

POLICY SUMMARY

This summary is designed to provide you with information concerning the rights and responsibilities created by the Policy. More detailed information is set forth in the Policy itself. If there is any inconsistency between this summary and the Policy, the terms of the Policy will govern.

Substance Abuse and Workplace Safety. The affiliated Unions of the Building and Construction Trades Department, AFL-CIO (BCTD), construction users, and construction employers are committed to providing a safe work place for those working within the organized construction industry. A workplace unencumbered by the influences of drugs and alcohol is necessary to assure this goal. The Policy establishes a single minimum testing standard to be utilized to conduct testing for illegal/controlled drugs, substances and alcohol on covered job sites. The Policy applies to all employees and potential employees of contractors and subcontractors at all tiers, including bargaining unit and non-bargaining unit employees.

Reciprocity. The goals of this Program and Policy will be met by recognizing similar efforts, either on a regional or national basis that meet or exceed the minimum standards set forth herein. A regional or national program can obtain reciprocal status and may transfer data to the national database when all of the conditions set forth in the Policy are satisfied.

Employer Responsibilities.

- a. Each employer working on a site requiring this Policy must be registered in the Program or a Program that has been granted reciprocal status in accordance with the terms of the Policy. An employer registered in a Program that has been granted reciprocal status shall be considered to be registered in this Program.
- b. Each employer will enroll and process the initial drug testing if the employee has not already been enrolled into the Program.
- c. Each employer not enrolled in a Program that has been granted reciprocal status will submit to the Policy Administrator employee demographic data for entry into the database, listing employees by site.
- d. Failure of the employer to comply with the Policy will be grounds to relinquish their access to the system and thus access to projects requiring this Policy.
- e. Each employer will monitor its employees for behavior that may indicate drug or alcohol misuse or abuse.
- f. Each employer will provide training to its supervisors on substance abuse issues, including training to enable supervisors to identify and document behaviors that constitute reasonable suspicion for testing. The training will also educate supervisors on how to address refusals to test and how to refer employees to testing or assistance.
- g. Each employer will provide its employees with an employee handbook that contains information about the Policy and how it operates, as well providing employees with access to educational materials on substance abuse issues.

Employee Responsibilities. Employees are prohibited from using, possessing, distributing, dispensing, manufacturing, being under the influence, or otherwise being involved with illegal drugs and from abusive use of chemicals or controlled substances while on employer or client property or while performing the employer's business. In addition, being under the influence of alcohol is prohibited.

Illegal/Controlled Drugs and Substances. Testing under the Policy includes tests for alcohol and amphetamines, barbiturates, benzodiazepines, cocaine, opiates, phencyclidine propoxyphene (Darvon) and THC (Marijuana and Cannabinoids).

Voluntary Disclosure of a Drug or Alcohol Problem. Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the company and/or union will assist in locating a suitable employee assistance program for treatment, and will counsel the employee regarding medical benefits available under the company or union health and welfare insurance program. If treatment necessitates time away from work, the company will, if the project or work permits, provide the employee with an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program and provides a negative substance abuse test will be reinstated to his/her former employment status, if the project is ongoing and work for which he/she is qualified is available. Since the key to this provision's effectiveness is an employee's willingness to admit his or her problem, this provision is not available to an employee who requests protection under this provision after: (a) being asked to submit to a drug or alcohol test in accordance with this plan; or (b) having been found to have violated any of the provisions of the Policy.

Confidentiality. Protecting the confidentiality of the employee is a primary interest of labor, owners, and contractors. Towards that end, there will be designated Medical Review Officers (MRO) who will be the sole individuals who have access to employee medical records, and the MRO and Policy Administrator will normally be the only individuals who have access to employee drug testing results. The Policy Administrator will only be allowed to advise a designated contractor representative and union representative that the employee is either "current" or "not current" with this Program and Policy. No information about the test results, the substance that an employee may have tested positive for, or any other specific information will be shared.

Eligibility for Employment. Only employees who are listed in the national database as "current" may be employed for work on a project requiring the Policy. A potential employee who has provided an initial drug test specimen will be eligible for employment pending the results of the initial drug test.

Types of Testing. A urine drug test and/or breathalyzer alcohol test will be administered under the following circumstances:

Initial Drug Testing: All potential employees of all contractors at all tiers who work at a covered Project and who are not current with this Policy must submit to an Initial Drug Test. All employees in this classification must become current with the Policy. Any employee who is not current with the Policy will not be permitted to work on the Project.

Random Testing: A minimum annual random selection rate of twenty-five percent (25%) of the workforce employed on covered jobs will be tested.

Periodic Testing: All employees will be tested at a minimum of once every twelve months to maintain their status as current with the Policy.

Testing for Cause: All employees may be tested for cause for illegal/controlled drugs and substances as well as alcohol when a reasonable suspicion exists that the employee appears to be under the influence of illegal/controlled drugs or substances and/or alcohol,

Post-Accident Testing: An employee with a chargeable accident will be required to submit to post-accident testing for the use of illegal/controlled drugs or substances and/or alcohol as set forth in Section 9 of this Policy.

Return-to-Duty Testing: Employees or potential employees who have tested positive for drugs or alcohol will not be eligible for employment until they pass a return-to-duty test

Follow-Up Testing: After a confirmed positive test, employees are subject to unannounced testing for illegal/controlled drugs and substances as well as alcohol as directed by the discretion of an approved, qualified professional in the substance abuse field.

Consequences Of A Positive Drug Or Alcohol Test. If test is positive, the individual will be removed from the Project immediately and paid for all hours worked. An employee who tests positive for the first time will be ineligible for employment on all Projects covered by this Policy for thirty (30) days from the date that he/she was notified by the Medical Review Officer (MRO), and reemployment is contingent on the review of an approved, qualified professional in the substance abuse field, approval by the MRO and a negative drug/alcohol test. For a second violation, the employment ineligibility period is ninety (90) days, and for a third violation, the employment ineligibility period is one year. Each additional violation will result in an additional one year ineligibility period. If a project owner has more severe consequences for a positive drug and/or alcohol testing result they will be recognized for the project owner's facility only.

Individuals who test positive, and their local union representatives, have the right to secure a copy of all data relating to the test procedures and results provided.

Resolution Of Disputes. The Policy contains procedures for resolving all disputes relating to the Policy with the exception of those disputes involving employees covered by a collective bargaining agreement that references this Policy or a Policy that has been granted reciprocal status. The parties to such a collective bargaining agreement should use the dispute resolution procedure contained in that collective bargaining agreement. However, the parties to such a collective bargaining agreement, at their discretion, may use the procedure set forth in the Policy.