

**PLUMBING
&
PIPEFITTING INDUSTRY**

**DRUG-FREE WORKPLACE
POLICY**

DRAFT

Revised 2/19/11

PLUMBING & PIPEFITTING INDUSTRY DRUG-FREE WORKPLACE POLICY

Table of Contents

Policy Statement.....	1
Policy Administration.....	1
1. Program Participation.....	1
2. Prohibited Substances/Conduct.....	1
3. Medication Use.....	2
4. Reasons for Testing.....	2
5. Drug-Free Workplace ID Cards.....	4
6. Searches.....	5
7. Federally Mandated Testing Programs.....	5
8. Employee Assistance Program (EAP).....	5
9. Violations / Disciplinary Procedures.....	5
10. Return-to-Work Process.....	6
11. Employee Recourse.....	7
12. Testing Procedures.....	7
13. Governance & Amendments.....	8
14. Collections in Remote Locations.....	9
15. Right to Speak with MRO.....	9
16. Reporting of Test Results.....	9
17. No Direct Observation Collections.....	9
18. Specimen Security.....	9
19. Re-Testing.....	9
20. Reason for Termination.....	10
21. Re-Dispatch.....	10
22. Confidentiality.....	10
23. Dispute Resolution.....	10
24. Testing on Company Time.....	10
25. Union Access to Member Qualification Status.....	10
26. Job-site/General Contractor Testing.....	10
27. Selection of Collection Site.....	10
<u>AUTHORIZATION</u>	11
<u>APPENDICES</u>	
A. Glossary.....	12
B. Thresholds for Testing.....	15
C. Service Agents.....	16

POLICY STATEMENT

The Plumbers & Mechanical Contractors Association (“Association”), its signatory Employers, and the United Association Local 290 (“the Union”) are committed to providing all employees with a drug-free and alcohol-free workplace. It is our combined goal to protect the health and safety of signatory Employers, management personnel, craft workers, visitors to our job sites and the public; to promote a productive workplace, and protect the reputation of all signatory organizations and their employees.

The nature of the plumbing and mechanical industry requires that employees be responsible and alert in performing their duties and that all employees be in a condition to perform their jobs safely and effectively, free from any impairment caused by alcohol or drugs. The Association, Employers and Union also recognize the need to avoid unnecessary intrusion into employees’ private lives and to assure employee privacy and confidentiality, consistent with the objectives of the Policy. In addition, the Association, Employers and Union acknowledge that cases of substance abuse are best dealt with as illnesses requiring medical treatment. Finally, the Association, Employers and Union believe that the goals of this Policy should include education, prevention and rehabilitation.

Consistent with these goals, the joint parties agree to prohibit illegal drug use, alcohol misuse, and the use, possession, distribution, or sale of drugs, drug paraphernalia, or alcohol at the facilities or project sites of signatory Employers who adopt this joint Drug & Alcohol Policy. The Plumbing & Pipefitting Industry Drug-Free Workplace Program (“the Program”) will monitor compliance with this Policy by means of drug and alcohol testing, as described below.

In this Policy, the term “Company” refers to a signatory Employer which has elected to participate in the Program. The term “Employee” refers to an individual dispatched by Local 290. Other terms are defined in Appendix A, “Glossary.”

Nothing in this Policy is intended, nor shall it be construed, to authorize or require any action that is unlawful under federal or state law.

POLICY ADMINISTRATION

1. Program Participation

Employers must contact the Program Administrator and undergo initial orientation to participate in the Program.

All signatory Employers will contribute to the funding of this Program by means of an hourly contribution, regardless of participation. Employers may elect to participate or not participate in the Program; however, any Company testing of Employees must take place through this program to ensure consistent assistance for and protection of the members.

Employers who elect to participate more than 60 days after this Program is implemented must provide at least 45 days notice to their current employees of the new job requirements. When notified, current employees may receive a reduction in force (ROF) notice and be eligible for dispatch. A request for an ROF will NOT be considered a refusal to test.

2. Prohibited Substances / Conduct

A drug is defined as any substance(s) which may impair mental or motor functioning. Prohibited substances include, but are not limited to: illegal drugs, controlled substances as defined by law, designer

drugs, synthetic drugs, alcohol, and under certain circumstances described in this Policy, prescription drugs which may impair job performance. Alcohol is defined as any beverage or substance containing alcohol.

This Policy recognizes that an employee's on and off-the-job involvement with alcohol or drugs can impair the ability to safely and efficiently perform work duties. Therefore, this Policy expressly prohibits employees from:

- A. Reporting for work or working with drugs, drug metabolites or alcohol in their systems in excess of limits listed in Appendix B, or
- B. Possessing, distributing, selling, manufacturing, transferring or receiving alcohol, prohibited substances, or drug paraphernalia on Company premises, vehicles, or equipment, project sites, or on Company time, or
- C. Failing to fully cooperate with any aspect of this Policy, including a refusal to test. Refusal to test is further defined in Appendix A, Glossary.
- D. If the amount of drug detected by the general contractor's or owner/client's test falls below the cutoffs of the Plumbing & Pipefitting Industry Drug-Free Workplace Program, the result will not be considered as "positive" and no disciplinary action will occur under this policy.

In certain circumstances, alcoholic beverages may be permitted at Company events sanctioned by senior management personnel. However, employees who attend such Company events may not perform work duties during or after the events for a period of at least eight (8) hours.

3. Medication Use

This Policy requires that all employees report for work in a condition that will permit them to perform their duties safely. It is each Employee's responsibility to discuss the effects of medications on safe performance of his/her work duties with his/her health care provider.

Employees shall inform their supervisors when a prescribed drug may impair mental or motor function. Employees should NOT disclose the name of the drug or the condition for which it has been prescribed, only that the medication's label or the Employee's provider has indicated possible impairment. For the safety of all employees, the Employer may place persons using such drugs in a less hazardous job assignment or place them on temporary medical leave until released by the prescribing physician.

Marijuana is an illegal drug under federal law. Accordingly, the use of marijuana, including "medical marijuana," is a violation of this Policy.

It is a violation of Federal law and of this Policy to use other people's prescription medications.

4. Reasons for Testing

All testing except return-to-duty and follow-up testing shall take place on Company time during working hours. For purposes of this Policy, the term "working hours" means all time in which employees are engaged in work activities subject to the control of the Company, and includes scheduled breaks and travel from one workplace to another. Social events attended voluntarily are not considered to be covered under this Policy.

Employees may be directed to undergo a drug/alcohol test under the following circumstances.

A. Pre-Employment

- i) All applicants for employment will be required to submit to testing under this Policy after a conditional offer of employment has been made, unless the applicant has a current and valid Program Drug-Free Workplace card. "Current" is defined as dated less than six (6) months prior to the date of application.
- ii) Employment will be considered probationary until the test results are known to the Company.
- iii) Refusal to submit to a test or a verified positive result shall be grounds for withdrawing a conditional offer of employment.
- iv) Dispatches which require a drug test for a general contractor or owner/client must be so specified. If an applicant is not informed in advance of a requirement to drug-test and the applicant declines to test, this is not considered a refusal to test. The applicant can return to the hall for re-dispatch without penalty.

B. Post Incident

- i) Employees who have caused, contributed to, or been injured in a work-related incident shall be subject to post-incident testing, if as a result of the incident:
 - a. An employee needs off-site medical treatment, or
 - b. There is vehicle or property damage that is reasonably believed to exceed \$1,500.
- ii) At no time will testing requirements supersede medical needs such as in the case of an unconscious employee.
- iii) Testing should take place as soon as possible after the incident. Time spent testing will be treated as time worked.

C. Reasonable Suspicion

- i) Reasonable suspicion exists when an employee displays unusual behavior or signs or symptoms of alcohol or drug use. In such cases, the employee may be subject to reasonable suspicion testing. Behavior which calls for reasonable suspicion testing:
 - a. Is observed by the employee's immediate supervisor or others and also confirmed by the observations of a supervisory or managerial employee; and
 - b. Is documented by 2 or more observers; and
 - c. Is the type of behavior that is commonly recognized as a symptom of intoxication or impairment caused by drugs or alcohol or dependence upon drugs or alcohol; and
 - d. Is not reasonably explained as resulting from causes other than the use of drugs or alcohol (such as, but not limited to, complications of diabetes, fatigue, lack of sleep, side effects of over-the-counter medications, reactions to noxious fumes or vapors, etc.).

- ii) Employees who have submitted specimens for reasonable suspicion testing will not be allowed to return to work until the test result has been reported. If a negative result is reported, the employee will be paid for the time off.
- iii) It is recommended that each Employer ensure that all persons designated to supervise employees receive at least sixty (60) minutes of training on alcohol misuse and drug use. Training should be used by supervisors to determine whether reasonable suspicion exists to require an employee to undergo testing for cause. Training should include physical, behavioral, speech and performance indicators of probable alcohol misuse and use of drugs.

D. Random

- i) Only employees who work for participating employers are subject to random testing.
- ii) The purpose of random testing is to deter drug use and alcohol misuse by having employees subject to testing when they are working.
 - a. Participation in random testing is a condition of employment.
 - b. If an employee's name is drawn while he/she is on vacation, or working out of the jurisdiction, he/she shall, upon return, be required to take the test within 2 hours of notification.
 - c. Employees on the "Out of Work List" are not subject to random testing. Note: Employees on the "Out of Work List" who have had a positive/refusal to test may be subject to follow-up testing.
- iii) The selection of employees for random testing shall be made by the Program Administrator, using a scientifically valid method, such as a computer-based random number generator. Individuals may be randomly tested up to two times per calendar year.
- iv) The rate of random testing will be determined by the Drug/Alcohol Committee participants in this Program.

E. Contract-required

- i) In some cases, general contractors and owner/clients/clients require proof of a recent drug and/or alcohol test as a condition for admission to a job site. In these cases, an employee may be directed to proceed for testing by his/her employer.
- ii) If an employee has a positive test or refuses to test on a contract-required test, the Employer must forward that information to the Program Administrator.

F. Return-to-duty

- i) A negative return-to-duty test is required as one of the conditions to return to work after an employee has a positive test result or a refusal to test.
- ii) An employee who is ready for a return-to-duty test should contact the Program Administrator for an authorization form to go to the closest approved collection site.

G. Follow-up

- i) Up to four follow-up tests for up to two years may be required in addition to any other testing allowed under this Policy after an individual returns to work.
- ii) Follow-up testing is recommended by the Employee Assistance Program (EAP) and administered by the Program Administrator. It takes place in addition to other required testing (pre-employment, random, etc.).

5. Drug-Free Workplace ID Cards

An individual who passes a drug/alcohol test and is in compliance with the other requirements of this program will receive a drug-free workplace ID card. The card will indicate the individual passed the test and show the test date and the expiration date. The Program Administrator is responsible for sending drug-free workplace ID cards to the Employer to distribute to tested employees.

6. Searches

The Company reserves the right to conduct searches of Company property, vehicles or equipment at any time or place. The Company may not search an individual's personal vehicle or an individual's personal property (for example, a thermos or clothing) without the individual's consent. However, the search policies of general contractors or owners/clients will supersede this exception.

In no case will an individual be forcibly detained or searched.

7. Federally Mandated Testing Programs

Employees who are covered by federally mandated testing programs such as those required by the Department of Transportation must comply with separate policies. This Policy is not a substitute for those required policies. However, where the requirements are equivalent, compliance with a testing obligation under a government program will be accepted by the Program Administrator as compliance with the equivalent requirement imposed by this Policy. Where requirements are not equivalent, the employee will be required to comply with both policies. Equivalence will be determined by the Program Administrator as authorized by the Drug/Alcohol Committee.

8. Employee Assistance Program (EAP)

A. Employees who are dispatched from Local 290 or covered under the Local 290 Joint Apprenticeship & Training Committee (JATC) are encouraged to seek assistance for drug or alcohol problems through the Plan's Employee Assistance Program (EAP) before the problem deteriorates into a disciplinary matter. The EAP is a private and confidential service that provides information and referral services to covered individuals for drug and alcohol problems.

Providence Employee Assistance Program, 3510 NE 122nd Ave, Suite 211, Portland, OR 97230, Tel. 503-215-3561, Toll-free 800-255-5255, FAX 503-215-4574

B. Employees who test positive or refuse to test will be referred to the EAP for evaluation by a licensed or certified professional to determine what assistance they need to resolve problems associated with drug use or alcohol misuse.

9. Violations/Disciplinary Procedures

A. When an applicant or employee tests positive or refuses to test, these results will be reported to the Company and the Union.

- i) The Program Administrator will report that the employee has tested “positive” or has “refused to test.”
- ii) If the Company elects to discharge the employee, the termination notice which the Company sends to the Union must state “Does not meet qualifications.”

B. The Union will not dispatch an employee who has violated the prohibitions of this Policy until the employee has completed the return-to-work process.

C. Applicants may work on a probationary basis until the Company receives a pre-employment test result. Applicants testing positive or refusing to test will not be hired. Travellers will not be eligible for re-dispatch until they have completed the return-to-work process.

D. Employees who refuse to cooperate with testing procedures will face disciplinary action consistent with a positive test.

E. Employees who have submitted specimens for reasonable suspicion testing will not be allowed to return to work until the test result has been reported. If the test result is reported as negative, the employee will be paid for the time off. If the result is not reported as negative, the employee will **not** be paid for the time lost from work.

10. Return-to-Work Process

A. The Program Administrator will manage the process for employees to return to eligibility for work.

B. Employees who test positive or refuse to test shall be required to comply with the following:

- i) Upon a first positive test or refusal to test in any two-year period, the Program Administrator will refer the employee to the EAP for evaluation. The employee must complete the evaluation, receive a recommendation from the EAP for return to work, and have a negative test in order to be eligible to work.

In addition:

- a. If the EAP professional recommends assistance, the employee may return to work pending completion of the recommended education or treatment, but must complete the assistance recommended (education, counseling or rehabilitation program) within the time-frame established by the EAP in order to remain eligible to work, and
 - b. The employee may be placed in a follow-up testing program for up to a year following his/her return to work.
- ii) Upon a second positive test or refusal to test in any two-year period, the Program Administrator will refer the employee to the EAP for evaluation. The employee must complete the evaluation, receive a recommendation from the EAP for return to work, and have a negative test to be eligible to work. In addition, to return to compliance with this Policy, the employee must:

- a. Sign a "Return to Work Agreement" with the Company or Program Administrator (see Appendix C), and
- b. Complete whatever education, counseling or rehabilitation program is recommended by the EAP within the time-frame established by the EAP, and
- c. Be placed in a follow-up testing program for up to a year following his/her return to work

An employee who has a positive follow-up test or refuses a follow-up test will be ineligible to work pending an appeal to the Drug/Alcohol Committee.

- iii) Upon a third positive test or refusal to test within any two-year period, the employee will be ineligible to work pending an appeal to the Drug/Alcohol Committee. The Program Administrator will serve as a technical resource to the Subcommittee.

11. Employee Recourse

A. Should a positive test be disputed, a request for re-test of the same sample (split sample testing), at the employee's expense, must be made to the Program Administrator or the Medical Review Officer within seventy-two (72) hours of the time the employee is notified of the positive test.

B. Employees who test negative on a re-test will be paid for time lost from work and reimbursed for the expense of the re-test.

C. Employees who believe they are adversely affected by any decision or action taken under the Plumbing & Pipefitting Industry Drug-Free Workplace Policy shall have a right to contest the decision or action as follows:

- i) If the decision or action relates to testing, evaluation or treatment procedures, the employee shall first try to resolve the issue informally with the Program Administrator and/or EAP. If it is not resolved informally, the employee may file an appeal within seven (7) days of the decision or action through the Drug/Alcohol Committee. The Committee will make every effort to resolve the issue within two weeks.
- ii) After the Committee's ruling, the employee may file a grievance through the Collective Bargaining Agreement.

12. Testing Procedures

A. Drug screens and confirmation testing will be performed in an independent, certified testing laboratory in accordance with the standards of the US Department of Health and Human Services (DHHS). A chain of custody will be maintained.

B. Alcohol screening in cases of reasonable suspicion of alcohol misuse will use DHHS/Federal methods of saliva or breath testing. Reasonable suspicion screening results of 0.02 or greater will be confirmed by evidential breath testing. Urine alcohol test results will be considered only if Federal methods are not available.

C. Screening tests which indicate the presence of drug(s)/alcohol, or which indicate an invalid, adulterated, or substituted result, will be confirmed by a second test. Non-negative test results will be reported to a Medical Review Officer for investigation. Invalid tests with no medical explanation will be considered as refusals to test.

D. Samples testing “dilute” shall be recognized as inconclusive.

- i) When this occurs, the individual shall be notified that the test results are inconclusive due to dilution of the sample and that fluid intake must be restricted prior to providing another sample.
- ii) A second collection must take place within two (2) hours after the individual has been notified that his/her previous specimen was dilute.
- iii) If the second sample tests dilute but negative, the circumstances will be reviewed by the Program Administrator on a case-by-case basis, with assistance from the Medical Review Officer as needed.

E. Documented evidence of adulteration or substitution of samples will be considered refusal to test. Refusals to test have the same consequences as a positive test.

13. Governance & Amendments

A. Governance. This Plumbing & Pipefitting Industry Drug-Free Workplace Policy, as adopted by the Company, will be governed under a Drug/Alcohol Committee made up of at least two representatives from the Union and at least two representatives from the Association. The Drug/Alcohol Committee will assist the Program Administrator by interpreting the Policy when circumstances arise which require clarification.

B. Policy Amendments. Any amendments to this Policy shall be approved by the Drug/Alcohol Committee.

14. Collections in Remote Locations.

In circumstances where Local 290 dispatches to or from remote locations, the Company and the Union will work together to accommodate collections for individuals. The cost of sample collection and testing shall be paid by the Employer.

15. Right to Speak with MRO.

Employers agree that under no circumstances shall disciplinary action be taken on positive test results until applicants/ employees have had an opportunity to discuss their test results with the Medical Review Officer (MRO). If the MRO cannot reach an employee at the telephone number on the custody and control form, the MRO or Program Administrator will ask the Employer to have the employee call the MRO. When positive test results are verified, or if the employees/applicants fail to return the MRO's calls and/or waive their right to speak with the MRO, disciplinary action may be taken without direct contact.

16. Reporting of Test Results.

The reporting of test results shall be handled discreetly between the laboratory, Program Administrator, the Medical Review Officer (MRO), designated representatives of the Employer, and the Union. Test results will be reported as follows:

NEGATIVE: the employee's result is below the cutoffs in Appendix B or the use of the controlled substance has been authorized by a medical practitioner.

POSITIVE: the employee's result is at or above the screening and confirmatory cutoffs in Appendix B and/or the use of the controlled substance has NOT been authorized by a medical practitioner.

REFUSAL: the employee has refused to submit a valid sample and/or has not cooperated with the collection and testing process.

The Program Administrator will report **NEGATIVE** results by mailing drug-free workplace ID cards to Employers. Results may be reported to the Designated Employer Representative by other secure methods upon request. The Program Administrator is authorized to send replacement drug-free workplace ID cards directly to an employee upon the employee's request, after appropriately identifying the employee.

After **POSITIVE** results are verified by the MRO, the Program Administrator shall report the positive result to the Employer and to the Union.

The Program Administrator will report **REFUSALS** to the Employer and to the Union.

17. No Direct Observation Collections.

Drug test collectors are responsible for maintaining the integrity of the testing process and ensuring the privacy of employees being tested to the extent possible, given standard collection procedures. Collectors are not authorized to conduct direct observation collections.

18. Specimen Security.

The collection sites and laboratory agree that security of biological specimens is absolutely necessary. Any breach of this security will require an immediate retest.

19. Re-testing.

In the event of positive test results on both the initial screen and confirmation test, the employee may request a re-test (split specimen test) of the same specimen. The request must be directed to the Program Administrator or the MRO within 72 hours of the employee's notification of the positive result. The MRO will direct the initial testing lab to forward a portion of the specimen (split specimen) to a second DHHS-certified lab. Re-test results are expected within 10 days of the MRO's notice.

If the result of the re-test is negative, the re-test will be at the Employer's expense, and the employee will be paid any lost wages and benefits resulting from the positive test report.

20. Reason for Termination.

Employees testing positive or refusing to test whose employment is terminated will have the reason for termination stated as follows:

“Does not meet qualifications”

21. Re-dispatch.

An employee who has failed a drug/alcohol test and whose employment has been terminated may be considered for re-dispatch after completing three steps:

- (1) EAP referral/evaluation by licensed/certified professional; and

- (2) Agreement to complete recommended assistance (education or treatment); and
- (3) Negative return-to-duty test.

The Program Administrator will notify the Union when the employee has completed the three steps. Re-dispatch to the Employer is subject to all applicable hiring hall procedures. Employees whose employment was terminated for violation of this Policy agree to follow-up testing for up to 12 months after re-dispatch to an Employer. Failure to complete the recommended assistance is a violation of this Policy and may result in termination of employment.

22. Confidentiality.

The collection sites, Employers, laboratory, Program Administrator, Medical Review Officer and the Union agree that drug and alcohol test results are to be held in strict confidence. It is further agreed that the results of the tests will not be provided by the service agents to anyone except the Employer and the Union without the express written consent of the employee.

23. Dispute Resolution.

If an employee disputes a decision or action relating to testing, evaluation or treatment procedures, the employee shall first try to resolve the issue informally with the Program Administrator and/or EAP. If it is not resolved informally, the employee may file an appeal within seven (7) days of the decision or action through the Drug/Alcohol Committee. The Committee will make every effort to resolve the issue within two weeks. After the Committee's ruling, the employee may file a grievance through the Collective Bargaining Agreement.

24. Testing on Company Time.

All testing shall take place on Company time during working hours except return-to-duty and follow-up testing.

25. Union Access to Member Qualification Status.

The Program Administrator is authorized to report qualification status to designated representatives of Local 290. The Union will not dispatch an employee who has tested positive or refused to test until the employee has completed the return-to-work process.

26. Job-site/General Contractor Testing.

If a general contractor or owner/client has a stricter drug testing policy and requires an employee to test under that policy, that policy will take precedence for that test. The Employer and Program Administrator will obtain copies of any positive test results from a general contractor or owner/client test so that the Program Administrator can determine the requirements for returning to work under the Plumbing & Pipefitting Industry Drug-Free Workplace Program and the general contractor or owner/client program, if possible. The employee may furnish the test information directly to the Program Administrator to expedite the process. If the amount of drug detected by the general contractor's or owner/client's test falls below the cutoffs of the Plumbing & Pipefitting Industry Drug-Free Workplace Program, the result will not be considered as "positive" and no disciplinary action will occur under this policy.

27. Selection of Collection Site.

For each test, the Employer has discretion in selection of the sample collection site from a list of sites which have been approved by the Program Administrator. Approved collection sites will have qualified collectors.

DRAFT

AUTHORIZATION

This Policy shall be effective from _____ to _____.

Signed this _____ day of _____, 2011.

Ed Gormley, President
Plumbing & Mechanical Contractors
Association

John Endicott, Business Manager
Plumbers & Steamfitters
UA Local Union 290

DRAFT

Appendix A. Glossary

“**Adulterant**” means any substance detected in a urine specimen which:

- i) Does not occur naturally in human urine, or
- ii) Occurs naturally in human urine but not at the levels or concentrations detected in the specimen, or
- iii) Is a substance intended to be placed in a specimen by an individual subject to testing under this Policy with the intention of altering the test results.

“**Alcohol**” means any form of alcohol including ethanol.

“**Applicant**” means an individual dispatched by Local 290 to any participating employer or to an employer who intends to participate within 45 days of the dispatch.

“**Company property**” means all facilities, job sites, vehicles and equipment that are owned, leased, operated or utilized by the Company or its employees for work-related purposes, including parking areas and driveways, as well as lockers, toolboxes or other storage areas used by the employees. It also includes other public or private properties, facilities, vehicles and equipment located away from the Company facility if the employee is present on such property for a work-related purpose.

“**Cutoff**” means the concentration of drugs or alcohol at which a test is called “positive.” For instance, there are two cutoffs for marijuana testing: 50 ng/mL for the screening test (which detects many different marijuana metabolites) and 15 ng/mL for the confirmation test (which only detects one specific metabolite of marijuana called delta-9-tetrahydrocannabinol-9-carboxylic acid [THCA]).

“**Designated representatives**” refers to Employer and Union personnel assigned to assist in administering this Policy.

“**DHHS**” means the US Department of Health and Human Services, which certifies laboratories for federal testing.

“**Dilute specimen**” means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

“**Drug**” means any intoxicating substance, narcotic plant or similar substance identified under the Controlled Substances Act or similar state law. This also includes legal drugs when obtained or used not in accordance with a valid medical prescription.

“**Employee**” means an individual employed by any participating employer or by an employer who intends to participate and has provided at least 45 days’ notice to current employees.

“**Employee Assistance Program**” means an organization with licensed or certified substance abuse professionals which helps employees who have a positive test result by providing a confidential evaluation to determine the level of assistance needed to remain free of alcohol and drugs during work hours. The name, address and telephone number of the Program’s Employee Assistance Program may be found in Appendix D.

“**Follow-up testing**” means periodic, unannounced testing after a positive test or refusal to test, if such testing is recommended by the Employee Assistance Program. Follow-up testing is administered by the

Program Administrator. It takes place in addition to other required testing (pre-employment, random, etc.).

“Medical Review Officer (MRO)” means a licensed physician who is knowledgeable about and has clinical experience in substance abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results. The MRO is responsible for receiving and reviewing non-negative laboratory results generated by the Program and evaluating medical explanations for these drug test results.

“Program” means the Plumbing & Pipefitting Industry Drug-Free Workplace Policy and the procedures which implement the Policy.

“Program Administrator” means an independent firm which oversees the details of the drug-free workplace program operation, including specimen collections, alcohol testing, laboratory analysis, medical review, reporting, and the return-to-work process.

“Random Testing” means an unbiased, impartial, computerized method of selecting individuals to be drug tested without suspicion. Its purpose is to deter drug use and alcohol misuse by having employees subject to testing whenever they are working. Employees on the “Out of Work List” are not subject to random testing. Only employees currently working for a participating employer are randomly tested.

“Refusal to test” means any conduct by an employee that interferes with the testing process, such as:

- Refusal to appear at the collection site for any test within a reasonable time, as defined by the Program Administrator;
- Refusal or failure to complete documentation accurately and completely, including signature or initials where required;
- Disruptive, belligerent or offensive conduct at the collection site;
- Failure to remain at the collection site until the testing process is complete, for instance, when directed to remain after providing an inadequate-volume sample or when the original sample is out of temperature range;
- Failure to provide a sample for any test required by this policy;
- Documented attempt to substitute or adulterate a sample; or
- Failure to participate in and/or complete assistance recommended by the Employee Assistance Program.

“Return-to-duty test” means a test an employee takes after a positive test or refusal to test as part of the return-to-work process.

“Return-to-work process” means the three steps an employee must complete in order to return to work after a positive test or refusal to test:

- i) Undergo evaluation by a professional recommended by the Employee Assistance Program to determine what assistance is needed, if any, to resolve problems with drug use/alcohol misuse;
- ii) Agree to complete any assistance specified by the professional; and

- iii) Have a negative return-to-duty test.

“Split specimen” means a drug test urine specimen that is divided into two bottles, each of which is sealed in front of the applicant or employee. Only one of the bottles is opened/tested at the first testing lab. The second bottle remains sealed and available to ship to a second testing lab if the result is positive after two tests and medical review.

“Substituted specimen” means any specimen which is not human urine, or which is human urine but does not belong to the individual submitting the specimen, or is human urine belonging to the individual submitting the specimen but which was excreted at an earlier time.

“Use” means reporting for work or working with drugs, drug metabolites or alcohol in one’s system in excess of the limits specified in Appendix B.

“Working hours” means all time in which employees are engaged in work activities subject to the control of the Company, and includes scheduled breaks and travel from one workplace to another. Social events attended voluntarily are not considered to be covered under this Policy.

DRAFT

Appendix B. Testing Limits

Substance or Class	Screen Cut-off	Confirmation Cut-off
Amphetamines	500 ng/mL	250 ng/mL
Benzodiazepines	200 ng/mL	200 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Ethanol *	0.02 g/dL	0.02 g/dL
Marijuana (THC)	50 ng/mL	15 ng/mL
Methadone	300 ng/mL	200 ng/mL
Opiates <i>Codeine/Morphine</i> <i>Hydrocodone and</i> <i>Hydromorphone</i>	300 ng/mL	2000 ng/mL 150 ng/mL
Oxycodone	100 ng/mL	50 ng/mL

* The screen cut-offs for ethanol (alcohol) depend on the specimen.

Urine	0.02 g/dl	0.02 g/dL
Saliva	0.02 mg/dL	0.02 mg/dL
Breath	0.02 g/210 L	0.02 g/210 L

Appendix C. Return-to-Work Agreement

The following is a Return-to-Work Agreement for use when a participating employer elects to offer an employee continued employment after a second positive and/or refusal to test. If the employer discharges the employee, the agreement would be signed between the Program Administrator and the employee.

=====

RETURN-TO-WORK AGREEMENT BETWEEN

(Employer Name)

AND

(Employee Name)

(Employer Name) (“the Company”) has adopted the Plumbing & Pipefitting

Industry Drug-Free Workplace Policy. Under testing requirements associated with the Policy:

- A urine or breath specimen was collected from you for the purpose of a drug or alcohol test. The specimen was POSITIVE for controlled substances on the screening test and on confirmation at the cutoff levels specified by the Policy.

If your drug test result was reported to the Medical Review Officer (MRO), you were given an opportunity to speak with the MRO, who verified that there was no valid medical explanation for the presence of the controlled substance(s) in your system. The test result was reported as POSITIVE by the MRO on _____.

OR

- You otherwise violated the Drug-Free Workplace Policy as follows:

In view of these circumstances and in accordance with the Plumbing & Pipefitting Industry Drug-Free Workplace Policy, the Company plans to take the following action:

1. You are currently considered to be not qualified for employment with the Company and have been suspended without pay pending consideration of the following conditions for return to work.
2. The Company believes that you should be considered for re-employment provided you agree to the following terms:
 - a. Within the next seven days, you will meet with a licensed or certified professional recommended by the Providence Employee Assistance Program (Providence EAP) for a substance abuse assessment.

- (1) The cost of the assessment is covered under the Drug-Free Workplace Trust, so there will be no out-of-pocket cost to you.
 - (2) You will be required to authorize the professional to release information concerning the assessment and treatment recommendations to the Program Administrator for the Plumbing & Pipefitting Industry Drug-Free Workplace Program.
 - (3) The professional will determine the type of assistance you need in resolving your alcohol misuse or drug abuse problem or remaining free of alcohol and drugs during work hours.
- b. If, based upon the assessment, it is determined that you need assistance with your problems with drugs and/or alcohol, education or a substance abuse treatment program may be required.
- (1) It is your responsibility to find and enroll in a program that complies with the professional's recommendation. The Program Administrator and EAP will assist you in locating a program as close as possible to your home.
 - (2) You will be required to authorize your education or treatment provider(s) to communicate with your Providence EAP counselor and the Program Administrator for the Plumbing & Pipefitting Industry Drug-Free Workplace Program regarding your progress.
 - (3) The cost of education or treatment is your responsibility. Some of the costs may be covered by your health insurance.
3. In order to work with the Company, whether or not education or treatment has been necessary, you must:
- a. Submit a urine specimen which tests negative for prohibited substances. The Plumbing & Pipefitting Industry Drug-Free Workplace Program will pay the costs of this testing.
 - b. Agree to undergo follow-up drug and/or alcohol testing as directed by the Providence EAP for a period of up to two years after the date of your second positive test or refusal to test.
 - (1) This testing will occur when you are currently working for the Company.
 - (2) The Plumbing & Pipefitting Industry Drug-Free Workplace program will pay the costs of this follow-up testing.
4. If, at any time during the period of follow-up testing required by this agreement, you should test positive or refuse to test (including adulteration or substitution), your employment with the Company will be terminated. You will be referred to the Providence EAP for re-assessment and to the Drug/Alcohol Committee, as defined by the Policy, to determine whether you may return to work for any employer participating in the Plumbing & Pipefitting Industry Drug-Free Workplace Program.
5. All terms of this agreement, and all test results, will be held in confidence by the Company.
6. If you should choose not to accept the terms of this agreement, you will not be considered for employment with the Company for a period of two years.

Employer Representative

Date

I understand the terms of this agreement and I agree to abide by each term as set out above.

Employee

Date

=====

Per the Plumbing & Pipefitting Industry Drug-Free Workplace Policy, this agreement has been reviewed by the following representative of Local 290.

Business Manager or Authorized Representative

Date

c:\PMCA\Policy2010\290--RTDagr10.docx rev 2/19/11

DRAFT

Appendix D Service Agents

Program Administrator:

Wolfgang Associates, Inc.
7220 SW SYLVAN CT
PORTLAND OR 97225-3742
503-297-4113
Toll-free 866-538-4788

Employee Assistance Program

Providence Employee Assistance Program
3510 NE 122nd Avenue Suite 211
PORTLAND OR 97230
503-215-3561
Toll-free 800-255-5255

Laboratory

Legacy Laboratory Services
1225 NE 2ND AVE
PORTLAND OR 97232
503-413-2595
Toll-free 800-950-5295

Split Specimen/
Second Lab:

Prov. Assoc. Medical Lab
110 W CLIFF AVE
SPOKANE WA 99204
509-755-8949
Toll-free 800-541-7891

Medical Review Officer (MRO)

Paragon MRO
9370 SW GREENBURG RD STE 200
PORTLAND OR 97223-5421
503-977-3225

Union

Plumbers & Steamfitters Local 290
20210 SW TETON AVE
TUALATIN OR 97062-8810
503-691-5700

Employer Association

Plumbing & Mechanical Contractors Association
14695 SW MILLIKAN WAY
BEAVERTON OR 97006
503-626-6666