

**ST. LOUIS – KANSAS CITY
CARPENTERS REGIONAL COUNCIL**

**DRUG AND ALCOHOL
TESTING PROGRAM
POLICY**

**St. Louis – Kansas City Carpenters Regional Council
DRUG AND ALCOHOL TESTING PROGRAM**

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Article I Introduction and Purpose

Members of the St. Louis – Kansas City Carpenters Regional Council (Council) believe it is in the best interest of our contractors and construction consumers to adopt a uniform Drug and Alcohol Testing Program and database of tested members for union construction workers within this jurisdiction. This program will be managed by a third-party administrator.

This program applies to all employees of contractors' signatory to collective bargaining agreements of the COUNCIL. Union members of the Council (hereinafter referred to as "Union") and its member contractors (hereinafter referred to as "Employer") have a vital interest in maintaining safe, healthful and efficient working conditions for its employees. The Employer and the Union share an obligation to construction owners to provide employees who are free from prohibited substances that cause impairment such as drugs and alcohol. The Union also believes it is in their best interests to offer rehabilitation opportunities to an employee who abuses drugs and alcohol.

The objective of this Drug and Alcohol Testing Program is to improve safety, productivity, and morale on all construction sites, and to eliminate duplicate and redundant testing for its members.

Article II Definitions

Negative test result: A negative test result is obtained if: (1) the initial screen indicates the absence of legal or illegal substance at the cut-off levels established; or, (2) the initial screen test and or confirmation test indicates the presence of a legal or illegal substance in excess of the cut-off levels established, but the donor had a valid medical reason for the substance being detected in the specimen and this valid medical reason was approved by the MRO.

Invalid test result: An invalid test result is obtained if the initial screen test indicates the specimen has been adulterated, thus rendering the test invalid. This result type will follow the same procedure for confirmation as a non-negative result.

Non-negative test result: A non-negative test result is obtained if the initial screen test (an 11-panel Quick Test) indicates the presence of a legal or illegal substance in excess of the cut-off levels established, *see page 4*. Once the confirmation test indicates the presence of legal or illegal substances in excess of the confirmed cut-off levels established, the result is then sent to the MRO for review. The MRO will then make the determination of negative or positive.

Positive test result: A Positive result is obtained if the screen test indicates the presence of illegal substances that meet or exceed both the initial and confirmed cut-off levels established, as verified by the MRO, and the MRO has determined that the test results do not stem from the use of prescription medicines, over the counter medicines, food, or any cause other than the use of illegal substances. This would also include the illegal use of prescription drugs (examples would include exceeding the dose of a prescription or over-the-counter drug and/or using prescription drugs without a prescription under donor's name). A refusal to test is considered a positive test.

Article III Test Mechanics

A 10-panel Quick Test (urine specimen), and/or alcohol breathalyzer will be used in this program, as set forth in the following paragraphs. All non-negative tests collected under this program shall be analyzed by a NIDA/SAMSHA certified laboratory and shall include an initial Enzyme Multiplied Immunoassay Screening test and a Gas-Chromatography Mass Spectrometry (GC/MS) confirmation test, with all positive test results interpreted by a licensed Medical Review Officer (MRO). All samples shall be collected by trained collection specialists utilizing NIDA/SAMSHA procedures to insure both proper chain of custody and confidentiality. All samplings shall be performed with concern for the individual's personal privacy, dignity and confidentiality. Pre-approved collection sites will be established throughout the jurisdictional territories of the Union. Trained collection specialists will also be available on various construction sites.

The following are the types of testing performed under this program:

- 1) Pre-Program/Pre-Employment Testing:
 - a. To be eligible for employment by a signatory contractor, all active Union members must take and pass a drug test after October 1, 2004. An employee must take the drug test when directed to do so.
 - b. Employees will be issued documentation (i.e. verification of active status card) verifying their status as active. The most accurate form of verification for Employers, however, is obtained via the third party administrator's website.
- 2) Reasonable Suspicion Testing: Employees will be subject to a urinalysis and/or alcohol breathalyzer based on observed abnormal behavior which leads a trained owner representative, or respective contractor's or subcontractor's trained supervisory personnel to believe that the suspicion includes specific personal observations that can be documented concerning the appearance, behavior, speech, or breath odor of the employee. Examples of such behavior may include, but are not be limited to, noticeable odor of alcohol, abnormal speech or gait, accidents or obviously being unable to perform his/her job. Suspicion based solely on third party observation and reports is not reasonable and thus, not a basis of testing.
- 3) Post Accident/Incident Testing: All employees may be subject to a drug and alcohol test, via urinalysis following an on-the-job injury that requires medical treatment or following a potentially serious incident or near miss, in which safety precautions were violated, unsafe instructions or orders were given, a potentially serious accident occurred where vehicles, equipment or property was damaged, an unusually careless act was performed, or where the cause was due to a failure to wear prescribed personal protective equipment. Employees involved in contributing to the incident will be subject to substance abuse testing.
- 4) Random Renewal Testing: Employees within a two-year period of not testing will be notified to submit for a random test. **All employees will be tested at least every two years.**
- 5) Employers who require random testing within a one-year period must notify the Plan of that requirement.

Employers are not responsible for paying an employee for time off for random testing if the test is not completed on-site. If unemployed, employee is still responsible to test or will become inactive in the program.

**Article IV
Initial and Confirmation Thresholds**

The current levels will be used:

Type of drug or metabolite	Initial Test	Confirmation Test
Marijuana metabolites	50 ng	50 ng
Cocaine metabolites	150 ng	100 ng
Phencyclidine (PCP)	25 ng	25 ng
Amphetamines	500 ng	250 ng
Methamphetamine	500 ng	250 ng
Opiates (codeine, morphine, heroin)	2000 ng	2000 ng
Barbiturates	300 ng/ml	200 ng/ml
Benzodiazepine	300 ng/ml	200 ng/ml
Methadone	300 ng/ml	200 ng/ml
Propoxyphene	300 ng/ml	200 ng/ml
Alcohol	0.04%	0.04%

**Article V
Notification Procedure**

A list of individuals identified for random drug testing renewal. The list is forwarded to Carpenters' Benefit Office for processing and notification distribution.

Identification numbers are validated and checked for eligibility in the drug testing program. Individuals deemed eligible for drug testing must have a current, active Union status and reported worked hours within a period of six months prior to the date of list generation.

Notifications are sent to employers and employees throughout the month. Employers may choose 1) On-site Testing if they have at least 5 employees at a single jobsite to be tested. If an employee listed for drug testing is 3) No longer employed or in an 4) Outlying area, specific directions for employers are listed below. Otherwise, members will be directed to use the 2) Stationary Site Testing.

- 1) On-site Testing – Onsite testing is available provided the site is within a one-hour drive from the COUNCIL building at 1401 Hampton Avenue AND a **minimum of 5 employees** require testing per jobsite. Individuals with jobsites farther than one hour are designated as

outlying, *see #4 below*. Interruptions to the jobsite will be as minimal as possible while preserving the integrity of the test.

If the employer chooses this option, the information below should be written in the appropriate space provided and faxed back to Carpenters' no later than 3 business days from the date the fax is sent at 314-644-7227.

Date preference – if no date is given, one will be assigned.

Jobsite location/directions – The jobsite must have a minimum of 5 employees to test to qualify, the employer may request a call be made to the contact person when a date is assigned.

Contact Information – This information may be office personnel or a foreman/superintendent.

- 2) Stationary Site Testing – Employers may elect to send the employee to one of the following stationary sites.

The appropriate site should be circled and the form faxed back to Carpenters' at 314-644-7227.

Carpenters Wellness Center

1403 Hampton Avenue, St. Louis, MO 63139
Hours: M, W, Th, F, 8a – 4p; Tu 8a – 6p

Quest Diagnostics

836 S Kingshighway; Cape Girardeau, MO 63703
Hours: M – F, 8a – 4p

Southern IL Carpenters' Training School

2290 South IL 159, Belleville, IL 62220
Hours: M, 7a – 4p; Tu, W, Th, F, 1p – 5p

Kansas City Council Office

8955 East 38th Terrace; Kansas City, MO 64129
Hours: M, F 8a – 4p; Tu, Th 8a – 12p; Wed, 9a – 5p

- 3) No Longer Employed – If the employee is no longer working for the employer, no additional action is required.
- 4) Outlying – If the employee works in an area which is greater than a one-hour drive from the COUNCIL building at 1401 Hampton Avenue, notification will be sent to their residence. If the employee is designated as outlying, this information should be written across the top of the form and faxed back to Carpenters' at 314-644-7227.

If no response is received from the Employer, a notification will be sent to the Employee's home address instructing them to report for testing within three (3) business days. Employees living in the local area (approximately a one-hour drive) will be asked to report to one of the four stationary sites for testing. Employees living outside the local area will be sent notifications as outlined in # 4 above.

Tests will be performed by the third-party administrator in accordance with Federal Regulation 49 CFR part 40. This regulation serves as a guideline or standard for drug testing. **Failure to report for testing will be considered a refusal and the employee will be made "inactive" in the program.**

Article VI Post-Accident Testing Procedure

Due to HIPAA regulations and concern for privacy, it is necessary to follow specific procedures for post-accident testing. In order to maintain program integrity, information must be reported correctly, or follow the proper chain of custody. Agreements with specific facilities have been reached to help ensure desired outcomes.

Procedures for post-accident testing have been set up with area facilities. Contact with the facility should be made prior to the employee's arrival at the facility, if at all possible. The facility should be notified that the employee is a Union carpenter. An 10-panel test and/or alcohol breathalyzer should be administered using the proper chain of custody form.

If the employee is sent to a facility other than those designated, a chain of custody form may still be utilized to ensure proper reporting of results. To make sure the form is available at the time of the injury, an advance request for forms should be made to Carpenters' or the third-party administrator.

In the event of a non-negative result where the proper chain of custody is followed, Carpenters' will send information regarding requirements for reinstatement to the employee. If the employer does not follow the proper chain of custody, the Union will not be responsible for educating the employee regarding these requirements.

Article VII Results Reporting Procedures and Confidentiality

- 1) All non-negative and invalid results will be reviewed by a medical review officer (MRO), a licensed physician responsible for receiving laboratory results generated from this policy, which has knowledge of substance abuse disorders and has had appropriate training and experience to interpret and evaluate non-negative and invalid tests, together with an employee's history and any other pertinent medical information.
- 2) The MRO will have the responsibility of contacting the employee personally regarding a non-negative test and will document attempts to contact, as well as confirmation that the employee was contacted. If the MRO is unable to contact the employee after three documented attempts within seventy-two (72) hours of test, a "non-contact non-negative" test result will be produced. The "non-contact non-negative" will be documented in the database as "inactive." This non-negative result can be reversed only by the MRO, if the MRO and Employee review the non-negative test and history of the employee and it is determined that there is a legitimate medical explanation for the non-negative result.
- 3) All test results will be treated in a confidential manner and reported directly to the employee. The MRO, third-party administrator, or testing facility will not release the results of a test without the employee's written consent. Employers will have access to information regarding program status.
- 4) Employers may acquire access to the third-party administrator's website for inquiries regarding active or inactive status of each employee. If internet access is not available, employer may call the third-party administrator to make inquiries. Employees will have in

their possession verification of the last drug test performed. However, the most accurate information is obtained via the website.

Article VIII Contested Results

Any employee found to have a non-negative test for a prohibited substance at the documented confirmation levels has the right to contest within thirty (30) days the non-negative result. The Employee would be considered inactive during the interim. The employee may contact the third-party administrator to request a confirmation test be performed on the remainder of the original sample at his/her own cost. The employee may have the sample retested at a laboratory of his/her own choosing provided the facility is NIDA/SAMSHA certified, and the confirmation levels outlined in this policy are used. This retest will be at the employee's cost.

If an employee's retest is negative, and the employee was not allowed to work due to a reported non-negative, the employee will be reimbursed the cost of additional testing and any lost wages from the Union. The employee will be reported immediately as fit for work.

Article IX Treatment and Disciplinary Actions

In order to standardize the consequences for all employees with test results other than negative, the following disciplinary action plan will be followed by all Employers.

All non-negative and invalid test results will be referred to the MRO. The MRO will contact the employee to discuss the non-negative or invalid test result. The MRO will then determine if the test result is positive or negative. Any employee receiving a negative test result will immediately return to work.

If an employee receives a confirmatory positive test result and confirmed not suitable to work by the MRO, said employee will be subject to the rules and regulations of the employer for which the employee is working. An employee who has been reported as inactive based on a positive test, a failure to report for testing, or a refusal to test, will not be eligible for employment as cited below.

- 1) **First Offense:** The employee must complete a substance abuse evaluation and may be subject to a treatment and/or education program. An employee failing a test due to alcohol, drugs or misuse of prescription drugs cannot be employed by a signatory Employer until such time a substance abuse evaluation has occurred, the employee must produce a negative result. An employee can return to work once these two conditions are met; however, the employee must remain compliant with the treatment or education program in order to stay in the active pool.
- 2) **Second Offense:** An employee cannot be employed by a signatory Employer until such time him/her successfully complete a substance abuse treatment program and produce a negative test result.
- 3) **Third-Time Offenders:** For a third time offense by a non-apprentice employee, the employee cannot be employed by a signatory Employer until the employee successfully completes a substance abuse treatment program as described below and produce a negative test result following a six (6) month suspension. Employer has the right to disallow

eligibility of this employee from present and future employment. Substance abuse treatment program must be completed as follows:

- a) Member Assistance Program (MAP) Manager is notified of employees' third time offense and six-month suspension.
- b) Employee contacts MAP or designee and is enrolled in the MAP long-term care management program, requiring monthly contact for six months or longer for monitoring and support.
- c) Based on the determination of the MAP counselor during the MAP long-term care program, possible additional treatment options may be required.
- d) In the event that an employee fails to comply with monthly follow-up or any other additional treatment options required by the MAP counselor or experiences another positive test, the employee will be terminated from the program. Should the employee thereafter wish to resume participation in the program, the employee will be required to serve a new six (6) month suspension computed from the date of re-entry into the program and comply with the other conditions set forth in this paragraph.
- e) Following successful follow-up and compliance, a reinstatement letter will be issued to employee to confirm retest eligibility. At this time, the employee is required to produce a negative test result.

For a third time offense by an apprentice, the apprentice will be barred from present and future participation in the Joint Apprenticeship Training Program. This includes, but is not limited to, apprentices in the Carpenters, Floor Layers, Cabinetmakers, and the Associated Electrical Contractors Local 57 Apprenticeship Programs.

For any occurrence greater than a third occurrence, there is an additional one (1) year suspension per violation in addition to sanctions listed above.

The employee's violation status will revert to first violation following thirty-six (36) consecutive months with a negative drug screen, providing the employee is continually participating in the program.

Article X Refusal to Test

- 1) Any individual refusing to submit a required specimen under this program will be treated as inactive and subject to the disciplinary action plan of Article IX.
- 2) An employee failing to report for testing on a timely basis (i.e. 24 hours), sign required consent forms, or otherwise fail to cooperate with the testing procedure, will be treated as a refusal to test and will be reported as inactive.
- 3) Individuals refusing to submit a sample or who behave in a confrontational manner that disrupts the collection process, will be asked to leave the testing site and will be treated as inactive
- 4) Any other issues that can be considered problems in drug tests will be subject to consideration as a refusal to test.

Article XI Obligations of the Employer and Union

Administration and management of the drug testing program will be negotiated by Labor and Management.

The Union accepts the obligation to advise and educate its members of their responsibilities under this policy. It further accepts the responsibility to provide education and training to employer communicators and/or supervisory personnel, if requested.

The Union accepts the administrative obligations outlined in the agreement with the third-party administrator.

The Union will hold the Employer harmless with respect to the Union's administration and management of the drug testing program.

Payments for rehabilitation will be the responsibility of respective Union Health & Welfare Trust Funds, or by the employee.

Article XII Employee Obligations

In addition to otherwise complying with other provisions of this policy, the employee agrees to assume these additional obligations:

- 1) An employee must sign the forms required by the testing facility and comply with all other testing facility requirements as a condition of taking the test. If he/she does not, it will be considered a refusal to take the test.
- 2) Any employee possessing a counterfeit drug card will be terminated from employment and not eligible to be employed by a signatory Employer for ninety (90) days. Further, the employee must take a drug test, undergo any required rehabilitation and pass a drug test before being employed by a signatory Employer. This will be considered as one rehabilitation opportunity.
- 3) Any employee with an adulterated specimen (defined as tampering with or adulterating the specimen to interfere with, meddle with, etc..., so as to damage, to alter, to make not quite genuine) will be reported as inactive.
- 4) Any employee consuming, possessing or selling unlawful drugs or alcohol of any kind, or selling prescription drugs on the Employer premises or customer property will be terminated from employment and not eligible for employment by a signatory Employer. In addition, the local law authority may be notified.
- 5) This policy covers abuse of prescription and over-the-counter drugs, as well as unlawful drugs or substances and alcohol, because such abuse of lawful drugs also creates an unsafe work place.

**Article XIII
Rehabilitation**

Each employee will be responsible for completing the rehabilitation process. Any employee who enters rehabilitation must comply with the requirements of the rehabilitation program and pass a drug and/or alcohol test before being eligible to return to work. The cost of testing to return to work will be the employee's responsibility. Any unscheduled sporadic testing under this program will be scheduled and conducted by the third-party administrator. The Union will notify the employee of such unscheduled sporadic testing. 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.

**Article XIV
Policy Committee and Trust Fund Trustees**

The parties have entered into this agreement in good faith. However, it is impossible for the parties to have considered all issues, which may arise due to the unique, comprehensive nature of this program. In addition, issues may arise which the testing facility may not have anticipated. The program will be monitored and supervised by the Carpenters' Health and Welfare Trust Fund of St. Louis.

**Article XV
Modifications**

This agreement represents the entire understanding of the parties on drug and alcohol testing. Any future modifications or interpretations of this Agreement shall be effective only if they are reduced to writing.

**Article XVI
Trust Fund**

Administration and management of the drug testing program will be performed by the Union with Employer input.

Article XVII
Effective Date

The Program modification shall go into effect on May 1, 2017. The program is being implemented by the following individuals on behalf of the St. Louis – Kansas City Carpenters Regional Council signatory to the Collective Bargaining Agreements. This program shall remain in effect until cancelled by the Trust Fund Trustees.

_____ Signature	_____ Date
_____ Signature	_____ Date
_____ Signature	_____ Date
_____ Signature	_____ Date