

**INDIANA STATE PIPE TRADES
ASSOCIATION/MECHANICAL
CONTRACTORS
ASSOCIATION OF INDIANA**

**STATEWIDE DRUG and
ALCOHOL TESTING**

Effective **July 1, 2013**, this policy supersedes all prior policies, procedures, and practices related to the use and/or abuse of drugs and/or alcohol.

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A. POLICY STATEMENT

MECHANICAL CONTRACTORS ASSOCIATION OF INDIANA, on behalf of its member contractors and MCA of Kentucky (collectively, the "MCAI"), and the **INDIANA STATE PIPE TRADES** and its affiliated United Association Local Union Nos. 136, 157, 166, 172, 440, 502, 661 (collectively, the "Union"), together recognize that the use and abuse of drugs and alcohol can seriously impair an employee's ability to perform safely and efficiently his or her duties. Drug and alcohol use and abuse not only jeopardizes the public's, employee's and co-workers' safety, they undermine the public's confidence in the construction industry.

Because the use of drugs and alcohol in the work place pose a significant threat to the safety of the public and employees, the MCAI and the Union have established this policy as a part of their ongoing efforts to maintain a drug and alcohol-free work place.

All employees are expected to report to work free of alcohol and illegal drugs and not to sell, purchase, distribute, dispense, possess, or use or conspire to sell, purchase, distribute, dispense, possess, or use an illegal drug or alcohol on a job site or during working time. Likewise, all employees are expected not to misuse or abuse any prescription or nonprescription medications. MCAI and the Union look to all employees to support this policy to ensure quality service to the public and to better the overall safety, health, productivity, and welfare of all employees. Employees are asked to discourage co-workers from violating this policy and are expected to cooperate in efforts to enforce this policy and in any investigation of its violation.

All employees and applicants for employment to positions covered by the collective bargaining agreements supplemented by this negotiated policy are subject to this policy. All non-bargaining unit Contractor employees that are directly involved in the piping industry at all locations of shops and or offices, within the above mentioned local jurisdictions, either full or part-time are subject to this policy. Each individual will be issued an Identification Card. To be eligible to work on a job site, an individual must possess a valid Identification Card, as defined in this policy.

Upon an employee's arrival at a job site or office, the Contractor shall request the employee to present his Identification Card. Contractors may verify with Midwest Toxicology Services (Midwest Toxicology) or Construction Safesite (www.constructionsafesite.org) the status of an individual, whether or not he presents a valid card. If the individual does not possess a valid card, he must take, and pass, an initial test, as described in this policy, prior to commencing work.

B. POLICY ADMINISTRATION

1. Prohibited Substances

A drug is any substance which may impair mental or motor functioning including but not limited to illegal drugs, controlled substances, "designer" drugs, synthetic drugs, and, under certain circumstances described in this policy, prescription or nonprescription drugs and medications. Alcohol includes all beverages, mixtures, substances, medications, inhalants, or preparations which contain alcohol. Drugs and alcohol as defined above are prohibited substances.

Although this policy prohibits the use of **any** illegal drug, at a minimum testing will be done for the following substances:

Marijuana

Cocaine

Opiates – including: Morphine, Codeine, Heroin, Hydrocodone,
Hydromorphone, Oxycodone and Oxymorphone

Amphetamines/Methamphetamines/Ecstasy

Phencyclidine (PCP)

Barbiturates

Benzodiazepine

Methadone

Propoxyphene

Depending upon the circumstances, testing may also be done for alcohol. Employees involved in an accident/incident, or who demonstrate a reasonable cause for testing, shall be required to take an alcohol and drug test.

Tests for alcohol shall be performed using breath, saliva or blood to determine a BAC (blood alcohol content). If possible, a Breathalyzer type instrument conforming to DOT standards should be used. If that is not available, then a blood draw may be used.

2. Testing Procedures

- a. All urine collections for drug testing purposes shall be conducted in accordance with standard procedures that are patterned but are not exactly the same as those found in "49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs." A separate urine collection procedure document has been developed for this program.
- b. All urine and blood testing shall be performed only by a laboratory certified by the U.S. Department of Health and Human Services.
- c. All drug and alcohol testing shall be conducted in accordance with the U.S. Department of Health and Human Services' "49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs."
- d. Any result on a screening test which exceeds the levels set forth below

shall be confirmed by a subsequent test conducted using the Gas Chromatography/Mass Spectrometry assay recognized by the U.S. Department of Health and Human Services. No adverse action or discipline shall be taken against any employee or applicant for employment on the basis of the result of a screening test which is not confirmed to be "positive" by such subsequent test.

- e. A "positive" drug test result shall mean that a drug(s) was detected at or above cutoff levels on both the screening test and the confirmatory test using the cutoff levels established by "Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs" or standard industry cutoff levels for those drug categories that are not included in Part 40.

The following cutoff levels will be used to determine a positive drug test:

	<u>Screening Levels</u> <u>ng/ml</u>	<u>Confirmation Levels</u> <u>ng/ml</u>
Amphetamines		
Amphetamine	500	250
Methamphetamine	500	250
MDMA, MDA, MDEA (Ecstasy)	500	250
Cocaine Metabolites	150	100
PCP-Phencyclidine	25	25
Opiate Metabolites		
6-Acetylmorphine	10	10
Morphine	300	300
Codeine	300	300
Extend Opiates		
Hydrocodone	300	300
Hydromorphone	300	300
Oxycodone	100	100
Oxymorphone	100	100
Marijuana Metabolites	50	15
Barbiturates	300	200
Benzodiazepine	300	300
Methadone	300	300
Propoxyphene	300	300

A "positive" alcohol test result shall mean alcohol concentration at or above .04%.

- f. In the case of a "positive" drug test result, the employee shall be so advised by the Medical Review Officer ("MRO"),¹ on a confidential basis, prior to the reporting of the results to the employer, and the employee shall have the right to discuss and explain the results including the right to advise the MRO of any medication prescribed by the employee's own physician which may have affected the results of the test. Expired prescriptions will not be accepted by the MRO as a valid explanation for a positive lab result. Use of hemp products will not be an acceptable explanation for a positive marijuana test result. After notification to the employee, the employer and the union shall be notified by 10:00 a.m. the following business day.

The MRO may verify tests as positive without having communicated directly with an individual about the results if the individual expressly declines the opportunity to discuss the test or does not return a call to the MRO service in a timely manner. If the MRO needs assistance with reaching a collective bargaining employee, the MRO must only seek assistance from the employee's union, not the employee's contractor.

- g. An employee testing "positive" shall have the right to have the split specimen or the balance of the original sample tested at another SAMSHA accredited lab if the employee makes a written request to retest to the Substance Abuse Policy Coordinator within 72 hours of receipt of notice of a positive drug test from MRO. A retest is based on the presence of the controlled substance. If no presence is detected, the test will be considered negative, and the employee shall be allowed to resume work immediately and be reimbursed for the cost of the test, and lost time, if any. A retest will not be conducted until the employee has paid for the test. The employee must prepay the cost of retest at the time he/she requests the retest with an acceptable form of payment (credit card, cash, or money order.)
- h. Alcohol tests, when required, will be conducted by a trained Breath Alcohol Technician (BAT) if possible. Screening tests may be done using an evidential breath-testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done using an evidential breath-testing device. If it is not possible to test using the breath, then a saliva test or blood draw may be performed. Standard DOT breath alcohol testing procedures will be followed when possible.
- i. Individuals subject to this policy continue to have access to the usual protections provided as a part of their union membership and/or as members of bargaining units covered by collective bargaining agreements. Such individuals may request that a union representative be available or

¹ An MRO is a licensed physician who has knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

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

3. Substance Abuse Policy Coordinator

Midwest Toxicology Services, an independent corporation with a history of managing drug testing programs, has been contracted to serve as the Substance Abuse Policy Coordinator (SAPC). It is the intent of the MCAI and the Union to outline the specific duties of the Substance Abuse Policy Coordinator and to govern those activities by serving as advisors to the Substance Abuse Policy Coordinator.

4. Testing Outside of Program

In the event that a contractor is required to test an employee but due to unforeseen events, the testing is not completed through the Substance Abuse Policy Coordinator, the contractor is responsible for providing a copy of the test results to the Substance Abuse Policy Coordinator of the program.

C. VOLUNTARY IDENTIFICATION AND REHABILITATION/TREATMENT

Any employee who voluntarily identifies himself as having a drug- or alcohol-related problem will not be subject to discipline for volunteering that fact. Rather, the employee must surrender his Card and pursue counseling, rehabilitation, or treatment to eliminate dependence on drugs or alcohol.

Employees who volunteer such information and participate in a counseling/rehabilitation/ treatment program are not relieved of their obligation to comply with this policy and applicable rules concerning alcohol and drugs.

Since the key to any rehabilitative effort is an employee's willingness to admit and seek to remedy the problem, this provision is not available to an employee who requests protection after being asked to submit to a test or after the employee's use of drugs or alcohol becomes a personnel issue based on direct observation or other reliable evidence, such as an arrest or criminal conviction for a drug- or alcohol-related offense.

If the employee is actively participating or has successfully completed the counseling/rehabilitation/ treatment program as verified in writing by the Employee Assistance Program (EAP), the employee will be eligible to work after passing a return-to-work test, as described in this policy. Return from rehabilitation is also conditioned upon the employee's compliance with individual responsibilities, which may include obtaining follow-up counseling and/or treatment as recommended by the EAP.

Any costs associated with the voluntary counseling/rehabilitation/treatment program will be at the employee's expense unless the charge is specifically covered under the EAP or an applicable insurance policy, and the employee is an active participant in the insurance program.

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

The Employee Assistance Program (EAP) is a member resource sponsored by MCAI and the Union. The EAP provides confidential assistance to participants who are experiencing substance abuse or alcohol-related problems in their own lives, or who have family members with a similar problem that requires attention. Because alcohol and drug problems affect all areas of a person's life and because individuals and families often recognize the consequences of alcohol and drug problems without attributing these problems to the alcohol and/or drug use, the EAP is also available to assist with family, marital, parenting, emotional health, mental health, stress and financial issues. Addressing these issues not only uncovers cases of alcohol and drug abuse, but also provides preventive services to help families cope with issues in everyday living that can lead to substance abuse. The staff of the EAP has knowledge of the level and types of benefits available to MCAI and the Union participants. Participants can access the service of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year for emergency or crisis situations. Participants calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and may meet with them to further assess the nature of the problem in order to provide the best and most appropriate level of care. Participants that need to schedule a non-emergency appointment, should contact the EAP between 8:00 am and 4:30 pm (EST), Monday through Friday at 800/745-4838. The EAP is staffed by certified and credentialed human services professionals who are sensitive to the needs of the individual. Individuals who take the initiative to contact the EAP for assistance do so with the assurance that their calls will be treated respectfully and confidentially. The direct services provided by the EAP are sponsored by MCAI and the Union.

D. TESTING OF EMPLOYEES

The following are circumstances under which testing will be conducted. Participants may be eligible for a reimbursement check for initial, random, and annual reasons for testing.

1. Initial Testing

All persons who are otherwise eligible to obtain an Identification Card will be instructed to report and provide a urine sample at an approved collection site at a specified time, under procedures that will be provided to the individual.

2. Random Testing

In order to maintain a valid Identification Card, all individuals are subject to random testing. The employees will be chosen for a random drug test by one of the following methods:

- a. Employees will be selected anonymously from a computerized selection program. If an individual is selected for testing, he/she will be notified to report to an approved collection site as soon as possible, within 7 days of the date of the random letter. Random selection by this method will test 1/12th of the then-current covered workforce of each participating local union, each month, without prior notice. Only a drug test will be administered for this type of random testing.

If a participant fails to report for the random test within the designated time frame but has an acceptable excuse that is approved by the Substance Abuse Policy Coordinator, their card status will be invalid until they report for the test. If a participant fails to report for the random testing within the designated time frame and does not have an acceptable excuse, a refusal to test violation will be recorded for the participant and they will be referred to the EAP.

- b. An owner/job site may require employees to be subject to random testing. If feasible and if the testing meets the program's requirements, the test results shall be submitted for entry into this program.

3. Annual Testing

In order to maintain a valid Identification Card, each individual will be tested at least every twelve (12) months.

4. Reasonable Cause Testing

When there is reasonable cause to believe that an employee is under the influence of drugs, testing shall be required. When there is reasonable cause to believe that an employee has used alcohol, testing shall be required. The EAP will make available supervisory training in the signs and symptoms of alcohol and drug abuse in the workplace as well as in how to intervene with reasonable cause cases. The EAP will be available 24 hours a day to consult with supervisors regarding probable cause cases.

"Reasonable cause" testing may be based upon such things as:

- a. Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, including

observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs;

- b. A pattern of abnormal or erratic behavior as evidenced by the employee's work time actions, appearance, or conduct;
- c. Arrest for a drug-related offense while at the worksite or in company vehicle;
- d. Newly discovered evidence that the employee has tampered with a prior drug test.

If feasible, the employee's conduct will be witnessed by at least two supervisors. If not feasible, one supervisor's observations are sufficient. Reasonable cause can also be based upon a report received from a third party observer if the report is independently corroborated. A copy of the report will be sent to the employer, employee and the union.

If an employee is suspected of using illegal drugs or alcohol, the appropriate supervisor (one who was involved in the reasonable cause determination) will gather all information, facts, and circumstances leading to and supporting the suspicion. If the supervisor has evidence and/or specific indicators that the employee is using a controlled substance illegally that is not known to be detected under the program's normal testing panel, the employer may request that an expanded testing panel be used to detect the suspected controlled substance. A controlled substance may include any substance listed on Schedule I through V of Section 202 (21 U.S.C. 812) of the Controlled Substance Act (example: synthetic marijuana known as "K2" or "Spice", designer stimulants known as "bath salts"). Permission to test for additional drugs will be granted by the Substance Abuse Coordinator with approval by the Drug Testing Policy Committee. Should the employee test positive for a controlled substance not normally detected on the program's testing panel, the employee's card status will be changed to "not valid" and the employee will be required to complete the rehabilitation steps described in this policy. An employee who is required to submit to a reasonable cause drug screen will be suspended until the results of the test are disclosed to the employer. If the test result is negative, the employee will be paid for the days of work missed.

When the supervisor(s) has reasonable cause to believe that the employee has used drugs or alcohol, a written report detailing the circumstances, which formed the basis to warrant testing, will be made, and the employee will be directed to submit to testing. A copy will be sent to the employer, employee and the union.

In any reasonable cause situation, the employer will ensure that the employee is transported to an appropriate facility. The employee may request that a Union representative also be present. In the absence or unavailability of a Union representative, the testing process will not be delayed. The employer will ensure the employee is transported back to the work site, where a spouse, family member, or other individual will be contacted to transport the employee to the

employee's residence. In the event no such individual is available, the employer will provide transportation to the employee's residence. If the employee refuses to agree to any of these procedures and attempts to operate his or her own vehicle, the employer may take appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the procedures described above will be subject to discharge and revocation of the Identification Card.

5. Post-Accident Testing

For purposes of this policy, an accident is an event that occurs while an employee is on working time or conducting a contractor's business, whether on or off a job site, when that event results in (1) death, (2) bodily injury to a person who receives medical treatment away from the scene of the accident, or (3) property damage. This will include serious near miss accidents.

As soon as possible, but no later than two (2) hours after an accident, each employee whose performance either may have contributed to the accident or cannot be completely discounted as a contributing factor to the accident, will be tested for drugs and alcohol. An employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining samples, hospital reports, and/or other documents that would indicate whether there were drugs or alcohol in his or her system at the time of the accident. An employee who refuses to provide such authorization will be considered to have refused to submit to testing.

If there is a reasonable cause basis for the post-accident test, the employee will be subject to all the reasonable cause provisions.

6. Return To Work And Follow-Up Testing

- a. Any employee returning to work after an absence of any duration for a positive test result and/or counseling/rehabilitation/treatment purposes must satisfactorily pass a drug screen to be eligible to work.
- b. Follow up tests will be required for a minimum of 12 months after an employee returns to work from a positive test result and/or counseling/rehabilitation/treatment and the time could be longer if recommended by the SAP. The employee will be subject to not less than four (4) unannounced follow-up tests. Four (4) follow up tests is the minimum number required and the SAP may recommend more than four (4). The Substance Abuse Policy Coordinator will schedule any unannounced tests under this policy. The Substance Abuse Policy Coordinator will give the employee notice of such unannounced tests by phone or mail. The employee must take the test within twenty-four (24) hours after receiving notice; if not the employee will be considered to have failed the test.

The employee may be marked as non-compliant by the SAPC for any of the following reasons:

- i. The employee fails to report timely for a follow-up test due to an acceptable reason.
- ii. The employee is working out of the area and unable to do follow-ups while out of the area.
- iii. The employee is incarcerated.

The length of time to complete follow-up tests may be extended by the SAPC for any of the reasons above.

- c. If a follow-up test is dilute, the employee will be required to re-test. Under these circumstances the initial diluted test will not count as one of the required follow-up tests.
- d. If alcohol tests are required for follow-up testing the SAP will require the employee to sign appropriate releases for the monitoring of the alcohol follow-up test through his/her employer for the duration of follow-up testing.
- e. The program will pay for the return to duty and follow-up testing required after the first violation. The employee will be required to pay for the return to duty and follow-up testing required after the second or subsequent violations. There will be no reimbursement for Return to Work and Follow-Up Testing.

E. PRESCRIPTION/NONPRESCRIPTION DRUGS OR MEDICATIONS

The misuse of any prescription or nonprescription drug or medication is also prohibited.

If an individual is using a prescription drug that may impair his/her mental or motor functions so as to affect his/her ability to perform safely their duties and responsibilities, the individual must report the use of that prescription drug to his/her supervisor prior to reporting to work after its use. Each contractor reserves the right to determine whether an individual can safely perform his/her duties and responsibilities while taking the prescription drug. The contractor will determine the appropriate action to ensure workplace safety.

If an individual is using a non-prescription medication that has a written warning that indicates use may impair mental or motor functions so as to affect his/her ability to perform safely their duties and responsibilities, the individual must report the use of that non-prescription medication to his/her supervisor if the medication is taken prior to or during work time. The contractor will determine the appropriate action to ensure workplace safety.

F. SANCTIONS / CONSEQUENCES

1. Positive test results:
 - a. An employee testing positive for the first time must surrender his/her Identification Card, will be ineligible to work, and will be discharged. The employee will be ineligible for work for a period of thirty (30) days from

the date the violation is reported to the union and/or contractor and, upon returning to work, is subject to unannounced Follow-Up testing for a minimum of one (1) year.

- b. A second positive test will result in the employee being discharged and revocation of the Identification Card. The employee will be ineligible for work for ninety (90) days from the date the violation is reported to the union and/or contractor and, upon returning to work, is subject to unannounced Follow-Up testing for a minimum of one (1) year.
 - c. A third positive test will result in the employee being discharged and revocation of the Identification Card. The employee will be ineligible to retest or obtain the Identification Card for a period of one (1) year. The employee will be ineligible for work for a period of one (1) year from the date the violation is reported to the union and/or contractor. The employee may apply for reinstatement to the Drug Policy Committee after one (1) year. If the employee is reinstated, he/she is subject to unannounced Follow-Up testing for a minimum of one (1) year. Any subsequent positive tests will be treated the same as a third positive test.
 - d. The employee will be directed to contact the EAP for evaluation and recommendations for assistance. The EAP can be reached at 1-800-745-4838
 - e. Before becoming eligible to work, the employee must complete an evaluation with the EAP, complete and/or continue to follow the treatment prescribed by the EAP, and obtain from the EAP a written report of compliance with the EAP's recommendations for assistance, which will be sent to Midwest Toxicology and will include a statement as to the participant's completion of EAP recommendations or the participant's required involvement in ongoing EAP recommendations as well as the recommended timing of the Return to Work test.
 - f. The employee must also submit to a return to work test, as described in this policy, and is subject to unannounced follow-up testing as recommended by the EAP, and as described in this policy.
 - g. The costs of the education/treatment described above are to be borne by the EAP program or the employee. Starting with the third violation the employee is responsible for all costs associated with the EAP program.
 - h. If the employee is currently in a JATC sponsored apprenticeship program, additional sanctions/consequences may apply, up to and including discharge. Please refer to JATC policies for further guidance.
2. Employees whose test results show an alcohol concentration of at least 0.04 shall be deemed as testing positive and shall be discharged pursuant to the Sanctions/Consequences (F. Sanctions/Consequences, 1. Positive test results: a through g). Employees whose test results show an alcohol concentration 0.02 or greater but less than 0.04 shall be removed from the worksite for twenty-four (24) hours or until their next scheduled work shift, whichever is longer.

3. A diluted specimen result will require a retest. The Substance Abuse Policy Coordinator will report the dilute to the designated contractor and/or union representative in the event that the MRO assistant is unable to reach the employee to go over the following information. An employee providing a diluted specimen shall be given the opportunity to retest the following day after notification. The employee should refrain from consumption of fluids after 9:00 p.m. the night before recollection. The employee should limit fluid intake to a minimum the day of and up to collection time. If the employee cannot attend the retest the following day, the employee must receive approval from the Substance Abuse Policy Coordinator to retest at a later date. A second diluted test without a medical reason carries the same consequences as testing positive. The Substance Abuse Policy Coordinator can at their discretion reject the explanation. If the two parties cannot agree, the Drug Policy Committee may consider the matter further.
4. Employees who switch, tamper, or attempt to switch or tamper with any screening test or sample will be discharged and the Identification Card revoked. This would include an event where a collector discovers a prosthetic or other device designed to carry "clean" urine and urine substitutes on the employee in the course of conducting a urine collection for drug testing. The result will be considered a refusal to test, having the same consequences as a positive drug test.
5. Employees who refuse to submit to a drug or alcohol test as required by this policy or to execute any relevant documentation such as consent or release of information forms are subject to discharge and revocation of the Identification Card. The result will be considered a refusal to test, having the same consequences as a positive drug test.
6. Any employee who is convicted of, or pleads guilty to, a drug or alcohol related offense that occurred in the workplace will be discharged. The result will be treated as a positive drug test, having the same consequences as a positive drug test.
7. Any employee who is convicted of, or pleads guilty to, an alcohol or drug related offense that occurred outside the workplace may be discharged if driving is part of the employee's duties and responsibilities. The result will be treated as a positive drug test, having the same consequences as a positive drug test. If the employee is in his own vehicle and on his own time, it will not be treated as a positive.

G. CONFIDENTIALITY

Test results will be disclosed only to those management employees and union representatives with a "need to know."

Any information related to an employee's drug or alcohol test results will otherwise be disclosed only if:

- (1) The employee gives written permission to release the information;
- (2) The information is released as evidence in an arbitration hearing, administrative proceeding, or legal action;
- (3) The information is released as part of a governmental investigation; or

- (4) Required by law, as follows:
 - i. Lawsuits (e.g. wrongful discharge action)
 - ii. Grievances (e.g. an arbitration concerning disciplinary action taken by the employer)
 - iii. Administrative proceedings (e.g. an unemployment compensation hearing)
 - iv. Criminal or civil actions – to the decision maker in the proceeding (e.g. the court in the lawsuit)

All records and information regarding the personnel actions taken with respect to employees with verified positive test results will be maintained in a confidential file with the employer and/or the local union.

H. DUTY TO COOPERATE

As a condition of employment, employees are expected to abide by the terms of this policy. To enforce this policy, a contractor may, from time to time, as part of an investigation, inspect personal property and all contractor property and equipment. This does not include an employee's personal vehicle.

Employees have an obligation to respond to the Substance Abuse Policy Coordinator or their union hall if either is attempting to reach the employee regarding this program. Failure to respond within a reasonable amount of time could result in an Invalid card status for the employee or a refusal to test to be recorded for the employee depending on the circumstances. An employee's failure to cooperate with action to investigate and enforce this policy will subject the employee to discharge.

I. AMENDMENTS TO POLICY

The governing body of this Policy and Program is the Drug Testing Policy Committee, which is comprised of an equal number of labor and management representatives. This body may institute negotiated changes to the policy outside the scope of any general collective bargaining negotiations. This body will generally follow the DOT guidelines when periodically modifying preliminary cut off and confirmation levels and adding new drugs.

J. DEFINITIONS

TO ENSURE COMMON UNDERSTANDING OF TERMS, THE FOLLOWING DEFINITIONS SHOULD BE CONSISTENTLY USED:

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

Accident/Incident: An accident is an event that occurs while an employee is on working time or conducting a contractor's business, whether on or off a job site, when that event results in (1) death, (2) bodily injury to a person who receives medical treatment away from the scene of the accident, or (3) property damage. This will include any serious near miss accidents.

Adulterated specimen: Tampering with a test sample by the substitution or addition of other ingredients to mask the presence or use of illegal drugs, resulting in a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content): the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (BrAC).

Alcohol screening device (ASD): A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

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

Alcohol use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Annual Testing: Each employee's obligation to be tested at least every 12 months.

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

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

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

Contractor: An employer employing members of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

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

DHHS-approved laboratory: A laboratory that is certified under the U.S. Department of Health and Human Services Mandatory Guidelines for federal workplace drug testing programs.

Diluted specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drug test: A test conducted for controlled substances.

Employee: A member of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and/or all non-bargained office personnel.

***Participation of Non-Bargaining Unit Employees:** All Union office employees either full or part-time including, but not limited to Business Managers, Assistant Business Managers, Business Agents, Field Representatives, Fulltime Financial Secretaries, etc. secretaries, clerks, receptionists, etc., and all office or shop employees of the Signatory Employer directly involved in the piping industry at all locations of shops and or offices, within the local jurisdictions noted earlier, either full or part-time, including but not limited to: office managers, clerks, salespersons, staff, shop hands, including truck drivers, superintendents, and others, whether or not such employee visits job sites, shall be bound by all terms and conditions of this Alcohol and Drug Policy including all rehabilitation and discipline articles and sections.

Initial test: (for drugs) An immunoassay screen to eliminate “negative” urine specimens from further consideration.

Follow-Up Testing: For a minimum of twelve (12) months after an employee returns to work from a positive test result and/or counseling/rehabilitation/treatment, the employee will be subject to not less than four (4) unannounced follow-up tests. The Substance Abuse Policy Coordinator will schedule any unannounced tests under this policy. The Substance Abuse Policy Coordinator will send the employee notice of such unannounced tests by mail. The employee must take the test within twenty-four (24) hours after receiving notice; if not the employee will be considered to have failed the test.

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

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

Positive Test (alcohol): A positive alcohol test is obtained when a employee’s confirmatory test result reads 0.04% BAC or higher.

Positive Test (drug): A positive drug test is obtained when an employee’s confirmatory test or retest result is at or above cutoff levels listed in this policy, as verified by the MRO to be a positive test.

Probable Cause/Reasonable Cause: Probable Cause/Reasonable Cause testing may be based upon such things as: (a.) Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs; (b.) A pattern of abnormal or erratic behavior as evidenced by the employee’s work time actions, appearance, or

conduct; (c.) Arrest for drug-related offense while at the worksite or in company vehicle; (d.) Newly discovered evidence that the employee has tampered with a prior drug test.

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

Refusal to Test: It is considered a refusal to test if the employee adulterated and/or substituted or refused to provide a urine specimen, or if the employee failed to appear for testing within a reasonable time, or to remain at the testing site until testing process is complete, or if the employee failed to provide a sufficient amount of urine without a medical reason, and/or failed to undergo an MRO directed medical evaluation for such a reason. Failure to cooperate with any part of the testing process, including the use of abusive language or behaving in a threatening manner, or behaving in a confrontational way that disrupts the testing procedure, or refusing to permit a direct observation collection when required by the policy, shall also be considered a refusal to test. It will also be considered a refusal if an employee is wearing a prosthetic device or possesses any other device, container, etc. that could be used to interfere with the collection process or if the employee admits to the collector or MRO that they adulterated or substituted their specimen. A refusal to test will be treated as a positive test.

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

Substance Abuse Professional (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, a licensed or certified employee assistance professional, state licensed or certified marriage and family therapist, or alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRC) or by the National Board of Certified Counselors (NBCC), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Attachment I

Letter of Notice for Random Testing

Date: (Example: April 8, 2013)

Re: Testing Procedure for MCAI/Indiana State Pipe Trades (ISPTA) Identification Card

Dear _____:

Your name has been randomly picked by MCAI/ISPTA computer generated selection program to take a drug test as soon as possible in order to update your MCAI/ISPTA identification card. Our computer program selects the names of one-twelfth (1/12) of all participant cardholders for update each month. We want to re-emphasize that your selection for a test is purely a random one. You will be taking the same test, which you initially took when you received your MCAI/ISPTA card.

In order to avoid any potential interruption in the status of your card, you must be tested by **(Example date: April 15, 2013)**. Tests are to be taken on your own time at any one of the facilities identified on the attached list. You will be mailed a \$35.00 MCAI/ISPTA expense reimbursement check if your test is negative/valid.

All MCAI/ISPTA participants who are working may have their MCAI/ISPTA card verified with the database administrator in order to determine if their card is “valid” or “not valid” under MCAI/ISPTA Program. This procedure will protect everyone’s confidentiality.

Please remember that if you fail to take the test by the date listed above, the result may be treated as a positive test.

****Please be aware of the closing time of the collection facility you choose to report to for your random test. If you start the testing process, you will be expected to finish the process (by providing a sufficient urine specimen) within 2 hours OR by the time the facility closes, which ever is sooner. If you fail to finish the process, it will be considered a refusal to test which has the same consequences as a positive test result. Collection site hours are subject to change without notice – please call site to verify BEFORE going.**

Sincerely,
Substance Abuse Policy Coordinator
Midwest Toxicology Services, LLC

PS: **Remember it is your responsibility to keep the MCAI/Indiana State Pipe Trades and the Substance Abuse Policy Coordinator (800/358-8450, ext. 5014) informed of any change in your address or telephone number.**

PPS: Also remember the MCAI/Indiana State Pipe Trades offers a fully independent, professional Employee Assistance Program (EAP) for you and your family. The EAP’s 24 hours, 7 day a week hotline number for the local area is 317/962-2622 or toll-free 800/745-4838.

ATTACHMENT II

MCAI/INDIANA STATE PIPE TRADES APPLICANT/CARDHOLDER DRUG TEST INFORMATION AND INSTRUCTION SHEET

MCAI/Indiana State Pipe Trades is exercising extreme care to insure that strict quality control measures are followed in the collection, handling, and analysis of your urine specimen. You play an important role in this process and should be certain that you have provided an unadulterated urine specimen to the laboratory. Remember, you are certifying that the urine specimen, which you provide is yours and is unadulterated. Any adulteration or switching of urine is a breach of MCAI/Indiana State Pipe Trades rules and, if you are employed, may subject you to discipline up to and including termination by your employer.

For your own protection and peace of mind, we ask that you:

- provide a picture identification to the collection site/technician at time of arrival;
- be escorted to a collection room and asked to provide an unadulterated urine specimen in the collection container provided. The container should be filled to 45ml;
- return the specimen container to the collector and witness the collector pour your specimen into specimen bottles;
- initial and date the integrity seals placed on your specimen bottles;
- verify the proper spelling of your name as recorded on the chain of custody;
- verify that your social security number (or other identification number) has been properly recorded;
- verify that the identification number placed on your specimen bottle is the same as that recorded on the chain-of-custody form.

If you provide an unacceptable specimen (ex. temperature of specimen that falls outside of the acceptable range (90-100 degrees Fahrenheit)), the collector will inform you that they cannot accept the specimen and the specimen will be discarded. You will be required to provide another specimen under direct observation by the same gender. The observer will direct you to raise and lower clothing in order to conduct the direct observed collection properly in accordance with DOT guidelines. If there is not a same gender person to perform the observation, then the collection will occur unobserved. You must remain at the collection site until a valid specimen is provided or else a refusal to test may result.

If you are unable to provide a specimen on your initial attempt, you will be allowed up to two (2) hours to provide a specimen. You may drink up to 40 ounces of fluids. You will not be allowed to leave the collection site until you provide a valid specimen. If you leave the collection site without providing a valid specimen, it could be deemed a refusal to test which has the same consequences as a positive test result.

For alcohol testing:

- If an initial (screening) breath alcohol test result has an alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test
- In the event the confirmation test indicates a BAC of .020 to .039, you shall be removed from the worksite for twenty- four (24) hours or until your next scheduled work shift, whichever is longer. Any confirmation test with a result of a BAC of .04 or greater is considered to be positive and will require the immediate removal from the worksite. The consequences for a positive alcohol test are outlined in the Sanctions/Consequences section of this policy. All alcohol tests shall be performed only while you are considered on duty.

ATTACHMENT III

Mechanical Contractors Assoc. of Indiana/Indiana State Pipe Trades (MCAI/ISPT)

EMPLOYEE CONSENT FORM AND TESTING AUTHORIZATION FORM

Employee instructions: This form must be presented at the time of your drug and/or alcohol test. All blank spaces below must be filled out and witnessed by the collector.

I, the undersigned, _____, do hereby authorize the testing of my urine for employment reasons and understand and agree that the results of any such testing will be released to Midwest Toxicology Services, LLC and, further that the testing procedures will be limited to tests for prohibited and illegal drugs and controlled substances.

I understand that the results of these tests may be used for employment and disciplinary reasons and hereby authorize the release of such information from the laboratory and MRO.

I further certify that the urine specimen collected from me is mine and not adulterated or altered in any manner. I have been advised that matters affecting me relative to the interpretation or application of the Drug Policy are subject exclusively to the grievance and arbitration procedure under my collective bargaining agreement (if applicable).

Your Signature: _____

Social Security Number: _____ Telephone Number: _____

Mailing address: _____

City, State & Zip Code: _____

Witness: _____

Date: _____ Time: _____

Please check only one box. Check local jurisdiction that you are currently working in.

Union Local: 136 157 166 172 440 502 661
 contractor employee (not covered by collective bargaining agreement)

Current employer: _____
 Not currently working

Instructions to Collector:

FAX and then mail this form along with the MRO copy of the chain of custody to the MRO at 317/262-2222, 603 E. Washington St., Suite 200, Indianapolis, IN 46204. If you have any questions, please contact Midwest Toxicology Services at 800/358-8450 or 317/262-2200. After 5 pm, contact Nicole Buckler at 317/941-1222 (cell) or Tiffany Ellefson 317/847-2309 (cell).

Attachment IV

CARD STATUS CONFIRMATION

STATUS CONFIRMATION

Participating contractors will verify the status of all MCAI/Indiana State Pipe Trades participants, who are working, in order to determine if the employee has a valid card under the MCAI/Indiana State Pipe Trades program. All participating contractors are encouraged to verify the status of all MCAI/Indiana State Pipe Trades participants on a weekly basis.

When an employee's status is "Not Valid", he/she will be advised to contact the Substance Abuse Policy Coordinator's office to resolve the Not Valid status. The individual may be required to repeat the initial test procedure for non-compliance with the random test requirements or follow the protocol for a positive test within the MCAI/Indiana State Pipe Trades Policy.

This procedure will protect the employee's confidentiality and allow the employer to audit the status of his employees which may be required by the owner to be submitted monthly.

Card status can be verified through the Construction Safesite system, www.constructionsafesite.org.

CARD MANAGER

Each MCAI/Indiana State Pipe Trades participating employer will designate a person as card manager who will be able to access data information by phone, fax, email or a secure website which will confirm the status of employee's card for:

1. Not On File
2. Not Valid
3. Valid

The card manager shall maintain the strictest confidentiality of the MCAI/Indiana State Pipe Trades membership. When a member is not in possession of his/her MCAI/Indiana State Pipe Trades identification card, the Card Manager may request to use the member's Social Security Number to secure the employee's status. The Card Manager shall receive permission from the individual through written consent, which is kept on file and good for that date only to use the Social Security Number and shall obtain a photo I.D. confirming the identity of the individual to the Social Security Number and make a copy of same to be maintained with said record.

REFERRAL

A MCAI/Indiana State Pipe Trades participant must have a "Valid" status before being referred to work by his/her union.