



**AMERICAN ALLIED SAFETY COUNCIL
SUBSTANCE ABUSE TESTING PROGRAM**

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SUBSTANCE ABUSE TESTING

PROGRAM AND POLICY

TABLE OF CONTENTS

Section 1. Introduction

Section 2. Commitment to Confidentiality

Section 3. Eligibility for Employment

Section 4. Types of Testing

- **Initial Drug Testing**
- **Random Testing**
- **Annual Testing**
- **Testing for Cause**
- **Post-Accident Testing**
- **Return-to-Duty Testing**
- **Follow-up Testing**

Section 5. Illegal Controlled Drugs and Substances

**Section 6. Procedure for Initial, Random, Annual,
Return-to-duty and Follow-up Drug Testing**

Section 7. Prerequisites for a drug/alcohol test For Reasonable Suspicion

Section 8. Prerequisites for Post-Accident Testing

Section 9. Procedure for Reasonable Suspicion and Post-Accident Testing

Section 10. Testing for Alcohol

Section 11. Employer Responsibilities

Section 12. Employee Responsibilities

Section 13. General Principles

Table of Contents (cont.)

Section 14. Medical Review Officer and Policy Administrator

Section 15. Consequences of a Positive Drug or Alcohol Test

Section 16. Tampering with a Test/Dilute Test Result

Section 17. Resolution of Disputes

Section 18. Voluntary Disclosures

Appendix A: Testing levels

Appendix B: Evidential Breath Testing and Non-Evidential Collection Procedures

Section 1. INTRODUCTION

The affiliates of the American Allied Safety Council including Owners, Contractors, and Labor are committed to providing a safe work place for those working in any environment. A workplace unencumbered by the influences of illegal/controlled drugs and alcohol is necessary to assure this goal. Cooperative effort is needed to overcome the adverse impact of substance abuse on workplace safety, productivity, and quality of work. As a result of that effort, the AASC has developed this Drug and Alcohol Testing Program and Policy. This Program and Policy establishes a single minimum testing standard to be utilized to conduct testing for illegal/controlled drugs, substances and alcohol on participating member job sites.

The mark of successful drug-free workplace program also depends on how well employees are informed of the hazards of drug use. Equally important is the assurance to employees that personal dignity and privacy will be respected in reaching the goal of a drug-free workplace. Therefore, this plan includes policies and procedures for: (1) Employee Assistance; (2) supervisory training; (3) employee education; and (4) identification of illegal/controlled drug use through drug testing on a carefully controlled and monitored basis.

Section 2. COMMITMENT TO CONFIDENTIALITY

Protecting the confidentiality of the employee is a primary interest of labor, owners, and contractors. There will be designated Medical Review Officers (MRO) who will be the sole individuals who have access to employee medical records and the MRO and Policy Administrator will be the only individuals who have access to employee drug testing results. MROs shall be licensed physicians with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information. Where applicable, MROs shall follow the procedures set forth in 49 CFR Part 40.

- a. Contractors and Labor organizations will designate a specific representative as the contact person who will be the only individual to receive information from the MRO and Policy Administrator, as well as an alternate representative to receive such information in the event that the primary representative is absent or unavailable.
- b. The following procedures and guidelines regarding confidentiality will be strictly observed:
 1. Except as otherwise provided herein, individual test results or medical information about an employee shall not be disclosed to third parties without the employee's specific written consent. A "third party" is any person or organization to whom other subparts of this Policy do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.
 2. Information pertaining to an employee's drug or alcohol test may be disclosed without the employee's consent in certain legal proceedings.
 - a. These proceedings include a lawsuit (e.g., a wrongful discharge action, grievance (e.g., an arbitration concerning disciplinary action taken by the employer), or

administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).

- b. These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing that the information be produced.
 - c. In such a proceeding, the information may be released to the decision maker in the proceeding (e.g., the court in a lawsuit), with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding.
3. The Medical Review Officers and Policy Administrator will be the only individuals who have detailed information concerning employee drug testing.
 4. The Medical Review Officers and Policy Administrator may disclose only whether an employee is current or not current with the Policy.
 5. The Policy Administrator will only be allowed to advise a designated contractor representative and union representative that the employee is either "current" or "not current" with this Program and Policy. No information about the test results, the substance that an employee may have tested positive for, levels of testing, or any other specific information will be shared.

SECTION 3. ELIGIBILITY FOR EMPLOYMENT

- a. Only employees who are listed in the AASC database as "current" may be employed for work at a jobsite requiring this Policy.
- b. Each individual will, upon request, read and sign a Notice and Acknowledgement of the AASC Drug and Alcohol Program Testing Requirements Form. Failure to do so constitutes refusal to submit to a test, and the employee will be considered to have tested positive under section 16 and will be classified as "not current".
- c. The employee will be classified as "pending" until the drug test results are received from the laboratory and, if necessary, confirmed by the MRO as "current" or "not current".
- d. This Program and Policy permits an owner or contractor to require specimen collection under direct observation. It is the responsibility of the owner or contractor to verify that specimen collection under direct observation is permitted by governing local, state, and federal law.

SECTION 4. TYPES OF TESTING

1. **Initial Drug Testing:** All potential employees of all contractors at all tiers who work and who are not current with this Policy shall submit to an Initial Drug Test. The Initial Drug Test will test for the presence of illegal/controlled drugs and substances. The drug test categories and related levels to determine a positive test result may be found in Appendix A. This test will include an alcohol test if required by the owner or contractor. Any potential employee refusing to submit to this test will be classified as “not current” and will not be permitted to work.
2. **Existing Employees Transferred from another location to work on a project covered by this policy:** All employees in this classification must become current with the policy. Any employee who is not current with the policy will not be permitted to work on the project.
3. **Random Testing:** A minimum annual random selection rate of twenty-five percent (25%) or as permitted by law, of the workforce employed on covered jobs shall be tested. Random testing shall be site-specific. The frequency of random selections shall be monthly. The selection of employees for random testing shall be determined exclusively by the policy administrator through its computer generated program. Random name generating programs are used to ensure complete impartiality and objectivity. The random selection pool shall include all employees in the program. Contractors or owners shall not conduct selection of employees for random testing. Random testing shall test for illegal/controlled drugs and substances as set forth in Appendix A.

Upon receipt of the random selection list, the participating organization shall have seven calendar days to notify the employee member (s) of his/her selection. Convincing evidence that the employee member learned of the test before official communication will result in the exclusion of the organization from the AACS substance abuse testing program. Unjustified failure of the selected employee member to submit to testing within two hours plus travel time will constitute a refusal to test. Any acceptable justification must be for causes beyond the control of the organization and employee member. The organization shall maintain documentation of the time of receipt of notice of selection from the TPA, notice to the employee member and any justification for failure to report to the collection site within the time required.

A. An employee selected for random drug testing may obtain a deferral of testing if a compelling need necessitates a deferral on the grounds that the employee is:

- i) On a leave status (sick, annual, administrative, or leave without pay); or
- ii) On official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification.

4. Annual Testing: All employees will be tested at a minimum of once every twelve months to maintain their status as current with the policy. An initial test, random test, for cause test, post-accident test, return-to-duty test, or follow-up test will be counted in determining whether an employee has been tested within the previous twelve months. Employees who have not been tested within the previous twelve months will submit to a test when directed to do so. Annual testing shall include testing for alcohol, illegal/controlled drugs and substances.

5. Testing for Cause: All employees may be tested for cause for illegal/controlled drugs and substances as well as alcohol when a reasonable suspicion exists that the employee appears to be under the influence of illegal/controlled drugs or substances and/or alcohol, as set forth in Section 8 of this policy.

6. Post-Accident Testing: An employee with a chargeable accident shall be required to submit to post-accident testing for the use of illegal/controlled drugs or substances and/or alcohol as set forth in Section 9 of this policy.

7. Return-to-Duty Testing: Employees or potential employees who have tested positive for drugs or alcohol will not be eligible for employment until they pass a return-to-duty test as provided in Section 7 of this policy. The return-to-duty test need only be for the substance that caused the employee to be removed from service, but a return-to-duty test may be performed for both drugs and alcohol if there is reasonable suspicion of other untested drug or alcohol misuse at the time of the return-to-duty testing.

8. Follow-Up Testing: After a confirmed positive test, employees are subject to unannounced testing for illegal/controlled drugs and substances as well as alcohol as directed by the discretion of an approved, qualified professional in the substance abuse field. Such employees will be subject, at minimum, to six unannounced follow-up tests in the first 12 months following the employee's return to duty.

1. The qualified professional may require a greater number of follow-up tests during the first 12 month period of duty (e.g., one test a month during the 12 month period; two tests per month during the first 6 month period and one test per month during the final 6 month period).
2. The qualified professional can terminate the follow-up testing requirement at any time after the first year of testing, but may require follow-up tests during the 48 months of duty following this first 12 month period.

SECTION 5. ILLEGAL CONTROLLED DRUGS AND SUBSTANCES

a. Testing under this policy includes alcohol and:

Amphetamines
Methamphetamines
MDA Analogues
Barbiturates
Benzodiazepines
Cocaine
Methadone
Opiates
Heroin
THC
PCP
Propoxyphene

b. Testing and cutoff levels are contained in the Drug Information Chart in Appendix A

SECTION 6.

PROCEDURE FOR INITIAL, RANDOM, ANNUAL, RETURN-TO-DUTY AND FOLLOW-UP DRUG TESTING

- a) Specimen collection may occur on-site at the AASC or at an approved collection site.
- b) Each individual will, upon request, read and sign the certification statement on a Drug Testing Chain of Custody (COC) and provide date of birth, printed name, and day and evening contact telephone numbers.
- c) Specimens shall be collected in accordance with the procedures set forth in DOT Urine Specimen Collection Guidelines for the U.S. Department of Transportation Workplace Drug Testing Programs including, but not limited to, those procedures governing the use of split samples and those establishing a formal chain of custody.
- d) A portion of the sample from the primary specimen will be screened using the EMIT test and if non-negative, another portion from the primary specimen will be tested for verification using the GC/MS test.

A laboratory testing the primary specimen must retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. Within the one-year period, the MRO, the employee, the union, or the employer, may request in writing that the laboratory retain a specimen for an additional period of time (e.g. for the purpose of preserving evidence for litigation or a safety investigation). The

laboratory must comply with such a request. In the absence of such a request, the specimen may be discarded at the end of the year. If the split specimen has not been sent to another laboratory for testing, the laboratory must retain the split specimen for an employee's test for the same period of time that it must retain the primary specimen and under the same storage conditions.

- e) Any employee who refuses to take a drug test within the meaning of this policy will be considered to have tested positive under section 15 and will be classified as "non-current"
- f) The results of a "non-current" status will be communicated to the contractor's designated representative and local union representative by MRO or Policy Administrator. If the individual has tested positive or has otherwise become not current with this policy, he/she will be removed from the project immediately and paid for all hours worked. The individual will not be eligible for employment with any employer on projects covered by this policy in accordance with Section 15, contingent on a negative drug test.
- g) Upon request, the MRO or Policy Administrator will provide a copy of the positive test result to the individual.
- h) Testing the Split Specimen: If any individual who has tested positive wishes to dispute the results of the GC/MS test, he/she may do so at his/her option by having a GC/MS test performed on the split specimen at a laboratory certified by SAMHSA (Substance Abuse and Mental Health Services Administration) of his/her choice. The MRO will have available a current list of SAMHSA certified screening facilities. The specimen will be shipped directly from the policy administrator's laboratory to the laboratory of the employee's choice. The cost of this test will be borne by the employee. If the results of this test are negative, the employer will reinstate the individual for the cost of the test. The individual must exercise the option of a second GC/MS test within 72 hours of being notified of the positive test results. The request to the MRO must be followed by a written request.

The written request must be sent by the individual who tested positive to the MRO. The letter must request the MRO to have the split specimen sent to a different SAMHSA laboratory for testing. Include the name, address and phone number of the laboratory. Also include a money order in the amount specified by the MRO. If the results are negative this amount will be reimbursed by the employer. The employer will also reinstate the individual with full loss wages and benefits.

- i) Return-to-duty and follow-up Testing Procedures. Individuals identified through breath or urinalysis testing as being positive for alcohol or controlled substance use, or who refuse to be tested must if owner or contractor require:
 - 1. Be removed from all projects requiring current status for the applicable period of time set forth in Section 15:
 - 2. Undergo a comprehensive assessment and clinical evaluation with an approved, qualified professional in the substance abuse field to determine what level of

assistance the individual needs in resolving problems associated with alcohol use or prohibited drug use.

3. Successfully complete and/or actively participate in any recommendations can include, but are not limited to: in-patient treatment, partial in-patient treatment, out-patient treatment, education programs, and aftercare. Education recommendations can include, but are not limited to bona fide drug and alcohol education courses, self-help groups, and community lectures.
4. If recommended by the qualified professional, undergo a follow-up evaluation to determine if the individual has demonstrated successful compliance with recommendations of the initial evaluation.
5. Receive a return-to-duty release from the qualified professional following the period of suspension.
6. Receive a COC from the Policy Administrator for return-to-duty testing.
7. Forward a cashier's check or money order in the amount specified for return-to-duty testing.
8. Submit to and pass a return-to-duty test at the approved collection site.
9. Submit to and pass all required follow-up tests. The individual is responsible for the costs specified for follow-up testing.

SECTION 7. PREREQUISITES FOR A DRUG/ALCOHOL TEST FOR REASONABLE SUSPICION

- a. Existing employees working at a jobsite may be tested for illegal/controlled drugs, substances and alcohol if there exists a reasonable suspicion that the employee is under the influence of alcohol or any of the substances identified in Section 5. For the purpose of the policy, the term "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, higher ranking employee, or other managerial personnel of the contractor, or owner who has been trained to recognize the symptoms of drug abuse, impairment or intoxication, which observations shall be documented by the observer (s).
 2. Exhibits the type of behavior which shows accepted symptom (s) of intoxication or impairment caused by controlled substances or alcohol
 3. Exhibits conduct that cannot reasonably be 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.
- b. Drug testing of this type will not be conducted without the written approval of a designated supervisory person who has been trained in identifying conduct constituting reasonable suspicion for testing. The designated supervisory person must document in writing who is to be tested and why the test was

ordered, including the specific objective facts constituting reasonable suspicion leading to the test being ordered, and the name of any source(s) of this information. One copy of this document shall be given to the employee before he/she is required to be tested, and one copy shall immediately be provided to the Union steward, if requested by the employee. After being given a copy of the document, the affected employee shall be allowed enough time to be able to read the entire document. Failure to follow any of these procedures shall result in the elimination of the test results as if no test had been administered. The test results shall be destroyed, and no disciplinary action shall be taken against the employee.

- c. When a supervisor, higher ranking employee or other managerial personnel has reasonable suspicion to believe that an employee is using, consuming, or under the influence of an alcoholic beverage, non-prescribed controlled substance (other than over-the-counter medication), and/or non-prescribed narcotic drug while on duty, that person will notify the job superintendent or designated manager for the purpose of observation and confirmation of the employee's condition.
- d. The employee will be offered an opportunity to give an explanation of his condition, such as reaction to a prescribed drug, fatigue, lack of sleep, exposure to noxious fumes, reaction to over-the-counter medication or illness. The employee shall be advised of his/her right to have a Union steward or designee present, and if requested, shall be present during such explanation and shall be entitled to confer with the employee before the explanation is presented.
- e. If after this explanation the job superintendent or designated manager, after observing the employee, has reasonable suspicion to believe that the employee is using, consuming and/or under the influence of an alcoholic beverage, non-prescribed controlled substances, or non-prescribed narcotic while on duty, then, by a written order signed by the job superintendent or designated manager, the employee may be ordered to submit to a drug and alcohol test. Refusal to submit to this testing after being ordered to do so will be considered to have tested positive under Section 16 and will result in the employee being categorized as "not current" and ineligible for employment by any contractor on the project.
- f. If the contractor/facility owner has an existing reasonable suspicion testing policy that meets or exceeds the standards set forth herein, the contractor/facility owner may implement that policy.

SECTION 8. PREREQUISITES FOR POST-ACCIDENT TESTING

- 1. Post-Accident: An employee with a chargeable accident shall be required to submit to post-accident testing for the use of illegal/controlled drugs or substances and/or alcohol. An employer representative must escort the tested

employee to the testing site. Post-accident alcohol testing should be administered within 2 hours of the accident, and must be administered within 8 hours. Post-accident drug testing must be performed within 32 hours of the accident. In situations where post-accident testing is necessary, the employee is prohibited from consuming alcohol for 8 hours following the accident, or until tested.

2. A chargeable accident is defined as:
 - i. An employee's drug or alcohol use is likely to have contributed to the incident and for which a drug test can accurately identify impairment caused by drug use.
3. If it reasonably appears that an employee was injured solely as a result of another employee's action, testing will not be required.
4. If an employee involved in an accident is not injured, no test will be required unless reasonable suspicion, as defined in this policy exists
5. An employee who is seriously injured and cannot provide a specimen at the time of the accident shall consent to a blood test or provide the Medical Review Officer the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were illegal/controlled drugs or substances and/or alcohol in their system. If an employee refuses to comply with this provision, the MRO shall note such refusal and such refusal shall be considered a positive result under Section 16, and the employee will be classified as "not current."
6. The contractor / employers post accident testing requirements are governed by each State's Workers Compensation law or Federal law in which mandatory post accident testing required.

SECTION 9. PROCEDURE FOR REASONABLE SUSPICION AND POST-ACCIDENT TESTING

1. Employee drug tests for reasonable suspicion or post-accident will include testing for the same drugs as identified in Section 5, but also will include testing for alcohol.
2. Each employee will read and sign a Notice of Policy and Consent Form and read and sign the certification statement on a Drug Testing Chain of Custody Form (COC) and provide date of birth, printed name, and day and evening contact telephone numbers.
3. For cause/post-accident testing shall be performed on-site at the jobsite or at a designated off-site clinic. A contractor representative will accompany the individual to an off-site clinic. Specimens shall be collected and tested in accordance with the procedures set forth in Section 6 and Section 10.

SECTION 10. TESTING FOR ALCOHOL

- a) Equipment. Only approved evidential breath testing devices (EBT) and non-evidential devices for conducting alcohol testing shall be used. These devices are listed on NHTSA's Conforming Products List (CPL). All equipment shall have a quality assurance plan approved by the NHTSA and shall not be used in the event that the device does not meet the specified quality controls.
 - 1. Screening Devices: Either non-evidential devices or EBTs listed on the CPL may be used for screening tests.
 - 2. Confirmation Devices: Only EBTs listed on the CPL may be used for confirmation testing. The EBT shall be able to distinguish alcohol from acetone; be capable of testing an air blank prior to each collection of breath, and performing an external calibration. The EBT shall also be:
 - i. Capable of being attached independently or by direct link to a separate printer and print a result in triplicate (or three consecutive identical copies) of each breath test;
 - ii. Capable of assigning a unique and sequential number to each completed test so that the number can be read by the Breath Analyzer Technician (BAT) and the employee before each test and be printed out on each copy of the result;
 - iii. Capable of printing out the manufacturer's name of the device, serial number and time of the test.
- b) Procedures:
 - 1. The designated alcohol testing sites shall comply with the alcohol testing procedures contained in Appendix B.
 - 2. These procedures are intended to address the requirements contained in 49 CFR Part 40 Subparts J, K, L, M and N.
- c) Provisions Governing Tested Employees

1. Alcohol Concentration: An employee or potential employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol 0.04 or greater, the employee shall not be permitted to perform or continue to perform covered functions.

2. This does not prohibit the employer from taking any disciplinary action otherwise consistent with local, state, or federal law.

3. If an employee's confirmed test results indicate that he/she exceeded the policy's 0.04% blood alcohol limitation, he/she will be considered not current with the policy.

4. An employee who tests positive will be removed from active status immediately and paid for all hours worked. If the employee has exceeded the policy limit, the individual will not be eligible for employment for any employer covered by this policy in accordance with Section 15.

5. Any individual who refuses to take an alcohol test within the meaning of this policy will be considered to have tested positive under Section 15 and will be classified as “not current”.

SECTION 11. EMPLOYER RESPONSIBILITIES

- a. Each employer working on a site requiring this policy must be registered in the program or a program that has been granted reciprocal status in accordance with the AASC. An employer registered in a program that has been granted reciprocal status shall be considered to be registered in this program.
- b. Each employer will enroll and process the initial drug testing if the employee has not already been enrolled into the program.
- c. Each employer not enrolled in a program that has been granted reciprocal status will submit to the policy administrator employee demographic data for entry into the database, listing employees by site.
- d. Failure of the employer to comply with the policy will be grounds to relinquish their access to the system and thus access to projects requiring this policy.
- e. Each employer will monitor its employees for behavior that may indicate drug or alcohol misuse or abuse.
- f. Each employer will provide training to its supervisors on substance abuse issues, including training to enable supervisors to identify and document behaviors that constitute reasonable suspicion for testing. The training will also educate supervisors on how to address refusals to test and how to refer employees to testing or assistance.
- g. Each employer will provide its employees with an employee handbook that contains information about the policy and how it operates, as well providing employees with access to educational materials on substance abuse issues.

SECTION 12. EMPLOYEE RESPONSIBILITIES

- a. Employees are prohibited from using, possessing, distributing, dispensing, manufacturing, being under the influence, or otherwise being involved with illegal drugs and from abusive use of chemicals or controlled substances while on employer or client property or while performing the employer’s business. In addition, involvement or abuse is prohibited at any time to the extent it violates the law or negatively affects the employer’s business or reputation by undermining public or client confidence in safe and efficient operations. Employees are also prohibited from being under the influence of alcohol while on client or employer property or while performing the employer’s business, if such use or influence affects employee job performance or safe and efficient operations. When warranted by workplace conditions, the employer will impose stricter requirements concerning alcohol at job locations. In addition, the abuse or being under the influence of alcohol is prohibited at any time to the extent it negatively affects the employer’s business or reputation by undermining public or client confidence in safe and efficient company operations.

b. Prohibited Behavior

1. Alcohol:

- i. Reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater;
- ii. Possessing alcohol while on duty;
- iii. Using alcohol while performing job functions;
- iv. Using alcohol within eight hours following an accident, or before undergoing a post-accident alcohol test, whichever comes first.

2. Drugs:

- i. Reporting for duty or remaining on duty after being classified as “non-current” by the MRO.
- ii. Manufacturing, distributing, or dispensing controlled substances, or possessing or using controlled substances without a prescription from a licensed health care provider.
- iii. Each employee shall report for testing as instructed. Failure to report will be considered a refusal to submit to the test, which shall be considered a positive result under Section 15, and the employee will be classified as “non-current”.

SECTION 13. GENERAL PRINCIPLES

All results of tests included in this policy shall be considered confidential to the extent permitted by law.

- a. The testing laboratories for this policy must be certified by SAMHSA.
- b. It is understood that neither the AASC, nor its constituent member organizations and affiliated Unions, shall be responsible for ascertaining or monitoring the drug free or alcohol free status of any employee or applicant for employment.
- c. No employee or employer may modify any document involved with the administration of this policy.
- d. All programs with reciprocal status are responsible for administering their own programs but shall provide the Policy Administrator with current copies of all governing policies and procedures.

SECTION 14. MEDICAL REVIEW OFFICER AND POLICY ADMINISTRATOR RESPONSIBILITIES

- a. The MRO’s duties under this Policy include, but are not limited to:
 1. Evaluation of drug laboratory reports in a timely fashion.
 2. Assessment of the collection process through careful review of custody and control documents, and verification of appropriate documentation through a uniform and systematic set of procedures. The MRO assesses such critical information as name, signature, social security number/identification number, and specimen identification number. The MRO assesses whether

the custody and control documents have proper collection site signatures. When applicable, the MRO assesses laboratory results for documentation of suspicious results or adulteration (abnormal PH, GC/MS interference, specific gravity and creatinine levels), as required under different testing programs.

3. Prompt reporting of negative tests to the employer or Policy Administrator, who promptly notifies the employer, while maintaining confidentiality of test results and medical information.
 4. Reviewing positive tests to determine on a case-by-case basis whether there could be an alternative medical explanation for the presence of a drug or class of drugs.
 5. Determination of a legal/valid medical explanation for a positive result, or determination that errors in the collection process occurred.
 6. Discussion with the employee of test results, focusing on specific medications, drugs, or drug-taking experiences. If the employee denies inappropriate use, the MRO seeks to verify, using current medical knowledge, any claim that the drug was medically prescribed or administered, or to document that there was, in fact, inappropriate use.
 7. Assesses the employee's medical history and current medical status by interviewing the employee's medical history and current medical status by interviewing the employee by phone, face-to-face, or as required by company policy. In a face-to-face interview, the MRO observes for drug taking indications. Where required, a clinical examination should occur. Where necessary, the MRO contacts the employee's physician, dentist, pharmacist, or other health care professional to verify prescriptions for medical purposes, medications recently administered, or to request patient approved release of medical records. The MRO responds to the employee's request for repeat laboratory analysis by following the Policy with respect to the original specimen or split specimens.
 8. Recommending to the employee to contact an approved, qualified professional in the substance abuse field.
 9. Maintaining complete and detailed records, which are, secure and maintained with confidentiality.
- b. Subject to applicable laws and regulations, the Policy Administrator's duties under this Policy include, but are not limited to:
1. Acting as an intermediary in the transmission of drug and alcohol testing information, subject to applicable laws and regulations;
 2. Operating random testing programs for participating employers and assisting (i.e. through contracting with laboratories, collection sites and MRO services, conducting collections) employers with other types of testing (e.g. pre-employment, post-accident, reasonable suspicion, return-to-duty, and follow-up).

3. Assisting participating employers in ensuring that follow-up testing is conducted in accordance with the plan established by an approved SAP.
4. Receiving and maintaining all records concerning drug and alcohol testing programs, including positive, negative, and refusal to test individual test results.
5. Notifying the employer to contact the employee or potential employees and advise him or her to contact the MRO. If after 24 hours of being notified by the employer to do so, the employee does not contact the MRO, the MRO will verify the positive test result, and the Policy Administrator will notify the authorized employer representative of status by telephone, computer interface, fax, or in writing.
6. Maintaining all information needed for operating the Policy and Program (e.g. COC's, names of employees in random pools, random selection lists, copies of notices to employers of selected employees) on behalf of participating employers.
7. Notifying the employer of the MRO's findings and providing information whether the employee is "current" or "non-current" in the program when requested.

SECTION 15. CONSEQUENCES OF A POSITIVE DRUG OR ALCOHOL TEST

- a. If the test is positive, the individual will be removed from active status immediately and paid for all hours worked. The individual will not be eligible for employment as provided in Paragraphs (d), (e), (f), and (g) of this Section, unless regulated by Department of Transportation or Nuclear Regulatory Commission regulations. If an individual is regulated by Department of Transportation or Nuclear Regulatory Commission regulations, the provisions of this Policy and Program shall apply to the extent that they do not conflict with such regulations.
- b. Individuals who test positive and local union representatives (when allowed for by the applicable collective bargaining agreement, local union rules or apprenticeship policy and procedures) shall have the right to secure a copy of all data relating to the test procedures and results provided. These costs are to be paid by the individual in advance.
- c. All employees must be current with this Policy in order to be employed on a covered Project.
- d. First violation of Policy: An employee who tests positive for the first time will be ineligible for employment on all Projects covered by this Policy for thirty (30) days from the date that he/she was notified by the MRO, contingent on a review of an approved, qualified professional in the substance abuse field, approval by the MRO and a negative drug/alcohol test.
- e. Second Violation of Policy: An employee who tests positive for the second time will be ineligible for employment covered by this Policy for ninety (90) days from the date that he/she was notified by the MRO, contingent on a review of a substance abuse professional, approval by the MRO and a negative drug/alcohol test.
- f. Third Violation of Policy: An employee who tests positive for the third time will be ineligible for employment covered by this Policy for one year from the date that he/she was notified by the

MRO, contingent on a review of a substance abuse professional, approval by the MRO and a negative drug/alcohol test.

- g. Violations of the Policy Greater than Three: Each positive result greater than three will result in an additional one year ineligible period for each violation from the date that he/she was notified by the MRO, contingent on a review of a substance abuse professional, approval by the MRO and negative drug/alcohol test.
- h. The fees of the approved, qualified professional in the substance abuse field are the responsibility of the employee.
- i. This policy is not intended to mitigate a project owner's right to manage their facility. If a project owner has more severe consequences for a positive drug and/or alcohol testing result they will be recognized for the project owner's facility only.

SECTION 16. TAMPERING WITH A TEST/DILUTE TEST RESULTS

- a. Tampering with a test.

Any employee who attempts to introduce a substituted or altered specimen shall be classified as not current with the Policy, as if the test were positive. The determination whether a specimen is dilute, substituted, or adulterated shall be made by the laboratory and reported to the MRO in accordance with procedures set forth at 49 CFR Part 40.89-40.97.

- b. Dilute Test Results.

1. Positive Dilute Test Results: The MRO will treat a positive-dilute result as a positive test. The MRO must not direct the employee/applicant to take another test based on the fact that the specimen was dilute.
2. Negative Dilute Test Results: A drug test issued as negative-dilute will require a retest. The MRO Service will contact the designated employer representative of the employee/applicant to report the dilute test result and provide written instructions for retesting the employee/applicant. The employer will be responsible to direct the employee/applicant to retest the following day after being contacted by the MRO Service. The employee/applicant will be given instructions by their employer, provided by the MRO services, to limit their fluid intake prior to the retest. Any deviation from retesting the day after notification must be approved by the MRO Service to retest at a later date. If a retest is not completed within the time allowed by the MRO Service, the employee/applicant's status will be made non-current. A second consecutive dilute test will be considered a violation and will carry the same consequences as a positive test unless a verified medical condition exists. If the employer directs the employee/applicant to take another test and the employee/applicant declines to do so, the employee has refused to test for purpose of this Policy.

SECTION 17. RESOLUTION OF DISPUTES

- a. The following procedure shall be used to resolve all disputes relating to the Policy with the exception of those disputes involving employees covered by a collective bargaining agreement that references this Policy or a Policy that has been granted reciprocal

status. The parties to such a collective bargaining agreement should use the dispute resolution procedure contained in that collective bargaining agreement. However, the parties to such a collective bargaining agreement, at their discretion, may use the following procedure, or any portion thereof, in any particular dispute if so agreed by all parties to the dispute.

- b. When a dispute arises pertaining to the administration of this Policy, it shall be the responsibility of the relevant Union and the Employer to attempt to resolve the matter. In both cases, the parties may consult with the AASC to assist in resolving the matter.
- c. Should any provision of this agreement be declared illegal/controlled by any court of competent jurisdiction, such provisions shall immediately become null and void, leaving the remainder of the agreement in full force and effect and the parties shall, thereupon seek to negotiate substitute provisions which are in conformity with the applicable laws.

SECTION 18. VOLUNTARY DISCLOSURE

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the company and/or union will assist in locating a suitable employee assistance program for treatment, and will counsel the employee regarding medical benefits available under the company or union health and welfare insurance program.

If treatment necessitates time away from work, the company shall, if the project or work permits, provide the employee with unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program and provides a negative substance abuse test shall be reinstated to his/her former employment status, if the project is ongoing and work for which he/she is qualified is available.

Since the key to this provision's effectiveness is an employee's willingness to admit his or her problem, this provision is not available to an employee who requests protection under this provision after: (a) being asked to submit to a drug and alcohol test in accordance with this plan; or (b) having been found to have violated any of the provisions of this Policy.

DEFINITIONS:

ALCOHOL TEST

A test conducted by a Breath Alcohol Technician using Evidential Breath Testing device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) to measure the amount of alcohol concentration in a volume of breath.

CHAIN OF CUSTODY:

Handling samples in a way that supports legal testimony to prove that the sample integrity and identification of the sample have not been violated, as well as documentation describing the procedures.

CHARGEABLE ACCIDENT:

- a. Resulting in the death or injury of a human being or
- b. That results from the employee's negligence and results in property damage or
- c. That requires any offsite medical treatment.

CONFIDENTIALITY

Knowledge that a specific individual is to be or has been screened for alcohol/substance abuse shall be limited to the Medical Review Officer, personnel of the testing facility, the contractor's designated Policy administrator, the employee and, if the employee chooses, a representative of the union. To the extent that statistical data regarding the workforce and/or a portion of the workforce are collected, details of the test may be included as long as the identity of the employee is protected.

CONFIRMATION TESTING:

For alcohol testing, a confirmation test means a second test following a screening test with a result of 0.04 or greater that provides a quantitative data of alcohol concentration.

Confirmation of the screening test must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL), and must be capable of printing out each test result and air blank, and must sequentially number each test.

For Controlled substance testing, a confirmation test means a second analytical procedure to identify the presence of a specific drug metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for illegal or controlled drugs.

CURRENT

Employees with current status have submitted to testing, have tested negative, and are eligible to work on projects requiring compliance with this policy.

DRUG TESTING

A method of determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified herein.

NOT CURRENT

Employees who are not in compliance with this Policy due to missing a random test, diluted test result, unsuitable test result and/or a positive test result Employees with a not current status shall either submit to a drug test or complete rehabilitation and provide a negative return to duty test, if they wish to be eligible to work on projects requiring compliance with this Policy.

NOTICE OF POLICY AND CONSENT

Notifies employee to be tested there is a substance abuse policy the employee understands the substance abuse policy and the employee is consenting to be tested with the related consequences of a positive test result of refusal to be tested.

PENDING

Employees who have provided a specimen but the results have not been received from the laboratory and/or confirmed by the MRO.

REASONABLE SUSPICION

A belief, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, that an employee is using or may have used drugs or alcohol in violation of a departmental work rule or civil service or regulation. By way of example only, reasonable suspicion may be based upon any of the following:

- a. Observable phenomena, such as direct observation of drug or alcohol use or the physical symptoms or manifestations of being impaired by, or under the influence of, a drug or alcohol.
- b. A report of on-duty or sufficiently recent off-duty drug or alcohol use provided by a credible source.
- c. Evidence that an individual has tampered with a drug test or alcohol test during employment.
- d. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol while on duty, while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.

SAP- Substance Abuse Professional

MRO- Medical Review Officer

REFUSAL TO TEST

An employee or potential employee has refused to take a drug test if he/she:

- a. Fails to appear for any test within a reasonable time, after being directed to do so by the employer or Policy Administrator.
- b. Fails to remain at the testing site until the testing process is complete
- c. Fails to provide a urine specimen for any drug test
- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen

- e. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- f. Fails or declines to take an additional drug test the MRO has directed the employee to take
- g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process
- h. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process).
- i. Fails to sign a Notice and Acknowledgement of the AASC Drug and Alcohol Program Testing Requirements Form.

APPENDIX A

Testing Levels

<u>Drug Group</u>	<u>Screening Level (ng/ml)</u>	<u>Confirmation Level (ng/ml)</u>
Amphetamines	300	250
Methamphetamines	300	250
MDA Analogues	250	250
Barbiturates	300	200
Benzodiazepines	300	300
Cocaine	150	100
Methadone	300	300
Opiates	2000	2000
Heroin	10	10
THC	20	15
PCP	25	25
Propoxyphene	300	300

APPENDIX B

Evidential Breath Testing and Non-Evidential Collection Procedure

Scope

The evidential and non-evidential testing procedure set forth in this appendix address all the requirements as set forth in 49 CFR Part 40 and specifies the required form and disposition of such testing forms.

Alcohol Testing Form

1. The Breath Alcohol Technician/Screening Test Technician (BAT/SST) shall utilize the Breath Alcohol Testing form provided by the Plan Administrator. The alcohol testing form must comply with the provisions as contained in 49 CFR Part 40 with regard to the information that must be contained on the form. The form must address the specific requirements contained in 40.225. An employer may not modify or revise the form.
2. The form shall provide triplicate or three consecutive identical copies with Copy 1 (white copy) being retained by the company, copy 2 (green copy) shall be provided to the employee, and copy 3 (blue copy) shall be retained by the BAT/SST.
3. The breath alcohol testing form may include such additional information as may be required for billing or other legitimate purposes necessary to the testing, provided that personal identifying information on the individual (other than the social security number or employee identification number) may not be provided.

Breath Alcohol Testing Preparations

1. When an employee arrives at the alcohol testing site, the BAT/SST shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by the company's representative). If the employee's identity cannot be established, the BAT/STT shall not proceed with the alcohol test. If the employee requests, the BAT/STT shall present proper identification to the employee.
2. The BAT/STT shall explain the alcohol testing process to the employee.
3. If the employee fails to arrive at the assigned time, the BAT/STT should contact the appropriate authority to obtain guidance on any action to be taken.

Screening Test Procedures for Evidential Breath Testing and Non-Evidential Breath Testing Devices

1. The BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.
2. The BAT shall instruct employee to select an individually-sealed mouthpiece and it shall be opened in full view of the employee and attach it to the EBT in accordance with the manufacturer's instructions.

3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.
4. If the EBT does not meet the requirements listed under Section VIII of the AMPP, the BAT shall show the employee the result displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, time and quantified result in Step 3 of the form.
5. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
6. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
7. If the result of the screening alcohol test is a breath alcohol concentration of less than 0.04, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign in the "Remarks" section of the form.
8. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and the employee shall initial and sign the notation. The alcohol test is invalid and the company representative and the employee shall be so advised.
9. At this point, no further testing is authorized. The BAT shall transmit the result of less than 0.04 to the appropriate employer representative in a confidential manner. The employer shall receive and store the information so as to ensure that confidentiality is maintained.
10. If the result of the screening test is an alcohol concentration of 0.04 or greater, then the BAT shall perform a confirmation test. The BAT will upon completion of the alcohol test provide the employee with Copy 2 of the breath alcohol testing form.

E. Confirmation Test Procedures

1. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT will require the employee to provide positive identification such as photo ID card or identification by a company representative. The BAT will, upon request of the employee being tested, provide the same such identification.
2. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not to belch during the waiting period just prior to the confirmation test being conducted. This waiting period shall begin with the completion of the screening test and shall not be less than 15 minutes, but must be within 30 minutes of the completion of the screening test and confirmation. The time the employee spends in transit between the screening test and confirmation test, the employee is under direct observation, counts toward the mandatory 15 minute deprivation period. If the BAT conducts the confirmation test more than 30 minutes after the result of the screening test has been obtained the BAT shall note in the "Remarks" section of the form the time that elapsed between the screening and the confirmation test and the reason why the confirmation test could not be conducted within 30 minutes of the screening test.
3. The BAT shall ensure, prior to the confirmation test being administered to the employee, that the EBT shall register 0.00 on an air blank. If the reading is greater, the BAT shall conduct one more air blank. Should the EBT again register greater than 0.00, the testing shall not proceed using that EBT. An EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within the accepted tolerance limits. Alcohol testing using another EBT may proceed.
4. In the event that the screening and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result on which any action by the company may be taken in order to comply with the requirements of the AMPP and any applicable federal requirements.
5. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
6. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT. After the confirmation test is completed, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then be instructed to sign the certification and fill in the date in Step 4. If the employee should elect to not sign the certification or to provide hi/her initials in the log book entry for the test conducted, it shall not be considered as a refusal to be

tested. The BAT shall then note the employee's failure to sign or initial the log book entry in the "Remarks" section of the testing form.

7. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and employee shall initial or sign the notation on the testing form. The test shall be considered "invalid" and the company representative and the employee shall be so advised.
8. The BAT shall transmit all alcohol testing results to the APM or other designated company representative in a confidential manner. All communications by BATs shall be to the APM or designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure that immediate transmission of test results to the company is conducted in order for the company to prevent the employee from performing any covered functions.
9. Should the initial transmission not be accomplished in writing, but via telephone notification, the APM or designee shall establish a mechanism to verify the identity of the BAT providing the information. The BAT shall follow the initial transmission by providing to the APM or designee the company's copy of the breath alcohol testing form. The test results shall be stored in such a manner so as to protect the confidentiality of the results and to eliminate the disclosure of information to unauthorized persons.

F. Refusals to test and uncompleted tests

1. Refusal by an employee to complete and sign Step 2 of the breath alcohol testing form, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT/STT in the "Remarks" section of the form. The testing process shall be terminated and the BAT/STT shall immediately notify the employer.
2. If a screening or confirmation test cannot be completed or if an event occurs to invalidate the test, the BAT/STT shall, if practicable, begin a new screening or confirmation test using a new breath alcohol testing form with a new sequential test number.

G. Inadequate Amount of Breath for EBTs and Non-EBT Devices

1. If the employee is unable, or alleges that he/she is unable, to provide a sufficient amount of breath to permit a valid breath test because of a medical condition, the BAT or STT shall again instruct the employee to attempt to provide an adequate amount. If the employee refuses to make the attempt, the BAT or STT shall immediately inform the APM.
2. If the employee attempts and fails to provide an adequate amount of breath, the BAT or STT shall so note in the "Remarks" section of the testing form and shall immediately inform the APM. The APM shall direct the employee to obtain, as soon as practical after the attempt, an evaluation from a licensed physician who is acceptable to the company concerning the employee's medical ability to provide an adequate amount of breath.

3. If the physician determines, in his/her reasonable medical judgment, that a medical condition has or could have precluded the employee from providing an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide to the company APM a written statement of the basis of his/her conclusion.
4. If the physician, in his/her reasonable medical judgment, is unable to make the determination that a medical condition has precluded the employee from providing an adequate amount of breath the employee's failure to provide an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide a written statement of the basis for his/her conclusion to the company APM.

H. Invalid Tests

A breath alcohol test shall be invalid under the following circumstances:

- a. The EBT does not pass its next external calibration check.
This invalidates all test results of 0.04 or greater on tests conducted since the last valid external calibration test. This would not invalidate any negative tests conducted.
- b. The BAT does not observe the minimum 15 minute waiting period prior to conducting the confirmation test.
- c. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to the administration of an alcohol test.
- d. The BAT does not sign the breath alcohol testing form.
- e. The BAT fails to note in the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test results.
- f. An EBT fails to print a confirmation test result.
- g. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.