



**DRUG & ALCOHOL
POLICY**

**Promoting the Safety
And
Well-Being of Employees in the Workplace**

PARTICIPATING UNION CRAFTS

- **BRICKLAYERS**
- **CARPENTERS**
- **IBEW**
- **IRONWORKERS**
- **LABORERS**
- **MILLWRIGHTS**
- **OPERATING ENGINEERS**
- **PAINTERS**
- **PIPEFITTERS**
- **PLUMBERS**
- **ROOFERS**
- **SHEETMETAL WORKERS**
- **TEAMSTERS**
- **TECHNICAL ENGINEERS**
- **PLASTERERS AND CEMENT MASONS**
- **GLAZIERS**

This Policy has been approved by the
Northwest Indiana Business Roundtable



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Policy Revision January 1, 2013

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BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.

INTRODUCTION

The labor and management representatives of The Building and Construction Industry for Northwest Indiana have formed an alliance to address the problems caused by drug and alcohol abuse. Management and labor have created the Building and Construction Resource Center (hereafter "BCRC") an independent not-for-profit corporation which offers a wide range of services to its employees in the unionized construction industry, which include employers, labor union organizations, construction industry and related workers. It is BCRC's goal to assist employers to establish and maintain workplaces that are free of the destructive effects caused when employees use drugs and/or abuse alcohol. BCRC's activities are not intended to interfere with normal practices of the unions or management. BCRC recognizes its responsibility to communicate with and educate its employees relative to this policy, as well as the harmful effects of drugs and alcohol in our society and in the workplace. BCRC also recognizes the need to provide a program of assistance to those persons for whom drugs or alcohol may be causing problems. Finally, while not wishing to violate the rights or invade the privacy of any employee, BCRC's drug testing program will seek to identify those employees who are unable or unwilling to conform to BCRC's program. This program has been established in accordance with federal guidelines for specimen collection, laboratory analysis and review, and standards of integrity and confidentiality.

THE POLICY

Persons who use illegal drugs or abuse alcohol or other controlled substances, on or off their jobs, are likely to be less productive, to be less reliable, to be more frequently absent, and to have other work related problems that can cause increased cost, delays, accidents, and injuries. These employees can also damage the health, safety and well-being of other workers on the job. The unionized construction industry can control and reduce this problem through recognition of the problem, development of a comprehensive policy and program of education and information, promotion of an assistance program, and implementation of fair and respectful drug testing that conforms to federal guidelines for specimen collection and analysis. All of this is to be done with the utmost confidentiality and respect for the individual.

In order to enhance substance abuse awareness among all employees, educational seminars and training programs will be offered. The educational seminars will be directed toward education about the seriousness of the nationwide problem of drug and alcohol abuse, and how the use of drugs and alcohol negatively impacts safety, productivity, and the competitive ability of the American workforce.

Supervisors will be trained to identify employees in potentially difficult situations, and to recognize signs of impairment, as well as the supervisors' responsibility to document, intervene and follow up with the troubled individual. These sessions will be offered as ongoing training programs.

BCRC encourages all employees troubled by their own, 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. BCRC provides an Employee Assistance Program (EAP) for all employees and their families who need professional guidance in assessing their substance abuse or alcohol-related problem and choosing an appropriate course of treatment. Current employees will be referred to an EAP representative as a result of a positive drug test or alcohol or upon an individual's own request. In either case, the content of the discussion with the

EAP will be protected and confidential, to the extent allowed by law. A participant's use of the EAP is confidential and information will not be released to BCRC or any of its subscribing organizations or participants without written release from the participant in accordance with the law. Employees who use the EAP as a consequence of a positive drug or alcohol test will be subject to the conditions established in the drug-testing portion of this policy.

The EAP staff has knowledge of the level and types of benefits available to BCRC employees. Employees can access the services of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year. Employees calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and who may meet with them to further assess the nature of the problem in order to provide a referral to the best and most appropriate level of care. 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 BCRC.

In compliance with Public Law 100-690 (The Drug-Free Workplace Act), which applies only to employers who have federal grants or federal contracts of more than \$100,000, an employee who is convicted of a workplace drug or alcohol violation and who is employed by a BCRC affiliated employer must report this information to his/her immediate supervisor no later than five (5) days after such conviction. The supervisor must report this information immediately to the employer's

Program

Administrator.

DEFINITIONS

- **Adulterated specimen** means 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.
- **Air blank** means, in evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.
- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- **Alcohol concentration (or content)** means 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 under this policy (BrAC).
- **Alcohol confirmation test** means a subsequent test using an EBT, following a screening test with a result of 0.04 or greater, which provides quantitative data about the alcohol concentration.
- **Alcohol Screening Device (ASD)** means a breath 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** means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- **Alcohol testing site** means a place selected by the employer where employees present themselves for the purpose of providing breath for an alcohol test.
- **Alcohol use** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- **Aliquot** means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.
- **Applicant** means a person, independent contractor, or employer, or person working for an independent contractor, or employer who applies to become an employee of a BCRC contractor/ employer participant, and includes a person who has received a job offer made contingent on the person passing a drug test.
- **Association** means Building and Construction Resource Center, which is the association formed by labor and management representatives of the building and construction industry for Northwest Indiana, for the purpose of addressing problems of drugs and alcohol in the workplace.
- **Blind specimen or blind performance test specimen** means a specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.
- **Breath Alcohol Technician (BAT)** is a person who instructs and assists employees in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

- **Canceled test** means a drug or alcohol test that has a problem identified that cannot be or has not been corrected. A canceled test is neither a positive nor a negative test. An employer is not permitted to take adverse job action based on a canceled test.
- **Card Manager** is the individual designated by each employer who has the authority to access data information that will confirm the status of employees through the call-in system, through the BCRC scanner by swiping employees' identification cards, or by electronic e-mail.
- **Chain of custody** means the procedure used to document the handling of the specimen from the time the employee gives the specimen to the collector until the specimen is destroyed.
- **Collection container** means a container into which the employee urinates to provide the specimen for a drug test.
- **Collection site** means a place designated by BCRC where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of controlled substances, or for purposes of providing breath sample to be analyzed for alcohol concentration.
- **Collector** means a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes necessary forms.
- **Company** means an employer who is a member of Building and Construction Resource Center.
- **Confirmation (or confirmatory) drug test** means a second (2) analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
- **Confirmation (or confirmatory) validity test** means a second test performed on a urine specimen to further support a validity test result.
- **Confirmed drug test** means a confirmation test result received by an MRO from a laboratory.
- **Confirmatory test**
 - a) For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15-30 minutes later, that provides quantitative data of alcohol concentration. This test is conducted on an EBT.
 - b) For controlled substances testing, a confirmatory test is a second analytical procedure to identify the presence of a specific drug or metabolite. This confirmatory test is independent of the initial test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine)
- **Contractor participant** means an employer who is a contributing member of Building and Construction Resource Center

- **Controlled Substance** means marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines), barbiturates, benzodiazepine, propoxyphene, methadone, 6-acetylmorphine and ecstasy.
- **DHHS** means the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
- **DHHS-approved laboratory** means a laboratory that is certified by the U.S. Department of Health and Human Services. Drug tests under this program will be performed by a DHHS–certified laboratory.
- **Designated Employer Representative (DER)** means the Human Resource Manager, Card Manager, Program Administrator or similar designee of each employer who shall receive necessary communications related to this program.
- **Dilute specimen** means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- **DOT** means U.S. Department of Transportation. Many of DOT's standards and procedures related to drug and alcohol testing are mirrored in BCRC's drug and alcohol policy.
- **Drugs** mean the substances for which tests are required under this policy and include marijuana (THC), cocaine, amphetamines (including methamphetamines), phencyclidine (PCP), opiates, barbiturates, benzodiazepine, propoxyphene, methadone and ecstasy.
- **Drug test** means a test conducted for controlled substances.
- **Employee** means an employee of a company, or of a contractor/employer participant who is a member of Building and Construction Resource Center.
- **Employee Assistance Program (EAP) Counselor** means a masters-level professional with an education in psychology, social work, counseling, etc. with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance related disorders. The EAP will assess and make recommendations concerning education, treatment, follow-up testing and aftercare.
- **Employer** means a company, or a contractor/employer participant, who is a member of Building and Construction Resource Center.
- **Evidential Breath Testing Device (EBT)** means a device approved by NHTSA for the evidential testing of breath at .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
- **First Occurrence Clause** means if an employee does not report for a random test, and it is the first time the employee has failed to report, the Third Party Administrator (TPA) may allow the employee to take the test without reporting to the EAP for further review. Employees may utilize this clause only one time.
- **Follow-up Testing** may be required, based on an EAP evaluation for a non-negative or positive test result as described in this policy. Follow-up testing will be administered by the TPA.

- **Initial test** (for drugs) means an immunoassay screen to eliminate negative urine specimens from further consideration.
- **Initial validity test** means the first test used to determine if a specimen is adulterated, diluted, or substituted.
- **Invalid drug test** means the result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- **Laboratory** means a U.S. laboratory certified by DHHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.
- **Licensed medical practitioner** means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
- **Medical Review Officer – (MRO)** means a licensed physician responsible for receiving laboratory results generated by BCRC’s drug testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- **Non-negative (Positive)** test result means a sample has been found to contain substances above the test levels established in this policy that would provide a negative test result, or was an invalid test.
- **Positive Test (alcohol)** occurs when an employee’s confirmatory test result reads 0.04% BrAC or higher.
- **Positive Test (drugs)** occurs when an employee’s confirmatory test or retest result is at or above cutoff levels specified by DHHS and has been verified by the MRO to be a positive test.
- **Post-Accident/Incident Testing** means an employer may require a drug and/or alcohol test when an accident/incident occurs.
- **Probable Cause Testing** may be required when a supervisor observes and documents unusual behavior.
- **Program Administrator** means the individual who has administrative responsibilities for overseeing the drug and alcohol-testing program for an employer. The Program Administrator may serve as an employer’s DER.
- **Property** means all employer-owned and/or -leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, and employer-owned and/or -leased vehicles, lockers, tools, equipment and desks.
- **Random selection** means a scientifically valid method for selection of employees to be tested that result in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and does not give an employer discretion to waive the selection of any employee under the mechanism.

- **Refuse to submit (to an alcohol or controlled substances test) means that an employee:**
 - Fails(ed) to appear for any test (except a pre-employment test) within a reasonable time, as determined by the policy, after being directed to do so by the policy;
 - Fails(ed) to remain at the testing site until the testing process is complete; (a walk-out)
 - Fails(ed) to provide a urine specimen for any drug test required by this policy;
 - In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen;
 - Fails(ed) to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no acceptable medical explanation for the failure;
 - Fails(ed) or declines to take a second test the employer or collector has directed the employee to take;
 - Fails(ed) to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the policy. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
 - Fails(ed) to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, provides incorrect or inaccurate information to the collection site or on necessary forms, or fails to complete all documents);
 - Provides a second (2) specimen that is dilute.

- **Return to Duty test** is required once an EAP evaluation has been completed and the counselor has set a date for the test, because of a non-negative (positive) test or refusal to submit as described in this policy.

- **Screening test (or initial test) means:**
 - In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
 - In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

- **Screening Test Technician (STT)** means a person who instructs and assists employees in the alcohol testing process and operates an Alcohol Screening Device (ASD).
- **Shipping Container** means a container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.
- **Specimen** means a sample of urine, used for analysis and/or diagnosis. For the purpose of this policy; specimen is defined as urine.
- **Specimen bottle** means the bottle that, after being sealed and labeled according to the procedures in this policy, is used to hold the urine specimen during transportation to the laboratory.
- **Split specimen** means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- **Substituted specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
- **Testing levels** means levels at or above when a specimen is determined to be positive, and below when a specimen is determined to be negative.
- **Third Party Administrator (TPA)** means an entity that provides or coordinates one or more drug and/or alcohol testing services to employers. A TPA typically provides or coordinates the provision of a number of such services and performs administrative tasks concerning the operation of drug and alcohol testing programs for employers. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the drug and alcohol testing programs of its members (e.g., having a combined random testing pool).
- **Verified test** means a drug test result or validity testing result from a DHHS-certified laboratory that has undergone review and final determination by the MRO.

DRUG TESTING

BCRC will provide an identification card to each participant which will reflect the results of the Drug & Alcohol Screen Test from the laboratory and as confirmed by the Medical Review Officer (MRO). To implement an appropriate and acceptable program, BCRC has adopted six (6) safeguards that reflect the standards established by the U.S. Department of Health and Human

Services (DHHS) Substance Abuse and Mental Health Services Administration (SAMHSA) for testing mandated by the U.S. Department of Transportation. Those safeguards are as follows:

1. The integrity of collected urine specimens will be ensured by utilization of one collection procedure at all sites. Samples will be collected in accordance with federal standards that provide for a continuous chain of custody and which recognize privacy concerns regarding the individuals being tested.
2. Testing will be conducted only by accredited labs that have obtained and retained DHHS certification.
3. All specimens that are positive in an initial screen must then be confirmed by gas chromatography/mass spectrometry (GC/MS). GC/M confirmation is the state-of-the-art drug testing technology, providing a fingerprint of the detected drug.
4. A Medical Review Officer (MRO) will review all drug test non-negatives (positives) prior to verification of positive test results. The MRO is a physician with specialty training and expertise in substance abuse and drug testing. The MRO will review confirmed positive test results to ensure proper procedure, protocol, and reporting. The MRO will interview the individual who has a confirmed positive test result by telephone to investigate whether a legal prescription has caused the specimen to test positive. If the individual has no legal prescription, the MRO will take appropriate steps to report a verified positive to the BCRC Program Administrator, who will then invalidate the employee's certification card. All persons who have tested positive must have their return to work cleared by the EAP.

5. All non-negative (positive) specimens will be retained frozen in a locked facility at the testing laboratory for one (1) year. The retained specimens will be available should the results of that test be disputed or should arbitration or litigation arise out of the actions taken because of the test results.
6. On a periodic basis, BCRC will submit blind pre-tested urine samples with appropriate documentation to the drug-testing laboratory as a means of assuring itself of laboratory proficiency.

DRUG GROUP

The drug-testing program will test for the following drugs at these levels:

<u>Analyte</u>	<u>Initial Screening</u>	<u>Confirmatory test</u>
Amphetamines	500 ng/mL	250 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Marijuana	50 ng/mL	15 ng/mL
Opiates (Codeine/Morphine)	2000 ng/mL	2000 ng/mL
6-Acetylmorphine (Heroin)	10 ng/mL	10 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL
Methadone	300 ng/mL	200 ng/mL
Propoxyphene	300 ng/mL	200 ng/mL
MDA-Analogues (Ecstasy)	500 ng/mL	250 ng/mL

ALCOHOL TESTING

1. Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and that meets the DOT's testing requirements.
2. When a specific time for an employee's test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the Breath Alcohol Technician (BAT) will contact the Designated Employer Representative (DER), who may determine that the employee has refused to be tested.
3. For alcohol testing (screening and confirmatory), a breath sample will be collected and analyzed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT). For the screening test, a breath sample may be collected by the Screening Test Technician (STT), using an Alcohol Screening Device (ASD).
4. If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a Breath Alcohol Technician (BAT) will perform a confirmatory test, no less than fifteen (15) and no more than thirty (30) minutes after the completion of the screening test.
5. If the confirmatory test is positive (0.04 and above, BrAC), the Breath Alcohol Technician (BAT) shall immediately notify the BCRC/Employers DER.
6. Results of additional tests arranged by an employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

PAYMENT FOR TESTING

Costs related to drug and alcohol testing will be borne by the program except for re-testing of disputed test results by an employee. The issue of payment for the employee's time will be categorized as follows:

1. For new or current union members or employees seeking an initial test, the test is a condition of employment, and employees in the BCRC Program will not be paid for their time in providing a specimen for the initial test.
2. All current employees who are to test for any of the following: Late Random, Probable Cause, Post-Accident, Diluted Re-Test, Return-to-Duty, or Follow-up Testing or Retest due to a flawed or rejected test, will not be paid for their time in providing a specimen for the test.
3. Employees will be paid a stipend by the program for the time necessary to secure subsequent random testing required by the program. (See attachments A thru D) It is understood that such testing will occur on the employee's time. Test to be taken with seven (7) days of notice.
4. D.O.T., Non-Bargaining and Pipe Fitter's Local 597 employees are exempt from the stipend reimbursement.

INITIAL TESTING (PRE-EMPLOYMENT)

Prospective employees and current employees of BCRC affiliated employers and unions will be subject to the BCRC program. All persons who are eligible and who intend to obtain a BCRC card will be instructed to report to an approved BCRC collection site and to provide a urine specimen for initial (pre-employment) testing and a clear status before starting work for any participating employer. The individual will be directed by BCRC or by their employer, to report to a BCRC approved collection site location. These selected collection sites will have collection kits, chain-of-custody forms, and all other necessary supplies.

RANDOM TESTING

After the individual's completion of the initial drug test (with a negative result), he/she will be placed in the Random Pool after which he/she will be notified via U.S. mail to report to an approved collection site for a random drug test. The individuals chosen for a random drug test will be selected anonymously, from a computerized selection program. Fifty percent (50%) of the currently active BCRC individual cardholders will be selected annually for random testing. Then, on a monthly basis, one-twelfth (1/12) of the selected employees will be notified to submit to a random test in order to update their BCRC identification cards and status. A copy of the form letters notifying individuals of their selection for this random test appears as an attachment A, B, C & D at the back of this booklet.

Employees will be required to report to an approved collection site within seven (7) days from the date of the Notice for Random Testing letter in order to maintain their BCRC identification card and status. No employee will be required to submit to a random test more than twice (2) in a twelve (12) month period. All employees will be selected for a random at least once (1) every two (2) years.

If an employee does not provide a sample at an approved collection site within seven (7) days of having been notified of a random selection, his/her status in the BCRC Substance Abuse Program will be deemed "Not Available." Employees who fail to report for a random test in the required time should contact the Third Party Administrator (TPA). If an employee does not report for a random test, and it is the first (1) time the employee has failed to report, the TPA may allow the employee to take the test without reporting to the EAP for further review. Employees may choose to take a "First Occurrence Clause" at this time. Employees may utilize this clause only one (1) time. However, once this "First Occurrence Clause" has been utilized, an employee who fails to report for a random test at any time in the future will be required to contact to the EAP for evaluation and to

receive instructions on the required procedure(s) for removing the “Not Available” status from his/her card.

PROBABLE CAUSE TESTING

An employee may be subject to drug and alcohol testing for Probable Cause based on observed and documented unusual behavior. Circumstances sufficient to lead a reasonable person to suspect that an employee is under the influence of, or is in possession of a controlled substance shall be determined by an immediate supervisor and should be confirmed by one other supervisor whenever possible. The immediate supervisor shall document, in writing, the incident and the probable cause basis for such testing. The documentation shall specifically detail the behavior and conduct of the employee, the location, date, time, of observation, conversations, witnesses, (if any), and should be signed by the supervisor who witnessed the incident. Such employees may request that a union representative be available or present prior to any action taken by an employer, if any, at any stage of the policy and its administration. A rapid or express test is authorized for this test at the discretion of the employer or union representative. There is no stipend for these tests.

POST-ACCIDENT / INCIDENT TESTING

An employer may require an employee to submit to a post-accident drug and alcohol test after the involvement in, or cause of an accident/incident, that causes injury to the employee or another party. The employer may also require an employee to submit to a post-accident drug and alcohol test when the employee is involved in, or causes an accident, which results in damage or destruction to property. Post-accident drug and alcohol testing must be completed within two (2) hours of the recorded accident/incident if a BCRC testing facility is located on the job site or within four (4) hours of the recorded accident/incident if an employee is required to go off the job

site to a BCRC testing facility. Any employee suspected of unnecessarily delaying the test process will be considered to have refused to submit to testing.

In instances of post-accident/incident or probable cause testing for drugs and alcohol, the employee will be transported to the testing facility by the employer. At the option of the employer, the employee may be suspended pending the test result. In the event a negative test result is reported, the employee shall be compensated for all lost time at the appropriate rate within the collective bargaining agreement, straight or premium pay.

When an employee is injured in a qualifying accident, priority must be given to the employee's medical treatment before any consideration is given to collecting a specimen for testing.

Such employees may request that a union representative be available or present prior to any action taken by an employer, if any, at any stage of the policy and its administration. If an employee is aggrieved by any action taken under this Drug and Alcohol Policy and his/her complaint cannot be resolved, the complaint may, if the employee or Union requests, be referred as grievance under the grievance and arbitration provisions of the employee's collective bargaining agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provision of this Drug and Alcohol Policy. A rapid or express test is authorized for this test at the discretion of the employer or union representative. There is no stipend for these tests.

“EMERGENCY” WORK ASSIGNMENTS

To accommodate owners with emergency work, craft personnel who have not previously held a BCRC identification card or taken an initial drug test, the following provisions will apply when starting for emergency work assignments.

1. Upon arrival at a job location for sign-up, the employer representative (Card Manager) shall request the employee to present his/her BCRC identification card.

- An individual that does not have a BCRC card at the time of hire will be requested to secure a card and submit to an initial drug test within one (1) day, in order to comply with the BCRC Policy.
2. An employee without a BCRC identification card may work one (1) day. On the second (2) day, a Chain of Custody form (as proof of having submitted to a drug test) or a BCRC card must be presented.
 3. An employee who has provided a specimen for testing must bring to the job site his/her copy of the Chain of Custody form, given to him/her by the collection site, as proof that he/she has submitted to an initial test.
 4. If the work assignments are consecutive, the employee will be allowed to work for up to a maximum of four (4) days in order for the employee to receive his BCRC identification card and have the employer Card Manager swipe the card for status verification.
 5. If the member's work assignment is terminated by his/her employer before the member's status is verified within the allowable four (4) days for verification, and the individual is rehired, the member will have to provide the same employer a BCRC identification card at the second (2) rehiring sign up, and a clear status. Except in the event that the rehire is less than four (4) days from the initial hire date, the Individual, Local and Non-Local, BCRC card holder shall accept and understand that should his/her drug test results be reported as positive, he/she will be subject to disciplinary action up to and including termination without obligation for further compensation by the BCRC affiliated employer. Such termination shall also be subject to the individual's rights under his/her collective bargaining agreement.

CARD SYSTEM

Employees will be required to give their BCRC Card ID Number to a Card Manager in order for the Card Manager to access the e-mail status confirmation system.

Categories are:

1. Not on File (NOF)
2. Not Available (N/A)
3. Clear (CL)

STATUS CONFIRMATION

Participating employers may verify the status of all BCRC employees, who are working, by having their card status verified on their job site in order to determine if the employee is available or not available under the BCRC program. The employer may use the Phone-in System or Electronic e-mail for verification.

When an employee's status is Not Available (N/A), he/she will be advised to contact the BCRC office to resolve the N/A status. The individual may be required to follow the consequences for a non-negative (positive) test within the BCRC Policy.

The employer may verify the employee's card after four (4) days to reconfirm the status and if the employee's status is still N/A, the employer may terminate the employee.

An employee who receives a status of N/A a second (2nd) time will be referred to the Employee Assistance Program for assessment, and will be required to follow the recommendations of the EAP Counselor before being considered for further assignments. The status of Clear (CL) will be restored only with written approval of the EAP.

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

INSUFFICIENT SPECIMEN

A person who provides an insufficient specimen of urine or breath when required to do so shall be referred to an appropriate medical professional for evaluation at the participant's expense. If the medical evaluation fails to reveal an acceptable medical explanation for the inability to provide a specimen, the donor shall be considered to have refused to test and shall be subject to the rules as outlined in this policy. If a legitimate medical reason is revealed, no action shall be taken.

DILUTED SPECIMEN

An employee providing a diluted specimen will be given the opportunity to return to a collection site within forty-eight (48) hours to provide a second (2nd) specimen, on his/her own time.

Employees should refrain from excessive consumption of fluids prior to the retest. No adverse action shall be taken against any employee based on a first (1) diluted specimen. A second (2nd) diluted specimen, without a valid medical reason, will be treated as a refusal to submit to testing.

ADULTERATED, SUBSTITUTED, AND/OR OUT-OF-TEMPERATURE RANGE SPECIMEN

When a urine specimen is reported as adulterated, or substituted, or when the temperature range is below 90 degrees or above 100 degrees F., the employee will be considered to have not cooperated with the testing process, and the test will be considered a refusal to be tested. If the temperature is out of range, the employee will be offered the opportunity to take an additional observed test prior to leaving the site. A refusal to test will be considered non-compliance and the employee will be made "N/A" and referred to the EAP.

In addition, the employee who has refused to be tested, or who uses or possesses a counterfeit drug card, shall be subject to employer discipline up to and including discharge, subject to the unions' collective bargaining agreements.

CONSEQUENCES FOR A NON-NEGATIVE (POSITIVE) TEST

1. An employee who tests non-negative (positive) for drugs and/or alcohol shall be contacted directly by the Medical Review Officer (MRO). If the MRO verifies the results of the non-negative (positive) test, the MRO will notify the individual that he or she is ineligible for work and he/she will be directed to contact the TPA. The BCRC will refer the member to the program's Employee Assistance Program (EAP) for consultation and review. If the MRO contacts the individual and finds that there is a reason for the non-negative (positive) test (an authorized prescriptive medication) the MRO will downgrade the result to a negative, and the individual's card will be marked "CL".
2. In the case of a confirmed non-negative (positive) drug or alcohol test, the Third Party Administrator (TPA) will be notified that the employee's status should be marked "N/A". The "N/A" status will be effective at the moment that a confirmed non-negative (positive) test is received.
3. Before returning to work, an employee must (1) complete an evaluation with the program's Employee Assistance Program provided by the BCRC EAP Provider, (2) follow a treatment plan prescribed by the program's EAP, (3) obtain written documentation from the program's EAP verifying return to duty date, and (4) obtain a negative result on a return-to-duty test.
4. A "N/A" status will not be the sole basis for termination of employment. An employee must contact the BCRC office to resolve an "N/A" status. Only employees who are in

non-compliance with this program may be discharged. For the purposes of this provision, “non-compliance” shall mean one or more of the following:

- Failure to report to the program’s Employee Assistance Program as directed,
 - Failure to follow and/or complete a EAP-prescribed treatment program,
 - Failure to take a return-to-duty or follow-up test,
 - Failure to report for a random test request within seven (7) days,
 - Failure to submit to a drug or alcohol test when requested to do so by the EAP
5. An individual testing positive for a third (3) time in a twelve (12) month period shall not be permitted to take a Return-to-Duty test for one (1) year and his/her BCRC Substance Abuse Card shall be invalidated for the same time period. The individual must also complete an EAP-prescribed treatment program before returning to work. For the purposes of this policy, a negative test must occur before any future non-negative (positive) tests will be counted as additional strikes.
6. An employee whose test results are verified non-negative (positive) by the MRO will be referred to the EAP by the BCRC (TPA). The employee is expected to attend all appointments with the EAP counselor and to follow the EAP counselor's instructions.

RETURN-TO-DUTY TESTING

The return-to-duty test is required for an employee to be re-instated into the program following a positive test. The participant must have a negative drug test before resuming performance of his/her job duties. This test may not be taken until the counselor has set a date for the test.

FOLLOW-UP TESTING

Follow-up testing for drugs and/or alcohol is a requirement in order for a returning employee to stay in compliance with the BCRC Program. Testing shall be determined by the Employee Assistance Counselor, and will be implemented and monitored by the TPA (BCRC) when the employee returns to work. Follow-up tests must be taken immediately when the TPA contacts the member or the member will be considered non-compliant, made "N/A", and returned to the EAP for further evaluation.

DISPUTED POSITIVE RESULTS

An employee who disputes non-negative (positive) results shall have the right to have his/her initial sample independently re-tested by a Department of Health and Human Services (DHHS) certified laboratory of his/her choice, at his/her own expense, within ten (10) working days of when he/she was notified of the test results. A portion of the initial sample shall be forwarded under a chain-of-custody directly by BCRC's testing laboratory to the DHHS laboratory selected by the individual. Review of the drug test result must be performed by a qualified MRO who has been approved by BCRC. If the second lab report shows the presence of a controlled substance, the test result will be considered non-negative (positive). If the second lab report test indicates no presence of a controlled substance, then both tests will be considered negative.

The following section only applies when the employee tests due to Post-Accident or Probable Cause: If the test is negative, the affiliated employer will reimburse the individual for compensation lost at the appropriate rate within the collective bargaining agreement, straight or premium pay, during the period of his/her disciplinary suspension or termination and will reimburse the individual for the cost of the re-test.

An individual, whose test results are verified non-negative (positive) by the MRO, will be referred to the EAP by the TPA (BCRC). The individual is expected to attend all appointments with the EAP counselor and to follow the counselor's recommendations and requirements.

A non-negative (positive) alcohol test conducted on a breath sample cannot be re-tested.

All problem situations shall be resolved in accordance with current guidelines and standards established by the U.S. DHHS or Department of Transportation.

APPEALS AND PROTECTIONS/JUST CAUSE

Employees who are 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 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 and Alcohol 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 and Alcohol Policy.

BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

Your name has been randomly selected by BCRC's computer generated selection program to take a random drug test in order to maintain your "Clear" BCRC identification card status. Our computer program selects the names of one-twelfth (1/12) of 50% of all BCRC cardholders for update each month. No one will be tested in this system more than twice in a twelve month period.

You will be required to report to an approved collection site within seven (7) days from the date of this "Notice for Random Testing" letter to stay in compliance with the BCRC policy. In order to avoid any potential interruption in the status of your card, **you must be tested no later than midnight the (day) of (Month), 20__**. This random test is to be taken on your own time at any of the approved collection sites identified on the enclosed collection site list. You will be mailed a \$40.00 stipend for the time necessary to secure random testing as long as your test is taken within seven (7) days of this notice.

If you do not take your random test within seven (7) days of this notice, your BCRC card status will be deemed "Not Available". Failure to report for a random test in the required time it will be necessary for you to contact the BCRC office to receive instructions on the required procedure(s) for removing the "Not Available" status from your card.

Remember it is your responsibility to keep the BCRC informed of any change in your address or telephone number.

The BCRC has contracted with Perspectives as a fully independent, professional Employee Assistance Program (EAP) for you and your family. Perspectives' 24 hour, 7 day a week hotline number is (800) 456-6327.

Please contact the BCRC office @ 219-764-9500 or toll free @ 877-988-5400 if you have any questions. Thank you for your cooperation.

Sincerely,

Robert Anadell
Executive Director

BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

Your name has been randomly selected by BCRC's computer generated selection program to take a random drug test in order to maintain your "Clear" status on your BCRC identification card. Our computer program selects the names of one-twelfth (1/12) of 50% of all BCRC cardholders for random updating each month. No one will be tested in this system more than twice in a twelve month period.

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You will be required to report to an approved collection site within seven (7) days from the date of this "Notice for Random Testing" letter to stay in compliance with the BCRC policy. In order to avoid any potential interruption in the status of your card, **you must be tested no later than midnight the (day) of (Month), 20__**. Tests may be taken on your Employer /Contractor's time at the collection facility selected from the enclosed list.

If you do not take your random test within seven (7) days of this notice, your BCRC card status will be deemed "Not Available". Failure to report for a random test in the required time will make it necessary for you to contact the BCRC office to receive instructions on the required procedure(s) for removing the "Not Available" status from your card.

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Robert Anadell
Executive Director

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You will be required to report to an approved collection site within seven (7) days from the date of this "Notice for Random Testing" letter to stay in compliance with the BCRC policy. In order to avoid any potential interruption in the status of your card, **you must be tested no later than midnight the (day) of (Month), 20__**. This random test is to be taken on your own time at any of the approved collection sites identified on the enclosed collection site list. You will be mailed an \$80.00 stipend for the time necessary to secure random testing as long as your test is taken within seven (7) days of this notice.

If you do not take your random test within seven (7) days of this notice, your BCRC card status will be deemed "Not Available". Failure to report for a random test in the required time it will be necessary for you to contact the BCRC office to receive instructions on the required procedure(s) for removing the "Not Available" status from your card.

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Sincerely,

Robert Anadell
Executive Director

Attachment E – Failure to Report

BCRC LETTERHEAD

Letter of Notice for Failure to Report for Testing

Dear _____

Your Name was selected on (Date) by the BCRC computerized selection process for a BCRC random drug test.

You failed to report for the test by the cutoff date of (Date) and your status has been recorded as “Not Available”.

You must call the BCRC’s office for **“authorization” before you can take your random test.** Please call (219) 764-9500 or toll free @ (877) 988-5400 to reschedule your random.

Your “Not Available” status cannot be changed without contacting the BCRC office to resolve this matter.

Sincerely,

Robert Anadell
Executive Director

ATTACHMENT I

BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.
AUTHORIZATION FOR CONSENT TO DRUG AND ALCOHOL ANALYSIS
AND AUTHORIZATION FOR RELEASE OF RESULTS

I, the undersigned, _____, do hereby authorize the testing of my body fluids for employment reasons and understand and agree that the results of any such testing will be turned over to the Building and Construction Resource Center, Inc. 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 and subject exclusively to the grievance and arbitration procedure under my collective bargaining agreement (if applicable).

Witness

Signature of Applicant/Employee

Date

Employee's Social Security Number

Time

Employee's Telephone Number

Notary Public

Employee's Address

Commission Expires

City

Official Seal

State & Zip Code

(Must be notarized if NO ID)

ATTACHMENT II

**BCRC APPLICANT/CARDHOLDER DRUG TEST
INFORMATION AND INSTRUCTION SHEET**

BCRC is exercising extreme care to ensure that strict quality control measures are followed in the collection, handling, and analysis of your specimen. You play an important role in this process and should be certain that you have provided an unadulterated specimen to the laboratory. Remember, you are certifying that the specimen which you provide is yours and is unadulterated. Any adulteration or switching of specimen is a breach of BCRC's 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 specimen in the collection bottle provided. The bottle should be filled to 45 ml;
- Return the specimen bottle to the medical technician and witness, initial and date the integrity seals placed on your specimen;
- Verify the proper spelling of your name as recorded on the log sheet;
- Verify that your social security number has been properly recorded;
- Verify that the social security number placed on your specimen bottle is the same as that recorded on the log sheet and the Chain of Custody form.

I HAVE READ THE ABOVE AND HAVE HAD AN OPPORTUNITY TO ASK QUESTIONS REGARDING THIS PROCEDURE.

BCRC Applicant/Cardholder Signature

Date