

# **MCAW**



***Plumbing and Mechanical Contractors  
and  
Pipe Trades of Wisconsin  
Drug-Free Alliance  
Substance Abuse Testing Program***

Effective: June 1, 2000

Revised: December 1, 2013

**SUBSTANCE ABUSE TESTING AND ASSISTANCE PROGRAM**  
**FOR NON-DOT-REGULATED EMPLOYEES**

**I. Introduction**

- A. The Union, the Association and all of its members and other contractors signatory to the Agreement are committed to establishing and maintaining a drug free workplace for every employee covered by the Agreement. They are particularly concerned about alcohol and other drug abuse, since such abuse can have a serious effect on employee productivity and job performance, and may jeopardize the safety of the employee, coworkers and customer personnel.
- B. In addition, the Union, the Association and its members, and other contractors signatory to the Agreement have an obligation to their customers to ensure the provision of high quality services and customer satisfaction. Substance abuse by employees could result in serious mistakes in judgment and thereby compromise both the high quality of services and customers' trust.
- C. Finally, the Union, the Association and its members, and other contractors signatory to the Agreement recognize that alcohol and other-drug dependency is a treatable disease.
- D. The Union, the Association and its members and other contractors signatory to the Agreement consequently have established this Substance Abuse Testing and Assistance Program ("Program") to:
1. Insure a safe healthful and drug-free workplace and to prevent drug abuse for all covered employees and customer personnel;
  2. Educate covered employees on the signs, symptoms and consequences of substance abuse;
  3. Reduce substance abuse-related injuries and property damage;
  4. Reduce substance abuse-related absenteeism and tardiness;
  5. Refer covered employees with substance abuse problems to appropriate care and assistance;
  6. Deter individuals from bringing, possessing, using, distributing or having in their systems alcohol or other drugs on work time or premises;
  7. Improve the image of our industry with our customers;
  8. Improve, if not ensure, safety, productivity and service quality; and
  9. Help the Union, the Association and its members, and other contractors signatory to the Agreement maintain their position of leadership in the mechanical contracting industry.
- E. The Union, the Association and its members, and other contractors signatory to the Agreement have committed substantial resources to make this Program effective for every covered employee. **It is designed to offer counseling and rehabilitation assistance to those who have substance abuse problems and an opportunity to seek help, which they are**

**encouraged to do.** Substance abusers who do not take advantage of the help available will be subject to discipline, up to and including discharge, if they violate this Program's terms.

- F. Covered employees who violate this Program will be identified in part by drug testing. Employees will be subjected to such testing upon implementation of this Program and then, thereafter, before hire, based upon reasonable suspicion, after certain work-related incidents, pursuant to random selection, and after their return to work from counseling, rehabilitation or other treatment for substance abuse.

## II. Definitions

- A. **“Adulterated Test Result”** - The donor has tainted the specimen with a foreign contaminate, such as bleach, to prevent the detection by the laboratory of an illegal or controlled substance. An adulterated sample is considered an administrative positive and has the same consequences as a confirmed positive test result.
- B. **“Agreement”** - The Collective Bargaining Agreement that presently is in effect between the Association and the Union.
- C. **“Alcohol”** - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- D. **“Association”** - All signatory mechanical contractors employing WI Pipe Trade members.
- E. **“Breath Alcohol Technician”** - A person trained to proficiency and certified in the use of Evidential Breath Testing device (EBT) in a DOT course.
- F. **“Communicator”** - Employer and/or Union Representatives designated by the Employer and/or Union to preserve the confidentiality of employee’s drug testing information. The Employer and Union is required to designate both a Primary Communicator and Alternate Communicator.
- G. **“Contractor”** - The Association member or signatory contractor who is the employer or prospective employer of the employee or prospective employee.
- H. **“Controlled Drugs”** - Drugs whose use and distribution is tightly controlled because of their abuse potential or risk and placed in the Schedules by the Federal Drug Enforcement Administration.
- I. **“Covered employee”** - Every employee who is a member of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry and working for a contractor who either is a member of the Association or is signatory to the Agreement.
- J. **“DHHS”** - United States Department of Health and Human Services.
- K. **“Diluted Test Result”** - A diluted test result means that the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl. The following are some of the causes for a diluted sample and the related procedures:

## Causes

1. Dialysis or chemotherapy.
2. A kidney or pancreas disorder requiring medical attention.
3. The individual is attempting to flush out their system of illegal substances. This requires an enormous amount of water to be consumed over approximately twenty-four (24) hours prior to providing a sample. The normal consumption of liquids or consuming liquids prior to testing will not cause a sample to be diluted.

## Procedures

1. A diluted specimen with a creatinine level of less than 20 mg/dl but greater than 5 mg/dl will require the employee to provide another sample.
  2. A diluted specimen with a creatinine level greater than or equal to 2 mg/dl, but less than or equal to 5 mg/dl will require the employee to provide another specimen under direct observation.
  3. A diluted specimen with a creatinine level of less than 2 mg/dl will be ruled as a substituted specimen and will have the same consequences as a positive test result.
- L. **“DOT”** - United States Department of Transportation.
- M. **“Drugs”** - narcotics, other controlled substances, synthetic drugs, alcohol, and other mind- or mood-altering products, including prescribed and over-the-counter medications.
- N. **“Incident/Accident”** - An event that causes or could have caused personal injury or the damage of equipment or property.
- O. **“Medical Review Officer”** or **“MRO”** - a licensed physician, certified by the American Association of Medical Review Officers, who has knowledge of substance abuse disorders and is able to interpret and to evaluate an individual’s non-negative test result as it relates to the employee’s medical history and other biomedical information.
- P. **“Negative Test Result”** - A negative result indicates that the alcohol level is below .04 Breath/Blood Alcohol Content (BAC) and/or an illegal/unauthorized substance below the levels as described in this Policy and Program, has not been detected in the person’s specimen by the laboratory.
- Q. **“Non-negative Test Result”** - A laboratory result indicating that there is a substance in the sample requiring the employee to discuss the result with the MRO.
- R. **“Not Consistent With Human Urine or Substituted Test Result”** - This test result is self-explanatory and is determined by the laboratory. A not consistent with human urine or substituted test result has the same consequences as a confirmed positive test result.

- S. **“Policy Violations”** - An employee’s failure to comply with any provisions of the Policy and Program shall be cause for disciplinary action, up to and including immediate termination, but are not limited to the following:
1. A confirmed positive drug or alcohol test result.
  2. Failure or refusal to sign Notice of Policy, Consent and Release to be tested.
  3. Failure to contact the Medical Review Officer as directed.
  4. Failure to report as directed for testing.
  5. The use, possession, sale or distribution of alcohol or a controlled illegal or unauthorized substance, or the presence of any employee in the work place with such ingested substances for non-medical reasons.
  6. Working, reporting to work, being in the work place, or in a Customer/Employer owned, leased or rented vehicle while Under The Influence Of Alcohol (.04 BAC or greater).
  7. Switching, adulterating, or attempting to tamper with any sample submitted for drug or alcohol testing, or otherwise interfering or attempting to interfere with the testing process.
  8. Refusal to submit a specimen for testing will be viewed as a positive test and will carry with it the same consequences as specimens tested and confirmed as positive.
  9. The use of a controlled substance by an individual other than the individual for whom the controlled substance was prescribed or the abuse of a controlled substance by the individual for whom it was prescribed.
- T. **“Positive Test Result”** - A positive test result indicates that the alcohol level is .04 BAC or above and/or the laboratory and the MRO has confirmed an illegal/unauthorized drug(s) in the person’s system as described in this Policy and Program.
- U. **“Possession”** - Custody or control of a drug, including having a drug in one’s system in excess of the concentration level prescribed by this Program.
- V. **“Premises”** - All land, property, buildings, structures, installations, parking lots, means of transportation owned by or leased by the Customer and/or Contractor, property of customers on which the Contractor’s employees are working, property otherwise being used for Contractor business, and private vehicles parked on Contractor or customer property.
- W. **“Prohibited Substances and Items”** include:
1. Illegal or legal drugs that have not been legally prescribed for the individual and controlled substances, “look-alike”, designer and synthetic drugs and mood or mind altering substances;
  2. Prescribed drugs used in a manner inconsistent with the prescription;
  3. Alcoholic beverages; and

4. Substance paraphernalia in the possession of or being used by an employee on the job, excluding any substance or paraphernalia prescribed by a physician and being used in a manner consistent with the prescription.

X. **“Reasonable Suspicion”** - A reasonable suspicion is one based upon observable and articulable conduct, appearance or work performance of the employee identified. Reasonable Suspicion shall be defined as aberrant or unusual on-duty behavior of an employee who:

1. Is observed on-duty by either the employee’s immediate supervisor trained in accordance with this policy, or other managerial personnel of the contractor who have been trained to recognize the symptoms of drug abuse, impairment or intoxication, which observations shall be documented by the observers;
2. Exhibits the type of behavior which shows accepted symptom(s) of intoxication or impairment caused by controlled substances or alcohol or addiction to or dependence upon said controlled substances or alcohol; and
3. Exhibits conduct that cannot be reasonably explained as resulting from other causes, such as fatigue, lack of sleep, side effect of prescription or over-the-counter medications, illness, reaction to noxious fumes or smoke.

Exhibit E, Reasonable Cause/Suspicion Documentation, should be utilized when an Employee is suspected of alcohol and/or drug use by actions, appearance or conduct, which constitutes a major change in the person's appearance and/or behavior. Employees testing for reasonable suspicion shall have the right to have their job steward present during written documentation and testing.

Y. **“SAMHSA”** - Substance Abuse and Mental Health Services Administration.

Z. **“Substance Abuse Professional (SAP)”** - A Substance Abuse Professional is a licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have a drug and/or alcohol problem.

AA. **“Substance Testing”** – Drug and alcohol analysis by means of breath, urine, blood, and/or saliva.

BB. **“Third-Party Administrator”** - The individual or entity chosen by the Association to administer the drug testing and test-related elements of this Program.

CC. **“Under the Influence”** - The presence of a **PROHIBITED SUBSTANCE** in body fluids or breath that affects the individual in any detectable manner. The symptoms of influence may be, but are not limited to, slurred speech or difficulty in maintaining balance. Under the Influence for alcohol refers to a breath alcohol content of .04 or greater.

DD. **“Unsuitable Test Result”** - The laboratory determines that the specimen contains a foreign contaminate or the individual has ingested fluids to mask the illegal/unauthorized drug but the levels are not in the range to legally determine if the specimen is adulterated or substituted. An unsuitable test result will require the individual to provide another sample under observation.

EE. **"Worker Status"** - The TPA shall maintain a database of employees indicating their current eligibility status in the Program. A worker's status shall indicate the individuals compliance or non-compliance with the Program's terms and conditions as follow:

1. **Active Status:** Employees who have been subject to and have complied with the Program's terms and who therefore are eligible for immediate placement without having to take another drug test.
2. **Inactive Status:** Employees who provided a diluted or unsuitable test result and need to be re-tested.
3. **Pending Status:** Employees who have provided a specimen but the final results have not been received from the laboratory and/or MRO.
4. **Random Status:** Employees who have been selected for a random drug test and have not yet been tested.
5. **Reinstate Status:** Employees who have been suspended for violation of the Policy and must complete the reinstatement requirements prior to being returned to an Active status.

### III. **General Provisions**

- A. Except as otherwise provided in this Program, the Contractor prohibits the use, possession, concealment, storage, sale or distribution of drugs or drug paraphernalia on its premises or time or at its outside events. Reporting to work under the influence of a drug or having in one's system (even if because of use off Contractor premises and time) any drug in excess of the appropriate concentration level, as established by this Program (see below), also is prohibited.
- B. The use and possession of legally-prescribed drugs is permitted on the Contractor's premises and time provided the drug is in the original prescription container and has been prescribed legally by a licensed medical practitioner for the current use of the person in possession of the drug. Possession of lawfully acquired over-the-counter drugs also is permitted, but use of any such drug must be consistent with the manufacturer's instructions. However, a conclusion by the MRO that the employee's use of a prescription or over-the-counter medication may impair the safety of all employees may cause the employee to be placed on temporary medical leave until released as fit for duty by the prescribing physician.
- C. Alcoholic beverages are permitted on Contractor premises and time only when in sealed and unopened containers or when otherwise authorized by a Company Officer.
- D. In order to enforce and to monitor compliance with this Program, the Association has contracted with the Third-Party Administrator, which is responsible for contracting with one or more clinics and testing laboratories certified by DHHS to collect and to test urine, breath, saliva, and blood

specimens for the presence of drugs, as explained below. The Contractor also may have testing conducted in accordance with the requirements of applicable law or customer requirements, even if not specifically mentioned in this Program and even if different from the testing provided for in this Program, so long as notice of any such testing is provided to the Union as far in advance of its implementation as is reasonably feasible.

#### **IV. Types of Testing to be Conducted**

##### **A. Implementation Testing**

At or about the time this Program is implemented, all Union employees of every contractor will be required to take and pass (that is, have a negative) a test for drugs other than alcohol.

The implementation provisions of this policy shall also apply to all new contractors who become signatory to the Agreement.

##### **B. Pre-Employment/Pre-Assignment/Placement Testing**

Any otherwise-qualified job applicant or existing employee will be required to take and to pass (that is, test negative on) a test for drugs other than alcohol as a condition of hire or placement in a job covered by the Collective Bargaining Agreement. However, an applicant or employee who is on Active Status of this Program or of a similar program applying identical or more stringent terms within the past 90 days (without subsequently having tested positive) will not be required to submit to pre-employment/placement testing as a condition of hire.

Employees shall remain subject to the testing requirements of the Customer for which they are working unless otherwise excluded by the customer.

1. In the event the test result of an otherwise-qualified job applicant returns negative, he or she will be provided any work in his or her trade that is available and for which the individual is otherwise qualified and will be made whole for any compensation and benefits he or she would have received had his or her work not been delayed by the test.
2. In the event a job applicant's test result returns positive, his or her employment offer will be withdrawn, and the individual will be placed on Reinstatement Status.

##### **C. Reasonable Suspicion Testing**

1. Any employee whose supervisor or other managerial personnel has a reasonable suspicion that the employee is in violation of this Program will be required to undergo a drug and alcohol test. A reasonable suspicion is one based upon observable and articulable conduct, appearance or work performance of the employee identified.
2. Whenever feasible, an employee required to submit to reasonable suspicion testing will be observed by more than one supervisory or management employee trained to identify signs of possible substance abuse, who will be encouraged to fill out a Reasonable Suspicion Checklist. (See attachment). An employee to be tested based upon reasonable suspicion will be removed from the job site pending the Contractor's receipt of notice of the test result. The employee will have the



right to request that a Union Steward or other Union representative be present at the time he or she is directed to provide a specimen(s) for testing based upon reasonable suspicion.

- a. In the event an employee's reasonable suspicion test result returns negative while he or she is on pending status pending the Contractor's receipt of notice of the result, the employee will be immediately placed on Active Status and made whole for any compensation and benefits that he or she would have received had the employee's work not been interrupted by the test and/or placement on Pending Status. However, if any part of the employee's period of Pending Status was time off for misconduct associated with the circumstances that led to the initial testing, the employee will not be made whole for the time off that was for the misconduct.
- b. In the event an employee's reasonable suspicion drug test result returns positive, the employee must be offered substance abuse counseling. The employee nevertheless may be disciplined, up to and including discharge, for any misconduct related to, or any damage or injury resulting from, his or her substance abuse.

#### **D. Post-Incident Testing**

Any employee involved in a work-related incident or an injury to any person requiring professional medical attention, or medical care provided onsite by an outside provider, will be required to undergo a drug and alcohol test and will be placed on Pending Status pending the Contractor's receipt of notice of the test result.

1. In the event an employee's post-incident test result returns negative while he or she is on Pending Status pending the Contractor's receipt of notice of the result, the employee will be immediately placed on Active Status and made whole for any compensation and benefits that he or she would have received had the employee's work not been interrupted by the test and/or placement on Pending Status. However, if any part of the employee's period of Pending Status was time off for misconduct associated with the circumstances that led to the initial testing, the employee will not be made whole for the time off that was for the misconduct.
2. In the event an employee's Post-Incident drug test result returns positive, the employee must be offered substance abuse counseling. The employee nevertheless may be disciplined, up to and including discharge, for any misconduct related to, or any damage or injury resulting from, his or her substance abuse.

#### **E. Random Testing**

All employees covered by this Program will be subject to testing for drugs and alcohol on an unannounced basis pursuant to random selection. The Third-Party Administrator will make random selections of individuals to be tested twelve (12) times a year at an annualized rate of thirty three (33) percent by a computer generated numerical program from among a pool of all Association members' and signatory contractors' employees on Active Status. Upon notification of workers selected for random testing, communicators shall have fifteen (15) calendar days to complete the random selection requirements. Employees must report for random testing as instructed by their communicator of their selection for random testing. Employees should not be given more than twenty-four (24) hours' notice to report for random testing. At the time the

employee is notified, the Communicator informs the employee of the location to report for testing. Employees who do not report for random testing will be in violation of this Policy.

The computer generated random selection process is as follows:

1. Random selections are performed twelve (12) times a year at an annual random rate of thirty-three (33) percent or 2.75% for each selection of the total number of members with an Active Status. Each member with an Active Status is subject to a selection for a random test.
2. At the time of each random selection process, the Third-Party Administrator determines the total number of members with an Active Status and calculates the number that needs to be randomly selected (e.g.: 300 Active members times 2.75% or six (6) members to be selected).
3. The number of random selections is based on a rolling average of the number of members randomly selected and tested (e.g.: If in one selection, six (6) members were selected for a random test but only three (3) members tested, with the next selection nine (9) members will be selected. If all fifteen (15) members tested that were previously selected, there would be three (3) members selected with the next selection. This rolling average is to ensure that thirty three (33) percent of the Active Pool is tested each year.
4. The number of members to be selected is entered into the computer generated random selection program.
5. The computer random selection program then:
  - a. Assigns a six (6) digit integer number (six decimal place number) from a random number table to each member with an Active Status.
  - b. Sorts each member with an Active Status based on the six (6) digit integer random number previously assigned.
  - c. Obtains a number from one (1) to the total number of members with an Active Status (e.g.: 1 to 300) from a random number table. This is the number where the program starts its random selections.
  - d. Obtains a number from one (1) to ten (10) from the random number table. This number is used to select every  $n^{\text{th}}$  member with an Active Status until the number to be randomly selected is obtained.
6. Once the above random selection process is completed, each Communicator who has employees selected for a random test will be notified by the Third-Party Administrator.
7. In the event an employee's random test result returns negative, the employee will be made whole for any compensation and benefits he or she would have earned had the employee's work not been interrupted by the test.

8. In the event an employee's Random drug test result returns positive, the employee must be offered substance abuse counseling. The employee nevertheless may be disciplined, up to and including discharge, for any misconduct related to, or any damage or injury resulting from, his or her substance abuse.

## **F. Periodic Testing**

A drug and alcohol test will be required of individuals who have not been tested within a thirty-six (36) month period.

1. In the event an employee's periodic test result returns negative, the employee will be made whole for any compensation and benefits he or she would have earned had the employee's work not been interrupted by the test.
2. In the event an employee's Periodic drug test result returns positive, the employee must be offered substance abuse counseling. The employee nevertheless may be disciplined, up to and including discharge, for any misconduct related to, or any damage or injury resulting from, his or her substance abuse.

## **G. Post-Counseling/Rehabilitation Testing**

An employee who has tested positive and successfully completed counseling, rehabilitation or other treatment under this Program will be required to take and to pass (that is, test negative on) a return to work drug and alcohol test before being replaced on Active Status. At that time, he or she also will be reinstated to work with the Contractor for whom the employee was working at the time he or she was directed for testing, provided that the Contractor has available work covered by the Agreement and within the employee's skills and qualifications. Any such employee who returns to work for any Contractor will be subject to unannounced drug testing (in addition to the testing described above) for a period of two years at an annualized rate of fifty (50) percent. Individuals to be tested under this Paragraph will be chosen at random by a computer generated numerical program by the Third-Party Administrator from among all Association members' and signatory contractors' employees on Active Status who are within their two-year post-counseling/rehabilitation periods under this Paragraph.

An employee who has returned to work after having tested positive and successfully completed counseling, rehabilitation or other treatment under this Program and who tests positive again under any provision of this Program will be terminated.

## **V. Specimen Collection and Testing**

### **A. Cost of Collection and Testing**

The cost of all specimen collection and testing under this Program will be paid by the Association with monies collected from the Contractor by the appropriate fund pursuant to the provisions of the Agreement.

However, an employee who provides three (3) consecutive diluted test results shall be required to pay for any subsequent tests to achieve a valid negative test result. Additionally, the cost of a return to work test upon completion of the rehabilitation or counseling shall be borne by the individual.

## **B. Consent and Release**

Prior to specimen collection, an individual identified for testing under this Program will be required to sign a consent and release form authorizing and agreeing to collection and testing of a specimen, or specimens, of his/her urine, blood, saliva, or breath and communication of the circumstances and results of the specimen collection and testing to and among the individual, the Third-Party Administrator, the clinic, the laboratory, the Contractor's management, the MRO, and the Union. Examples of such forms are attached, though any form chosen by the Third-Party Administrator may be used.

1. In the event a job applicant refuses to execute a consent and release form, attempts to adulterate, to substitute or to tamper with a specimen or otherwise attempts to interfere with the specimen collection or testing processes, his or her job offer will be withdrawn, and he or she will be placed on Reinstatement Status.
2. An employee who refuses to execute a consent and release form, who attempts to adulterate, to substitute or to tamper with a specimen or otherwise to interfere with the specimen collection or testing processes, or who refuses to cooperate with the MRO or to provide the MRO with information he or she requests, will be treated as having tested positive for purposes of this Program and as having been insubordinate for the Contractor's disciplinary purposes.

## **C. Specimen Collection**

1. Urine, blood, saliva, or breath specimens will be collected by a clinic(s) selected by the Third-Party Administrator, which clinic(s) will follow DHHS chain-of-custody procedures and procedures that protect employee confidentiality and privacy and protect the collected specimen(s) from adulteration, substitution and misidentification. Each employee will provide his or her urine specimen in private, unless trained personnel have an articulable suspicion that the employee either has adulterated or substituted, or may attempt to adulterate or to substitute, his or her specimen, which will require observation of providing the specimen by clinic personnel.
2. If an employee is subject to testing under this Program but is not either able or competent to authorize specimen collection or is in need of prompt medical attention, medical attention will not be delayed or withheld pending collection of a urine, blood, saliva, or breath specimen. However, any such employee must authorize the health care provider treating him or her to conduct such specimen collection as requested by the Contractor and to release to the Third Party Administrator all reports and records necessary, in the Third Party Administrator's discretion, to his or her monitoring of the employee's compliance with this Program's terms.

## D. Specimen Testing

All samples collected under this Policy and Program will be analyzed by a SAMHSA certified laboratory, and shall include an initial Enzyme Multiplied Immunoassay Screening Test (EMIT) and, when necessary, be confirmed by a Gas Chromatography/Mass Spectrometry (GC/MS) Confirmation Test. Said testing must screen, at a minimum, for the following substances and below the following levels to result in a negative test:

| <u>Drugs Tested</u>                 | <u>(EMIT)<br/>Initial Test<br/>Cut-Off Level<br/>(ng/ml)</u> | <u>(GC/MS)<br/>Confirmation Test<br/>Cut-Off Level<br/>(ng/ml)</u> |
|-------------------------------------|--|--|
| Amphetamines/Methamphetamines/MDMA* | 500  | 250  |
| Barbiturates                        | 300  | 200  |
| Benzodiazepines                     | 300  | 200  |
| Cannabanoids (Marijuana - THC)*     | 50   | 15   |
| Cocaine Metabolite*                 | 150  | 100  |
| Methadone                           | 300  | 200  |
| Opiates*                            |  |  |
| (i) Codeine/Morphine                | 2,000  | 2,000  |
| (ii) Heroin                         | 10   | 10   |
| Phencyclidine (PCP)*                | 25   | 25   |
| Propoxyphene                        | 300  | 200  |
| Breath/Blood Alcohol Content (BAC)  | .04%   | .04%   |

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

1. The Committee shall have the right to change the drugs tested, the cut-off levels and the analysis procedures as new technology in substance abuse testing warrants.
2. Workers who provide two (2) subsequent diluted test results under this Policy and Program will be encouraged to seek medical assistance to determine if there is a valid medical reason for the diluted results. If a medical reason cannot be determined or if the worker refuses to seek medical assistance, the third (3<sup>rd</sup>) or remaining diluted tests (if necessary) will be at the individual's expense.
3. Any worker who provides an unsuitable test result will be required to have the subsequent drug test observed.
4. Blood, saliva or breath screen tests are acceptable for alcohol testing. An initial positive test result will be confirmed by blood analysis or breathalyzer.
5. Saliva screening for alcohol will utilize the QED-A150, which gives a quantitative reading (a range of alcohol from 0 – 150 mg/dl). If the QED-A150 registers any level equal to or greater than 20 md/dl (.02%), then a Breath Alcohol Test will be performed. A confirmed screening level less than 20 md/dl (.04%) is considered negative.

6. Rapid Screening tests may be utilized at the discretion of the contractor along with a laboratory urinalysis test. A non-negative rapid test result will be cause for the employee to be removed from the jobsite, pending the lab results. If the laboratory result is negative, the employee will be reimbursed for lost wages and benefits.

#### **E. Specimen Retesting at Employee Request**

Any employee, blood or urine tested under this Program, who questions the accuracy of a positive test result may submit a written request for a retest to the MRO within five (5) working days of the employee's receipt of notice of the result. A portion of the original specimen will have been preserved for such testing, which will be conducted at the employee's own expense either by the same laboratory or by a different DHHS-certified laboratory of the employee's choice consistent with the procedures and standards prescribed by DHHS.

If the result of a retest requested by an employee under this Program is negative, the employee will be placed on Active Status, the Contractor will reimburse the employee for the cost of the test and will make the employee whole for any compensation and benefits lost if he or she was placed on Reinstatement Status pending the Contractor's receipt of notice of the first test result. However, if any part of the employee's period of Reinstatement Status was time off for misconduct associated with the circumstances that led to the initial testing, the employee will not be made whole for the time off that was for the misconduct.

#### **VI. Pay for Time Spent in Providing Specimen(s)**

Any employee of the Contractor who loses time from work in order to provide a specimen(s) for drug testing will be paid compensation and benefits for that actual time lost. Any employee of the Contractor who is required by the Contractor to provide a specimen(s) for drug testing on the employee's own time will be paid the equivalent of two hours of the employee's straight-time hourly wage.

#### **VII. Medical Review Officer**

No result of a drug test of an employee will be reported to the Communicator as positive until the MRO has confirmed that the result reflects a violation of this Program. After the reporting of a non-negative test by the laboratory, it will be necessary for the MRO to speak with the employee to allow the individual the opportunity to provide documentation for any legal/controlled drug(s). Employees who fail to contact the MRO within two (2) business days of their notification will be reported as a non-contact positive, and will carry the same consequences as a confirmed positive test.

#### **VIII. Reinstatement, Assistance and Discipline**

The Contractor may not discipline or discharge an employee based exclusively upon a positive test result if the result was the employee's first positive. A first positive test result generally will result in a referral of the employee to assistance, subject to the further terms of Section IV.

## **IX. Appeal**

Employees disciplined or discharged under this Program may grieve the action taken under the Collective Bargaining Agreement between the Association or the Contractor and the Union.

## **X. Confidentiality**

The Contractor, the clinic(s), the laboratory(ies), the MRO, the Third-Party Administrator, and the Union will treat as confidential all test-related information, subject to the terms of this Program. Such information includes, but is not limited to, the fact of testing; test results; information regarding referral for counseling, rehabilitation, other treatment, or aftercare; the result of any such referral for counseling, rehabilitation, other treatment, or aftercare; and the reason(s) for any disciplinary action taken under this Program.

## **XI. Union and Third-Party Administrator Notification**

In the event any employee violates this Program, the Contractor will give the Union written notice of that violation and its result. Whether an employee is on Active Status or Reinstated Status (though not the reasons therefore) will be indicated in the database maintained by the Third-Party Administrator, to which the Association, the Contractor and the Union will have access.

## **XII. Term and Substance Abuse Program Review Committee**

This Program may be modified from time to time by a majority vote of a Substance Abuse Program Review Committee, four (4) of whose eight (8) members will be appointed by the Wisconsin Pipe Trades and four (4) of whose eight (8) members will be appointed by the Contractors' Associations of Wisconsin. The Committee also shall consider, from time to time as appropriate, the performance of the Third-Party Administrator.

**INSTRUCTIONS FOR USE OF THE REASONABLE SUSPICION CHECKLIST**

This reasonable suspicion checklist was designed to help make testing decisions. Its purpose is to assist the user in focusing on the symptoms of drug use. Some of the symptoms manifest themselves in persons who are under the influence of alcohol or another drug. Other symptoms manifest themselves over a long period of time of abuse. Both these types of symptoms are listed on the checklist for consideration.

**REASONABLE SUSPICION CHECKLIST**

Employee Name: \_\_\_\_\_

Date of Observation: \_\_\_\_\_

Time of Observation: From: \_\_\_\_\_ AM or PM From: \_\_\_\_\_ AM or PM

Location: \_\_\_\_\_

**Check all that apply:**

**PHYSICAL SYMPTOMS**

- Flushed or Pale Face \_\_\_\_\_
- Dilated Pupils \_\_\_\_\_
- Glassy Eyes \_\_\_\_\_
- Bloodshot Eyes \_\_\_\_\_
- Swaying, Wobbling, Stumbling,  
Staggering or Falling \_\_\_\_\_
- Dizziness \_\_\_\_\_
- Excessive Sweating in Cool Areas \_\_\_\_\_
- Smell of Liquor \_\_\_\_\_
- Strange Chemical Odor on Breath \_\_\_\_\_
- Drowsiness \_\_\_\_\_
- Incoherent, Confused or Slurred Speech \_\_\_\_\_
- Apparent Insensitivity of Pain \_\_\_\_\_
- Reduced Reaction Time \_\_\_\_\_
- Poor Coordination \_\_\_\_\_
- Increased Breathing Rate \_\_\_\_\_

**MOOD SYMPTOMS**

- Antagonistic \_\_\_\_\_
- Restless \_\_\_\_\_
- Overreacts to Minor Things \_\_\_\_\_
- Insulting \_\_\_\_\_
- Unusually Talkative \_\_\_\_\_
- Excessively Withdrawn \_\_\_\_\_
- Excessive Laughter or Hilarity \_\_\_\_\_
- Baseless Panic \_\_\_\_\_
- Withdrawn \_\_\_\_\_
- Rapid Mood Swings \_\_\_\_\_
- Irritable \_\_\_\_\_
- Combative \_\_\_\_\_
- Aggressive \_\_\_\_\_
- Depressed \_\_\_\_\_
- Exaggerated Sense of Self Importance \_\_\_\_\_



**WORK SYMPTOMS**

- Doesn't Follow Task Instructions \_\_\_\_\_
- Shows Disregard for Safety of  
Self and Others \_\_\_\_\_
- Exhibits Excessive Carelessness \_\_\_\_\_
- Appears Unable to Concentrate \_\_\_\_\_
- Excessive Mistakes \_\_\_\_\_
- Unexplained Declines in Productivity \_\_\_\_\_
- Dangerous Behavior \_\_\_\_\_
- Unable to Order Tasks \_\_\_\_\_
- Excessive Focus on Minute Details \_\_\_\_\_

**LONG TERM FACTORS**

- Complaints from Co-Workers \_\_\_\_\_
- Excessive Work Absences \_\_\_\_\_
- Leaves Job Early for Variety of Excuses \_\_\_\_\_
- Comes Late for a Variety of Excuses \_\_\_\_\_
- Accident Prone \_\_\_\_\_
- Unexplained and Frequent  
Absences from Work Areas \_\_\_\_\_
- Generic Poor Deteriorating  
Physical Condition \_\_\_\_\_

**Recommendation - Conclusion** \_\_\_\_\_

Above behavior witnessed by:

\_\_\_\_\_  
Signature of Company Official

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date