

**Associated Steel Erectors of Chicago  
and  
International Association of Bridge, Structural, Ornamental and  
Reinforcing Ironworkers  
Local Union #1**

**SUBSTANCE ABUSE PROGRAM**

**EFFECTIVE DATE: January 1, 2007**

*(Revised January 21, 2007)*

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## Statement of Policy

Substance abuse creates serious problems for workers, their families, the workplace and the community; it acknowledges no boundaries of age, race or socioeconomic status; and that punishing the victim will not eradicate the problem. When dealing with substance abuse, efforts must be made to focus on substance abuse education and behavior modifications as well as reasonable sanctions in order to assist the individual to become a more productive person. Therefore, efforts must focus on treatment and restoration of the victim to a meaningful productive life.

The **Participating Parties**<sup>1</sup> recognize that a cooperative and constructive effort is needed to overcome the impact of substance abuse on safety, productivity, quality of work, and morale.

The **Participating Parties** recognize that Federal law requires that all contractors who receive Federal contracts or grants maintain a drug free workplace. The **Participating Parties** firmly believe that the work environment, at all times, should be healthy, safe and hazard free. The **Participating Parties** will comply with the requirements of Federal and State Law in order to maintain a drug free workplace.

Also, the **Participating Parties** recognize the keys to this effort will be the providing of education, assistance to the employees and families, encouraging the employees to receive treatment as needed, fostering and encouraging an environment which produces a high skill quality product that is “**drug and alcohol free**”. Therefore, in implementing the principles stated above, the **Participating Parties** agree, as follows, to this Program and will cooperate to accomplish a drug and alcohol free environment and a safe work place.

The Participating Parties recognize and agree that any contractor that elects not to be bound by this Policy and Program cannot selectively invoke the provisions, remedies or procedures hereunder.

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<sup>1</sup> For purposes of this Policy, the term “Participating Parties” includes the Local 1 Ironworkers’ Union, the Associated Steel Erectors of Chicago, and all contractors that volunteer to participate in the Substance Abuse Program.

## Program Structure

The **Associated Steel Erectors and Local 1 Ironworkers Substance Abuse Program (the “Program”)** is a cooperative program intended to encompass both management and labor. The goal of the Program is to provide a “-qualified”, drug-free workforce to our customers. The Program creates a pool of eligible drug-free participants in order to eliminate repetitive testing and provide a safe work environment for all parties. The program recognizes a participant’s drug test performed within the last 12 months as a valid pre-employment drug test. Standardized procedures and a shared eligibility pool enable a participant’s current test to:

- **Serve as a valid pre-employment drug test for one or many contractors;**
- **Satisfy a contractor’s requirements for hiring a participant to a job site; and**
- **Prevent a worker who is not in the eligibility pool from working on drug-free projects until he obtains a negative program test.**

**Participating Parties** of the Program will have access to a confidential online verification system to confirm that workers are in the eligibility pool. Workers not in the pool are not hired until they obtain a negative Program test result or complete the rehabilitation requirements. It is the contractor’s responsibility to verify that a participant has a valid negative pre-employment drug test result.

The Program also provides for additional drug and alcohol testing circumstances to ensure that participants remain drug and alcohol free over the course of their employment.

The Program utilizes an independent third party administrator (“the TPA”), to perform Program testing, provide a 24-hour online database, and assist in enforcing the Program requirements. The Program is audited regularly through the comprehensive reporting capabilities of the TPA.

## Online Verification System

The TPA provides a service that enables all **Participating Parties** to verify that an participant has a valid Program test at any time, 24 hours a day, 7 days a week via the Internet. This service is an online verification system.

The verification system is firewall and pass code protected. Only a participant’s eligibility is available through the system. All confidential participant information is contained within the database managed by the TPA and cannot be accessed by **Participating Parties** or others for any purpose unless required by law.

All **Participating Parties** to the Program shall be granted an access code to enter the verification system. After supplying a series of pass codes, participant eligibility can be validated.

## **Program Requirements**

The **Associated Steel Erectors and Local 1 Ironworkers Substance Abuse Program** was adopted effective January 1, 2007. It may be implemented by any contributing Participating Party and any Local 1 Ironworker can participate. All Apprentices will participate in the Substance Abuse Program and be tested accordingly.

The drug and alcohol collection procedures will be conducted in keeping with the established testing procedures developed by the Department of Health and Human Services (“DHHS”) Scientific and Technical Guidelines dated April 13, 2004 (and any subsequent amendments thereto) and/or the collection procedures provided for in the most recent regulations of the Department of Transportation (“DOT”).

### **1. Laboratory Certifications**

The Laboratory shall be certified by the National Laboratory Certification Program (“NLCP”) of the Substance Abuse and Mental Health Services Administration (SAMHSA) and shall participate in the proficiency testing programs required by the NLCP. The laboratory shall store frozen all samples reported as positive for 365 days and all samples reported as negative for 5 days.

### **2. Methods of Testing**

All samples for testing will be taken by appropriately qualified personnel. The methods of testing are:

**a. Drug Screens:** Urine laboratory analysis split into two samples. The initial screening will be by immunoassay and require Gas Chromatography/Mass Spectrometry (GC/MS) for confirmation.

**b. Alcohol Tests:** Administered using an Evidential Breath Device (EBT) approved by the National Highway Traffic Safety Administration and confirmed, if required, by a second test on said approved EBT.

All handling and transportation of each specimen will be properly documented through strict chain of custody protocols. Participants being tested will be required to complete a Notification for Testing Form, a copy of which is attached as Appendix A.

To the greatest extent possible, the privacy of the participant will be preserved.

### 3. Test Panel- Cut-Off Levels

#### 3.1 Drug Tests

Urine drug screening and Gas Chromatography/Mass Spectrometry (GC/MS) confirmation for ten (10) categories of drugs will be required with the following cut-off limits.

<u>Drug Class</u>	<u>Screening Cut-Off Limit (ng/ml)</u>	<u>Confirmation Cut-Off Limit (ng/ml)</u>
Amphetamines	1000*	500*
Barbiturates	300	300
Benzoyllecgonine (Cocaine)	300*	150*
Cannabinoids (THC)	50*	15*
Opiates	2000*	2000*
Phencyclidine	25*	25*
Benzodiazepines	300	300
Methadone	300	300
Propoxyphene	300	300
Oxycodon (Oxycotin, Percodan, Percocet)	300	300

\*Cut-off limits meet or exceed those established by the Department of Health and Human Services in their mandatory Guidelines for Federal Workplace Drug Testing Programs.

#### 3.2 Alcohol Tests

<u>Alcohol</u>	<u>Screening Limit</u>	<u>Confirmation Limit</u>
	<b>0.04%BAC</b>	<b>0.04%BAC</b>

A positive test result shall be given for a breath alcohol concentration (BAC) of 0.04 or greater. The presence of alcohol equivalent to 0.02% to 0.039% BAC in any participant test will result in that participant being removed from duty for at least eight (8) hours or one work shift, whichever is longer. The participant must then pass a second test before returning to duty.

Alcohol testing shall be included with for cause tests and post accident or injury tests and may be required for return to duty and/or accelerated random (follow-up) tests. Alcohol testing shall be performed according to established federal guidelines. An alcohol test may also be included with a random test as required by contractors or owners.

#### 4. Adulterated or Substituted Specimens

An adulterated or substituted specimen will be treated as a positive drug screen. Before consideration for testing again, the **Participating Parties** will require a donor with an adulterated or substituted specimen to comply with the rehabilitation requirements of the Program.

#### 5. Dilute Specimens

A dilute specimen is not accepted as a valid negative Program test and the participant will have the option to retest within 72 hours. If the second specimen is also dilute, the participant may require a third test by another test method. This will be at the participant's own expense unless a valid medical reason for the dilute specimen is provided and verified.

## 6. Refusal to Test

A refusal to test is treated in the same manner as a positive test result and the individual will be subject to rehabilitation requirements and reinstatement procedures. The following conduct will be regarded as a refusal to submit to a drug or alcohol test.

- Failure to appear for any test (except a pre-employment test) within the time allotted.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a specimen.
- Failure to provide a sufficient amount of urine or breath, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Failure to permit a directly observed or monitored collection when required.
- Failure or declining to take an additional test the Participating Party or collector has directed the participant to take.
- Failure to undergo a medical examination or evaluation as required.
- Failure to sign the certification at Step 2 of the Alcohol Testing Form.
- Failure to cooperate with any part of the testing process.
- An adulterated or substituted test result verified by a Medical Review Officer (“MRO”).

## 7. Program Test Types

Testing may be initiated under the following circumstances.

- 7.1 Initial/Pre-employment Test** - An initial/pre-employment drug test is required to participate in the Program.
- 7.2 Annual Test** - In order to remain eligible for the Program, the participant must resubmit to a drug test on at least an annual basis or his/her Program eligibility test will expire.
- 7.3 Random Testing** - All participants will be subject to unannounced drug testing as part of a random selection process. The Program will test a minimum of 25% of the total participants on an annual basis. If a participant is selected for a random test, the date of the random test shall be his/her new annual test date for renewal purposes.

A computer generated selection of members from the comprehensive eligibility pool will be employed. A list of the selected participants will be provided by the TPA to the Participating Contractors on a periodic basis. Participants will be notified by the Employer and must have the collection completed within 72 hours of notification.

If a selected participant is no longer working for a Participating Contractor, the participant will be excused from that selection.

- 7.4 Post Accident/Incident<sup>2</sup>** - A contractor may require a participant to submit to drug and alcohol tests after the involvement in, or cause of an accident, which causes injury to the participant or another party and which requires emergency medical treatment away from the scene. The employer may also require testing of a participant who is involved in, or cause of an accident, which causes damage or destruction to property. In the case of a fatality, all parties associated with the accident will be tested.
- 7.5 For Cause<sup>2</sup>** –All participants covered by this policy shall submit to drug and alcohol tests when the contractor has reasonable suspicion to believe that the covered participant has used a prohibited drug and/or engaged in alcohol misuse. Such requests will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered participant. A supervisor(s) or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations and complete a Condition of Employee Report, a sample of which is attached as Appendix B. During the process of establishing reasonable cause for testing, the participant has the right to request his onsite union representative to be present for consultation unless the consultation would result in a delay in administering the test. If the onsite representation is not available, all efforts will be made to contact representation from the participant’s union.
- 7.6 Return to Duty** - A return to duty negative drug and/or alcohol test is required for a participant to be reinstated into Program eligibility after a positive test. The cost of the return to duty test is the responsibility of the participant. Return to duty testing must be conducted when the worker is off duty. Time for testing will not be reimbursed.
- 7.7 Accelerated Random (Follow-up) Testing** - A participant who has returned to duty following a positive test result or other violation of this Policy, will be subject to a minimum of four (4) additional accelerated random (follow-up) tests, or greater, as prescribed by the Employee Assistance Program (EAP) for a period of one year as a condition of further employment. Accelerated Random (Follow-up) Testing must be conducted when the participant is off duty. Time for testing will not be reimbursed.

## **8. Medical Review Officer (MRO)**

A Medical Review Officer (MRO) is a licensed physician who holds an MRO certification through an accredited MRO organization with knowledge of substance abuse disorders. The MRO shall:

- a. Review and verify a laboratory positive test result.
- b. Provide the tested participant with an opportunity to discuss the reasons why the test result might be positive.
- c. Review the participant’s medical record as provided by or at the arrangement of the tested participant as appropriate.
- d. Confirm the laboratory result.
- e. Notify the TPA of all tests results, positive and negative.

All records of test reviewed by the MRO and supporting documentation will be forwarded to and maintained by the TPA.

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<sup>2</sup> A participant shall be removed from the job site pending the laboratory result. If the laboratory test is negative, the participant shall be reinstated and reimbursed by the employer for lost wages.

## **9. Request for Split Sample Testing**

In the case of “positive” results of any urine drug test, the participant, at his/her own expense and paid for in advance, shall have the right to request that the original split specimen “B” sample be independently analyzed by a second laboratory which meets the laboratory qualifications as stated in the policy.

If the independent split sample is “negative”, the participant will be reimbursed for the cost of the independent test and any lost wages by the employer.

If the independent reanalysis is “positive”, the participant will be notified by the MRO, and will be required to comply with the rehabilitation requirements. All expenses related to the reanalysis of the original sample and any lost wages will be forfeited.

The participant shall have the right to secure a copy of all data relating to the test procedures and results, providing the costs of same are paid in advance to the TPA by the participant.

## **10. Rehabilitation Requirements**

A participant who has a confirmed positive test result or who does not comply with the Program requirements will not be eligible to participate in the Program until he is evaluated by the Employee Assistance Program (EAP) Substance Abuse Professional and completes the Program rehabilitation requirements.

**First Violation:** The participant will be ineligible from working for any Participating Contractor for a minimum of 30 days. To be eligible to return to work, the participant must be evaluated by a substance abuse professional (SAP), provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty drug and/or alcohol screen. The participant will be subject to a minimum of four (4) accelerated random (follow-up) tests for a period of one year as a condition of further employment. Frequency of the accelerated random (follow-up) testing is to be determined by the EAP Substance Abuse Professional.

**Second Violation:** The participant will be ineligible to work for any Participating Contractor for a minimum of 90 days. To be eligible to return to work, the participant must be evaluated by a SAP, provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty drug and/or alcohol screen. The participant will be subject to a minimum of four (4) accelerated random (follow-up) tests per year for a period of one year as a condition of further employment. Frequency of the accelerated random (follow-up) testing is to be determined by the EAP Substance Abuse Professional.

**Third Violation** - The participant will be ineligible to work for any Participating Contractor for a minimum of one year. To be eligible to return to work, the participant must be evaluated by a SAP, provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty drug and/or alcohol screen. The participant will be subject to a minimum of four (4) accelerated random (follow-up) tests per year for a period of one to five (5) years as a condition of further employment. Frequency of the accelerated random (follow-up) testing is to be determined by the EAP Substance Abuse Professional.

For any occurrence greater than a third occurrence, there is an additional 1-year suspension per violation in addition to rehabilitation provisions above.

The participant’s violation status will revert back to first violation following 36 consecutive months with a negative drug or alcohol screen, providing the participant is continually participating in the Program.

The following are grounds for **immediate termination** from the Program and dismissal by the contractor:

- The unlawful use, manufacture, distribution, dispensing, or possession of any controlled substance<sup>3</sup> or associated paraphernalia; or
- The use, distribution, dispensing, or possession of alcohol at any time while on company or job site property or on duty.

### **11. Voluntary Self-identification Program**

The Program has established a voluntary self-identification program that allows participants to admit to alcohol misuse or controlled substances use without being subject to disciplinary action.

All workers are eligible to participate in this program. Self-identification must be made to the Program Coordinator designated by the contractor. Once a participant has made a voluntary admission of alcohol misuse or illegal drug use, the participant will be offered assistance in finding an appropriate evaluation and/or treatment program. The participant then will be provided sufficient opportunity to seek evaluation, education, or treatment to establish control over the participant's drug or alcohol problems.

In accordance with this program, a participant:

- May not self-identify in order to avoid testing under this policy.
- Will be removed from service until:
  - The employer is satisfied that the participant has been evaluated and has successfully completed education and/or treatment requirements as determined by a drug and alcohol abuse evaluation expert, (i.e., substance abuse professional, employee assistance professional, or qualified drug and alcohol counselor); and
  - The participant has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.04; and/or the participant has undergone a return-to-duty drug test with a verified negative test result.

The Participating Parties will take no adverse action against a participant making a voluntary admission of alcohol misuse or drug use within the parameters of the program.

### **12. Confidentiality**

Confidentiality will be maintained throughout the drug and alcohol testing process. The Participating Parties will maintain records in a manner so that the disclosure of information to unauthorized persons does not occur. Additionally, the specimen collection site, testing laboratory, MRO, and the SAP will be held to strict confidentiality requirements consistent with the DOT regulations as specified in 49 CFR 40 Subpart P, "Confidentiality and Release of Information".

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<sup>3</sup> "Controlled substances" mean those substances identified in Schedules I through V of 21 CFR 1308. The terms "drugs" and "controlled substances" are interchangeable and have the same meaning.

### **13. Revisions or Amendments**

The Associated Steel Erectors Local 1 Ironworkers Drug and Alcohol Substance Abuse Program is a living document. The **Participating Parties** shall meet periodically to review the Program and shall have the authority to make changes in the Program to improve and assure that it is up to date with new regulations and current practices. All changes will be in writing and signed by the **Participating Parties**.

### **14. Supervisor Training**

Supervisory training must include at least two hours of initial information and skill-building sessions for all supervisors. Training shall address:

- Drug Free Workplace supervisory responsibilities
- Facts about alcohol and other drugs – signs and symptoms
- Drug and alcohol testing processes
- Documentation and intervention techniques
- Making effective use of assistance or rehabilitation programs

New supervisors should receive training within six weeks of becoming a supervisor. They should not be involved in testing responsibilities until trained.

### **15. Payment for Testing**

Time for testing is to be paid by the employer in accordance with the collective bargaining agreement.



**Appendix B**  
**Condition of Employee Report**

Name of Observed Employee: \_\_\_\_\_

Job Title: \_\_\_\_\_

Observation Date/Day of Week: \_\_\_\_\_ / \_\_\_\_\_

Time Relieved of Duty: \_\_\_\_\_

Location When Relieved of Duty: \_\_\_\_\_

**APPEARANCE:**

Glassy Eyes            Yes \_\_\_ No \_\_\_  
Blank Stare            Yes \_\_\_ No \_\_\_  
Bloodshot eyes        Yes \_\_\_ No \_\_\_  
Flushed face           Yes \_\_\_ No \_\_\_  
Alcohol smell          Yes \_\_\_ No \_\_\_  
Marijuana smell       Yes \_\_\_ No \_\_\_  
Altered appearance   Yes \_\_\_ No \_\_\_

**MOOD:**

Mood changes        Yes \_\_\_ No \_\_\_  
Isolated                Yes \_\_\_ No \_\_\_  
Nervousness          Yes \_\_\_ No \_\_\_  
Belligerent            Yes \_\_\_ No \_\_\_  
Aggressive             Yes \_\_\_ No \_\_\_  
Unusually quiet       Yes \_\_\_ No \_\_\_  
Unusually talkative   Yes \_\_\_ No \_\_\_

**BEHAVIOR:**

Slurred speech        Yes \_\_\_ No \_\_\_  
Confused speech      Yes \_\_\_ No \_\_\_  
Staggering             Yes \_\_\_ No \_\_\_  
Poor coordination     Yes \_\_\_ No \_\_\_  
Tremors/shakes        Yes \_\_\_ No \_\_\_  
Confused                Yes \_\_\_ No \_\_\_  
Disoriented            Yes \_\_\_ No \_\_\_  
Drowsiness             Yes \_\_\_ No \_\_\_  
Sleeping                Yes \_\_\_ No \_\_\_  
Hearing things        Yes \_\_\_ No \_\_\_  
Seeing things          Yes \_\_\_ No \_\_\_  
Blackouts               Yes \_\_\_ No \_\_\_

**OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did employee provide reason(s) for his/her physical conditions? If so, provide reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

Was employee directed to take a breath and urinalysis test?            Yes \_\_\_ No \_\_\_

Did employee refuse to undergo the breath and urinalysis test?        Yes \_\_\_ No \_\_\_

Was employee informed of the consequences for refusing the test?      Yes \_\_\_ No \_\_\_

Name of supervisor: \_\_\_\_\_

Signature of supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Name of witness: \_\_\_\_\_

Signature of witness: \_\_\_\_\_ Date: \_\_\_\_\_