

Alcohol and Drug Abuse Policy

I - Preamble

The York Electricians' Joint Apprenticeship and Training Committee (J.A.T.C.) recognizes that employment in the electrical contracting industry is potentially hazardous. Alcohol and drug abuse is an issue that concerns us all and efforts are being made on many levels to create an environment that discourages this destructive problem. Being under the influence of drugs or alcohol poses unnecessary and unacceptable safety and health risks not only to the user, but to all those who work with him or her. The term "drug" for purposes of this Policy shall mean those included in Schedule I and II of the Controlled Substance Act, and it shall also include prescription drugs without a valid prescription, but not when used pursuant to a valid prescription or when used as otherwise authorized by law.

Other Alcohol and Drug Abuse Policies: While employers bear the exclusive responsibility for the safety and health of employees at their work sites, including apprentices, the York Electricians' J.A.T.C. realizes that workplace safety is threatened by the use of drugs and alcohol. Accordingly, the York Electricians' J.A.T.C. has implemented the following Policy. This Policy is not intended to interfere with the rights of I.B.E.W. Local No. 229 to negotiate with employers the contents of substance abuse programs to which employees are subject. The York Electricians' J.A.T.C. also recognizes that, frequently, construction owners and/or general contractors impose their own substance abuse policies and programs on electrical contractors working at their construction projects. While this Policy is not intended to prevent electrical contractors from complying with those requirements, the York Electricians' J.A.T.C. should not be understood as endorsing any independent substance abuse programs or policies which may be negotiated by I.B.E.W. Local No. 229 or established by owners, general contractors, or electrical contractors. Nor by implementation of this Policy does the York Electricians' J.A.T.C. assume responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any apprentice or applicant for apprenticeship.

Purpose: The purpose of this Policy is to maintain the safety of all jobsite personnel, the preservation of property belonging to the construction owner and of the JATC and employees on the project, the enhancement of the jobsite and classroom learning experiences of apprentices, and the assurance of quality work performed by apprentices on construction projects.

Fairness in Application: The JATC also stands for fair rules of employment, the dignity of workers, and the importance of providing a substance-impaired worker, who seeks help, with an opportunity for rehabilitation.

Conditions for Applicability: The specific conditions under which testing will be performed are described in detail in this Policy and generally include three situations: 1) with respect to applicants for an apprenticeship program after a conditional offer of selection has been made to an individual by the JATC and prior to indenture; 2) with respect to apprentices, where

the JATC, based on all the facts at its disposal, believes there is reasonable cause to believe the use of drugs, or impairment from alcohol exists; and 3) the JATC reserves the right to use a third party administrator to implement random drug and alcohol testing at their discretion.

This Policy also sets forth the consequences to apprentices of reporting to the classroom, workplace, or any other training sites under the influence of drugs and/or alcohol. The York Electricians' J.A.T.C. recognizes that drugs and alcohol present a serious health problem and encourage all employees to seek assistance for such problems.

Notice: The York Electricians' J.A.T.C. will make this Policy available to all current and future apprentices, as well as to applicants for apprenticeship, after a conditional offer of selection has been made to the individual by the JATC, and prior to indenture.

II - Confidentiality

- A. All information obtained by the JATC regarding drug and alcohol testing of apprentices or applicants for an apprenticeship program shall be maintained in separate files, and shall be treated in all respects as a confidential medical record.
- B. Information on test results shall be communicated only to those who need to know to implement the Policy and ensure safety and proper treatment of tested apprentices. Information regarding an apprentice or applicant's drug test results or rehabilitation may be released only upon written consent by the apprentice or applicant, except that, regardless of consent, such information may be released where permitted by law:
1. to the representative of a state agency upon request as part of an accident investigation;
 2. if the Medical Review Officer (MRO) believes that continued performance by the apprentice or applicant of his/her sensitive-safety function could pose a significant safety risk to the apprentice or applicant or to others.

III - Testing

Refusal to submit to testing as required and/or permitted under this Policy, or falsification of a test, will be regarded as a positive test result, rendering the apprentice or applicant subject to the attendant consequences set forth herein. Failure to appear for testing without a deferral will be considered refusal to submit to testing.

A. Pre-Indenture Testing

1. Applicants to whom a conditional offer of selection has been made, shall, prior to being indentured in the apprenticeship program, be tested for alcohol impairment and drug use. The applicant must sign a Consent Form provided by the JATC to allow the testing facility to release the test results to the JATC. Any applicant who refuses to sign the Consent Form shall be denied selection. An applicant testing positive for alcohol impairment or drug use, pursuant to the provisions otherwise set forth in this Policy, shall be denied selection.
2. Applicants shall not be asked about drug or alcohol dependence or use until a conditional offer of selection has been made.
3. If an applicant discloses in the course of the application process, and prior to being subjected to alcohol impairment testing, that he or she suffers from alcohol dependence, the applicant shall be tested to determine whether he or she is then alcohol or drug impaired.
 - a. If the test result is "positive", the applicant shall not be selected.
 - b. If the test result shows that the applicant was not then impaired, the applicant shall proceed with the application process, shall not be denied selection on the basis of his or her alcohol dependence, shall be told that the use of alcohol at the workplace or during any training time will subject the applicant to immediate discharge from the program.
 - i) Except as provided in paragraph ii), if the applicant is selected, he or she shall be instructed to enroll in an accredited alcohol treatment counseling and rehabilitation program which provides treatment and counseling through an accredited drug and alcohol professional as a condition for being indentured in the apprenticeship program. If the applicant is indentured on this basis, and is enrolled in such a program, then, until such time as the apprentice provides the JATC with a certified statement from the program that the apprentice has successfully completed the program, the apprentice may be tested for alcohol impairment, at no cost to the apprentice, at any time. If such an apprentice tests "positive" for alcohol impairment prior to receiving such a certificate of completion of the program, the apprentice shall immediately be terminated from the apprenticeship program.
 - ii) If the applicant is selected and has already completed an accredited alcohol treatment counseling and rehabilitation program, the applicant shall provide the JATC with a certified statement from the program that the he or she has successfully completed the program.

B. Post-Indenture Testing

1. Apprentices shall be tested if the JATC, based on all the facts at its disposal, determines in its sole discretion there is reasonable cause to believe that unlawful use of drugs, or impairment from alcohol exists; and the apprentice in question denies such use or impairment. For purposes of this Policy, "reasonable cause" may be based on, among other things, at the sole discretion of the JATC:

- a. Information provided by an employer to whom an apprentice has been assigned that the apprentice has been administered a test revealing the presence of alcohol or prohibited drugs;
- b. Failure of an apprentice, when asked to do so by the JATC, to make a written request for, and use his or her best efforts to obtain, the results of an employer-administered drug or alcohol test, and to provide a copy of the written request and any results obtained to the JATC or its authorized agents;
- c. Information provided by reliable and credible sources or independently corroborated that the apprentice is or may be using drugs or is currently impaired by the use of alcohol;
- d. Newly discovered evidence that an apprentice has tampered with a previous drug or alcohol test;
- e. Sudden changes in work or classroom performance;
- f. Repeated failure to follow instructions or procedures;
- g. Violation of safety practices;
- h. Involvement in an accident or a near accident;
- i. Odor of alcohol or residual odor peculiar to a drug emanating from an apprentice or near an apprentice's work or study area;
- j. Unexplained or frequent absenteeism;
- k. Unexplained or frequent rejection for employment;
- l. Unexplained drowsiness, disorientation, erratic behavior or mood changes;
- m. Arrest or conviction for violation of criminal drug statutes;

2. Apprentices shall be subject to alcohol and drug testing on a random basis.
3. When an apprentice is found at the jobsite or classroom in possession of drugs, drug paraphernalia, or alcohol, there is no need to engage in drug or alcohol testing of the apprentice. The apprentice will be regarded as having tested positive for purposes of this Policy.
4. Testing of an injured apprentice will take place only if it will not jeopardize necessary medical attention for the apprentice.

IV - Testing Procedures

The following sets forth the procedures to be followed when alcohol and drug abuse testing is conducted:

- A. The testing shall be done at a facility chosen by the JATC.
- B. No apprentice or applicant for an apprenticeship program shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the testing process.
- C. All drug testing shall be conducted in accordance with the U.S. Department of Health and Human Resource Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as set forth in the Federal Register. In addition, urine samples shall be separated into two containers at the time of donation of sample. One portion of the original urine sample shall be kept secure and chemically stable and made available for verification of laboratory testing results as provided in paragraph E.5.
- D. All drug testing shall be by urinalysis or other method which may subsequently be recognized by the U.S. Government as the state-of-the-art for validity and accuracy of drug testing results. Urinalysis shall be performed only by laboratories listed by the U.S. Department of Health and Human Services in its most current "List of Laboratories which Meet Minimum Standards to Engage in Urine Drug testing for Federal Agencies," as set forth in the Federal Register.
- E. All alcohol testing shall be by breath analysis and shall, as a minimum, be conducted in accordance with the protocols and procedures contained in the Nuclear Regulatory Commission's "Guidelines for Nuclear Power Plant Drug and Alcohol Testing Programs" as set forth in the Federal Register. This shall include the use of "evidential-grade breath alcohol analysis devices" that meet the requirements of those Guidelines. In addition, where a confirmatory test is performed directly on blood, one portion of the sample shall be kept secure and chemically stable and made available for verification of laboratory testing results.

F. All chemical testing shall come under the control and supervision of a physician, with apprentice or applicant confidentiality protected in accordance with the Medical Review Officer (MRO) Manual, as developed by the National Institute on Drug Abuse. The MRO will be a licensed physician with knowledge of drug abuse disorders. The role of the MRO is as follows:

1. Reporting and review of lab test results.
 - a. All tests which show a "positive" result must be confirmed by using NIDA/HHS protocols, including confirmation testing and split samples.
 - i) A "positive" drug test result shall mean test levels on both the screening test and the confirmatory test that are recognized as positive by the U.S. Department of Health and Human Services in its "Mandatory Guidelines for Federal Workplace Drug Testing Programs" or in a subsequently issued rule or regulation issued by that Agency, for any of the drugs listed in such Guidelines.
 - ii) A "positive" alcohol result shall mean test levels on both the initial test and the confirmatory test, or tests that are officially recognized as showing impairment by the applicable federal, state, or local governmental authority.
 - b. Collection of specimens must be completed in a private setting and NIDA/HHS protocol regarding chain of custody and marking of samples must be followed. A copy of the chain of custody and labeling information will be made available to the apprentice or applicant upon request.
2. If a positive test is confirmed, the MRO will contact the apprentice or applicant as soon as possible.
 - a) An apprentice or applicant whose test results are "positive" shall be advised of the right to have the secured portion of his/her urine sample independently retested by a HHS certified laboratory of his/her choice and at his/her expense, as provided in paragraph 5, and shall also receive copies of the following:
 1. Test results;
 2. A copy of this Policy, which includes notice of the possible adverse actions the JATC may take.
 - b) If the MRO cannot contact the apprentice or applicant within three days and after making three attempts, the JATC representative will be notified to contact the apprentice or applicant and advise him or her to contact the MRO. At this time, no test results will be given to the JATC.
 - c) If after 24 hours of being notified by the JATC to do so, the apprentice or applicant does not contact the MRO, the MRO will verify the positive test result to the JATC. The MRO may notify the authorized JATC representative of results

by telephone, computer interface, fax, or in writing.

d) If the JATC cannot contact the apprentice or applicant within three working days, the apprentice or applicant may be subject to termination from the apprenticeship program.

3. Results shall be communicated by the MRO to the JATCs' authorized representative within three business days of receipt. All such communications will be kept confidential and shall be communicated only to those persons who need to know. Special attention to confidentiality must be observed at the jobsite.

4. After submitting to a test, an apprentice or applicant may voluntarily provide the MRO with evidence indicating that a positive result from the test may be caused by the apprentice or applicant's use of properly prescribed medication. If the evidence is satisfactory to the MRO, a positive test result will not result in adverse action.

5. An apprentice or applicant testing "positive" shall have the right to have the secured portion of his/her urine sample independently retested by a HHS certified laboratory of his/her choice and at his/her expense.

a) The apprentice or applicant must notify the JATC or the MRO within two working days of notification of a positive test result that the apprentice or applicant wishes to have the specimen retested.

b) The proper chain of custody and documentation must be adhered to by the second lab, which also must be a lab certified by HHS to perform urine drug testing.

c) If the independent retest is "negative" the apprentice/applicant shall be reassigned to on-the-job training immediately.

V - Rehabilitation and Counseling

An apprentice testing "positive" on any drug or alcohol test, shall, on first occurrence, be offered the opportunity to enter an accredited drug and alcohol treatment counseling and rehabilitation program which provides for treatment and counseling by an accredited drug and alcohol professional. The J.A.T.C. shall provide information to the apprentice concerning the existence of public and private treatment programs of which the JATC is aware. If the apprentice enters such a program, his or her status as an apprentice will not be affected, except that pending certification of satisfactory completion of the program, the apprentice's on-the-job training shall be suspended without pay.

VI - Effective Date/Amendments

The effective date of this Policy is April 11, 2007 and shall apply to apprentices.

Changes in the law and technology governing drug abuse testing may require modification or revision of this Policy from time to time. Apprentices shall be provided with notice of such modifications or revisions, when adopted by the JATC, at least 30 days prior to their effective date.

VII - Disciplinary Action

Apprentice in probationary period (first 2000 hour of apprenticeship no matter what year of school);

1. Zero tolerance - apprenticeship will be terminated immediately.

All Other Apprentices;

1. The apprentice must seek and complete treatment from an accredited drug and alcohol professional or the apprentice will be terminated immediately.
2. Any further violations of this Policy throughout his or her apprenticeship shall result in the termination from the apprenticeship.

Consent Form

1. I have been given a copy of the Alcohol and Drug Abuse Policy ("Policy") of the York Electricians' Joint Apprenticeship and Training Committee (JATC). I have read the Policy and understand its contents.

2. As a condition of participation in the apprenticeship program, I hereby consent to submit to such urinalysis, blood test and/or other tests as shall be determined by the JATC for the purposes of determining the presence of drugs or alcohol. I agree that any specimens collected for these purposes may be forwarded by the JATC to a certified testing laboratory for analysis. I further agree to and hereby authorize the release of the results of said tests to the JATC or its authorized agents.

3. I hereby authorize any physician, addictionologist, counselor, or other rehabilitation professional to discuss my compliance with the Policy with the JATC or its authorized agents.

4. I understand that my refusal to submit to testing as required and/or permitted under the Policy, or falsification of a test, will be regarded as a positive test result, rendering me subject to the attendant consequences set forth in the Policy.

5. I further understand that on-the-job-training (OJT) is a critical part of my apprenticeship, and that as a condition of receiving OJT I may be required by my employers to submit to urinalysis, blood test and/or other tests for the purposes of determining the presence of drugs or alcohol. I agree to and hereby authorize the release of the results of any such tests and/or examinations to the JATC or its authorized agents. I will be required to notify the JATC within 24 hours of the results of any positive test. I will make a written request for, and use my best efforts to obtain, the results of any such tests and/or examinations from my employers. I further agree to provide a copy of the written request and any results I obtain to the JATC or its authorized agents.

6. I hereby authorize any employer, physician, addictionologist, counselor, or other rehabilitation professional to discuss with the JATC or its authorized agents, the results of any employer-administered urinalysis, blood test and/or other tests administered for the purposes of determining the presence of prohibited drugs or alcohol.

Apprentice's/Applicant' s Initials: _____

I have carefully read the foregoing Substance Abuse Policy and fully understand its contents. I acknowledge that my signing this form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Printed Name of Applicant/Apprentice

Social Security Number

Signature of Applicant/Apprentice

Date

Printed Name of Witness

Signature of Witness

Date