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IBEW LOCAL 354
INTERMOUNTAIN CHAPTER, NECA
LABOR-MANAGEMENT
COOPERATION COMMITTEE
POLICY FOR
DRUG AND ALCOHOL-FREE
WORKPLACE PROGRAM

Revised by:

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POLICY

PURPOSE

The members of Local 354, IBEW and the Intermountain Chapter, NECA, Inc., are committed to a workplace environment, which ensures the safety and encourages the personal health and productivity of all employees in our industry. We recognize that substance abuse in the workplace is a threat to the safety, health, and job performance of all employees. The goal of this policy is to balance respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. The IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee (LMCC) has established this policy to detect and remove abusers of alcohol and drugs from the workplace. **The parties recognize the Employer's right to adopt and implement a drug and alcohol policy subject to all applicable laws and regulations, procedural safeguards, scientific principles, and legitimate interests of privacy and confidentiality. However, the Union reserves the right to negotiate regarding the terms of the Employer's policy before the policy is implemented by the Employer. When drug and alcohol testing is performed, all testing shall be conducted in accordance with the procedures outlined in this policy.**

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

The purpose of this document is to convey to employees the LMCC's policy on alcohol and drug use in the workplace.

SCOPE

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

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

DEFINITIONS

- a. **"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- b. **"Alcohol Testing"** means testing by a certified breath-alcohol technician, using a DOT approved breath-testing device.

- c. **“Calendar Testing”** means the testing of every applicant or employee every two calendar years.
- d. **“Controlled Substance” (herein referred to as "Drugs)** means any controlled substance including those assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I, through Schedule V., as they may be revised from time-to-time (21 CFR 1308). They may include, but are not limited to:
1. Marijuana
 2. Cocaine
 3. Opiates
 4. Phencyclidine (PCP)
 5. Amphetamines
 6. Barbiturates
 7. Benzodiazepines
 8. Methadone
 9. Propoxyphene
- e. **“Drug Testing”** or **“Drug Test”** means scientific analysis for the presence of drugs or their metabolites in the human body.
- f. **“Designated Representative”** means persons authorized to receive confidential drug and alcohol information.
- g. **“Employee”** means contractors (sole proprietors, partners, corporate officers), their overhead staff (clerical workers, estimators, supervisors, warehouse workers, laborers), their bargaining unit employees employed under the Inside Agreement, the Residential Agreement, the Teledata Agreement, or the Expeditor Agreement (journeymen, wiremen, apprentice wiremen, apprentice PE’s, applicants, residential journeymen, residential trainees, technicians, teledata technicians, expeditors, teledata trainees, unindentured apprentices, unindentureds, temporary employees), and the staff employees of IBEW Local 354, Intermountain Chapter, NECA and the Utah Electrical JATC who are not covered by a collective bargaining agreement.
- h. **“Employer”** means a contractor who is signatory to a collective bargaining agreement with IBEW Local 354; the Intermountain Chapter, NECA; the Utah Electrical JATC; or IBEW Local 354.

- i. **“Employee Assistance Program (EAP)”** means a designated provider of services for the purpose of drug and alcohol use assessment, provision of treatment options and plans and referrals for employees who violate this policy.
- j. **“Employer Property”** means all facilities, job sites, vehicles and equipment that are leased, operated or utilized by the Employer or its employees for work related purposes. This will include parking areas and driveways, lockers, tool boxes or other related storage areas used by employees. It will also include other public or private property, facilities, vehicles and equipment located away from the Employer facility if the employee is present on such property for work-related purposes.
- k. **“Employer Time”** means all working hours regardless of whether the employee is on the Employer’s property, and at any time the employee represents the Employer in any capacity.
- l. **“Medical Review Officer” (MRO)** means a licensed physician with knowledge of drug abuse disorders that is employed or used by the third-party administrator to conduct a review of drug test results.
- m. **“Positive Alcohol Test”** means test levels on both the initial test and the confirmation test produce a result of .02 percent or greater for fitness for duty determination; or an initial test and confirmation test result of .04 percent or greater for violation of this policy determination.
- n. **“Positive Drug Test”** means test levels on both the screening test and the confirmatory test which are recognized as positive by the U.S. Department of Health and Human Services in it’s Mandatory Guidelines for Federal Workplace Drug Testing Program. In the event that the DHHS issues subsequent rules or regulations regarding test levels, the LMCC shall meet to consider amendments. No drug test shall be deemed positive until the MRO certifies to the third-party administrator that the result is positive.
- o. **“Prospective Employee”** means any person who has made a written or oral application to become an employee of an employer.
- p. **“Random Testing”** means the unannounced drug testing of an employee who was selected by using a systematic computer generated selection method uninfluenced by any personal characteristic other than job category.
- q. **“Reasonable Cause”** or **“For-Cause Testing”** means testing founded on an articulated belief, based on recorded specific facts and reasonable inference drawn from those facts, that an employee is impaired, under the influence of, or has used controlled substances or alcohol at work.
- r. **“Sample or Specimen”** means any sample of urine, or breath used for drug or alcohol testing.

- s. **“Union”** shall mean all members of the International Brotherhood of Electrical Workers and the Joint Apprentices Training Committee.
- t. **“Use”** means to consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in the possession of drugs or alcohol. The term “use” shall also include the presence of drugs or alcohol in the body of an employee, including the presence as a metabolite, as indicated by a positive drug or alcohol test, and the use of a prescription drug without a valid prescription from an authorizing physician.

PROHIBITED ACTIVITIES

It is a violation of this policy for any employee to use drugs or alcohol while on Employer time, conducting Employer business or on Employer property. An employee shall be considered to be in violation of the policy if they have reported to work under the influence of, or have the presence in their body of drugs or alcohol when the drug test is reported by the MRO as “positive” for drugs or their metabolites or their alcohol test is reported as “positive.” Events attended voluntarily are not considered to be covered by this policy.

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

It is a violation of this policy for an employee to use alcohol while on Employer time or on Employer business, or to report to work under the influence of alcohol. If an employee's alcohol screening test is between .02-.039 percent they will not be allowed to work for 24 hours, or one shift. Any employee with an alcohol screening of .02-.039 percent will be required to take a return to work breath alcohol test. An employee will not be allowed to return to work until they can pass a breath-alcohol test, with the result below .02 percent. Any employee whose alcohol screening test is .02-.039 for the second time in 12 consecutive months shall be in violation of this policy and shall be referred to the “Employee Assistance” program (EAP) for evaluation. Any employee with a breath-alcohol test of .04 percent or higher will be in violation of this policy and shall be referred to the EAP for evaluation.

It is a violation of this policy for any employee who is required to submit to a post-accident drug and/or alcohol test to consume any drug, or alcohol until they have received a post-accident drug and/or alcohol test.

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

Any employee who tampers with or adulterates a drug or alcohol specimen will be in violation of this policy. Any attempt to tamper with or adulterate a specimen will be treated as a positive test result.

If a customer of an employer has additional requirements for drug and alcohol testing, policies, or procedures, all employees and employers shall abide by such requirements. Failure to abide by such requirements shall constitute a violation of this policy justifying reassignment or other appropriate discipline.

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

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

DISCIPLINARY ACTION

Employees who violate this policy for the first time will be referred to the EAP for evaluation. Such employees shall be allowed to return to work so long as the employee receives a work release from the EAP and participates in treatment or counseling, if any, required by the EAP counselor or treatment provider. Employees must also pass a drug and alcohol test, providing a clean specimen, prior to returning to work.

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

Employees who violate this policy again may be terminated or suspended without pay from employment and will be allowed to return to work upon completion of the EAP treatment program. Employees must also pass a drug and alcohol test after completion of the EAP program and prior to returning to work.

If an employee who violates this policy is an owner of a company, he/she shall be barred from the work-site and referred to the Employee Assistance Program. If he/she refuses to comply with this policy, the matter shall be referred to the Labor-Management Committee to be handled as a grievance as covered in the collective bargaining agreement.

If an employee suspects that he or she has a substance abuse problem, the employee is expected to contact the EAP. Any employee who voluntarily seeks assistance or rehabilitation for drug or alcohol abuse prior to being subject to testing under this Policy shall not be subject to the disciplinary action for violation of the Policy, as long as the employee continues to participate satisfactorily in the counseling or rehabilitation program. The employee must obtain a work release from the EAP or treating provider before returning to work.

GRIEVANCE PROCEDURE

In the event any employee has a grievance as a result of the application and administration of this policy, the employee shall grieve the issue through the labor-management committee designated in the applicable collective bargaining agreement, or through the grievance procedure established by the employer if the employee is a non-bargaining employee.

If the employee does not agree with the decision made through the procedure in the paragraph above, the employee shall reduce the grievance to writing and shall give written notice to the employer within 30 days of the rendering of the decision. The grievance will be submitted to the American Arbitration Association for adjudication. The parties in arbitration will be responsible for securing their legal representation in this matter.

The arbitrator's decision is final and binding on both parties and upon such decision neither party will pursue any further litigation in regards to the grievance. All related arbitration costs and attorney's fees will be paid for by the party in default.

DRUG TESTING CIRCUMSTANCES

Pre-employment Procedures: All new entrants into the pool of employees shall pass a drug test, the cost of which is paid for by the LMCC. Bargaining unit employees shall pass this drug test before being dispatched by IBEW Local 354 or the JATC to an employer. Non-bargaining unit employees shall pass this drug test before being hired by an employer. Refusal to consent to a pre-employment drug test will stop any further action toward employment.

Post-Accident Tests: Any employee involved in a job-related accident:

- a. Where there is employee injury requiring medical attention and/or where there is damage to property in excess of \$200.00.
- b. Following investigation, an alcohol and drug screening may be required when a work-related incident, near miss situation, violation of the safety precautions or violation of company policy occurs.

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

- a. Observable phenomena (actual use or possession) or
- b. Abnormal behavior (as specified in the Observed Behavior-Reasonable Cause Record form) not satisfactorily explained by circumstances not attributable to drug or alcohol use.

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

Calendar Testing: Calendar testing will be administered by a third-party administrator retained by the LMCC. Calendar testing will be conducted for those employees covered by the scope of this policy.

Random Testing: Random testing will be administered by a third-party administrator retained by the LMCC. Random testing will be conducted for those employee's covered by the scope of this policy.

Return to Duty and Follow-up: When an employee has violated this policy and has been referred to the EAP for evaluation, and has received a work release from the EAP, he/she shall be subject to drug or alcohol testing as determined by the EAP or treatment provider.

Contesting a Positive Drug Test: An employee will have 72 hours to request the retest of any specimen that is deemed positive. Retesting will be on the original specimen only.

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

GENERAL PROVISIONS

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

Neither the Union, the Chapter, NECA, or the LMCC is responsible for ascertaining the drug-free or alcohol-free status of any employee or prospective employee.

The employers agree to hold harmless and indemnify the IBEW Local Union 354, the Intermountain Chapter of the National Electrical Contractors Association, Inc. and the LMCC from any liability that may be incurred as a result of the substance abuse policy, including drug and alcohol testing.

Nothing herein shall be construed as giving rise to a duty, undertaking or obligation on the part of the Union, the Chapter, NECA or the LMCC to provide a safe workplace. The Union, Chapter, NECA or the LMCC does not warrant or assure the proper

administration of the testing program by the Testing Officer, Medical Officer or laboratory. It is recognized that the actions of the Union, the Chapter, and the LMCC in administering this program are necessary for the effective performance of their functions in representing their constituencies under the terms and conditions of the collective bargaining agreements.

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

Audits

In December and June an audit of the random pool will be conducted. At this time, an updated employee roster will be given to the third party administrator by each NECA member company. Separate audits will be conducted for bargaining and non-bargaining employees.

PROCEDURES

PRE-EMPLOYMENT TESTS

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

A prospective employee who tests positive will have the opportunity to take another pre-employment test after one year, unless the prospective employee is a member of IBEW Local 354, in which case they shall be in violation of this Policy and shall be referred to the EAP in accordance with the Disciplinary Procedures. A prospective employee who is not a member of IBEW Local 354 will not be referred to the EAP.

POST-ACCIDENT TESTING

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

REASONABLE CAUSE TESTING

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

When a reasonable cause test has been properly ordered, the test will be done as soon as possible and within 32 hours of notification of the employee by the employer for a drug test and within 8 hours of notification to the employee for an alcohol test.

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

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

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

CALENDAR TESTING

On January 1st of each year all current employees in the pool who have not been tested during the previous 2 years will be entered into a sub-pool for Calendar Testing during that year. The sub-pool will be randomly divided into groups for monthly testing during that year. The number of groups for monthly testing will be reasonably determined according to the quantity in the pool. If a member of the Calendar sub-pool is otherwise tested during the year prior to the scheduled Calendar Test, he or she will be removed from the sub-pool and the Calendar Testing requirement for that year.

For example, those in the pool at the end of 2004 who have not been tested in that year will be monitored for testing through 2005. If still not tested in 2005 (2 years), they will be entered into the Calendar Testing sub-pool on January 1, 2006. Those not tested in 2005, or marked for Calendar Testing in 2006, will be monitored through 2006, and if not tested during those 2 years they will be entered into the Calendar Testing sub-pool for 2007. This pattern will continue through subsequent years.

All pool members remain in the Random Testing pool regardless of Calendar Testing.

RANDOM TESTING

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

Thirty percent (30%) of the employees in the pool will be tested yearly. The third party administrator will contact the employers of those employees who were selected for random testing and coordinate on the job testing with them.

When an employee is selected for random testing while on the out of work list, the third party administrator will notify the authorized representative of the Local Union or the JATC. When the employee is dispatched to the employer, the authorized representative of the Local Union or the JATC will notify the third party administrator, who will then contact the employer and schedule the random test.

When an employee is selected for random testing and is no longer working for a signatory employer and is not on the out of work list, their names will be removed from the pool of employees subject to random testing, their compliance card will be listed as invalid, and the authorized representative of the Local Union or the JATC will be notified. If such employee desires to return to work for an employer in the future he/she will be considered a new entrant into the manpower pool and will be subject to the pre-employment drug test procedure.

An employee who is in the EAP program and is undergoing counseling, treatment or therapy will be excused from random testing. Once the employee's compliance card has been reinstated for returning to work and they have passed a return-to-duty drug and/or alcohol test and completed all follow-up testing, the employee will be eligible for random testing.

RETURN TO DUTY AND FOLLOW-UP

When an employee has violated this policy and has been referred to the EAP for evaluation, and has received a work release from the EAP, he/she shall be subject to drug or alcohol testing as determined by the EAP or treatment provider.

The EAP will send a copy of the return-to-work agreement, which shall include the number of required follow-up tests and the period in which the tests are to occur to the following:

- The third-party administrator
- The employer
- Any designated appropriate IBEW/JATC representative

CONFIDENTIALITY

To ensure the confidentiality of test results and the privacy of employees, all communication concerning drug or alcohol testing, sample collection, test results, employee notification, and discipline will be handled only by an authorized representative of the employer, IBEW Local 354, the Utah Electrical JATC, the third party administrator, or the EAP.

In cases involving bargaining unit employees where notification to the employer or the third party administrator is required in these procedures, notification will also be given to an authorized representative of the Local Union unless the employee is a JATC apprentice, in which case the notification will be given instead to an authorized representative of the Utah Electrical JATC.

Drug testing records will be kept in a separate locked file not accessible to non-authorized personnel. No information will be communicated to any person who does not have a bona fide need to know.

COMPLIANCE CARD

Upon initiation of this substance abuse policy, all employees of employers and those employees on the out-of-work list will be issued a compliance card. These employees will constitute the initial pool of employees subject to the random testing procedures.

A compliance card issued to an employee, provided the compliance card has not been listed as invalid, indicates that the employee is in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy. Compliance cards will expire on December 31 of each calendar year. Upon expiration of the compliance cards, new compliance cards will be issued to those employees who are in compliance with the Substance Abuse Policy.

New entrants into this pool of employees must pass a pre-employment drug screen. Upon passing the pre-employment drug screen, an employee will be given a compliance card.

A bargaining unit employee must present a valid compliance card in order to be dispatched by IBEW Local 354 or the JATC to an employer. A non-bargaining unit employee must present a valid compliance card in order to be hired by an employer.

If an employee violates the substance abuse policy, the employee's compliance card will be listed as invalid. All authorized representatives will be notified. The employer shall refer the employee to the EAP. When an employee has been released by the EAP to return to work, the EAP will notify the third party administrator. The employee's compliance card will then be listed as valid. The third party administrator shall notify all authorized representatives. If the employee does not comply with the EAP's program of counseling or rehabilitation after being released to work the EAP shall notify the third party administrator. The employee's compliance card will be listed as invalid. The third party administrator shall notify all authorized representatives.

SAMPLING PROCEDURES

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

Any laboratory used for drug testing will be SAMHSA certified and will comply with all applicable rules and regulations of the Department of Health and Human Services for drug testing.

All drug tests, alcohol tests and sample collection procedures shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested. All drug tests will be done pursuant to the collection procedure for split specimens. DOT procedures and forms will be used for any Federally regulated employee.

SPLIT SAMPLE PROCEDURE

Urine samples shall be separated into two containers at the time of collection. One portion of the original urine sample shall be kept secure and chemically stable and made available for verification of laboratory testing. An employee, or prospective employee, testing “positive” shall have the right to request within 72 hours to have the secured portion of his/her urine sample independently retested by a SAMHSA-certified laboratory of his/her choice and at his/her expense. If the independent retest is “negative” the employee, or prospective employee, shall be allowed to return to work immediately, shall be compensated for the time lost and shall be reimbursed for the cost of such independent test from the LMCC.

MEDICAL REVIEW OFFICER

In the case of a “positive” test result, the employee or prospective employee shall be so advised by the MRO in person or by telephone, on a confidential basis, prior to the reporting of the results to the third-party administrator. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any medication prescribed by his/her physician, which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to insure compliance with DHHS guidelines and normal chain-of-custody procedures.

REPORTING PROCEDURES

Following a random or follow up drug test an employee shall return to work until notified of the test results. If the result is negative, the employee shall continue to work.

If the result is positive, the result will be verbally called by the third party administrator to a designated representative of the employer and will be followed by a fax notification of non-compliance on the day that the result is received. Copies of the notification will also be sent to the EAP, along with a copy of the test result. An additional copy of the notification will be sent to any other designated IBEW or JATC representative. Non-Bargaining member notification will be sent to the employer and employee only. Positive alcohol tests will be reported immediately to a designated representative of the employer.

Employees who test positive for drugs or alcohol will be removed from the job site by an authorized representative of the employer upon receipt of notification of the positive test result. In notifying an employee of a positive test result, the authorized representative of the employer shall utilize the written standard form of notification and shall make certain

that the notification is given to the employee in privacy. This notification will include information concerning the EAP and how to contact the EAP. For those who are on the out of work list at the time, the written notification will be given to the employee by an authorized representative of the Local Union or the JATC.

The employee may return to work for the employer when he/she has received a work release from the EAP. If the employee is on the out of work list or does not return to work for the employer and signs the out of work list, the employee must have a return to work release from the EAP in order to be dispatched by the Local Union or the JATC.

PAYMENT FOR TESTS

Drug and alcohol tests will be conducted on employees while on employer time and will be paid for by the LMCC. Pre-employment tests will be conducted on prospective employees on their own time. Pre-employment tests will be paid for by the LMCC.

CONTROLLED SUBSTANCE SCREENING CUT-OFF LEVELS

Screening and Confirmation Test Cut-off Levels for the Controlled Substances being tested are those which are recognized as positive by the DHHS and are as follows:

	<u>Screening</u>	<u>Confirmation</u>
Marijuana	50 NG/ML	15 NG/ML
Cocaine	300 NG/ML	150 NG/ML
Opiates	2000 NG/ML	2000 NG/ML
Amphetamines	1,000NG/ML	500 NG/ML
Phencyclidine	25 NG/ML	25 NG/ML
Barbiturates	300 NG/ML	300 NG/ML
Benzodiazepines	300 NG/ML	150 NG/ML
Methadone	300 NG/ML	300 NG/ML
Propoxyphene	300 NG/ML	300 NG/ML

Alcohol Levels

It is a violation of this policy for an employee to use alcohol while on Employer time or on Employer business, or to report to work under the influence of alcohol. If an employee's alcohol screening test is between .02-.039 percent they will not be allowed to

work for 24 hours, or one shift. Any employee with an alcohol screening of .02-.039 percent will be required to take a return to work breath alcohol test. An employee will not be allowed to return to work until they can pass a breath-alcohol test, with the result below .02 percent. Any employee whose alcohol screening test is .02-.039 for the second time in 12 consecutive months shall be in violation of this policy and shall be referred to the “Employee Assistance” program (EAP) for evaluation. Any employee with a breath-alcohol test of .04 percent or higher will be in violation of this policy and shall be referred to the EAP for evaluation.

Positive Alcohol Test - means test levels on both the initial test and the confirmation test produce a result of .02 percent or greater for fitness for duty determination; or an initial test and confirmation test result of .04 percent or greater for violation of this policy determination.

DILUTED OR ADULTERATED SPECIMEN

Specimens which are diluted below a specific gravity of 1.003, or which have a creatine level less than 15 will be considered invalid. If the reportable measurements for these two indicators are below these levels, the employee will be requested to refrain from drinking excessive amounts of fluids for 24 hours and will be required to give a second specimen. If the second specimen is invalid, the employee will not be allowed to return to work until a valid specimen is provided.

Any specimen that is deemed adulterated, or otherwise appears tampered with, by the collection agent, will result in an employee being requested to immediately give a second specimen. If the second specimen is invalid, it will be treated as a positive test result.

**ACKNOWLEDGMENT OF RECEIPT AND CONSENT TO ABIDE
BY IBEW LOCAL 354 INTERMOUNTAIN CHAPTER,
NECA LABOR-MANAGEMENT COOPERATION COMMITTEE'S
SUBSTANCE ABUSE POLICY**

I, the undersigned employee or prospective employee hereby acknowledge that I have received a copy of the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse policy. I also agree to comply with the substance abuse policy as a condition of employment with any employer or dispatch to any employer by IBEW Local 354 or the JATC. Further, I also understand that this agreement does not create an obligation or contract of employment between myself and any employer or IBEW Local 354, or the JATC, however the policy may be subject to an applicable collective bargaining agreement (CBA) if I am included in the bargaining unit covered by said CBA.

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

I also understand and consent that test results may be given to a Medical Review Officer (MRO), an authorized agent for the Employer, an authorized agent of IBEW Local 354 in so far as the union represents my bargaining unit and/or an authorized agent of the JATC if I am a JATC apprentice. Further, I understand that appropriate action may be taken in conformity with the substance abuse policy, if the test is positive.

I understand that if I fail to cooperate with the EAP in regard to a program of counseling and/or rehabilitation required under this policy, the EAP will notify the third party administrator who will then notify the authorized agent of the employer and the authorized agent of IBEW Local 354 in so far as the Union represents my bargaining unit or the authorized agent of the JATC if I am a JATC apprentice.

Name (Please Print) _____

Signature _____

Social Security Number _____

Date _____

ADOPTION BY EMPLOYER
OF
IBEW LOCAL 354/INTERMOUNTAIN CHAPTER, NECA
LABOR MANAGEMENT COOPERATION COMMITTEE
SUBSTANCE ABUSE POLICY

_____ (Employer) hereby adopts the Substance Abuse Policy negotiated by and between IBEW Local 354 and the INTERMOUNTAIN Chapter, NECA as our policy on substance abuse.

The Company hereby authorizes and instructs IBEW Local 354 and the Utah Electrical JATC to dispatch to us under the terms of the collective bargaining agreements only those applicants for employment who are in compliance with the Substance Abuse Policy.

Signature _____

Name _____

Title _____

Date _____

**DESIGNATION OF AUTHORIZED REPRESENTATIVES
FOR
IBEW LOCAL 354/INTERMOUNTAIN CHAPTER, NECA
LABOR MANAGEMENT COOPERATION COMMITTEE
SUBSTANCE ABUSE POLICY**

_____ (Employer) has designated the two individuals listed below as our authorized representatives for the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy.

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

Authorized Representative (Print)

Signature

Telephone Number and Extension

Authorized Representative (Print)

Signature

Telephone Number and Extension

Observed Behavior - Reasonable Cause Record

Employee Name
Date of Birth

Social Security Number

a.m./p.m.

From: _____ a.m./p.m. To: _____

Location
Observation Date

Observation Time

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

Cause for Suspicion

Appearance

" Normal Eyes " Flushed " Puncture Marks " Disheveled " Bloodshot " Tremors

" Dilated/Constricted Pupils " Profuse Sweating " Dry-Mouth

" Inappropriate Wearing of Sunglasses " Other:

Behavior: Speech

" Normal " Incoherent " Slurred " Silent " Confused " Slowed

" Whispering " Loud " Other:

Behavior: Awareness

" Normal " Confused " Mood Swing " Euphoria " Lethargic " Disoriented

" Lack of Coordination " Aggressive/Violent " Paranoid " Other:

Motor Skills: Balance

" Normal bobbing " Swaying " Falling " Staggering " Head

" Other:

Motor Skills: Walking and Turning

- ” Normal ” Swaying ” Arms raised for balance ” Stumbling ” Falling
- ” Reaching for support ” Other:

Motor Skills: Other

- ” Dropping things ” Lack of Coordination ” Slowed
reaction time

Articulate Observed Actions of Behavior (Use back of form if more space is needed): _____

Supervisor/Employer Official's Name Signature Date

Comments and/or corroboration by a second supervisor or Employer Official _____

Supervisor/Employer Official's Name Signature Date

NOTIFICATION TO EMPLOYER OF NON-COMPLIANCE

(Date)

TO: (Authorized Representative)

(Employer)

FROM: Third party administrator

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is not in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as invalid.

NOTIFICATION TO EMPLOYER OF COMPLIANCE

(Date)

TO: (Authorized Representative)

(Employer)

FROM: Third party administer

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as valid.

NOTIFICATION TO LOCAL UNION OF NON-COMPLIANCE

(Date)

TO: (Authorized Representative)

IBEW Local Union #354

FROM: Third party administer

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is not in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as invalid.

NOTIFICATION TO LOCAL UNION OF COMPLIANCE

(Date)

TO: (Authorized Representative)

IBEW Local Union #354

FROM: Third party administer

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as valid.

NOTIFICATION TO JATC OF NON-COMPLIANCE

(Date)

TO: (Authorized Representative)

Utah Electrical JATC

FROM: Third party administer

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is not in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as invalid.

NOTIFICATION TO JATC OF COMPLIANCE

(Date)

TO: (Authorized Representative)

Utah Electrical JATC

FROM: Third party administer

RE: (Name)

(Social Security #)

Please be advised that the above listed employee is in compliance with the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy and his/her compliance card has been listed as valid.

NOTIFICATION TO EMPLOYEE OF NEGATIVE TEST RESULT

(Date) _____

(Employee) _____

(Address) _____

Dear Employee:

This is to inform you that on _____ (date) you have tested negative under the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy which has been adopted by our company.

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

Sincerely,

(Authorized Representative) _____

(Employer) _____

INSTRUCTIONS TO EMPLOYER

IN CASES DEALING WITH

EMPLOYEE VIOLATION OF SUBSTANCE ABUSE POLICY

1. Complete the "Notification to Employee of Violation of Substance Abuse Policy" form. Violations of the policy may include, but are not limited to:
 - Testing positive for drugs
 - Testing positive for alcohol
 - Using drugs, including the presence as a metabolite or alcohol while on employer time, conducting employer business, or on employer property. (use means to consume, sell, purchase, manufacture, distribute, be under the influence of, or be in possession of drugs or alcohol)
 - Refusing to provide a specimen (urine or breath)
 - Failure to cooperate in the collection of a specimen
 - Adulterating a specimen
 - Failing to comply with the EAP
2. An authorized representative of the company needs to remove the employee from the job and notify him/her of violation of policy. Make sure the notification is given to them in privacy. No information is to be communicated to any person who does not have a bona fide need to know.
3. Provide the employee with a copy of the completed form listed in #1 above. This form will tell the employee what he/she needs to do next, how to contact the EAP, and what the procedure is for requesting a retest.
4. You are not obligated to hold their position open. Do not allow the employee to return to work unless they have a "Return to Work Release" from the EAP.
5. Send a copy of the completed form listed in #1 above to the third party administrator, unless you were first notified of the employee's violation of the substance abuse policy by the third party administrator.

If you have any questions or need further assistance, please contact the NECA Chapter at 486-6900, the Union Hall at 972-9354, the JATC at 975-1945.

NOTIFICATION TO EMPLOYEE OF VIOLATION OF SUBSTANCE ABUSE POLICY

(Date) _____

TO: _____

(Employee)

(Social Security #)

This is to inform you that on _____ (date) you are in violation of the IBEW Local 354/Intermountain Chapter, NECA Labor Management Cooperation Committee Substance Abuse Policy for the following:

_____.

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

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

1. An authorized representative of our company will remove you from the job immediately.
2. You must contact the Employee Assistance Program (EAP) for evaluation. The EAP is _____ and can be reached by calling _____. The EAP will schedule you for an evaluation to determine what type of counseling and/or rehabilitation you need. The company is not obligated to hold your position open while you are gone.
3. You will be required to follow the direction of the EAP. The EAP will determine when you will be able to return to work. You may return to work when the EAP has given you a "Return to Work Release" and your compliance card has been listed as valid. If you are a bargaining unit employee, you will not be dispatched by the Local Union or the JATC without a "Return to Work Release" and a compliance card listed as valid.
4. Upon returning to work, you will be required to continue any program of counseling or rehabilitation required by the EAP. If you fail to comply, you will be in violation of the Substance Abuse Policy. Your compliance card will be listed as invalid. If you are a bargaining unit employee, the authorized representative of the Local Union or the JATC will be notified.
5. You have the right to request within 72 hours the retest of your original specimen at another SAMHSA certified lab at your expense. To arrange a retest, contact the third party administer at 293-8378

(Designated Representative) _____ (Contact Phone) _____

(Employer) _____ Bargaining ___ non Bargaining ___ JATC

_____ IBEW/Journeyman

____ JATC/Apprentice