

**Western  
Pennsylvania  
Construction  
Industry  
Drug Free  
Partnership**

## *Statement of Policy*

The SIGNATORY PARTIES OF THIS PROGRAM recognize that the use of illegal drugs, unauthorized drugs, and alcohol abuse are serious problems that may endanger our participants and others in the workplace. The parties also recognize that in order to eradicate the problem, efforts must include a focus on treatment and restoring participants with substance abuse problems to productive lives.

As a commitment to safeguarding the health of workers, providing a safe workplace, and supplying the customer with the highest quality of service possible, the parties have established a substance abuse testing program to prevent the use and/or presence of drugs and alcohol in the workplace.

In implementing the program, the parties agree that all union members will be encouraged to become eligible in the program by voluntarily participating in the terms and conditions of the Substance Abuse Testing Program. To encourage participation, all contractors will designate their firms and all of their projects as “A Drug Free Workplace” and employ only participants that possess “Current” status within the program’s eligibility pool.

## Testing Requirements

---

The substance abuse program will be conducted within the established guidelines developed by the United States Department of Health and Human Services Scientific and Technical Guidelines dated April 11, 1988 and any subsequent amendments thereto. The laboratory shall be licensed or certified, by the Substance Abuse and Mental Health Services Administration (SAMSHA) and the College of American Pathologists (CAP) and shall participate in the proficiency testing programs required by each of those respective organizations.

The initial screening shall be by immunoassay and require Gas Chromatography/Mass Spectrometry for confirmation. The panel shall include the following 10 categories of drugs and cutoff limits:

Drug Name	Initial Screening Cut-Off Limit	Confirmation Cut-Off Limit
AMPHETAMINES <ul style="list-style-type: none"> <li>• AMPHETAMINE</li> <li>• METHAMPHETAME</li> <li>• MDMA</li> <li>• MDA</li> <li>• MDEA</li> </ul>	500 NG/ML	250 NG/ML 250 NG/ML 250 NG/ML 250 NG/ML 250 NG/ML
BENZODIAZEPINES	300 NG/ML	300 NG/ML
BARBITURATES	300 NG/ML	300 NG/ML
COCAINE METABOLITE	150 NG/ML	100 NG/ML
OPIATES <ul style="list-style-type: none"> <li>• CODEINE</li> <li>• MORPHINE</li> <li>• HYDROCODONE</li> <li>• HYDROMORPHONE</li> </ul>	300 NG/ML	300 NG/ML 300 NG/ML 300 NG/ML 300 NG/ML
6MAM	10 NG/ML	10 NG/ML
OXYCODONE	100 NG/ML	100 NG/ML
PHENCYCLIDINE	25 NG/ML	25 NG/ML
MARIJUANA METABOLITE	50 NG/ML	15 NG/ML
METHADONE	300 NG/ML	300 NG/ML
PROPOXYPHENE	300 NG/ML	300 NG/ML

## **Program Test Types**

---

### ***1. Annual Testing***

All individuals who wish to become a participant shall submit to a substance abuse test at least one time every year. In order to remain an eligible participant and have “Current” status within the eligibility pool, each participant must continue to submit to a test each and every year. Subsequent annual testing shall occur during the anniversary period of the annual test. “Current” status within the eligibility pool will be issued to a participant testing negative. A participant refusing to submit or electing not to submit to testing will not have “Current” status within the eligibility pool. Participants will be notified between 60 days prior to their testing anniversary date and their anniversary date that they must renew their certification.

### ***2. Random Testing***

All participants will be subject to unannounced screening for illegal drugs and controlled substances based on random selection. The Parties will test a minimum of twenty-five percent (25%) of total participants every twelve (12) months. A person may be randomly picked more than once or not at all during each annual period. To assure that the selection process is random, all participating contractors will have their projects placed into a random pool. Furthermore, owners/customers wishing to subject their projects(s) to random drug testing may do so by notifying the program administrator. At this time of notification an owner/customer will provide the program administrator with a listing of all participating project employees. The administrator will randomly select a minimum of 25% of the employees for random testing. Testing will be performed on-site during normal working hours. All cost associated with the owner/customer requested random testing will be the responsibility of the owner or his designated contractor.

## **Random Selection Procedures**

### **1. Program Administration**

- A. Mobile Medical Corporation (MMC) will administer the random drug-testing program. MMC will also administer the selection process.

### **2. Selection Process**

The goal of the Program is to test a minimum of twenty-five percent (25%) of participants every twelve (12) months. Additionally, the Program goal is to perform random testing for owners who elect to have random testing performed at their sites on a minimum of twenty-five percent (25%) of contractor employees. A person may be selected more than once or not at all during the annual testing period.

A list of all known projects will be maintained by the Program Administrator for selection on a monthly basis. The listing will include the project name and address. All participants will be eligible to be selected for the testing to be conducted during each random testing period. Upon selection, the third party administrator will contact the selected firm’s designated representative. The contractor will provide the third party administrator with a list of individuals, by name and last four digits of his or her social security number, currently working on site. The parties will then schedule a mutually agreeable time and schedule the random tests to be conducted on the project.

Upon completion of each random the third party administrator will determine if the program's twenty-five percent (25%) goal minimum has been met. If the goal has been met, no more program randoms will be scheduled that month. If not, additional random testing will be performed at randomly selected projects. The Program Administrator will utilize a double blind sampling process to select the projects for the testing.

Additionally, owners may elect to subject their projects to random testing each month. An owner may exercise this option by notifying the Program Administrator and providing a listing of all employees, with social security numbers to the Program Administrator. The Program Administrator will then randomly select a minimum of twenty-five percent (25%) of the employees for testing. Participants will be screened at the job-sites during normal working hours. Random testing may only take place on individual job sites provided the selection of participants meets the random requirements.

Any participant who does not report/submit for random testing will be considered positive, except for those participants with legitimate verifiable excuses.

If participant's random test is negative, the Program Administrator will update the participant's "Eligible" status within the program's eligibility pool with a new testing anniversary date.

If the participant's test result is positive, he/she will become inactive in the Program. The participant's current employer and/or the apprenticeship coordinator will be notified immediately that the participant is no longer active in the program. If he/she is employed on a Drug Free jobsite, he/she will be removed immediately. To re-establish eligibility, the participant must comply with all requirements of the Program prior to re-testing.

### ***3. For Cause Testing***

A participant (or participants) may be asked to submit to a drug and alcohol test if a cause exists, which indicates that his/her health and safety or inability to perform work is observed by a supervisor and/or customer representative. A participant may be tested For Cause under any of the following circumstances:

- 1) Involvement in, or cause of, an incident, accident, or near miss, which causes or could have caused injury to the participant or another individual.*
- 2) Involvement in, or cause of, an incident, accident, or near miss, which causes or could have caused damage or destruction to contractor and/or owner property.*
- 3) Tardiness, excessive absenteeism, erratic behavior such as noticeable imbalance, incoherence, and disorientation.*

Testing For Cause shall be performed at the time the incident is reported and shall be the responsibility of the contractor.

If the test result is positive, the participant will become inactive in the Program and removed from the jobsite immediately. To re-establish eligibility, the participant must comply with all requirements of the Program prior to re-testing and obtaining new "Eligible" status within the program's eligibility pool to remain current.

If the test result is negative, the participant will receive his normal compensation for the time spent away from the job.

## **Eligibility Requirements**

---

All covered individuals will be required to establish eligibility in the program within one (1) year of the effective date by submitting to a drug screen. Contractors may require "Current" status within the program's eligibility pool as a condition of employment.

"Current" status within the program's eligibility pool may be checked using the Third Party Administrator's (TPA) online verification program.

When the results of the testing have been determined to be negative, the individual will be designated as an eligible participant in the Program. The participant will maintain his/her eligibility in the Program provided he/she complies and successfully passes all future tests in accordance with the previously defined testing provisions of this Program.

Should an individual test positive for substances as listed in this Program, the individual will not be issued "Current" status within the program's eligibility pool. Should an existing participant test positive for substances as listed in this Program during future testing as defined in the previously defined testing provision, his/her "Current" status within the program's eligibility pool will be rescinded and he/she will be suspended from the program immediately.

Individuals and/or participants who have tested positive (failed) during any testing for illegal drugs, controlled substances or alcohol or refused testing within the program will not be eligible to participate in the Program until:

- 1. A period of thirty (30) calendar days have elapsed since the drug screen results were received. And;*
- 2. The individual/participant has completed an approved and certified rehabilitation program and evidence of it is provided to the Program Coordinator. And;*
- 3. The individual/participant passes a subsequent drug screen in accordance with this Program.*

After meeting the conditions specified above, the participant will be subject to unannounced follow-up periodic testing for a period of one (1) year commencing on the date of their negative re-test. The Substance Abuse Professional (SAP) and/or the MRO will determine periodic unannounced testing.

A journeyman participant testing positive two (2) times will be excluded from the Program for a period of one (1) year and must re-establish eligibility as outlined above.

A journeyman participant testing positive three (3) times will be excluded from the program permanently.

An apprentice testing positive one (1) time will be removed from the program permanently.

## Testing Process

---

1. The specimen is collected according to the established protocol. The collector will remain with the participant at all times until collection procedure is complete.
  - Participant must remove all outer garments except one dress shirt and one pair of trousers;
  - Participant must roll pant legs above socks;
  - Participant must empty all pockets;
  - Participant must wash hands before entering the rest room;
  - Rest room is secured: no running water, no soap, bluing agent in toilet water.
  - Specimen temperature must be between 90 and 100 degrees;
  - Participant completes the chain-of-custody form;
  - Specimen is identified with the bar code label provided on the chain-of-custody form;
  - Specimen is sealed and initialed by the participant;
  - Specimen is packaged with chain-of-custody form and sealed.
2. If specimen temperature is not in range, the participant will remain in the testing area and provide a new specimen within three (3) hours.
3. A copy of the chain-of-custody form is mailed to the Medical Review Officer.
4. A copy of the chain-of-custody form is mailed to the Program Coordinator.
5. The specimen is shipped via overnight courier service to the certified laboratory for analysis.
6. Every participant reported as negative to the Program Coordinator will be issued "Current" status within the program's eligibility pool.
7. In case of a Positive result of any test, the participant shall:
  - Have the right to have the original sample independently analyzed at their expense, by a laboratory certified by the College of American Pathologists (CAP) or SAMHSA of their choice. The laboratory must meet the qualifications of the program as specified. If the independent analysis is negative, the participant shall be allowed to begin work immediately.
  - Have the right to secure a copy of all data relating to the test procedures and results, providing the costs are paid in advance to the Program Administrator.

In keeping with DOT guidelines, an adulterated specimen will be considered a positive drug screen and the participant submitting the adulterated specimen will be required to re-establish eligibility prior to further testing.

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

---

All test results shall be treated in a confidential manner. Accordingly, the testing facility will disclose results only to the participant and/or Program Coordinator via the Medical Review Officer (MRO).

The MRO shall be responsible for:

- Reviewing and verifying a confirmed positive result;
- Notifying the tested participant of a positive result;
- Providing the participant with an opportunity to discuss why the test result might be positive;
- Reviewing the medical records as provided by or at the arrangement of the tested participant.
- Verifying the laboratory result;
- Notifying the Program Coordinator of all test results, positive and negative;
- Processing re-test requests.
- Participating in return-to-duty decisions as required;
- Referring the participant testing positive to the Substance Abuse Professional (SAP) designated by the union.

The laboratory sends confirmed positive results to the MRO for processing. The MRO will then notify the participant.

If the MRO determines that there is a legitimate medical explanation for the confirmed positive result, the MRO will take no further action and report the test as “Negative.”

If the MRO verifies that a confirmed positive test is scientifically sufficient and there is no legitimate medical explanation, the MRO shall immediately contact the Program Coordinator and report the test as “Positive.”

The MRO shall refer any participant testing positive to the Union’s approved Substance Abuse Professional (SAP). If treatment is recommended or required, the participant may apply for these benefits, if eligible, under his/her health care plan.



## **General**

---

This Program may be superseded or supplemented by a customer's program, which may be in effect where program participants are working or visiting. Additionally, this policy may be superseded or supplemented by specific customer contractual stipulations, owner site specific programs, or applicable governmental regulations.

All testing results included in the Program shall be considered medical records and shall be held confidential except to the extent necessary to administrate this Program or where compelled by law. However, this information may be divulged pursuant to an enforceable subpoena for grievances, arbitration, litigation with respect to these matters, and/or other parties with a need to know.

It is understood that the Union, whose members are covered by these procedures, shall not be responsible for ascertaining or monitoring the drug-free or alcohol-free status of any participant in this Program.

The Parties agree to establish a committee comprised of an equal number of representatives from Labor and Management whose function will be to periodically review the program and, when necessary, recommend changes.

The Parties reserve the right to change, alter, amend the content and provisions of this Policy at any time with mutual agreement.

## **Glossary of Terms**

---

**BREATH ALCOHOL CONTENT (BAC):** Breath alcohol concentration expressed as grams of alcohol per 210 liters of breath.

**CHAIN OF CUSTODY:** The procedures established by SAMSHA and DOT to track specimen handling and storage from point of collection to final disposition. Stringent chain-of-custody procedures ensure the integrity of each specimen collected.

**CONFIRMED POSITIVE RESULT:** The final result of a specimen which has been first screen tested to detect the presence of a substances above the established cut-off limit and then confirmed by a more precise quantitative method based on the gas chromatography/mass spectrometry (GC/MS) technique which specifically identifies the substance and the amount.

**CUT-OFF LIMIT:** The lowest level at which a substance can be detected and reported as positive.

**DESIGNATED PARTY REPRESENTATIVE:** The designated representative from an organization to be notified and manage participants testing positive.

**DRUG CLASS:** The type of drugs included in the test panel.

**GAS CHROMATOGRAPHY/MASS SPECTROMETRY (GC/MS):** A sensitive, specific, and accurate analytical procedure used to confirm a positive result of an initial test. GC/MS is absolute quantitative confirmation when you know the drug you are looking for.

**INITIAL SCREENING TEST:** A quick immunoassay test, which proves or disproves the presence of substances in excess of the established cut-off limit. Positive results of an initial screen are considered presumptive until confirmed by GC/MS.

**MEDICAL REVIEW OFFICER (MRO):** A licensed physician (medical doctor or doctor of osteopathy) trained to interpret and evaluate confirmed positive test results. The MRO is responsible for receiving the laboratory results generated by the testing program.

**NEGATIVE TEST:** The final result of tested specimen in which no substance has been detected or confirmed positive test that the MRO determines to be legitimate.

**NG/ML:** Nanograms per milliliter are the unit of concentration used for quantitative drug test results.

**PARTICIPANTS:** The members of each party of the program voluntarily taking part in the program.

**PROGRAM ADMINISTRATOR:** Third Party selected by the parties to perform the administration functions of the program.

**PROGRAM COORDINATOR:** An independent party selected by the parties of the program to coordinate and administer the program. The program coordinator is responsible for maintaining all test results, updating the active/inactive status of all participants and notifying the designated party representative from each party his participants tests results.

**SUBSTANCE ABUSE MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA):** A federal organization which recommends substance abuse testing procedures and which certifies substance abuse testing laboratories.

**SUBSTANCE ABUSE PROFESSIONAL (SAP):** Individual trained to recognize and evaluate substance abuse disorders in participants testing positive.