

THE CONSTRUCTION INDUSTRY SUBSTANCE ABUSE PROGRAM (CISAP)

As prepared by:

The Union Construction Industry Partnership
Substance
Abuse Committee

“The purpose of the substance abuse program is to establish and maintain a drug free, alcohol free, safe, healthy work environment for all of its employees.”

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THE CONSTRUCTION INDUSTRY SUBSTANCE ABUSE POLICY

I. POLICY STATEMENT.

The Parties recognize the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. ***"Unions & Contractors Associations"***, have/has a commitment to protect people and property, and to provide a safe working environment. The purpose of the following program is to establish and maintain a drug free, alcohol free, safe, healthy work environment for all of its employees. All tests are for the sole purpose of drug and alcohol screening and cannot be used for any other screening or identifying medical information about the employee.

II. DEFINITIONS.

a) Accident – a) For the purpose of the CISAP policy, an accident is considered to be an unplanned or unintended event that occurs on company property, during the conduct of company's business, or during scheduled work hours, or which involves company supplied motor vehicles that are used in conducting business, or is within the scope of employment, and which results in any of the six (6) situations:

1. A fatality of anyone involved in the accident;
2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the company's designated place of employment/worksite;
3. Any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away;
4. Any accident in which the driver is cited and off-site medical attention is required;
5. Vehicular damage in apparent excess of \$1000.00;
6. Non-vehicular damage to any company property (i.e. – tools, materials, etc.) in apparent excess of \$750.00

b) Any event resulting in injury to a person or property to which an employee, or contractor/contractor's employees, contributed as a direct or indirect cause.

c) Adulterated Specimen – A urine screening, which has been substituted or tampered with to cover the true results.

d) Collection Facility/Site – Approved location where participants can provide a specimen for testing.

e) Company Premises – The term "Company Premises" as used in this policy includes all property, facilities, land, building, structures, automobiles, trucks and other vehicles owned, leased or used by the company. Construction job sites for which the company has responsibility are included.

f) Computer Generated Selection Testing (CGST) – Third party administrator will randomly select participant to be tested monthly through a computer generated selection process.

g) CGST Testing Pool – All participating members (labor and management) will be subject to monthly CGST selection.

h) Construction Industry Substance Abuse Program (CISAP) – This policy in its entirety.

i) Dilute Specimen - A dilute specimen with a valid, negative laboratory result shall be treated as a negative program test. A dilute specimen with a MRO confirmed positive laboratory result, shall be treated as a positive program test. Recollection of a dilute specimen shall be deemed necessary only when the creatinine concentration of the original specimen is equal to or greater than 2mg/dl, but less than or equal to 5mg/dl.

j) Eligible - Database system status referring to an employee who is validated as a participant in the Construction Industry Substance Abuse Program.

k) Employee – Individuals, who perform work for (Company Name), including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.

l) Employee Assistance Program / Member Assistance Program (EAP/MAP) – An EAP/MAP is intended to prevent or address substance abuse problems as well as assist employees/union members and their eligible family members with interpersonal conflicts, family problems, workplace crises, eldercare stresses, psychological problems and financial management. The EAP/MAP is able to provide voluntary and confidential counseling services.

m) Gas Chromatography/Mass Spectrometry (GC/MS) – A state-of-the-art test used to confirm the presence and amount of an identified drug/metabolite in a urine specimen.

n) Incident – An event, which has all the attributes of an accident, except that no harm was caused to person or property.

o) Ineligible - Database system status referring to an employee who is not validated as a participant in the Construction Industry Substance Abuse Program. (An ineligible employee should contact the third party administrator or his or her designated representative.)

p) Medical Review Officer (MRO) – A licensed physician, qualified by either AAMRO or MROCF, who is responsible for receiving laboratory results and determining if there is a medical explanation for the presence of drugs/metabolites in the donor's urine. This physician must have knowledge of substance use disorders and appropriate medical training to interpret an individual's confirmed positive test result, together with his/her medical history and any other relevant medical information.

q) Negative Drug Test – A test acceptable for employment.

r) Positive Drug Test – A test, which exceeds the cut-off limits, within the established guidelines developed by the U.S. Department of Health and Human Services. Or a test that has been tampered with in any way (adulterated specimen). Medicines prescribed or purchased in a foreign country may cause a positive drug test.

s) Prohibited Substances – Prohibited substances include illegal drugs (including controlled substances, look-alike drugs and designer drugs) and alcoholic beverages in the possession of or being used by an employee on the job.

t) Reasonable Cause – Reasonable cause shall be defined as, but not limited to, excessive absenteeism or tardiness, slurred speech, alcohol smell, and erratic behavior such as noticeable imbalance, incoherence and disorientation.

u) Re-analysis – A challenge of a positive drug test can be requested by the employee who is responsible for payment. A split sample of the original test can be examined by a certified laboratory of the employee's choice. If the re-analysis reverses the result, the program will

absorb the cost and the employee will be reimbursed all costs associated with reanalysis. There is no appeal procedure for alcohol collected by a Breath Alcohol test.

v) Return-to-Duty Test – Testing required to reinstate eligibility in the program after positive test. The Return-to-Duty Test is taken at the expense of the employee.

w) Split Sample – Sample taken at the collection site will be separated into two samples. Both samples will be appropriately marked with the employee's identification.

x) Substance Abuse and Mental Health Services Administration (SAMSHA)

y) Substance Abuse Professional (SAP) – A professional who is qualified by the Federal Government to perform DOT/FMCSA-required alcohol/drug assessments. Qualified professionals include licensed physicians, licensed/certified psychologists, social workers, employee assistance professionals and certified addiction counselors with knowledge of and clinical experience in the diagnosis and treatment of alcohol/drug-related disorders.

z) Third Party Administrator (TPA) - An independent entity that administers the CISAP's collections, analysis, reporting, maintenance of records and all confidential information for each participating group. The TPA is selected by the Union Construction Industry Partnership (UCIP) Board of Trustees.

aa) Inactive Status: A CISAP participant can request an inactive status when leaving the area or employment with a CISAP contractor. Inactive Status requires confirmation from a union Designated Representative or a CISAP Contractor Designated Representative.

bb) Under the Influence of a Prohibited Substance – “Under the influence of a prohibited substance” as used by this policy, means the following:

- 1) Alcohol – Blood or Breath alcohol level of .04 or as determined by the owner.
- 2) Other Prohibited Substances – Positive results based on the following thresholds for urine split sample testing
 - a) Marijuana 50 ng/ml initial screen and 15 ng/ml confirmatory test
 - b) Cocaine - (Bzolyecognine) 150 ng/ml initial screen and 100 ng/ml confirmatory test
 - c) Opiates 2000 ng/ml initial screen and 2000 ng/ml confirmatory test
6-Acetylmorphine 10 ng/ml initial screen and 10 ng/ml confirmatory test
 - d) Phencyclidine 25 ng/ml initial screen and 25 ng/ml confirmatory test
 - e) Amphetamines 1000 ng/ml initial screen and 250 ng/ml confirmatory test
Ecstasy 500 ng/ml initial screen and 250 ng/ml confirmatory test
 - f) Barbiturates 300 ng/ml initial screen and 200 ng/ml confirmatory test

- g) Benzodiazepines 300 ng/ml initial screen and
300 ng/ml confirmatory test
- h) Methadone 300 ng/ml initial screen and
300 ng/ml confirmatory test
300 ng/ml confirmatory test
- i) Propoxyphene 300 ng/ml initial screen and
300 ng/ml confirmatory test
- j) Levels for other prohibited substances shall be according to
accepted scientific standards.

Initial Test vs. Confirmation Test

There are two types of urine drug tests: an initial screening and a confirmatory test. The initial test uses an immunoassay to look for the parent drug and/or metabolite. The confirmatory urine drug test is done by gas chromatography/mass spectrometry (GC/MS); this test is highly specific and is typically used when testing for the presence of a specific drug is needed.

Initial test: an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Confirmatory Test: a second analytical procedure to identify the presence of a specific drug which is independent of the initial drug test and which uses a different technique and chemical principle in order to ensure reliability and accuracy.

III. Voluntary DRUG/ALCOHOL TESTING.

The parties to this policy and program agree that under certain circumstances, the employer will find it necessary to conduct drug and alcohol testing. An initial / pre-employment test is required to participate in the program. Testing is required annually to maintain eligibility in the CISAP. Union / Contractor’s Associations will pay all costs for the annual (once per 12 month period) drug screen. Records of such tests shall be maintained by the Independent Testing Laboratory and/or the Medical Review Officer. For all participants covered by the appropriate collective bargaining agreement, all costs for collection, analysis, reporting, maintenance of records, and notifications shall be borne by Union / Contractor’s Associations, except as specified in paragraph III (a) and III (g). Securing the drug screen test shall be the applicant’s responsibility and shall be performed on his/her time. It will be necessary to require testing under the following conditions:

- a) An additional drug and alcohol test required by a customer may be administered.
- b) A test may be administered in the event a trained supervisor has a reasonable cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. During the process of establishing reasonable cause for testing, the employee has the right to request his union representative to be present.
- c) Post Accident Test procedures for Post Accident or Reasonable Suspicion:
Step 1: Preparation

1. Where appropriate remove employee away from safety-sensitive activity
2. Complete documentation (for Reasonable Suspicion use Check List)
3. Determine which test(s) to order (drug and/or alcohol)
4. Gather necessary paperwork and supplies to give the employee
5. Call TPA to send authorization forms to the collection site
6. Arrange for transportation

Step 2: Communicate with the appropriate persons present - Union Representative, Human Resources, Designated Representatives, etc.

Step 3: Inform the Employee

1. Give necessary forms and supplies to employee and be sure you are taking the employee CISAP TPA collection facility
2. Inform employee that he/she must show photo ID

Step 4: Transportation: To and from collection facility then arrange transportation home

Step 5: Follow up

1. Ensure that the test was completed
2. Monitor the confidential transmission of the test results
3. Document any problems and proceed according to policy guidelines.

d) Testing may be required if an employee is involved in a workplace accident/incident or if there is a workplace injury;

1. For the purpose of the CISAP policy, an accident is considered to be an unplanned or unintended event that occurs on company property, during the conduct of company's business, or during scheduled work hours, or which involves company supplied motor vehicles that are used in conducting business, or is within the scope of employment, and which results in any of the six (6) situations:
2. A fatality of anyone involved in the accident;
3. Bodily injury to the employee and/or another person that requires off-site medical attention away from the company's designated place of employment/worksites;
4. Any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away;
5. Any accident in which the driver is cited and off-site medical attention is required;
6. Vehicular damage in apparent excess of \$1000.00;
7. Non-vehicular damage to any company (i.e. – tools, materials, etc.) in apparent excess of \$750.00

Note: The CISAP will supply an easy to use report form for testing required for reasonable cause and/or post accident. Employers are responsible to request and pay for reasonable suspicion and post accident/incident testing.

d) CGST Testing – Selection of employees for CGST drug and alcohol testing will be conducted through the use of a CGST number generator or

other neutral selection process. Employees will be selected for testing by a third party agency as determined by The Construction Industry Substance Abuse Program. Third Party Administrator will randomly select and test a minimum of 25% of the participants annually by CGST.

**Selection
CGST would
Action, 2, e.)
require
Representative to justify**

Excused from Testing - A CISAP participant is allowed two (2) lifetime validated excuses for missing a Computer Generated Test (CGST/Random), after which failure to show up for a be considered a policy violation (**refer to VI Corrective Reasons** for missing a CGST must be validated and documentation be provided to the Designated granting an excuse.

- e) Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse. Employees returning to work after successfully completing a rehabilitation program will be subject to additional drug/alcohol tests without prior notice as prescribed by the Substance Abuse Professional after returning to work.
- f) Testing shall be performed according to the procedures in Section IV. The adulteration or substitution of a sample shall be treated as a positive test. If a sample is unable to be analyzed by the laboratory (inadequate, dilute, lack of sample, etc.) employees will have the option of having one additional test within 72 hours. A second sample unable to be analyzed by the laboratory may require another type of test; this will be at the employee's expense unless a valid medical reason for the inadequate samples is provided.
- g) Unions/Contractor's Associations will bear the costs of CGST testing procedures except that the employee will pay the cost of any re-analysis requested by the employee. The employee is responsible for the cost of the Return-to-Duty test.

Each employee to be tested will be required to sign a consent form and a chain of custody form, assuring proper documentation and accuracy.

Drug testing will be conducted by an independent Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory, which is selected by the third party administrator selected by the CISAP. The testing may consist of blood, breath, or urine tests, as required. In the case of a positive test result, the employee shall have the opportunity to contest the result by having an appropriate portion of the split sample reanalyzed at a SAMHSA certified laboratory selected by the employee. There is no appeal procedure for alcohol collected by a Breath Alcohol test.

INACTIVE STATUS: A CISAP participant can request an inactive status when leaving the area or employment with a CISAP contractor. Inactive Status requires confirmation from a union Designated Representative or a CISAP contractor Designated Representative.

IV. TESTING PROCEDURES

- 1) All samples for testing will be taken by appropriately qualified personnel. Urine specimens taken will be split into two samples. Each sample will be appropriately marked with the employee's identification.

- 2) To the greatest extent possible, the privacy of the employee will be preserved while the sample(s) to be tested are taken. However, some precautions will help to ensure that pure specimens are obtained.
- 3) The initial screening will be by immunoassay and require gas chromatography/mass spectrometry (GC/MS) for confirmation.
- 4) Reports shall be made in writing and sent to the single person designated by the employer and designated by the union after MRO review. In the case of urine testing, only those specimens which show positive results on both the initial screening and the confirmatory test shall be reported as positive, pending MRO review and verification. The completed chain of custody form shall accompany any positive report, and copies of analytical reports shall be available to the employee, the employer and the designated union representative.
- 5) Samples shall be properly stored at all times. All reported as positive will be stored frozen for at least 365 days. If the employer or employee requests, the sample shall be stored for a longer period.
- 6) All handling and transportation of each specimen will be properly documented through strict chain of custody procedures.

V. CONFIDENTIALITY

- a) All parties to this policy and program have only the interests of employees in mind. Therefore, the parties encourage any employee with a substance abuse problem to come forward and voluntarily accept assistance in dealing with the illness. If available, an employee assistance program will provide guidance and direction for you during your recovery period. If you volunteer for help, the company will make every reasonable effort to return you to work upon your recovery. The company will also take action to assure that your illness is handled in a confidential manner.
- b) All actions taken under this policy and program will be strictly confidential and disclosed only to those with a "need to know."

VI. RULES – CORRECTIVE ACTIONS – GRIEVANCE PROCEDURES

- 1) Rules. All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not:
 - a) Use, possess, dispense or receive prohibited substances on or at the job site; or
 - b) Report to work while under the influence of an intoxicant or a prohibited substance.
- 2) Corrective Action. When the company has reasonable cause to believe an employee is under the influence of an intoxicant or a prohibited substance, for reasons of safety, the employee may be suspended until test results are available. If no test results are received after three (3) working days, the

employee, if available, shall be returned to work with back pay. If the test results prove negative, the employee shall be reinstated with back pay. In other cases:

- a) Individuals testing positive for drug and/or alcohol use under III (a) may be suspended from consideration as required by the customer or facility owner.
- b) Employees will be required to cooperate with testing requests, testing procedures, and to sign the required consent and chain of custody forms as a condition of continued employment or will otherwise be terminated.
- c) Employees found in possession of drugs on the work site may be subject to corrective action as provided by subsection (e) (3) of this section.
- d) Employees found to be under the influence of a prohibited substance, including alcohol, while on duty or operating a company vehicle shall be subject to corrective action as provided by subsection e) of this section.
- e) The following stages of corrective action shall be imposed:
 - 1) On the first violation of this policy, the employee will be ineligible to work under this program. To be eligible to return to work the employee must participate in a Substance Abuse Education/Treatment Program and provide a negative return to duty test. The SAP must provide written authorization for the return to duty test. The employee must complete the Substance Abuse Education/Treatment Program. The employee will be subject to CGST testing up to four times or as may be recommended by the testing medical health professional over a one year period as a condition of further employment.
 - 2) On the second violation of this policy, the employee will be suspended by the employer for thirty (30) days without pay. To be eligible to return to work the employee must complete a Substance Abuse Education/Treatment Program and provide a negative return to duty test. The SAP must provide written authorization for the return to duty test. The employee must complete the Substance Abuse Education/Treatment Program. The employee will be subject to CGST testing up to four times or as may be recommended by the testing medical health professional during over a one year period as a condition of further employment.
 - 3) On third and subsequent violations of this policy, the employer will terminate the employee. The employee shall be suspended from the program for one year. To be eligible to return to work the employee must complete a Substance Abuse Education/Treatment Program and provide a negative return to duty test. The SAP must provide written authorization for the return to duty test. The employee must complete the Substance Abuse Education/Treatment Program. The employee will be subject to CGST testing up to four times or as may be recommended by the testing medical health professional over a

one year period as a condition of further employment. After the one year period the employee can be considered for employment by participating employers.

- 4) The Corrective Action procedure will revert back to “first violation” described in Section VI, paragraph 2 (e) (1) following three consecutive years of negative tests providing the employee continually participated in the program.
- 5) Sale and Distribution. Any sale and/or distribution of a prohibited substance on Company property is grounds for immediate termination.
- 6) All aspects of this policy and program will be subject to the grievance procedure of the applicable collective bargaining agreements.

VII. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAM

Employees are encouraged to seek help for a drug or alcohol problem before it requires corrective action. 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 insurance program.

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

VIII. POLICY

The Substance Abuse Policy and Program will be reviewed periodically by a joint Committee. The Committee will be comprised of equal representation from the participating unions and contractor association representatives. Any changes must be approved by the Union construction Industry Partnership (UCIP) Board of Trustees.

IX. EMPLOYER AND EMPLOYEE TRAINING)

CISAP Training Programs are intended to meet the requirements of the Ohio Bureau of Workers Compensation Drug Free Workplace (BWC-DFWP) initiative regardless of the size of the company. All CISAP Contractor and Worker participants will be required to meet BWC DFWP requirement in the first year regardless of the BWC DFWP participation Level. After the first year it is the responsibility of the contractor to meet the training requirement at the appropriate participation level.

EXHIBIT A
SAMPLE CONSENT FORM TO PARTICIPATE IN THE CISAP PROGRAM

I, _____, hereby consent and agree to give specimens of my body fluids (*) at a medical facility designated by _____ for transmittal and testing by an approved testing laboratory.

It is my understanding that body fluids (*) specimens will be tested to detect the presence of alcohol and/or other drugs in my body.

I agree and consent to provide specimens of my body fluid (as listed below) for testing to discover the presence of alcohol and/or drugs.

- Annual Testing
- Computer Generated Testing
- Pre-employment
- Reasonable Cause
- Workplace Accident/Incident
- Follow-up/Rehabilitation

It is agreed that upon request I will be furnished results of tests performed on my body fluid (*) specimen by the testing laboratory. The testing laboratory is only authorized to confirm the results, to the employer designated above and the designated union representative.

(*) Body fluids tests will normally utilize urine specimens, breath and blood specimens. Tests, which entail the withdrawal of blood by a qualified medical person, may be exercised in situations involving an injury accident where I am rendered unconscious and unable to provide a urine specimen, and I agree and consent to such a test under those circumstances.

I acknowledge that I have read, understand and have received a copy of the The Construction Industry Substance Abuse Program. Furthermore, I understand that refusal to submit to the alcohol and drug-screening test will constitute voluntary withdrawal of my application for employment; if employed, refusal to submit to such testing will be considered a positive test and will result in the appropriate level of corrective action as specified by the Policy.

Witness Signature

Signature

Date

Social Security Number

Appendix 1: Frequently Asked Questions

- Q1:** Who bears the costs for random testing?
- A1:** Under Section III (g) of the policy, The Contractor Association/Union will bear the costs of CGST testing procedures except that the employee will pay the cost of any re-analysis requested by the employee. The employee is responsible for the cost of the Return-to-Duty test.
- Q2:** I've had a random test; when will I be required to take my next annual test under Section III of the Policy?
- A2:** Following a negative random test, the next annual test must be completed by the 365th day following the random test.
- Q3:** Who may initiate reasonable cause testing under Section III (b) of the Policy?
- A3:** Testing because the company/employer has reasonable cause to believe an employee is under the influence of an intoxicant or a prohibited substance may only be initiated by a trained supervisor. A trained supervisor is one who has completed training approved by the Construction Industry Substance Abuse Program.
- Q4:** Are all of the thresholds described in Section II (z) (2) identical to those set by the Federal Government?
- A4:** **No** The Federal Government currently has standards for marijuana, PCP, opiates, amphetamines, and cocaine. The other standards have been set by the Construction Industry Substance Abuse Program using industry standards.
- Q5:** What happens if an employee fails to cooperate in the testing process as required by Section VI (2) (b) of the Program?
- A5:** A failure to cooperate includes, but is not limited to, refusing to test, using an adulterated sample, using a substituted sample or otherwise tampering with the test. Failure to cooperate may result in corrective action, including termination. In such instances, there will be a finding of refusal to test or test tampering without a finding that test was positive or negative.
- Q6:** There are a lot of abbreviations in the program description. For example, what does GC/MS really mean?
- A6:** As stated in Section II (I), GC/MS is an abbreviation for Gas Chromatography/Mass Spectrometry. This is a confirmation test considered to be the most scientifically accurate means of ascertaining the identity of a drug in the urine testing process.
- Q7:** Will an employee assistance program actually provide treatment as mentioned in Section VII on the Policy?
- A7:** Technically, no. Employee assistance programs provide short-term counseling and referrals to community resources for treatment.
- Q8:** When are split samples maintained and used in the testing process?
- A8:** Under Section IV of the Policy, Split Samples are used in urine testing and employees have the opportunity to contest the result of a positive urine test by having an appropriate portion of the split sample retested at a SAMHSA certified laboratory selected by the employee.

- Q9:** I am unclear about Section VI(2)(a) and Section VI(2)(e), how long can I be suspended?
- A9:** Some property owners/customers require testing of all site workers under the owners/customers own policies. This is permitted under Section III (a) of the Policy. If a worker tests positive on these other tests, he/she may be suspended from consideration at that owner/customer's site for two months (or any other interval set by owner/customer), with consideration for employment upon re-application if he/she can demonstrate meaningful participation in a rehabilitation program. Corrective Action for violations of the Program is exclusively provided for in Section VI (2) (e).
- Q10:** Will my social security number appear on the CIASP Drug Free Card?
- A10:** As of January 1, 2004, all newly issued cards will only display the last four digits of your social security number. However your social security number will still be required for tracking by the third-party administrator.
- Q11:** "Accident" is referred to in the Construction Industry Substance Abuse Program (CISAP), what is meant by an accident?
- A11:** When applying the following "Post Accident Testing" guidelines, individuals should also apply good common sense. The following definition is provided for participants who are utilizing CISAP.

ACCIDENT:

For the purpose of the CISAP policy, an accident is considered to be an unplanned or unintended event that occurs on company property, during the conduct of company's business, or during scheduled work hours, or which involves company supplied motor vehicles that are used in conducting business, or is within the scope of employment, and which results in any of the six (6) situations:

7. A fatality of anyone involved in the accident;
8. Bodily injury to the employee and/or another person that requires **off-site** medical attention away from the company's designated place of employment/worksite;
9. Any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away;
10. Any accident in which the driver is cited and **off-site** medical attention is required;
11. Vehicular damage in apparent excess of \$1000.00;
12. Non-vehicular damage to any company property (i.e. – tools, materials, etc.) in apparent excess of \$750.00

Appendix 2: Role of the Medical Review Officer

The Medical Review Officer (MRO) will review all drug tests. If a test is positive, the MRO shall contact the worker confidentially to discuss the test results and to determine if there is explanation for the positive result. This verification will include conducting a medical interview with the tested worker; reviewing the worker's medical history and any relevant biomedical factors; reviewing any medical records made available by the worker to determine if a confirmed positive test results from legally prescribed medication; verifying that the lab report and assessment are correct; and, if necessary, requiring that the original specimen be reanalyzed to determine the accuracy of the reported test result.

The MRO shall inform the worker of his/her right to have the second sample (if the positive test was based on a urine sample) be tested at the worker's expense at another SAMSHA approved testing facility.

If the MRO is not able to contact the worker, the MRO shall report to the Construction Industry Substance Abuse Program that the MRO has made reasonable efforts to contact the worker. Then, the Construction Industry Substance Abuse Program, along with the union for the worker, will contact the worker and ask him/her to contact the MRO within 24 hours.

The MRO may verify a test as positive without communicating with the worker if the worker refuses to discuss the test results or more than five (5) days have passed after the MRO notified the Construction Industry Substance Abuse Program of the inability to contact the worker.

After contacting the worker, the MRO shall report the test results to the Construction Industry Substance Abuse Program's designee providing the following information – that the test being reported was in accord with the Program, the name of the worker for whom the results are being reported, the date and location of the test collection, the type of test (pre-employment, annual, random, etc.) and whether the test was positive or negative.

All records of testing and verification processes will be forwarded and maintained by the Third Party Administrator (TPA).

Appendix 3: Alcohol Testing Protocol

Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT) except in cases of on-scene post accident testing conducted by federal, state, or local officials.

Before being tested, each worker will be required to (1) present his/her personal identification and (2) execute a Breath Alcohol Test Form provided by the BAT. A worker who refuses to provide his/her identification, provides a false identification, refuses to execute the Breath Alcohol Test Form or otherwise fails to cooperate will be shown to have failed to cooperate in the testing.

Before each alcohol breath test is conducted, the BAT will instruct the worker on how the test will be performed.

To protect each worker, the BAT will attach to the testing device an individually sealed mouthpiece in the worker's view. The worker will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.

If the worker is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the worker will be required to submit to an evaluation by a licensed medical physician or osteopath to determine whether a valid medical condition does exist. If the physician or osteopath determines that a valid medical condition exists, the test will be reported as negative. If the physician or osteopath determines that a valid medical condition does not exist, the result will be reported as positive.

If the worker provides an adequate breath specimen and the initial test registers an alcohol concentration level less than 0.04, the test result will be recorded as a negative and no additional tests will be required at the time.

If the worker provided an adequate breath specimen and the initial test registers an alcohol concentration level of 0.08 or greater, a second confirmatory test will be performed. If the confirmatory test registers an alcohol concentration level of 0.04 or greater, it will be reported as a positive test. If the worker provides an adequate breath specimen and the confirmatory test registers less than 0.08, the test will be reported as negative

Appendix 4: Computer Generated Selection Testing (CGST)

The Third Party Administrator (TPA) of the Construction Industry Substance Abuse Program (CISAP) selects individuals for random testing. The goal is to test 25% of the participants of each local and 25% of management participants annually. The list is selected through a number generator program that pulls by social security number. Once the list is generated it is sent to the Designated Representative.

CGST notification letters are then mailed to those selected. The letter outlines all necessary information regarding testing. Once notified a participant has 72 hours to obtain testing. To make testing convenient several options are available. The participant may choose to have his/her collection completed at the group testing site, or at an approved collection facility (a listing of all locations is included with the notification letter). An "Authorization for Substance Abuse Testing" form is included and needs to be presented at the collection facility along with valid photo identification.

The participant is also instructed to take their current Drug Free Card with them to the collection facility and turn it in. A new card will be issued once a negative result is received. This new test becomes the participants "Anniversary Date" and is good for a period of one year, unless the individual is selected for another random. An individual can be selected more than one time a year for the CGST.

The notification letter will state the **deadline date** the test *must be collected by*. The CGST is a sensitive test. It is very important to be tested on or before the deadline date. If a participant does not test by this date and has not presented a valid excuse to his/her designated representative, they become "ineligible" in the program and will need to follow the corrective action procedures listed for a positive test.

The Designated Representative receives a final report on the CGST results. Those who tested negative remain "eligible". Those who did not show up for testing or tested positive become "ineligible".

Appendix 5: CISAP Designated Representative

Designated Representatives (DRs) are contact persons appointed by companies and unions to work directly with the program's Third Party Administrator (TPA). A company's DR and union's DR are to work together for the successful management of the program. All DRs are to keep privileged substance abuse information confidential.

Guidelines for Designated Representatives:

- 1) Work with the coordinator of the TPA to implement testing schedules:
 - a) The DR is the main contact (alternates are encouraged as a backup contact when the DR is not available.

- 2) Each participating union or company must designate a person within their group to represent the Construction Industry Substance Abuse Program. An initial 2 hour DR Orientation Module will be required for existing and new DRs beginning on January 1, 2005. The responsibilities of the DR are:
 - a) To assure anyone working on a Drug-Free project meets CISAP eligibility
 - b) Receive all confidential information regarding participant ineligibility: either testing positive in the program, missing a scheduled annual or random test and/or refusal to submit to a test.
 - c) Establish secure measures to insure that confidential information cannot be obtained by an unauthorized individual.
 - d) Do not disclose any confidential information to any other party without written consent of participant
 - e) Assist participant testing positive to return to eligible status. Including: Follow rehabilitation assignment and follow return to duty testing procedure.

- 3) Other:
 - a) DRs are encouraged to attend Union Construction Industry Partnership Drug Free Workplace Seminars.
 - b) The TPA will distribute handout to DRs to assist with their responsibilities.