuse of a controlled substance by the individual for whom it was prescribed. Any drug that is permitted to be unauthorized on the Employer’s Premises or Property to the extent allowed by applicable law.
14. **“Incident”** - An event which has all the attributes of an accident, except that no apparent or perceived harm was caused to person or property.
15. **“Legal/Controlled Drugs”** – Any prescribed or over-the-counter drug, which has been legally prescribed/obtained and is being used for the purpose for which it was prescribed/manufactured.
16. **“Medical Review Officer (MRO)”** - All urine samples confirmed as non-negative by the laboratory shall be referred to a Medical Review Officer for interpretation and final confirmation. The MRO is a licensed physician who has knowledge of substance abuse disorders and has received the appropriate medical training to interpret and evaluate an individual’s positive test result as it relates to the Employee’s medical history and any other biomedical condition. The Union and Employers have mutually chosen the MRO for this program.
17. **“Negative Test Result”** - A negative result indicates that the alcohol level is below .04 BAC and/or an illegal/unauthorized substance below the levels as described in this Program, has not been detected in the person’s specimen by the laboratory.
18. **“Not Consistent With Human Urine or Substituted Test Result”** - This test result is self-explanatory and is determined by the laboratory. A not consistent with human urine or substituted test result has the same consequences as a confirmed positive test result.
19. **“Owner”** – Any proprietorship, partnership, corporation or other legal entity that owns or controls the property, facilities, land or job site, where the Employer is performing covered carpenter work.
20. **“Positive Test Result”** - A positive test result indicates that the alcohol level is .04 BAC or above and/or the laboratory and MRO have confirmed an illegal/unauthorized drug(s) in the person’s system as described in this Program and/or the individual reported to the collection site and left the site without providing a sample.
21. **“Possession”** - Actual or constructive care, custody, control or immediate access to illegal/unauthorized drugs.
22. **“Prohibited Substances and Items”** include:
  - a) Illegal/Unauthorized drugs, legal drugs that have not been legally prescribed for the individual or cause the individual to be Under the Influence, controlled substances, mood or mind altering substances, and “look-alike”, designer and synthetic drugs;

- b) Prescribed drugs used in a manner inconsistent with the prescription;
  - c) Alcoholic beverages; and
  - b) Substance paraphernalia in the possession of or being used by an employee on the job, excluding any substance or paraphernalia prescribed by a physician and being used in a manner consistent with the prescription.
23. **“Reasonable Cause”** – An employee’s excessive tardiness, excessive absenteeism, poor job performance, and erratic behavior such as noticeable imbalance, incoherence, and disorientation. This definition is only illustrative and would lead a trained person to suspect that an employee is “under the influence” of intoxicating liquor or illegal/unauthorized drugs requiring an objective criteria be used per Exhibit E –Reasonable Cause/Suspicion Documentation.
24. **“Reasonable Suspicion”** - A good faith belief based on objective and articulated, written facts sufficient to lead a supervisor, who has received the proper training, to suspect that drugs or alcohol might influence an individual’s behavior. Exhibit E, Reasonable Cause/Suspicion Documentation, should be utilized when an Employee is suspected of alcohol and / or drug use by actions, appearance or conduct, which constitutes a major change in the person's appearance and/or behavior. Supervisors shall document the indicators resulting in the decision to select an Employee for Reasonable Suspicion Testing. Employees testing for reasonable suspicion shall have the right to have their job steward present during written documentation and testing.

In determining Reasonable Suspicion, a Supervisor may consider the Employee’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the Employee or others, involvement in any accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the Employee or others. The following physical, behavioral, or performance indicators may also provide a basis for Reasonable Suspicion:

Physical Indicators: slurred speech, bloodshot eyes/dilated pupils, unsteady walk/uncoordinated movements, shakes or tremors, unexplained sweating or shivering, fidgeting/inability to sit still, sleeping or difficulty staying awake, unusual body or breath odor, deterioration in appearance/grooming.

Behavioral Indicators: attendance problems (tardiness, patterns of absences or excessive absenteeism), decline in performance or productivity, acting withdrawn from others.

Psychological Indicators: unexplained changes in personality or attitude, sudden mood changes, irritability, angry outburst or inappropriate laughing, unexplained fears or paranoia, inability to focus or concentrate.

25. **“Safety Sensitive”** - A predictable exposure to operations where failure could result in serious harm to public or employee wellbeing, Employer property, or the environment. Supervisors of Employer personnel are included.
26. **“Substance Abuse Professional (SAP)”** – A Substance Abuse Professional is a licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have a drug and/or alcohol problem.

27. **“Substance Testing”** – Drug and alcohol analysis by means of breath, urine, blood, and/or saliva.
28. **“Third Party Administrator” (TPA)** – CDS Services, Inc. (CDS) is an independent third party professional organization that will implement and monitor the Program and its contents, including, but not limited to, pre-access testing; collection sites; random selection; random testing; auditing of program integrity; and updating and maintaining the Program to keep pace with current and developing trends in the field of substance abuse and screening.
29. **“Under the Influence”** - The presence of a **PROHIBITED SUBSTANCE** in body fluids or breath that affects the individual in any detectable manner. The symptoms of influence may be, but are not limited to, the physical, behavioral, or psychological indicators listed in the definition of “Reasonable Suspicion” within this Policy. Under the Influence for alcohol refers to a breath alcohol content of .04 or greater.
30. **“Unsuitable Test Result”** - The laboratory determines that the specimen contains foreign contaminate or the individual has ingested fluids to mask the illegal/unauthorized drug, but the levels are not in the range to legally determine if the specimen is adulterated or substituted. An unsuitable test result will require the individual to provide another sample under observation.
31. **“Union”** - an organization that is signatory to a collective bargaining agreement with an Employer that is participating in the Program.
32. **"Employee/Worker Status"** - CDS will maintain a database of employees indicating their current status in the Program. A worker's status shall indicate his /her compliance or non-compliance with the Program's terms and conditions as follows:
  - a.) **Active Status:** employees who have been subject to and have complied with the Program's terms and who therefore are eligible for immediate placement without having to take another drug test.
  - b.) **Inactive Status:** employees who have had a diluted or unsuitable test result and need to be re-tested. Also includes an employee's temporary inclusion in the database pending the receipt of a post-accident or reasonable suspicion test result.
  - c.) **Pending Status:** employees who have provided a specimen, but the final results have not been received from the laboratory and/or MRO. An Employer cannot refuse a referred employee based on that employee being listed in “Pending Status” when the pending status is the result of a random test.
  - d.) **Random Status:** employees who have been selected for a random drug test and have not yet been tested. An Employer cannot refuse a referred employee based on that employee being listed in “Random Status”.
  - e.) **Reinstate Status:** employees who have been suspended for violation of the Policy and must complete the reinstatement requirements prior to being returned to Active status.

### III. PROGRAM STATEMENT

1. This is to notify all employees that the use, abuse, or reporting to work under the influence, bringing onto the worksite, the unlawful manufacture, distribution, possession, transfer, storage, concealment, transportation, promotion or sale of illegal/unauthorized drugs, controlled substances, alcoholic beverages or drug related paraphernalia by employees is strictly prohibited and is a violation of this Program and subject to disciplinary action, up to and including immediate termination.



2. Each employee must acknowledge in writing their acceptance of the Program and provide consent to be tested for drugs and alcohol and authorize release of the results to CDS (the Third-Party Administrator), communicators, the clinic, the laboratory, the MRO and the Union. An example of such consent form is attached, though any form chosen by CDS may be used.

#### **IV. PROGRAM ADMINISTRATION AND AUDIT**

The development, implementation and overall responsibility of this Program shall be the joint responsibility of the Employers and the Union.

The Central Illinois Builders-AGC, Greater Peoria Contractors & Suppliers Association, Builders Association of Tazewell County & Mid-Central Illinois Carpenters Joint Labor Management Substance Abuse Testing Program is administered by the Board of Trustees. The Board of Trustees, in its sole discretion, may amend the scope and/or terms and conditions of the Program and/or terminate the Program at any time. The Board of Trustees further reserve the right to expand, reduce, and/or cancel the scope of testing provided herein, at any time and in its sole discretion. The Board of Trustees may also, at any time and in its discretion, amend or change the eligibility requirements or the hourly contribution rates required for Employers and Unions to participate in the Program.

CDS will provide the daily administration and management of the Program. CDS shall make testing records available so as to meet the requirements of federal, state and local agencies, the contractual requirements of Employers and upon request to the parties of a grievance initiated by the employee or union.

#### **V. EMPLOYEE ASSISTANCE REFERRAL PROGRAM (EAP)**

Each employee is responsible for seeking help before an alcohol or drug problem leads to disciplinary action. The employee's decision to seek assistance (Self-Referral) prior to a violation of the Program will not be used as a basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. Employees are encouraged to contact their Health and Welfare Program for assistance.

The Substance Abuse Testing Program does not provide or pay for any treatment or care for substance abuse or any other kind of medical services related to drug testing.

#### **VI. DESIGNATION, TRAINING AND EDUCATION**

1. The Employer and the Union are required to designate both a Primary Communicator and an Alternate Communicator. The Employer and the Union are also required to maintain both a Primary Communicator and an Alternate Communicator while this Program/Policy remains in place. The failure to designate or maintain a Communicator shall be considered a violation of this Program/Policy.
2. Designated employees of the Employer and/or Union ("Communicators") will be provided training and education in their responsibilities and administration of the Program.
3. CDS will provide training and education to supervisory personnel responsible for determining whether an employee must be tested based on reasonable cause/suspicion. Training shall cover the specific, contemporaneous physical, behavioral and performance indicators of drug and alcohol abuse.

#### **VII. SUBSTANCE ABUSE TESTING PROTOCOLS**

Employees will be required to undergo substance abuse testing to determine the use of any illegal/unauthorized drug, alcohol or substances prohibited by the Program.

- A. CONFIDENTIALITY:** An employee's expectation of privacy and confidentiality is a top priority of this Program. Accordingly, all testing records will be considered confidential and will only be released upon written consent of the employee, except that such information will be released, regardless of consent, upon issuance of a subpoena compelling release of such information from a duly situated and authorized administrative or judicial forum, the parties of a grievance initiated by the employee or union in which the test results are a material issue or to employees compensation carriers and the Unemployment Compensation Commission when required by law.
  
- B. SAMPLE COLLECTIONS:** Certified Collection Specialists and Breath Alcohol Technicians will collect all samples, utilizing Substance Abuse & Mental Health Services Administration (SAMHSA) procedures to insure both proper chain of custody protocols and employee confidentiality. All samples will be collected with concern for each employee's personal privacy, dignity, and confidentiality. CDS will provide the following three (3) options for drug screening collections:
  - 1. Mobile On-Site Collections:** Certified collectors may be available to conduct the substance abuse collections at the job site or the employer's office. A minimum of twenty-five (25) drug and alcohol collections will be required to perform mobile on-site collections at the employer's office, Union hall or job-site.
  - 2. Clinical Collections:** CDS has made arrangements with clinical collection sites throughout the Central Illinois area for testing of employees.
  - 3. CDS Office Collections:** If practical and feasible, CDS will consider establishing an office in the Central Illinois area, which would provide another option for testing of employees.

**C. TYPES OF TESTING TO BE CONDUCTED:**

The following types of testing will be conducted by use of urine, blood, saliva or breath:

- 1. Implementation Testing:** It is the goal of the Employers and the Union to have every covered employee tested for illegal drugs within three (3) years of the Program's implementation date of September 1, 2006. Therefore, active Carpenter members who have not been tested within the initial three-year period will be required to take a drug test at the end of the three-year period. Any employee who is tested pursuant to any of the types of drug testing provided in this policy (random, post-accident reasonable suspicion/cause) will have that test counted as their Implementation test. The Fund is responsible for payment of this test.
- 2. Pre-employment Testing:** New prospective employees may be subject to drug or drug and alcohol screening to ascertain whether an applicant is capable of safely performing the duties and meeting the prerequisites of the employment offered. The employer is responsible for payment of this test.
- 3. Pre-Access Testing:** Employees shall remain subject to the testing requirements of the Customer for which they are working unless otherwise excluded by the Customer. The employer is responsible for payment of this test.
- 4. Grandfathering/Owner-Mandated Drug Testing Programs:**

**Grandfathering.** The Employer can “grandfather in” employees who provided a negative drug and/or alcohol test within the previous ninety (90) days when the previous negative drug and alcohol test result meets or exceeds the standards of this Program as verified by CDS.

**Owner-Mandated Drug Testing Programs.** The Fund may accept the drug testing results from owner-mandated drug testing programs provided that:

- a) The owner-mandated drug testing program meets or exceeds the standards set forth in this Substance Abuse Testing Program Policy and Procedures. The Trustees, in their sole discretion, shall determine whether the owner-mandated program meets or exceeds the program.
- b) The Employees of the Employer voluntarily sign a notice of policy, consent and release form authorizing the Employer’s Communicator to share owner-mandated drug testing results with CDS Services, Inc. (CDS) and CDS to add the Employee’s eligibility status to the program database. It is the Employer’s responsibility to provide the notice of policy, consent and release forms to the Fund. Such forms shall not be a condition of employment.
- c) The Employer fully participates in the Fund’s program. This includes but is not limited to designating a Communicator, regularly updating the CDS database and making contributions to the Fund at the appropriate rates.
- d) The Employer immediately notify CDS when the Employee is no longer a participant in the owner-mandated drug testing program so the Employee can be placed into the Fund’s random pool.
- e) Only those Employees who have voluntarily signed a notice of policy, consent and release form will be removed from the Fund’s random pool. The Fund will not reimburse the Employer for costs related to the owner-mandated drug testing program. The Employer remains bound by all the terms and conditions of this Joint Labor Management Substance Testing Policy and Procedures and Trust Agreement. The employer is responsible for payment of this test.

**5. Random Testing:** Employees shall be subject to unannounced random drug testing. Random selections will be made twelve times a year at an annualized rate of thirty-three (33) percent. Random selections will be made by use of a computer-generated numerical program designed to ensure that no employee can be singled out. A random test will be required of individuals who have not been tested within a thirty-six (36) month period from the last test date. Upon notification of employees selected for random testing, communicators shall have forty-eight (48) hours to complete the random testing requirement. Employees must report for random testing as directed by the Communicator. The Communicator must not allow the employee more than 24 hours’ notice to report for testing. The Fund is responsible for payment of this test.

**6. Post-Accident/Incident Testing:** Employees shall be required to take a drug and alcohol test after having been involved in, or after causing, an accident or incident, which caused or could have caused personal injury or damage to equipment or property. Such Post-Accident/Incident Testing shall only occur when there is a reasonable suspicion that drug and/or alcohol use contributed to the incident and when such Post-Accident/Incident Testing can accurately identify impairment caused by drug and/or alcohol use, unless such Post-Accident/Incident Testing is being done to comply with the Illinois Substance Abuse Prevention on Public Works Projects Act or any other federal or state law, and the rules and regulations promulgated thereunder.

Testing of employees will be consistently/equally applied to all employees. Drug and alcohol testing by use of blood will only be used for post-accident/incident testing and only when the employee is unable to provide a normal urine drug and/or breath screen.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the specimen. However, such an employee shall promptly, upon request, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

The Employer will make transportation arrangements for any employee to be tested following the mandatory guidelines of the Department Health and Human Services (DHHS). The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity enroute to the collection site for the employee to ingest anything that could affect the results. The Fund is responsible for payment of this test.

- 7. Reasonable Suspicion/Cause Testing:** Employees will be subject to a drug and alcohol test based on reasonable and articulated belief that an employee is using or has recently abused drugs, alcohol or substances prohibited by this Program. A decision to test will be based on specific physical, behavioral, psychological or performance indicators and documented by a supervisor who has received training in the detection of possible symptoms of drugs and alcohol use and must be witnessed by a second supervisor.

During the process of establishing reasonable cause for testing, the employee has the right to request his on-site representative to be present.

The Employer will make transportation arrangements for any Employee to be tested following the mandatory guidelines of DHHS. The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity enroute to the collection site for the employee to ingest anything that could affect the results. The Fund is responsible for payment of this test.

- 8. Periodic Testing:** A test will be required of individuals who have not been tested within a thirty-six (36) month period. The Fund is responsible for payment of this test.
- 9. Return To Work, Post Treatment, Rehabilitation Testing:** Employees shall be required to successfully pass a drug and alcohol test upon release from an approved rehabilitation and/or assessment program prior to being returned to work. The employee is responsible for payment of this test.
- 10. Probationary Status/Follow-up Testing:** Individuals who have previously tested positive for drugs and/or alcohol and upon completion of the Reinstatement Requirements of the Program will be subject to additional random testing for a period of up to twenty-four (24) months at an annualized rate of fifty (50) percent. The Fund is responsible for payment of this test.
- 11. Retest:** Individuals receiving a confirmed positive test result shall have the right to request that their **original sample** be retested by a SAMHSA certified laboratory of their choice. The request must be made to the MRO within twenty- four (24) hours of the notification of a confirmed positive test. The employee requesting the retest shall pay the initial cost for a retest in advance to the MRO.

In the event that said retest should prove to be negative, the employee shall be reimbursed for the cost of the test, paid any back wages lost, and made re-eligible for hire if work is available or reinstated as an employee provided work is available with the employer.

**12. Federally Mandated Testing:** Any employee, for whom testing is mandated under a Federal Substance Abuse Testing Program, will remain subject to such testing notwithstanding the requirements of this Program. The employer is responsible for payment of this test.

**D. SPECIMEN ANALYSIS:** All samples collected under this program will be analyzed by a SAMHSA certified laboratory, and shall include an initial Enzyme Multiplied Immunoassay Screening Test (EMIT) and, when necessary, confirmed by a Gas Chromatography/Mass Spectrometry (GC/MS) Confirmation Test. Said testing must screen, at a minimum, for the following substances and below the following levels to result in a negative test:

<u>Drugs Tested</u>	<b>(EMIT) Initial Test Cut-Off Level (ng/ml)</b>	<b>(GC/MS) Confirmation Test Cut-Off Level (ng/ml)</b>
Amphetamines	1000	500
Barbiturates	300	200
Benzodiazepines	300	200
Cannabinoids (Marijuana - THC)	50	15
Cocaine Metabolite	300	150
Methadone	300	200
Methaqualone	300	200
Opiates	2000	2000
Phencyclidine (PCP)	25	25
Propoxyphene	300	200
Breath/Blood Alcohol Content (BAC)	.04%	.04%

1. The Program will not test for cannabis/marijuana when performing pre-employment, periodic, or random drug testing. The Program will continue to test for cannabis/marijuana when performing Customer mandated pre-access testing, post-accident/incident testing, and reasonable suspicion/cause testing. Further, the Program will continue to test for cannabis/marijuana on Return to Work, Post Treatment, Rehabilitation Tests and Probationary Status/Follow-up Tests that are subsequent to a positive post-accident/incident test or reasonable suspicion/cause tests.
2. The Program shall have the right to change the drugs tested, the cut-off levels and the analysis procedures as new technology in substance abuse testing warrants.
3. Employees who provide two (2) consecutive diluted test results under this Program will be encouraged to seek medical assistance to determine if there is a valid medical reason for the diluted results. Until a medical reason is determined, Employees may at their own expense have a Laboratory Oral Fluid Test (LOFT) completed. Employees must notify CDS Services, Inc. (CDS) within 24 hours of the diluted test to request a LOFT. The LOFT must be completed within 48 hours of notifying CDS. If there is a medical reason for the diluted tests, Employees will be reimbursed for the cost of the LOFT.
4. Any employee who provides an unsuitable test result will be required to have subsequent drug tests observed.

5. Blood, saliva or breath screen tests are acceptable for alcohol testing.
6. Saliva screening for alcohol will utilize the QED-A150, which gives a quantitative reading (a range of alcohol from 0 – 150 mg/dl). If the QED-A150 registers any level equal to or greater than 20 md/dl (.02%), then a Breath Alcohol Test will be performed. A screening level less than 20 md/dl (.04%) is considered negative.
7. To allow new/prospective employees to immediately go to work, employers can perform an instant drug screen in addition to the laboratory urinalysis drug test. The employer will be allowed to use any instant drug screen of their choice or can purchase the instant drug screen directly from the program administrator (CDS). The cost of the instant drug screen shall be borne by the employer.

**E. RECORD KEEPING:** Hard copy testing results shall be maintained by the TPA for the following specified periods:

Negative test results will be maintained for one (1) year.

Positive test results will be maintained for five (5) years.

Rehabilitation records will be maintained for five (5) years.

## **VIII. POLICY VIOLATIONS**

An employee's failure to comply with any provisions of the Program shall be cause for disciplinary action, to the extent allowed by applicable law, up to and including immediate termination.

### **A. Determination for Violation of Policy:**

1. A confirmed positive drug or alcohol test result. For the sole purpose of pre-employment, periodic, and random drug testing, a confirmed positive drug test will not occur as a result of an employee having a non-negative test result due to cannabis/marijuana.
2. Failure or refusal to sign Notice of Policy and Consent to be tested.
3. Failure to contact the Medical Review Officer as directed.
4. Failure to report as directed for testing.
5. The use, possession, sale or distribution of alcohol or an illegal/unauthorized drug, or the presence of any employee in the work place with such ingested substances for non-medical reasons.
6. Working, reporting to work, being in the work place, or in a Customer/Employer owned, leased or rented vehicle while Under The Influence Of Alcohol (.04 BAC or greater).
7. Switching, adulterating, or attempting to tamper with any sample submitted for drug or alcohol testing, or otherwise interfering or attempting to interfere with the testing process.
8. Refusal to submit a specimen for testing will be viewed as a positive test and will carry with it the same consequences as specimens tested and confirmed as positive.

9. The use of a controlled substance by an individual other than the individual for whom the controlled substance was prescribed or the abuse of a controlled substance by the individual for whom it was prescribed.

**B. Confirmed Positive Test Results:**

**1. Medical Review Officer Notification (MRO)**

After the reporting of a non-negative test by the laboratory, it will be necessary for the MRO to speak with the employee to allow the individual the opportunity to provide documentation for any legal/controlled drug(s). Employees who fail to contact the MRO within 2 days of their notification will be reported as a non-contact positive, and will carry the same consequences as a confirmed positive test.

**2. ILLEGAL AND/OR CONTROLLED SUBSTANCES**

Any employee who receives a confirmed positive test result for a substance prohibited by the Program will be subject to disciplinary action, up to and including immediate termination and will be reclassified to the Reinstatement Status. Notwithstanding the foregoing or anything else in this Program/Policy, prior to disciplining an Employee for being under the influence or impaired by cannabis/marijuana, an Employee shall have a reasonable opportunity to contest that they were under the influence or impaired by cannabis/marijuana in accordance with the Cannabis Regulation and Tax Act (410 ILCS 705).

**3. ALCOHOLIC OR INTOXICATING BEVERAGES**

The following actions of an employee that involve alcoholic beverages are prohibited by the Program and any violation thereof by the employee will be subject to disciplinary action, up to and including, immediate termination:

- a) The consumption, manufacture, distribution, possession, use, sale, or storage of any alcoholic beverage while on or in the workplace is prohibited.
- b) The performance or attempted performance of any job function or the operation of any Owner and/or employer property or equipment while Under the Influence of Alcohol.
- c) An alcohol screening and confirmation result of .04 BAC or greater.

**C. Reinstatement Requirements:**

Unless contrary to applicable law, an individual with a confirmed positive test result cannot return to work until all of the following conditions are satisfied and if work is available:

1. A Substance Abuse Professional (SAP) notifies CDS in writing that the individual has completed or is actively participating in a drug and/or alcohol assessment, treatment, and/or counseling program approved by the Union's Health and Welfare Fund and that the individual is released to return to duty.
2. The individual provides written proof to CDS that he or she has successfully completed or is actively participating in an assessment, treatment or rehabilitation program and released to return to work by the counselor. This written proof needs to be faxed to CDS by the member or the treatment program at 866-645-6767.

3. The employee agrees prior to returning to work to submit a drug and alcohol test through CDS to determine the existence of foreign substances and alcohol within the system and such screening test is negative.
  - a) The individual must report to their respective union hall with a \$50.00 money order (no personal checks) made out to CDS Services, Inc.
  - b) Upon the receipt of the \$50.00 money order, the union hall will provide the individual with a CDS chain-of-custody form and the location of the collection site for the individual to perform a drug and alcohol test. The union hall should also ensure that the individual reports to the collection site with proper photo identification.
4. The individual agrees in writing to CDS to continue the prescribed treatment, counseling or rehabilitation as required by the SAP. If the individual does not complete the required treatment, he/she will be subject to disciplinary action, up to and including immediate termination.
5. The individual agrees to be subject to Probationary Status/Follow-up Testing.

**D. Probationary Status/Follow-up Testing:**

Upon completion of the reinstatement requirements, individuals will be subject to additional random testing at an annualized rate of fifty (50) percent for a period of up to twenty-four (24) months. During this period, the Program has the right to conduct up to six of these additional random tests in the first twelve (12) months.

**IX. SEARCHES**

The Employer and/or Owner may conduct unannounced searches for illegal/unauthorized drugs, legal/controlled drugs and alcohol on employer and/or Owner Premises. Such searches may include, but are not limited to an employee's work area, locker, lunch box, purse, vehicle, and any other personal property in employee's possession. Any employee who fails to cooperate in a search will be subject to disciplinary action, up to and including immediate termination.

**X. GRIEVANCE**

All aspects of this policy and program shall be subject to the grievance procedure of the applicable collective bargaining agreement.

**XI. COST OF COLLECTION AND TESTING**

1. The Program will pay the cost of all specimen collections and testing, unless explicitly excluded in this Program. The monies collected by the appropriate fund pursuant to the provisions of the collective bargaining agreement will be used for payment of collections and testing.
2. Employers agree that employees shall be paid actual wages and benefits at the journeyman straight time rate when required or notified for Drug/Alcohol testing up to a maximum of two (2) hours.



3. Employers shall be reimbursed by the Fund for the actual wages and fringe benefits paid, as noted in the applicable wage addendum, on behalf of each Employee undergoing Drug/Alcohol testing up to a maximum of two (2) hours at the journeyman straight time rate. The Fund will not reimburse Employers for any other amount the Employers claim as due, including, but not limited to, FICA, workers' compensation, unemployment insurance, cost of overhead, loss of profit, et cetera. The reimbursement will be paid by the Fund to Employers on an annual basis upon the proper invoicing of the actual wages and fringe benefits paid by the Employers. Further, Employers shall submit said invoices to the Fund by the 1<sup>st</sup> of May for work performed in the previous calendar year (i.e., on or before the 31<sup>st</sup> of December). The Fund will not reimburse Employers for invoices submitted after the 1<sup>st</sup> of May in the absence of good cause. The Board of Trustees shall have the discretionary authority to allow reimbursement, based upon good cause shown, for appeals submitted after the 1<sup>st</sup> of May.
4. Employers failing to require an employee to report for a test when so notified shall be liable for a payment equal to four times the current reimbursement, payable to the drug and alcohol fund. Thus, the employer is charged eight (8) hours of the employee's normal wage and benefit rate. All employers signatory to the collective bargaining contract agree to implement this policy for all UBC members including all Supervisors and Foremen.
5. The cost of the instant drug screen will be borne by the employers.
6. Employers will be allowed to have all of their employees submit to a drug and alcohol test prior to being selected by the program administrator at the employers' expense.

## **XII. REGISTRATION**

1. Upon notification of its obligations to participate in this Program/Policy by the Fund, the Employer shall register with CDS. After registering with CDS, the Employer is required to designate and maintain both a Primary Communicator and an Alternate Communicator. Employers failing to register with CDS shall be liable for a payment of liquidated damages in the amount of eight (8) hours of the employee's normal wage and benefit rate, which shall be payable to the Fund, for each month the Employer fails to register with CDS after receiving due notice from the Fund. The failure to register with CDS shall be considered a violation of this Program/Policy. Employers acknowledge that the liquidated damages assessed herein is not a penalty, but a fair and reasonable estimation of damages in relation to the Employer's breach of this Program/Policy given the difficulty and impracticality of determining the actual damages to the Fund due to the Employer's noncompliance with this Program/Policy.