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NATIONAL ELECTRICAL CONTRACTORS  
ASSOCIATION - CINCINNATI CHAPTER

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DRUG AND ALCOHOL FREE  
WORKPLACE PROGRAM

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WRITTEN PROGRAM

AND

SUBSTANCE ABUSE POLICY

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**NECA – CINCINNATI CHAPTER  
DRUG AND ALCOHOL FREE WORKPLACE PROGRAM  
AND SUBSTANCE ABUSE POLICY**

**I. ASSOCIATION PREAMBLE AND PURPOSE**

THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION CINCINNATI CHAPTER CREATED AND AGREED UPON THIS PROGRAM AND POLICY FOR THE PURPOSE OF OVERCOMING THE NEGATIVE CONSEQUENCES OF DRUG AND ALCOHOL ABUSE IN THE WORKPLACE, MEETING THE REQUIREMENTS OF OHIO EXECUTIVE ORDER 2002-13T MANDATING A DRUG-FREE WORKPLACE, AND COMPLYING WITH OWNER/CLIENT PROJECT REQUIREMENTS. THE PARTIES IDENTIFIED ABOVE AGREE TO COOPERATE IN EVERY REASONABLE MANNER TO ACCOMPLISH A DRUG AND ALCOHOL FREE ENVIRONMENT AND A SAFE WORKPLACE. THIS PROGRAM AND POLICY SHALL BE EXCLUSIVE AND THE ONLY SUCH PROGRAM AND POLICY RECOGNIZED BY THE PARTIES. THIS PROGRAM AND POLICY IS INTENDED TO MEET THE REQUIREMENTS OF SECTION 501(C)(5) OF THE INTERNAL REVENUE CODE AS AMENDED BY THE EMPLOYEES RETIREMENT INCOME SECURITY ACT.

**II. INTRODUCTION TO THE DRUG AND ALCOHOL FREE WORKPLACE PROGRAM**

SIGNATORY CONTRACTORS (HEREINAFTER REFERRED TO AS THE "CONTRACTORS") ARE COMMITTED TO PROMOTING A SAFE WORKPLACE AND HIGH STANDARDS OF HEALTH AND SAFETY. IN ORDER TO ESTABLISH AND MAINTAIN A WORK ENVIRONMENT FREE FROM EFFECTS OF DRUG AND ALCOHOL ABUSE, THE CONTRACTORS HEREBY ADOPT THIS DRUG AND ALCOHOL FREE WORKPLACE PROGRAM. THIS PROGRAM SHALL BE IMPLEMENTED IMMEDIATELY.

DRUG ABUSE IS AN ILLNESS THAT CREATES SERIOUS PROBLEMS FOR EMPLOYEES, THEIR FAMILIES, THE WORKPLACE, AND THE COMMUNITY. DRUG ABUSE ACKNOWLEDGES NO BOUNDARIES OF AGE, RACE OR SOCIOECONOMIC STATUS, AND PUNISHING THE VICTIM WILL NOT ERADICATE THE PROBLEM. EFFORTS TO DEAL WITH THIS PROBLEM MUST FOCUS ON TREATMENT OF THE ILLNESS AND RESTORATION OF THE VICTIM TO A MEANINGFUL, PRODUCTIVE LIFE. THE KEYS TO A SUCCESSFUL SUBSTANCE ABUSE PROGRAM ARE PROVIDING EDUCATION TO ALL EMPLOYEES, OFFERING ASSISTANCE TO EMPLOYEES AND THEIR FAMILIES, ENCOURAGING THE PARTICIPANTS TO RECEIVE TREATMENT, FOSTERING AND ENCOURAGING AN ENVIRONMENT THAT PRODUCES A HIGH QUALITY WORK PRODUCT THAT IS "DRUG AND ALCOHOL FREE."

**III. PURPOSE OF THE DRUG AND ALCOHOL FREE WORKPLACE PROGRAM**

DRUG AND ALCOHOL ABUSE IS A NATIONAL PROBLEM THAT AFFECTS EVERYONE. WITH ONLY 5% OF THE WORLD'S POPULATION, THE UNITED STATES CONSUMES 60% OF ALL ILLEGAL DRUGS. ALCOHOLISM IS AN EVEN BIGGER PROBLEM. NO WORKPLACE IS IMMUNE. 40% OF WORKPLACE ACCIDENTS AND 47% OF WORKPLACE FATALITIES HAVE DRUG AND/OR ALCOHOL INVOLVEMENT. (OCCUPATIONAL MEDICINE) MORE THAN 90% OF ALCOHOLICS AND 74% OF DRUG ADDICTS ARE EMPLOYED. (NATIONAL INSTITUTE ON DRUG ABUSE – DEPARTMENT OF HEALTH AND HUMAN SERVICES) 15% TO 17% OF EMPLOYEES IN THE AVERAGE WORKPLACE AFFECT THEIR WORKPLACE THROUGH SUBSTANCE ABUSE. (BUREAU OF LABOR STATISTICS) SO, OUR WORKPLACE IS VERY LIKELY NO DIFFERENT. WE ARE TAKING A STRONG STAND TO DO SOMETHING ABOUT A PROBLEM THAT ENDANGERS OUR

EMPLOYEES, OUR BUSINESS, AND OUR INDUSTRY. WE ARE ALL RESPONSIBLE FOR WORKPLACE SAFETY, AND THIS PROGRAM REPRESENTS AN OPPORTUNITY TO HELP ADDRESS A REAL PROBLEM.

THROUGH THIS PROGRAM, THE CONTRACTORS ACKNOWLEDGE THE PROBLEM OF SUBSTANCE ABUSE (INCLUDING ALCOHOL) IN OUR SOCIETY, AND THAT SUBSTANCE ABUSE POSES A SERIOUS THREAT TO ALL ASPECTS OF OUR ORGANIZATION. THE ULTIMATE GOAL OF THIS PROGRAM IS TO ESTABLISH AND MAINTAIN A SAFER WORKPLACE AND CONTINUE TO PROMOTE HIGH STANDARDS OF HEALTH AND SAFETY.

BEHAVIORS RELATED TO SUBSTANCE ABUSE CAN ENDANGER ALL EMPLOYEES, NOT JUST THE ABUSER. STATISTICS SHOW THAT WHEN AN ACCIDENT IS CAUSED BY SUBSTANCE ABUSE, 33 TO 40% OF THE TIME SOME OTHER EMPLOYEE IS INJURED. AS SUCH, THE CONTRACTORS INTEND TO PROTECT ITS WORKFORCE AND ASSETS FROM ACCIDENTS AND INJURIES CAUSED BY SUBSTANCE ABUSERS. MOREOVER, SUBSTANCE ABUSERS ULTIMATELY REDUCE PRODUCTIVITY AND THE QUALITY OF PRODUCTS/SERVICES RESULTING IN FINANCIAL LOSSES THAT AFFECT EVERYONE.

DRUG AND ALCOHOL ABUSE IS COMPLEX, YET ADDICTION IS A TREATABLE DISEASE. THIS DRUG AND ALCOHOL FREE WORKPLACE PROGRAM IS TARGETED AT ALLEVIATING THE PROBLEM. BY ERADICATING SUBSTANCE ABUSE, OUR ORGANIZATION AND INDUSTRY WILL CONTINUE TO GROW, SAFER AND STRONGER.

#### IV. ORGANIZATION AND SCOPE OF THE DRUG AND ALCOHOL FREE WORKPLACE

THIS DOCUMENT (HEREINAFTER REFERRED TO AS THE, "POLICY") DETAILS THE CONTRACTOR'S DRUG-FREE WORKPLACE PROGRAM. EVERY EMPLOYEE IS EXPECTED TO READ AND UNDERSTAND THIS MATERIAL. THIS POLICY APPLIES TO EVERY EMPLOYEE (BOTH BARGAINING UNIT AND NON-BARGAINING UNIT) AND IS SUPPORTED BY CONTRACTOR'S MANAGEMENT. THIS DOCUMENT EXPLAINS THE ENTIRE CONTRACTORS DRUG-FREE WORKPLACE PROGRAM AND THE PROCEDURES THAT WILL BE FOLLOWED. THE LEVEL OF DETAIL PROVIDED IN THIS POLICY IS INTENDED TO SHOW ALL EMPLOYEES JUST HOW THE PROGRAM WILL OPERATE. THE POLICY WILL IDENTIFY WHICH DRUGS WILL BE TESTED FOR, HOW ALCOHOL USE WILL BE TESTED, WHEN TESTING WILL OCCUR, THE CUT-OFF LEVELS FOR EACH DRUG AND FOR ALCOHOL, AND WHAT TESTING PROCEDURES WILL BE APPLIED. ALL THE RULES OF THE PROGRAM WILL BE IDENTIFIED, AND THE CONTRACTORS WILL IDENTIFY PROHIBITED CONDUCT AND CONSEQUENCES FOR VIOLATING THIS POLICY, INCLUDING WHAT WILL OCCUR IN RESPONSE TO AN EMPLOYEE'S REFUSAL TO SUBMIT TO MEDICAL EXAMINATION OR A DRUG AND/OR ALCOHOL TEST, OR ATTEMPT TO MANIPULATE THE TESTING PROCESS.

THIS POLICY COVERS THE SIX KEY PARTS OF THE CONTRACTORS DRUG-FREE WORKPLACE PROGRAM, AS FOLLOWS: 1.) A WRITTEN POLICY (THIS DOCUMENT) THAT CLEARLY SPELLS OUT THE PROGRAM, WHY THERE WAS A NEED TO DEVELOP IT, AND THE BENEFITS OF SUCH PROGRAM; 2.) SUBSTANCE AWARENESS EDUCATION FOR ALL EMPLOYEES; 3.) TRAINING FOR SUPERVISORS TO HELP THEM UNDERSTAND THE PROGRAM AND THEIR RESPONSIBILITIES, INCLUDING IN THE AREA OF TESTING AND MAKING REFERRALS FOR ASSISTANCE; 4.) DRUG AND ALCOHOL TESTING, WHICH IS CONSIDERED THE MOST EFFECTIVE WAY TO CHANGE HARMFUL SUBSTANCE USE BEHAVIORS; 5.) EMPLOYEE ASSISTANCE FOR THOSE WHO COME FORWARD VOLUNTARILY TO SHARE A SUBSTANCE ABUSE PROBLEM OR WHO TEST POSITIVE FOR DRUGS AND/OR ALCOHOL; AND 6.) TEN-STEP BUSINESS PLAN.

EACH PROGRAM COMPONENT IS EXPLAINED IN DETAIL IN THE PAGES THAT FOLLOW. EMPLOYEES WILL HAVE THE OPPORTUNITY TO RECEIVE INFORMATION ABOUT SUBSTANCE ABUSE, SIGNS AND SYMPTOMS, DANGERS OF USE, AND HOW AND WHERE TO GET HELP FOR THEMSELVES AND THEIR FAMILIES. IN ADDITION, THE CONTRACTOR HAS DESIGNATED A DRUG-FREE WORKPLACE PROGRAM ADMINISTRATOR TO GIVE EMPLOYEES A PERSON TO TURN TO FOR HELP, OR ANYTIME AN EXPLANATION IS NEEDED ABOUT THE PROGRAM. THE ADMINISTRATOR'S RESPONSIBILITIES MAY INCLUDE ARRANGING CONTRACTS FOR DRUG AND ALCOHOL TESTING, IDENTIFYING RESOURCES THAT EMPLOYEES CAN TURN TO FOR HELP FOR THEMSELVES AND/OR THEIR FAMILIES, AND ARRANGING FOR QUALIFIED PROFESSIONALS TO HELP WITH EMPLOYEE AWARENESS EDUCATION AND SUPERVISOR TRAINING.

## V. STATEMENT OF SUBSTANCE ABUSE POLICY

### A. PROHIBITED BEHAVIORS

CONTRACTORS BELIEVE THAT IT IS VERY IMPORTANT TO PROVIDE A SAFE WORKPLACE FOR ALL WORKERS. THE CONTRACTORS ARE ADDRESSING THE PROBLEM OF SUBSTANCE USE BECAUSE IT CAN NEGATIVELY AFFECT EVERY WORKPLACE. THE CONTRACTORS ARE CONCERNED WITH THE HEALTH AND WELL BEING OF ALL WORKERS, AND CANNOT CONDONE AND WILL NOT TOLERATE BEHAVIORS ON THE PART OF EMPLOYEES THAT RELATE TO SUBSTANCE USE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1. USE OF ILLEGAL DRUGS OR HEMP PRODUCTS IN ANY FORM;
2. MISUSE OF LEGAL DRUGS (I. E. USING A DRUG PRESCRIBED FOR SOMEONE ELSE);
3. MISUSE OF ALCOHOL;
4. SALE, PURCHASE, TRANSFER, USE OR POSSESSION OF ANY ILLEGAL DRUG, OR PRESCRIPTION DRUG OBTAINED ILLEGALLY;
5. STORAGE OF ANY ILLEGAL DRUG, DRUG PARAPHERNALIA, OR ANY CONTROLLED SUBSTANCE WHOSE USE IS UNAUTHORIZED, OR ANY CONTAINER OF ALCOHOL, IN OR ON EMPLOYER PROPERTY (INCLUDING VEHICLES). UNOPENED CONTAINERS OF ALCOHOL IN AN EMPLOYEE OWNED VEHICLE IN OR ON EMPLOYER PROPERTY SHALL NOT CONSTITUTE A VIOLATION UNDER THIS SECTION.
6. ARRIVAL TO WORK OR RETURN TO WORK UNDER THE INFLUENCE OF ANY ILLEGAL DRUG OR ALCOHOL.
7. ARRIVAL TO WORK OR RETURN TO WORK WITH A LEVEL OF DRUGS AND/OR ALCOHOL IN THE SYSTEM EQUAL TO OR EXCEEDING THE ESTABLISHED MINIMUMS UNDER THIS POLICY.
8. FAILURE TO NOTIFY AN EMPLOYEE'S SUPERVISOR BEFORE BEGINNING WORK WHERE THE EMPLOYEE IS TAKING MEDICATIONS OR DRUGS THAT MAY INTERFERE WITH THE SAFE AND EFFECTIVE PERFORMANCE OF DUTIES.
9. REFUSAL TO IMMEDIATELY SUBMIT TO A DRUG OR ALCOHOL TEST WHEN REQUIRED UNDER THIS POLICY.

VIOLATION OF THIS POLICY SHALL NOT BE REPORTED TO LAW ENFORCEMENT OFFICIALS UNLESS REQUIRED BY REGULATION, LAW, OR AS A SAFETY PRECAUTION. HOWEVER, CONTRACTOR RESERVES THE RIGHT TO CONTACT LAW ENFORCEMENT AUTHORITIES, WHERE APPROPRIATE, FOR REFERRAL FOR CRIMINAL PROSECUTION.

### B. DRUG TESTING

TESTING IS THE KEY COMPONENT OF ANY DRUG-FREE WORKPLACE PROGRAM. DRUG AND/OR ALCOHOL TESTING IS INTENDED TO DETECT PROBLEMS, DETER USAGE, AND TRIGGER CORRECTIVE ACTION. THE FOLLOWING

EXPLAINS WHAT TESTING IS PERFORMED, WHEN AND WHERE TESTING WILL BE PERFORMED, AND HOW SPECIMENS FOR TESTING WILL BE COLLECTED.

THE FORM OF DRUG TESTS WILL BE URINALYSIS (SCREENING, AND GAS CHROMATOGRAPHY / MASS SPECTROMETRY (GC/MS), ALSO REFERRED TO AS CONFIRMATION). THE INITIAL URINE SCREENING METHOD SHALL BE AN IMMUNOASSAY THAT MEETS THE REQUIREMENTS OF THE FOOD AND DRUG ADMINISTRATION FOR COMMERCIAL DISTRIBUTION PERFORMED BY A LABORATORY CERTIFIED BY THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA).

THE FOLLOWING INITIAL CUTOFF LEVELS SHALL BE USED WHEN SCREENING SPECIMENS TO DETERMINE WHETHER THEY ARE NEGATIVE:

SCREENING	INITIAL CUTOFF LEVELS (NG/ML)	DEPARTMENT OF HEALTH SERVICES INITIAL CUTOFF LEVELS (NG/ML)
AMPHETAMINES	1000	1000
BARBITURATES	300	
BENZOYLECGONINE (COCAINE METABOLITE)	300	300
CANNABINOIDS (THC)	50	50
OPIATES	2000	2000
PHENCYCLIDINE (PCP)	25	25
BENZODIAZEPNES	300	
METHADONE	300	
PROPOXYPHENE	300	

ALL SPECIMENS IDENTIFIED AS NON-NEGATIVE ON THE INITIAL SCREENING TEST SHALL BE CONFIRMED BY GAS CHROMATOGRAPHY / MASS SPECTROMETRY (GC/MS) AT THE CUT-OFF LEVELS LISTED BELOW:

CONFIRMATION	CONFIRMATION CUTOFF LEVELS (NG/ML)	DEPARTMENT OF HEALTH SERVICES CONFIRMATION CUTOFF LEVELS (NG/ML)
AMPHETAMINES		
AMPHETAMINE	500	500
METHAMPHETAMINE*	500	500
BARBITURATES	200	
BENZOYLECGONINE (COCAINE METABOLITE)	150	150
CANNABINOIDS (THC)	15	15
OPIATES		
MORPHINE	2000	2000
CODEINE	2000	2000
6-ACETYLMORPHINE**	10	10
PHENCYCLIDINE (PCP)	25	25
BENZODIAZEPNES	300	
METHADONE	300	
PROPOXYPHENE	300	

\* SPECIMEN MUST ALSO CONTAIN AMPHETAMINE AT A CONCENTRATION GREATER THAN OR EQUAL TO 300 NG/ML.  
 \*\* IF MORPHINE LEVEL IS GREATER THAN OR EQUAL TO 2000 NG/ML, A TEST FOR 6-AM, A HEROINE SPECIFIC METABOLITE, WILL BE RUN WITH A 10 NG/ML CONFIRMATION LEVEL.

ADULTERATED OR SUBSTITUTED SPECIMENS SHALL BE CONSIDERED AND TREATED AS A VERIFIED POSITIVE. ANY EMPLOYEE ATTEMPTING TO ADULTERATE OR SUBSTITUTE A SPECIMEN OR OTHERWISE MANIPULATE THE TESTING

PROCESS SHALL BE SUBJECT TO IMMEDIATE DISCIPLINARY ACTION INCLUDING, BUT NOT LIMITED TO, IMMEDIATE TERMINATION.

CONTRACTORS SHALL UTILIZE A NINE (9) PANEL DRUG TEST AS DETAILED ABOVE.

### C. ALCOHOL TESTING

ONLY TRAINED BREATH ALCOHOL TECHNICIANS USING CERTIFIED EQUIPMENT (APPEARING ON THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CONFORMING PRODUCTS LIST) SHALL PERFORM BREATH ALCOHOL TESTS. CONFIRMED BREATH ALCOHOL CONCENTRATIONS EQUAL TO OR EXCEEDING .040g/210L WILL BE CONSIDERED A VERIFIED POSITIVE RESULT. IN THE EVENT OF AN ACCIDENT WHERE AN EMPLOYEE HAS A "WHOLE BLOOD" ALCOHOL DRAWN AT A MEDICAL TREATMENT FACILITY, A RESULT EQUAL TO OR GREATER THAN .040% SHALL BE CONSIDERED TO BE A VERIFIED POSITIVE RESULT. ALL INITIAL POSITIVE BREATH ALCOHOL TEST RESULTS SHALL BE CONFIRMED BY AN EVIDENTIARY BREATH TEST (EBT) THAT PROVIDES A PRINTOUT.

### D. TYPES OF DRUG AND ALCOHOL TESTS

INDIVIDUALS OR EMPLOYEES WILL BE TESTED FOR THE PRESENCE OF DRUGS IN THE URINE AND/OR ALCOHOL ON THE BREATH OR IN THE BLOOD UNDER ANY AND/OR ALL OF THE CONDITIONS OUTLINED BELOW. AN EMPLOYEE'S FAILURE TO PROVIDE A SUITABLE URINE SPECIMEN OR TO SUBMIT TO A BREATH OR BLOOD ALCOHOL TEST SHALL BE CONSIDERED A VIOLATION OF THIS POLICY.

#### A. PRE-EMPLOYMENT AND NEW HIRE TESTING (DRUG TEST ONLY)

AS PART OF THE EMPLOYMENT PROCEDURE, IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL NEGATIVE DRUG TEST RESULTS WITHIN THE PAST TWELVE (12) MONTHS, IF NECESSARY. INDIVIDUALS, WITHOUT A DATED DRUG CARD, BEING CONSIDERED FOR EMPLOYMENT OR NEWLY HIRED WILL BE REQUIRED TO UNDERGO A DRUG TEST AT A TIME DETERMINED BY THE CONTRACTOR AND PRIOR TO THE END OF THE FIRST NINETY (90) DAYS OF EMPLOYMENT. ANY OFFER OF CONTINUED EMPLOYMENT IS CONTINGENT UPON, AMONG OTHER THINGS, SATISFACTORY COMPLETION OF A DRUG TEST. THE CONTRACTOR AND UNION SHALL MAKE THIS POLICY AVAILABLE TO NEW HIRES AND MEMBERS FOR REVIEW AND OFFER AN OPPORTUNITY TO ASK QUESTIONS CONCERNING THE POLICY. TESTING MUST BE UNDERTAKEN AS SOON AFTER NOTIFICATION AS POSSIBLE, BUT NO LATER THAN FORTY EIGHT (48) HOURS. THE CONTRACTOR WILL NOT EMPLOY OR CONTINUE TO EMPLOY ANY PERSON WHO REFUSES TO TAKE OR FAILS THE DRUG TEST.

#### B. REASONABLE SUSPICION TESTING (DRUG AND/OR ALCOHOL TEST)

REASONABLE SUSPICION TESTING WILL BE PERFORMED WHEN CONTRACTOR HAS REASONABLE SUSPICION THROUGH DIRECT OBSERVATION THAT AN EMPLOYEE MAY BE UNDER THE INFLUENCE OF AN UNACCEPTABLE SUBSTANCE (I.E., DRUGS AND/OR ALCOHOL). THE SUSPICION MUST BE DOCUMENTED IN WRITING WITHIN TWENTY FOUR (24) HOURS OF THE EVENT OR PRIOR TO THE RELEASE OF THE TEST FINDINGS.

REASONABLE SUSPICION TESTING MAY BE BASED UPON, AMONG OTHER THINGS: 1. OBSERVABLE PHENOMENA, SUCH AS DIRECT OBSERVATION OF DRUG OR ALCOHOL USE OR POSSESSION AND/OR THE PHYSICAL SYMPTOMS OF BEING UNDER THE INFLUENCE OF A DRUG OR ALCOHOL; 2. A PATTERN OF ABNORMAL CONDUCT OR ERRATIC BEHAVIOR; 3. CONVICTION FOR A DRUG-RELATED FELONY OFFENSE. THE EMPLOYEE IS RESPONSIBLE FOR NOTIFICATION OF THE CONTRACTOR, WITHIN FIVE (5) WORKING DAYS, OF ANY DRUG-RELATED FELONY CONVICTION; 4.

INFORMATION PROVIDED BY A RELIABLE AND CREDIBLE LAW ENFORCEMENT SOURCE; OR 5. NEWLY DISCOVERED EVIDENCE THAT THE EMPLOYEE HAS TAMPERED WITH, ADULTERATED, MANIPULATED, OR SUBSTITUTED A PREVIOUS DRUG OR ALCOHOL SPECIMEN OR TEST.

ALTHOUGH REASONABLE SUSPICION TESTING DOES NOT REQUIRE CERTAINTY, MERE "HUNCHES" ARE NOT SUFFICIENT TO MEET THIS STANDARD. TO PREVENT THIS, ALL CONTRACTOR MANAGEMENT AND/OR SUPERVISORS WILL BE TRAINED IN THE RECOGNITION OF DRUG AND ALCOHOL-RELATED SIGNS AND SYMPTOMS. TESTING SHOULD BE REQUESTED BY AT LEAST ONE TRAINED SUPERVISOR WITH THE CONCURRENCE OF A SECOND INDIVIDUAL (EITHER ANOTHER TRAINED SUPERVISOR OR ANOTHER MANAGEMENT STAFF IF A SECOND TRAINED SUPERVISOR IS NOT AVAILABLE). THIS TESTING MAY BE FOR DRUGS OR ALCOHOL, OR BOTH.

THE FIRST PRIORITY IS TO REMOVE THE EMPLOYEE WHO IS SUSPECTED OF USING CONTROLLED SUBSTANCES OR USING ALCOHOL FROM THE WORK ENVIRONMENT. THIS SHALL BE DONE TO PREVENT THE INDIVIDUAL EMPLOYEE FROM CAUSING HARM TO THEM SELF, OTHER INDIVIDUALS IN THE WORKPLACE, OR ANYONE ELSE. A TRAINED SUPERVISOR OR MEMBER OF MANAGEMENT SHALL INSTRUCT THE EMPLOYEE UNDER SUSPICION TO ACCOMPANY THEM TO A PRIVATE AREA THAT IS REMOVED FROM THE INDIVIDUAL EMPLOYEE'S CO-WORKERS. THE SUPERVISOR OR MEMBER OF MANAGEMENT SHALL MAKE A SPECIFIC REQUEST TO THE EMPLOYEE TO SUBMIT TO A URINE DRUG TEST AND/OR BREATH ALCOHOL TEST ON THE GROUNDS THAT THERE IS REASONABLE SUSPICION REGARDING THE POSSIBLE USE OF A CONTROLLED SUBSTANCE OR ALCOHOL BY THE EMPLOYEE. AT THIS POINT, IT IS THE RESPONSIBILITY OF THE SUSPECTED EMPLOYEE TO COMPLY WITH THE REQUEST.

#### C. POST-ACCIDENT TESTING (DRUG AND ALCOHOL TEST)

POST-ACCIDENT TESTING WILL BE CONDUCTED WHENEVER AN ACCIDENT OCCURS. AN ACCIDENT IS DEFINED AS AN UNPLANNED, UNEXPECTED OR UNINTENDED EVENT THAT OCCURS ON CONTRACTOR PROPERTY DURING THE CONDUCT OF THE EMPLOYER'S BUSINESS, OR DURING WORKING HOURS, OR WHICH INVOLVES EMPLOYER-SUPPLIED MOTOR VEHICLES OR MOTOR VEHICLES THAT ARE USED IN CONDUCTING CONTRACTOR BUSINESS, OR IS WITHIN THE SCOPE OF EMPLOYMENT, AND WHICH RESULTS IN ANY OF THE FOLLOWING: (I) A FATALITY OF ANYONE INVOLVED IN THE ACCIDENT; (II) BODILY INJURY REQUIRING OFF-SITE MEDICAL ATTENTION AWAY FROM THE EMPLOYER'S PLACE OF EMPLOYMENT; (III) VEHICULAR DAMAGE IN APPARENT EXCESS OF \$1000; OR, (IV) NON-VEHICULAR DAMAGE IN APPARENT EXCESS OF \$1000. FAILURE TO REPORT A WORK-RELATED ACCIDENT SHALL BE CONSIDERED A VIOLATION OF THIS POLICY.

POST-ACCIDENT URINE SPECIMEN COLLECTION AND/OR A BREATH/BLOOD ALCOHOL TEST SHALL OCCUR IMMEDIATELY AFTER THE TEST HAS BEEN DETERMINED TO BE NECESSARY IN THE SOLE DISCRETION OF THE CONTRACTOR. THE TOTAL ELAPSED TIME BEFORE A DRUG SPECIMEN HAS BEEN COLLECTED SHALL NOT EXCEED THIRTY TWO (32) HOURS FROM THE TIME OF AN EMPLOYMENT-RELATED INCIDENT. BREATH ALCOHOL TESTING WILL BE PERFORMED WITHIN TWO (2) HOURS OF THE INCIDENT, WHENEVER POSSIBLE, BUT WITHIN EIGHT (8) HOURS, OR NOT PERFORMED. IF THE EMPLOYEE RESPONSIBLE FOR AN EMPLOYMENT-RELATED ACCIDENT IS INJURED, THAT EMPLOYEE HEREIN EXPRESSLY GRANTS UNTO THE CONTRACTOR, THE RIGHT TO REQUEST THAT ATTENDING MEDICAL PERSONNEL OBTAIN APPROPRIATE SPECIMENS (BREATH, BLOOD AND/OR URINE) FOR THE PURPOSE OF CONDUCTING

ALCOHOL AND/OR DRUG TESTING. ALL EMPLOYEES HEREIN EXPRESSLY GRANT THE CONTRACTOR ACCESS TO ANY AND ALL MEDICAL INFORMATION THAT MAY BE RELEVANT TO DRUG AND/OR ALCOHOL TESTING.

ALL INDIVIDUALS ARE EXPRESSLY PROHIBITED FROM CONSUMING ALCOHOL FOR EIGHT (8) HOURS FOLLOWING AN ACCIDENT OR UNTIL THAT PERSON SUBMITS TO AN ALCOHOL TEST, LEAVING AN ACCIDENT SCENE BEFORE A DRUG AND/OR ALCOHOL TEST IS ADMINISTERED, OR NOT MAKING THEM SELF READILY AVAILABLE FOR TESTING.

D. RANDOM TESTING (DRUG TEST ONLY)

RANDOM DRUG TESTING WILL INCLUDE ALL EMPLOYEES AND IS CONDUCTED ON AN UNANNOUNCED BASIS. THE MEDICAL PROVIDER WILL UTILIZE OBJECTIVE COMPUTER SOFTWARE THAT ENSURES A TRULY RANDOM SELECTION PROCESS IN WHICH ALL EMPLOYEES IN THE TESTING POOL HAVE AN EQUAL STATISTICAL LIKELIHOOD OF BEING SELECTED FOR TESTING. WHEN THE NEXT RANDOM DRAW IS CONDUCTED, ALL EMPLOYEES ARE AGAIN INCLUDED IN THE POOL WITH AN EQUAL CHANCE OF SELECTION, REGARDLESS OF WHETHER AN EMPLOYEE WAS PREVIOUSLY SELECTED.

AT THE BEGINNING OF EACH TESTING PERIOD, CONTRACTOR WILL PROVIDE EMPLOYEE INFORMATION TO THE MEDICAL PROVIDER FOR USE IN RANDOM SELECTIONS. ONCE THE MEDICAL PROVIDER MAKES THE RANDOM SELECTIONS, A LIST OF EMPLOYEES TO BE TESTED WILL BE SENT TO THE CONTRACTOR. THE CONTRACTOR WILL NOTIFY EACH EMPLOYEE WHO WAS SELECTED OF THE DATE, TIME, AND LOCATION THAT RANDOM TESTING WILL BE PERFORMED. ONCE NOTIFIED, THE EMPLOYEE IS RESPONSIBLE FOR OBTAINING THE TEST AS DIRECTED. THE MEDICAL PROVIDER SHALL MAKE A REASONABLE EFFORT TO ACCOMMODATE THE CONTRACTOR'S WORK SCHEDULE, BUT RANDOM TESTING SHALL OCCUR WITHIN TWENTY FOUR (24) HOURS FROM THE TIME THE LIST OF EMPLOYEES TO BE TESTING IS SENT TO THE CONTRACTOR.

THE PERCENTAGE OF WORKFORCE TO BE SELECTED FOR RANDOM TESTING MAY BE BASED ON THE OHIO BUREAU OF WORKER'S COMPENSATION REQUIREMENTS OR OWNER/CLIENT REQUIREMENTS. IF CONTRACTOR IS ONLY SUBJECT TO THE REQUIREMENTS MANDATED BY OHIO BUREAU OF WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM LEVEL 1, RANDOM TESTING IS NOT REQUIRED. IF CONTRACTOR IS SUBJECT TO THE REQUIREMENTS MANDATED BY OHIO EXECUTIVE ORDER 2002-13T, FIVE PERCENT (5%) OR GREATER OF THEIR WORKFORCE MAY BE SELECTED FOR RANDOM TESTING ON AN ANNUAL BASIS. IF CONTRACTOR IS SUBJECT TO THE REQUIREMENTS MANDATED BY OHIO BUREAU OF WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM LEVEL 2, APPROXIMATELY TEN PERCENT (10%) OF THE WORKFORCE WILL BE SELECTED FOR RANDOM TESTING ON AN ANNUAL BASIS. IF CONTRACTOR IS SUBJECT TO THE REQUIREMENTS MANDATED BY OHIO BUREAU OF WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM LEVEL 3, APPROXIMATELY TWENTY FIVE (25%) OF THE WORKFORCE WILL BE SELECTED FOR RANDOM TESTING ON AN ANNUAL BASIS. THE CONTRACTOR MAY INCREASE THE PERCENTAGE OF WORKFORCE TESTED WHERE EXPLICITLY REQUIRED BY A CLIENT/OWNER.

E. FOLLOW-UP TESTING (DRUG AND/OR ALCOHOL TEST)

THIS TYPE OF UNANNOUNCED TESTING IS FOR AN EMPLOYEE WHO PREVIOUSLY TESTED POSITIVE AND IS PREPARING TO RETURN TO WORK. RETURN-TO-DUTY TESTS ARE REQUIRED BEFORE THE EMPLOYEE IS ALLOWED TO RETURN. ONCE AN EMPLOYEE PASSES THIS DRUG/ALCOHOL TEST, COMPLIES WITH ALL OTHER PROVISIONS OF THIS

POLICY, AND RETURNS TO DUTY, THERE ARE AT LEAST FOUR (4) MORE ADDITIONAL DRUG AND/OR ALCOHOL TESTS CONDUCTED OVER A PERIOD OF AT LEAST A YEAR.

#### E. PROCESS FOR OBTAINING A DRUG AND/OR ALCOHOL TEST

UNLESS OTHERWISE DIRECTED, INDIVIDUALS TO BE TESTED SHALL REPORT TO THE DESIGNATED MEDICAL PROVIDER, OR BE ADVISED AS TO THE LOCATION, DATE, AND TIME ON-SITE TESTING WILL TAKE PLACE. EMPLOYEES ARE EXPECTED TO FIND THEIR OWN TRANSPORTATION FOR TESTING. FAILURE TO APPEAR FOR TESTING WHEN SCHEDULED SHALL BE CONSIDERED A VIOLATION OF THIS POLICY.

EMPLOYEES OBTAINING A REASONABLE SUSPICION OR POST-ACCIDENT DRUG AND/OR ALCOHOL TEST SHALL BE PROVIDED WITH TRANSPORTATION TO AND FROM THE MEDICAL PROVIDER. THE CONTRACTOR, UNION, AND/OR UNION STEWARD MAY OFFER TO TRANSPORT THE EMPLOYEE HOME, WHEN NECESSARY. EMPLOYEES THAT ARE REQUIRED TO TAKE REASONABLE SUSPICION TEST SHALL NOT RETURN TO WORK UNLESS AND UNTIL NEGATIVE RESULTS ARE RECEIVED. EMPLOYEES UNDERGOING REASONABLE SUSPICION OR POST-ACCIDENT TESTING SHALL NOT BE COMPENSATED WHILE AWAY FROM THE JOB FOR TESTING OR DURING SUSPENSION EVEN WHERE THAT EMPLOYEE IS SCHEDULED TO WORK. WHEN REASONABLE SUSPICION OR POST-ACCIDENT TESTS ARE VERIFIED NEGATIVE, THE CONTRACTOR SHALL PAY THE NORMAL WAGES OF THE EMPLOYEE FOR SCHEDULED WORK HOURS MISSED.

#### F. DESIGNATED MEDICAL PROVIDER AND HOW SPECIMENS ARE COLLECTED

THE DESIGNATED MEDICAL PROVIDER SHALL SELECT A LABORATORY AND MEDICAL REVIEW OFFICER (MRO) TO PROVIDE SERVICES UNDER THIS PROGRAM. THE LABORATORY SHALL BE CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), AND THE MRO SHALL BE CERTIFIED BY THE AMERICAN ASSOCIATION OF MEDICAL REVIEW OFFICERS (AAMRO). THE DESIGNATED MEDICAL PROVIDER MAY SELECT A DIFFERENT LABORATORY OR MRO AT ANY TIME.

DRUG AND ALCOHOL TESTING SHALL BE CONDUCTED BY TRAINED COLLECTION PERSONNEL, WHO MEET QUALITY ASSURANCE AND CHAIN-OF-CUSTODY REQUIREMENTS FOR URINE COLLECTION PROCEDURES, BREATH ALCOHOL TESTING AND STRICT CONFIDENTIALITY AS REQUIRED BY DHHS-CERTIFIED LABORATORIES WITH WHOM THE COLLECTION SITE COORDINATES THE TESTING PROCESS.

ANY INDIVIDUAL SUBJECT TO TESTING UNDER THIS POLICY SHALL BE PERMITTED TO PROVIDE URINE SPECIMENS IN PRIVATE, BUT SUBJECT TO STRICT SCRUTINY BY COLLECTION PERSONNEL SO AS TO AVOID ANY ADULTERATION OR SUBSTITUTION OF THE SPECIMEN TO BE PROVIDED. BREATH ALCOHOL TESTING WILL LIKEWISE BE DONE IN AN AREA THAT AFFORDS THE INDIVIDUAL PRIVACY. IN ALL CASES, THERE WILL ONLY BE ONE INDIVIDUAL TESTED AT A TIME. TO THE GREATEST EXTENT POSSIBLE, COLLECTION SITE PERSONNEL SHALL ADHERE TO ALL FEDERAL TESTING GUIDELINES WHEN PERFORMING DRUG AND/OR ALCOHOL TESTS.

WHENEVER POSSIBLE, SPLIT SPECIMENS SHALL BE COLLECTED. IN KEEPING WITH INDUSTRY STANDARDS, THE LABORATORY SHALL MAINTAIN A SPECIMEN THAT CONFIRMED POSITIVE FOR THE LONGER OF ONE YEAR OR UNTIL PENDING LITIGATION CONCLUDES. THE PURPOSE OF MAINTAINING CONFIRMED POSITIVE SPECIMENS IS TO ALLOW FOR INDEPENDENT RE-TESTING OF THE SPECIMEN AT ISSUE.

EMPLOYEES ARE REQUIRED TO SHOW PICTURE IDENTIFICATION TO COLLECTION SITE PERSONNEL, AND NO TEST SHALL BE ADMINISTERED WITHOUT SHOWING SUCH IDENTIFICATION. EMPLOYEES MAY WASH THEIR HANDS AND

MUST REMOVE HAT, COAT, OR OTHER OUTER CLOTHING BEFORE PROVIDING A SPECIMEN. NO PURSES, PARCELS, OR BELONGINGS OTHER THAN A WALLET MAY BE TAKEN INTO THE RESTROOM, AND THE EMPLOYEE MAY BE ASKED TO DISPLAY THE CONTENTS OF THEIR POCKETS. IF AN INSUFFICIENT AMOUNT OF URINE IS PROVIDED, THE EMPLOYEE IS REQUIRED TO DRINK FLUIDS, UP TO, BUT NOT MORE THAN 40 FLUID OUNCES, AND REMAIN IN THE TESTING AREA TO PROVIDE A SECOND SPECIMEN.

IF AFTER A PERIOD OF THREE HOURS (FROM THE TIME THE DONOR FIRST DEMONSTRATED THAT HE/SHE WAS UNABLE TO PROVIDE A SUFFICIENT QUANTITY OF SPECIMEN), THE DONOR IS STILL UNABLE TO PROVIDE AN ADEQUATE SPECIMEN, TESTING MUST BE DISCONTINUED, AND THE CONTRACTOR IS NOTIFIED OF THE SHY BLADDER SITUATION. THE EMPLOYEE MAY THEN BE REFERRED FOR A MEDICAL EVALUATION TO DEVELOP PERTINENT INFORMATION CONCERNING WHETHER THE DONOR'S INABILITY TO PROVIDE A SPECIMEN IS GENUINE OR CONSTITUTES A REFUSAL. THE EMPLOYEE SHALL BE RESPONSIBLE FOR THE COST OF ALL MEDICAL EVALUATIONS NEEDED TO DEVELOP PERTINENT INFORMATION OF ALTERNATIVE OR OTHER MEDICAL EXPLANATIONS.

#### G. MEDICAL REVIEW OF DRUG TEST RESULTS AND EMPLOYEES' RIGHTS

TO ENSURE THAT EVERY PERSON RECEIVING A DRUG TEST IS TREATED IN A FAIR AND IMPARTIAL MANNER, THE CONTRACTOR HAS RETAINED THE SERVICES OF AN INDEPENDENT MEDICAL REVIEW OFFICER (HEREINAFTER REFERRED TO AS THE, "MRO"). THE MRO IS A MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHIC MEDICINE WITH A SPECIALIZED KNOWLEDGE OF SUBSTANCE ABUSE DISORDERS. THIS PROFESSIONAL WILL BE ABLE TO DETERMINE WHETHER THERE ARE ANY VERIFIABLE MEDICAL EXPLANATIONS FOR THE PRESENCE IN THE EMPLOYEE'S SYSTEM OF THE SUBSTANCE THAT WAS DETECTED.

IN THE EVENT THAT AN EMPLOYEE TESTS POSITIVE FOR ANY DRUGS PROHIBITED IN THIS POLICY, THE EMPLOYEE MAY BE GIVEN AN OPPORTUNITY TO EXPLAIN THE FINDINGS TO THE MRO PRIOR TO THE ISSUANCE OF A REPORT OF A VERIFIED POSITIVE TEST RESULT TO THE CONTRACTOR. ACCORDINGLY, UPON RECEIPT OF A CONFIRMED POSITIVE FINDING, THE MRO SHALL CONTACT, OR ATTEMPT TO CONTACT, THE EMPLOYEE BY TELEPHONE. IF CONTACT IS MADE BY THE MRO, THE MRO SHALL INFORM THE EMPLOYEE OF THE POSITIVE FINDING AND GIVE THE EMPLOYEE AN OPPORTUNITY TO OVERTURN THE RESULT WITH A VERIFIABLE MEDICAL EXPLANATION.

THE MRO CAN REQUEST INFORMATION ON RECENT MEDICAL HISTORY AND ON MEDICATIONS TAKEN BY THE EMPLOYEE. IN THE EVENT THAT THE MRO FINDS A MEDICAL EXPLANATION, THE EMPLOYEE SHALL BE ASKED TO PROVIDE DOCUMENTARY EVIDENCE TO SUPPORT THE EMPLOYEE'S POSITION (FOR EXAMPLE, THE NAMES OF TREATING PHYSICIANS, PHARMACIES WHERE PRESCRIPTIONS HAVE BEEN FILLED, ETC.). FAILURE TO PROVIDE DOCUMENTARY EVIDENCE IN A TIMELY MANNER SHALL RESULT IN THE ISSUANCE OF A VERIFIED POSITIVE REPORT BY THE MRO.

IF THE EMPLOYEE FAILS TO CONTACT THE MRO WITHIN TWENTY-FOUR HOURS (24) OF HAVING BEEN INSTRUCTED TO DO SO, THE MRO MAY ISSUE A POSITIVE REPORT. IF THE EMPLOYEE CANNOT BE REACHED AFTER REASONABLE EFFORT EXERTED WITHIN A PERIOD NOT-TO-EXCEED FORTY-EIGHT (48) HOURS, THE MRO WILL ISSUE A POSITIVE REPORT. SINCE NO CONTACT WITH THE EMPLOYEE WAS POSSIBLE, NO MEDICAL EXPLANATION CAN BE PROVIDED, AND THE EMPLOYEE SHALL FOREGO AND FORFEIT THE RIGHT TO CHALLENGE THE POSITIVE TEST FINDINGS. THE MRO MAY ALLOW THE EMPLOYEE TO PRESENT DOCUMENTATION, WITHIN 60 DAYS OF THE VERIFICATION, THAT SERIOUS ILLNESS, INJURY OR OTHER CIRCUMSTANCES UNAVOIDABLY PRECLUDED CONTACT WITH

THE MRO AND/OR EMPLOYER IN THE TIMES PROVIDED. FOR EMPLOYEES TESTED IN ACCORDANCE WITH FEDERAL REGULATIONS, THE MRO SHALL FOLLOW ESTABLISHED GUIDELINES FOR REPORTING RESULTS.

ONCE THE MRO NOTIFIES THE EMPLOYEE OF A POSITIVE DRUG TEST RESULT, THE EMPLOYEE HAS SEVENTY TWO (72) HOURS FROM THE TIME OF THE NOTIFICATION TO REQUEST A RETEST OF THE SPLIT SPECIMEN, OR IN THE CASE OF A SINGLE SPECIMEN COLLECTION, A RETEST OF THE REMAINING URINE. IF THE EMPLOYEE PRESENTS DOCUMENTATION THAT SERIOUS ILLNESS, INJURY OR OTHER CIRCUMSTANCES UNAVOIDABLY PRECLUDED CONTACT WITH THE MRO, THE MRO MAY AUTHORIZE A RETEST AFTER THIS PERIOD EXPIRES. ALL RETESTING OF A SPECIMEN MUST BE CONDUCTED IN ACCORDANCE WITH THIS POLICY. THE EMPLOYEE IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE RETEST.

#### H. REPORTING DRUG AND ALCOHOL TEST RESULTS

ALL DRUG TEST RESULTS WILL BE REPORTED FROM THE LABORATORY TO THE MRO PRIOR TO THE RESULTS BEING ISSUED TO THE CONTRACTOR. THE MRO WILL RECEIVE FROM THE LABORATORY A DETAILED REPORT OF THE FINDINGS OF THE SPECIMEN. EACH SUBSTANCE TESTED FOR WILL BE LISTED ALONG WITH THE RESULTS OF THE TESTING. THE CONTRACTOR WILL RECEIVE ONLY A VERIFIED RESULT REPORT, AND THIS REPORT WILL INDICATE THAT THE EMPLOYEE PASSED OR FAILED THE DRUG TEST. MRO SHOULD REFER TO THE MOST CURRENT GUIDELINES FOR MEDICAL REVIEW OFFICERS THAT ARE PUBLISHED BY THE FEDERAL DEPARTMENT OF HEALTH & HUMAN SERVICES. ALCOHOL TEST RESULTS ARE REPORTED DIRECTLY WITHOUT MEDICAL REVIEW.

#### I. CONSEQUENCES OF POSITIVE TEST RESULTS

EMPLOYEES WITH A VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST MAY BE IMMEDIATELY REMOVED FROM THE WORKPLACE WITHOUT FURTHER PAY OR COMPENSATION. THIS REMOVAL WILL REMAIN IN EFFECT UNTIL SUCH TIME AS THE EMPLOYEE HAS A NEGATIVE RE-TEST IN ACCORDANCE WITH THE MRO'S INSTRUCTIONS AND HAS COMPLETED A MEDICALLY RECOGNIZED REHABILITATION PROGRAM (REFERRAL PROVIDED THROUGH THE EMPLOYEE ASSISTANCE PROGRAM). THIS MEDICALLY RECOGNIZED REHABILITATION PROGRAM MUST BE STARTED WITHIN TEN (10) DAYS AND COMPLETED WITHIN A PERIOD OF NOT MORE THAN FORTY FIVE (45) DAYS FROM THE DATE THAT THE EMPLOYEE IS NOTIFIED OF THE VERIFIED POSITIVE DRUG OR ALCOHOL TEST RESULT. THE FORTY FIVE (45) DAY LIMIT FOR COMPLETING REHABILITATION MAY BE EXTENDED WHERE THE EMPLOYEE PROVIDES WRITTEN VERIFICATION FROM THEIR COUNSELOR OR REHABILITATION COORDINATOR THAT THEIR PROGRAM WILL NOT BE COMPLETED WITHIN TIME AND A DEFINITE DATE WHEN IT WILL BE COMPLETED. IF DOCUMENTARY EVIDENCE OF THE EMPLOYEE'S ENROLLMENT AND SUCCESSFUL COMPLETION OF THE REHABILITATION PROGRAM IS NOT PROVIDED TO THE CONTRACTOR, THE EMPLOYEE'S REMOVAL MAY BE CONTINUED. THE BURDEN OF PROVIDING DOCUMENTARY EVIDENCE OF TIMELY ENROLLMENT AND COMPLETION RESTS WITH THE EMPLOYEE. THIS OPPORTUNITY TO RE-QUALIFY FOR WORK AFTER A POSITIVE TEST RESULT SHALL BE REFERRED TO AS THE "NEXT CHANCE" PROGRAM.

AN EMPLOYEE'S REMOVAL FOR A POSITIVE DRUG OR ALCOHOL TEST RESULT IS INTENDED TO PERMIT TIME FOR THE DRUG(S) DETECTED TO CLEAR FROM THE EMPLOYEE'S SYSTEM, TO ALLOW THE EMPLOYEE SUFFICIENT TIME TO HAVE A NEGATIVE RE-TEST, AND TO ALLOW THE EMPLOYEE TO COMPLETE A RECOGNIZED REHABILITATION PROGRAM.

## J. VOLUNTARY ADMISSION OF SUBSTANCE ABUSE

THE CONTRACTOR WILL HOLD ALL EMPLOYEES ACCOUNTABLE IN TERMS OF SUBSTANCE USE BUT ALSO SUPPORTS REHABILITATION. THOSE EMPLOYEES WHO COME FORWARD VOLUNTARILY TO IDENTIFY THAT THEY HAVE A SUBSTANCE ABUSE PROBLEM WILL RECEIVE GUIDANCE. VOLUNTARY ADMISSION OF SUBSTANCE ABUSE SHALL BE TREATED AS A VERIFIED POSITIVE TEST RESULT. BECAUSE VOLUNTARY ADMISSION OF SUBSTANCE ABUSE IS TREATED AS A VERIFIED POSITIVE RESULT, ANY ADDITIONAL VIOLATION OF THIS POLICY BY THE EMPLOYEE, AT ANY TIME AND IN ANY MANNER, SHALL BE TREATED AS AN EMPLOYEE TESTING POSITIVE MORE THAN ONE TIME.

## K. REHABILITATION

THE CONTRACTOR'S HEALTH PLAN, IF ONE EXISTS, MAY INCLUDE COVERAGE FOR CERTAIN DRUG AND ALCOHOL SERVICES FOR NON-BARGAINING UNIT EMPLOYEES. THE CONTRACTOR MAY GRANT UNPAID LEAVE OF ABSENCE SO THAT AN EMPLOYEE CAN ATTEND A MEDICALLY RECOGNIZED REHABILITATION PROGRAM. IN THOSE CASES WHERE AN EMPLOYEE VIOLATES THIS POLICY BY TESTING POSITIVE, THEN SUCCESSFULLY COMPLETES A REHABILITATION PROGRAM, THE MEDICAL PROVIDER SHALL RETAIN THE RIGHT TO PERFORM "NO NOTICE" DRUG OR ALCOHOL TESTS AT ITS WILL. ANY REFUSAL BY THE EMPLOYEE TO UNDERGO SUCH DRUG OR ALCOHOL TESTING SHALL CONSTITUTE A VIOLATION OF THIS POLICY.

## VI. EMPLOYEE ASSISTANCE PROGRAM

THE CONTRACTOR BELIEVES IN HELPING EMPLOYEES WITH SUBSTANCE ABUSE PROBLEMS. TO HELP EMPLOYEES WHO VIOLATE THIS POLICY, THE CONTRACTOR HAS IDENTIFIED THE FOLLOWING LOCAL PROVIDER FOR DRUG AND ALCOHOL ASSISTANCE: MENTAL HEALTH AND CHEMICAL DEPENDENCY REVIEW - (513) 326-2469. FOR ADDITIONAL PROVIDERS OF DRUG AND ALCOHOL ASSISTANCE, CONTACT THE APPROPRIATE DRUG-FREE WORKPLACE PROGRAM ADMINISTRATOR. NON-BARGAINING UNIT EMPLOYEES MAY WISH TO REFER TO MEDICAL PROVIDERS THAT MAY BE IDENTIFIED UNDER THE CONTRACTOR'S HEALTH PLAN, IF ONE EXISTS. BARGAINING UNIT EMPLOYEES MAY WISH TO REFER TO MEDICAL PROVIDERS THAT MAY BE IDENTIFIED UNDER THEIR HEALTH AND WELFARE PLAN, IF ONE EXISTS.

THE CONTRACTOR MAY MEET WITH THE EMPLOYEE TO DISCUSS PROBLEMS AND VIOLATIONS OF THIS POLICY. EMPLOYEES WHO ARE WILLING TO ACTIVELY ENGAGE IN RESOLVING THEIR SUBSTANCE ABUSE PROBLEM ARE LIKELY TO SUCCEED IN MEETING THE REQUIREMENTS OF THE "NEXT CHANCE" PROGRAM, IF ELIGIBLE. AN EMPLOYEE WHO VIOLATES THIS POLICY MAY HAVE THE OPPORTUNITY TO MEET WITH A SUBSTANCE ABUSE COUNSELOR, AND THE CONTRACTOR AND/OR MEDICAL PROVIDER SHALL BE INFORMED, BY THE EMPLOYEE AND COUNSELOR, WHETHER THE EMPLOYEE IS ATTENDING SESSIONS AND ACTIVELY PARTICIPATING, BUT WILL NOT RECEIVE INFORMATION ABOUT THE SPECIFICS OF THE COUNSELING.

## VII. EMPLOYEE AWARENESS EDUCATION AND SUPERVISOR TRAINING

EMPLOYEE AWARENESS AND SUPERVISORY TRAINING IS TO HELP EMPLOYEES UNDERSTAND THE NATURE OF SUBSTANCE ABUSE PROBLEMS, AND KNOW WHAT RESOURCES ARE AVAILABLE TO HELP OVERCOME THIS PROBLEM.

#### **A. INITIAL PROGRAM ORIENTATION**

EMPLOYEES (SUPERVISORY AND NON-SUPERVISORY) WILL ATTEND AN EDUCATIONAL SESSION WHERE THIS PROGRAM IS EXPLAINED AND DISCUSSED. THERE WILL BE AN OPPORTUNITY TO ASK QUESTIONS. AT THIS SESSION, THIS POLICY WILL BE DISTRIBUTED, AND EVERYONE WILL BE EXPECTED TO SIGN THAT HE/SHE RECEIVED A COPY. INITIAL PROGRAM ORIENTATION MAY BE COMBINED WITH THE EMPLOYEE AWARENESS EDUCATION DISCUSSED BELOW.

#### **B. EMPLOYEE AWARENESS EDUCATION**

EMPLOYEES (SUPERVISORY AND NON-SUPERVISORY) WILL ATTEND AN EDUCATIONAL SESSION WHERE A QUALIFIED PROFESSIONAL WILL MAKE EMPLOYEES AWARE OF SUBSTANCE ABUSE AS A PROBLEM, THE EFFECTS IT CAN HAVE ON THE INDIVIDUAL AND THE FAMILY, SIGNS AND SYMPTOMS OF USE, EFFECTS OF COMMONLY USED DRUGS IN THE WORKPLACE, THE MODEL OF CHEMICAL DEPENDENCY, AND HOW TO GET HELP. HOW TO GET A REFERRAL FOR EMPLOYEE ASSISTANCE AND ASSESSMENT OF THE DEGREE OF THE SUBSTANCE USE PROBLEM AND/OR TREATMENT WILL ALSO BE COVERED. THERE WILL BE AN EDUCATIONAL AWARENESS COURSE OFFERED ANNUALLY TO ALL EMPLOYEES, AS REQUIRED. NEW EMPLOYEES MAY LEARN ABOUT THIS PROGRAM DURING ORIENTATION, AND THEY WILL RECEIVE SUBSTANCE EDUCATION AS SOON AS POSSIBLE THEREAFTER, BUT NO LONGER THAN 90 DAYS AFTER THEIR START DATE.

#### **C. SUPERVISORY EMPLOYEE TRAINING**

SUPERVISORY EMPLOYEES WILL ATTEND TRAINING TO LEARN HOW TO IDENTIFY WHEN AN EMPLOYEE HAS A SUBSTANCE ABUSE PROBLEM THAT MAY ENDANGER THE EMPLOYEE AND OTHERS, AS WELL AS HOW TO RECOGNIZE VIOLATION OF THIS POLICY. THIS TRAINING IS IN ADDITION TO THE ANNUAL EMPLOYEE EDUCATION/AWARENESS. SUPERVISORS WILL RECEIVE TRAINING ABOUT DRUG/ALCOHOL TESTING RESPONSIBILITIES. THEY WILL RECEIVE TRAINING FROM A QUALIFIED PROFESSIONAL DURING THE FIRST YEAR OF THE PROGRAM, AND REFRESHER TRAINING EVERY YEAR THEREAFTER, AS REQUIRED. THIS TRAINING WILL BE DESIGNED TO HELP SUPERVISORS RECOGNIZE BEHAVIORS THAT DEMONSTRATE AN ALCOHOL OR DRUG PROBLEM; HOW TO DOCUMENT THESE BEHAVIORS AND CONFRONT AN EMPLOYEE ABOUT THE PROBLEM; HOW TO INITIATE REASONABLE SUSPICION TESTING; HOW TO MAKE APPROPRIATE REFERRALS OF AN EMPLOYEE FOR AN ASSESSMENT OF THE PROBLEM OR OTHER ASSISTANCE; AND HOW TO FOLLOW UP WITH EMPLOYEES WHO RETURN TO WORK AFTER A POSITIVE TEST.

#### **VIII. CONSEQUENCES FOR VIOLATION OF THIS POLICY (OTHER THAN POSITIVE TESTS)**

CONSEQUENCES FOR RECEIVING A POSITIVE DRUG AND/OR ALCOHOL TEST ARE EXPLAINED ABOVE. WHERE AN EMPLOYEE VIOLATES THIS POLICY IN A MANNER OTHER THAN BY RECEIVING A POSITIVE DRUG AND/OR ALCOHOL TEST, THE CONTRACTOR MAY TAKE DISCIPLINARY ACTION INCLUDING, BUT NOT LIMITED TO, IMMEDIATE TERMINATION. FOR EXAMPLE, THE REFUSAL TO SIGN AN ACKNOWLEDGEMENT OF RECEIPT OF THIS POLICY OR REFUSAL TO TAKE A DRUG AND/OR ALCOHOL TEST MAY RESULT IN IMMEDIATE TERMINATION.

#### **IX. CONFIDENTIALITY AND MAINTENANCE OF TEST RESULTS**

TO PROTECT THE CONFIDENTIALITY OF EMPLOYEES, ALL RECORDS OF DRUG AND ALCOHOL TESTING WILL BE STORED SEPARATELY AND APART FROM THE EMPLOYEE'S GENERAL PERSONNEL DOCUMENTS. THESE RECORDS SHALL BE MAINTAINED UNDER LOCK AND KEY AT ALL TIMES. ACCESS TO THESE RECORDS SHALL BE LIMITED TO

DESIGNATED CONTRACTOR MANAGEMENT. THE INFORMATION CONTAINED IN THESE FILES SHALL BE UTILIZED ONLY TO PROPERLY ADMINISTER THIS POLICY AND TO PROVIDE TO AUDITING OR CERTIFYING AGENCIES FOR REVIEW AS MAY BE REQUIRED UNDER FEDERAL OR STATE LAWS. CONTRACTOR MANAGEMENT THAT SHALL HAVE ACCESS TO THESE RECORDS ARE CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE CONFIDENTIALITY OF THESE RECORDS. ANY BREACH OF CONFIDENTIALITY WITH REGARD TO THESE RECORDS MAY BE AN OFFENSE RESULTING IN IMMEDIATE TERMINATION OF EMPLOYMENT.

ANY EMPLOYEES TESTED UNDER THIS POLICY HAVE THE RIGHT TO REVIEW AND/OR RECEIVE A COPY OF THEIR RESPECTIVE TEST RESULTS. AN EMPLOYEE MAY REQUEST FROM THE DRUG-FREE WORKPLACE PROGRAM ADMINISTRATOR, IN WRITING, WITH A DULY NOTARIZED EMPLOYEE REQUEST FOR RELEASE OF DRUG AND/OR ALCOHOL TESTS RESULTS FORM, REQUESTING THAT A COPY OF THE TEST BE PROVIDED. THE MEDICAL PROVIDER WILL USE ITS BEST EFFORTS TO PROMPTLY COMPLY WITH THIS REQUEST AND WILL ISSUE TO THE EMPLOYEE A COPY OF THE RESULTS PERSONALLY OR BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

## **X. DRUG-FREE WORKPLACE AND COLLECTIVE BARGAINING UNIT EMPLOYEES**

THE CONTRACTOR RECOGNIZES THAT EMPLOYEES SUBJECT TO THIS POLICY MAY ALSO BE SUBJECT TO VARIOUS COLLECTIVE BARGAINING AGREEMENTS. HOWEVER, THE CONTRACTOR IS COMMITTED TO HOLDING EMPLOYEES EQUALLY ACCOUNTABLE UNDER THE TERMS OF THIS POLICY WITHOUT REGARD TO BARGAINING STATUS. THIS POLICY IS NOT INTENDED TO MODIFY ANY PROVISIONS OF CURRENTLY ENFORCEABLE BARGAINING AGREEMENTS.

### **A. COLLECTIVE BARGAINING UNIT EMPLOYEES TESTING**

A DATED DRUG-FREE CERTIFICATION CARD WILL BE ISSUED TO ALL BARGAINING UNIT EMPLOYEES WHO ACHIEVE A NEGATIVE DRUG TEST. THE DESIGNATED MEDICAL PROVIDER SHALL MAINTAIN RECORDS OF ALL TEST RESULTS. COLLECTIVE BARGAINING UNIT EMPLOYEES MUST UTILIZE THE DESIGNATED MEDICAL PROVIDER AND THE PROGRAM SPECIFIC CHAIN-OF-CUSTODY FORM AS NO OTHER FORM WILL BE ACCEPTED.

### **B. COLLECTIVE BARGAINING UNIT EMPLOYEES EDUCATION AND SUPERVISOR TRAINING**

EVIDENCE OF SUCCESSFUL COMPLETION OF DRUG-FREE WORKPLACE EDUCATION AND/OR SUPERVISOR TRAINING SHALL BE PROVIDED. THE DESIGNATED MEDICAL PROVIDER SHALL MAINTAIN RECORDS OF ALL EDUCATION AND TRAINING. COLLECTIVE BARGAINING UNIT EMPLOYEES SHALL RECEIVE EDUCATION AND TRAINING UNDER THIS PROVISION ON THEIR OWN TIME. COLLECTIVE BARGAINING UNIT EMPLOYEES MUST UTILIZE THE DESIGNATED MEDICAL PROVIDER AND THE PROGRAM SPECIFIC EDUCATION AND TRAINING AS NO OTHER FORM WILL BE ACCEPTED.

### **C. EVIDENCE OF COMPLIANCE WITH REQUIREMENTS OF THIS POLICY**

CONTRACTOR SHALL ACCEPT APPROPRIATE EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF THIS POLICY PRESENTED BY EMPLOYEES SUBJECT TO AN ENFORCEABLE BARGAINING AGREEMENT. THE CONTRACTOR SHALL ACCEPT DRUG CARDS OR OTHER EVIDENCE THAT DEMONSTRATE THAT A NEGATIVE TEST FOR THE SUBSTANCES QUANTIFIED AND DESCRIBED UNDER THIS POLICY WAS ACHIEVED WITHIN THE PAST TWELVE (12) MONTHS BY AND THROUGH THIS PROGRAM AND POLICY AND BY THE DESIGNATED MEDICAL PROVIDER UNDER THIS POLICY. FURTHERMORE, THE CONTRACTOR SHALL ACCEPT EVIDENCE OF SUCCESSFUL DRUG-FREE WORKPLACE EDUCATION COMPLETION DONE WITHIN THE PAST TWELVE (12) MONTHS THROUGH THIS PROGRAM AND POLICY AND BY THE

DESIGNATED MEDICAL PROVIDER UNDER THIS POLICY. IF THE CONTRACTOR ACCEPTS EVIDENCE OF PRIOR COMPLIANCE, THE EMPLOYEE IS REQUIRED TO SURRENDER SUCH EVIDENCE TO THE CONTRACTOR UPON EMPLOYMENT. SUCH EVIDENCE WILL BE RETURNED TO EMPLOYEE UPON CONCLUSION OF EMPLOYMENT.

**D. CONSEQUENCES FOR VIOLATION OF THIS POLICY**

THE CONTRACTOR MAY IMMEDIATELY REMOVE FROM THE JOBSITE OR PROJECT ANY EMPLOYEE SUBJECT TO ENFORCEABLE COLLECTIVE BARGAINING AGREEMENT AND THIS PROGRAM AND POLICY WHO VIOLATES THIS POLICY. THE EMPLOYEE MAY BE SUBJECT TO ANY AND ALL DISCIPLINE INCLUDING, BUT NOT LIMITED TO, IMMEDIATE TERMINATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS OR ANY OTHER POLICY, COLLECTIVE BARGAINING UNIT EMPLOYEES MAY ATTEMPT TO RE-QUALIFY UNDER THIS PROGRAM OR POLICY IN ACCORDANCE WITH THE PROVISIONS ABOVE WITHOUT REGARD TO PAST POSITIVE TEST RESULTS.

**E. EMPLOYEE ASSISTANCE PROGRAM FOR COLLECTIVE BARGAINING UNIT EMPLOYEES**

EMPLOYEES WHO ARE PART OF A COLLECTIVE BARGAINING UNION MAY BE ELIGIBLE FOR REFERRAL AND TREATMENT THROUGH AN APPLICABLE HEALTH AND WELFARE BENEFIT PLAN. THE APPROPRIATE BENEFIT ADMINISTRATOR OR LABOR REPRESENTATIVE WILL BE ABLE TO PROVIDE INFORMATION REGARDING ANY APPLICABLE BENEFITS.

**XI. PROGRAM COST AND EXPENSE ALLOCATION**

COST AND EXPENSE OF THIS POLICY SHALL BE BORNE AS FOLLOWS:

PROGRAM SERVICE	BARGAINING UNIT MEMBER/EMPLOYEE PRE-APPRENTICE MEMBER/EMPLOYEE	NON-BARGAINING UNIT EMPLOYEE
<b>DRUG TEST</b>		
PRE-EMPLOYMENT/NEW HIRE	CONTRACTOR	CONTRACTOR
REASONABLE SUSPICION	CONTRACTOR	CONTRACTOR
POST ACCIDENT	CONTRACTOR	CONTRACTOR
RANDOM	CONTRACTOR	CONTRACTOR
FOLLOW-UP	EMPLOYEE	EMPLOYEE
<b>ALCOHOL TEST</b>		
REASONABLE SUSPICION	CONTRACTOR	CONTRACTOR
POST ACCIDENT	CONTRACTOR	CONTRACTOR
FOLLOW-UP	EMPLOYEE	EMPLOYEE
EMPLOYEE EDUCATION (OHIO DFWP GRANT SUPPORTED)	CONTRACTOR	CONTRACTOR
SUPERVISOR EDUCATION (OHIO DFWP GRANT SUPPORTED)	CONTRACTOR	CONTRACTOR
EMPLOYEE ASSISTANCE PROGRAM	LOCAL UNION NO. 212, IBEW HEALTH AND WELFARE FUND	CONTRACTOR

**XII. OTHER PROVISIONS**

**A. OHIO BUREAU OF WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM**

THIS WRITTEN PROGRAM IS DESIGNED TO MEET THE REQUIREMENTS OF THE OHIO BUREAU OF WORKERS' COMPENSATION DRUG-FREE WORKPLACE PROGRAM. NOTWITHSTANDING ANY OTHER PROVISION OF THIS POLICY OR ANY OTHER CONTRACTOR COMMUNICATION OR ACTION, THE CONTRACTOR SHALL NOT TAKE ANY ACTION OR ADVOCATE ANY POLICY OR PROCEDURE THAT WOULD DISQUALIFY IT FROM RECEIVING DISCOUNTED WORKERS' COMPENSATION

PREMIUMS OR PREVENT IT FROM COMPLYING WITH THE OHIO BUREAU OF WORKER'S COMPENSATION DRUG-FREE WORKPLACE PROGRAM. IN THE EVENT ANY CONTRACTOR PROCEDURE IS DETERMINED TO BE DISQUALIFYING OR VIOLATIVE, THAT SPECIFIC POLICY OR PROCEDURE SHALL BE AUTOMATICALLY REVOKED AND IGNORED FOR PURPOSES OF ADMINISTERING AN OHIO QUALIFIED DRUG-FREE WORKPLACE PROGRAM THAT MEETS FEDERAL MOTOR CARRIER REGULATIONS, WHERE REQUIRED.

#### **B. COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAW**

EMPLOYEES WHOSE POSITIONS ARE SUBJECT TO ANY SPECIAL LAW OR REGULATION (FEDERAL, STATE, LOCAL OR OTHERWISE) MAY FACE ADDITIONAL EMPLOYMENT REQUIREMENTS. FOR EXAMPLE, IF FEDERAL LAW REQUIRES A ZERO THRESHOLD FOR CERTAIN DESIGNATED DRUGS AND/OR ALCOHOL, EMPLOYEES IN THESE POSITIONS WHO TEST POSITIVE ARE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION OF EMPLOYMENT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS POLICY.

#### **C. OHIO BUREAU OF WORKERS' COMPENSATION 10-STEP BUSINESS PLAN**

AS PART OF THE DRUG-FREE WORKPLACE PROGRAM, THE CONTRACTOR MAY BE PUTTING INTO PLACE A SAFETY PLAN SPONSORED BY THE OHIO BUREAU OF WORKERS' COMPENSATION KNOWN AS THE 10-STEP BUSINESS PLAN. THIS PLAN WORKS IN CONCERT WITH THIS POLICY AND IS AIMED AT CREATING AN OVERALL SAFER WORKPLACE. MORE INFORMATION ABOUT THIS PLAN MAY BE COMMUNICATED TO EMPLOYEES, AND EMPLOYEES ARE WELCOME TO INQUIRE ABOUT THE PLAN WITH THEIR SUPERVISORS OR THE PROGRAM ADMINISTRATOR.

#### **D. DRUG-FREE WORKPLACE PROGRAM AND MINORS**

IN THE EVENT THAT AN EMPLOYEE IS UNDER THE AGE OF EIGHTEEN (18) AT THE TIME OF TESTING UNDER THIS POLICY, THE CONTRACTOR REQUIRES THAT WRITTEN CONSENT TO TEST BE EXECUTED BY THE EMPLOYEE'S PARENT OR LEGAL GUARDIAN. AS A CONDITION PRECEDENT OF EMPLOYMENT, EMPLOYEES IDENTIFIED IN THIS PROVISION ARE REQUIRED TO PROVIDE THE REQUIRED CONSENT THAT IS PROPERLY EXECUTED IN ACCORDANCE WITH THIS POLICY. FURTHERMORE, EMPLOYEES IDENTIFIED IN THIS PROVISION WHO DO NOT HAVE THE PROPER CONSENT TO TEST ARE PROHIBITED FROM TAKING ANY TEST REQUIRED UNDER THIS POLICY OR ANY OTHER POLICY OF CONTRACTOR.

### **XIII. DEFINITIONS**

**ADULTERATED SPECIMEN:** A SPECIMEN THAT CONTAINS A SUBSTANCE THAT IS NOT EXPECTED TO BE PRESENT IN HUMAN URINE, OR CONTAINS A SUBSTANCE EXPECTED TO BE PRESENT BUT IS AT A CONCENTRATION SO HIGH THAT IT IS NOT CONSISTENT WITH HUMAN URINE.

**ALCOHOL:** THE INTOXICATING AGENT IN BEVERAGE ALCOHOL, ETHYL ALCOHOL, OR OTHER LOW MOLECULAR WEIGHT ALCOHOL'S INCLUDING METHYL AND ISOPROPYL ALCOHOL.

**ALCOHOLISM:** A DISEASE IN WHICH A PERSON'S CONSUMPTION OF ANY ALCOHOLIC BEVERAGE DEFINITELY AND REPEATEDLY INTERFERES WITH THAT PERSON'S HEALTH AND/OR PERFORMANCE.

**CONTROLLED SUBSTANCE:** ANY SUBSTANCE THAT CAN ONLY BE LEGALLY OBTAINED BY PRESCRIPTION FROM A LICENSED MEDICAL PRACTITIONER.

**CONTRACTOR PREMISES:** INCLUDES ALL LAND PROPERTY, BUILDINGS, STRUCTURES, INSTALLATIONS, BOATS, PLANES, CARS, TRUCKS, VANS, AND ALL OTHER MEANS OF CONVEYANCE OWNED BY OR LEASED TO THE CONTRACTOR OR OTHERWISE BEING UTILIZED FOR CONTRACTOR AFFAIRS.

**EMPLOYEE:** ANY EMPLOYEE OF THE CONTRACTOR, INCLUDING MANAGEMENT AND SUPERVISORY EMPLOYEES.

**ILLEGAL DRUG:** ANY DRUG OR SUBSTANCE WHICH IS NOT LEGALLY OBTAINABLE AND WHOSE USE, SALE, POSSESSION, PURCHASE OR TRANSFER IS RESTRICTED OR PROHIBITED BY LAW OR WHICH IS LEGALLY OBTAINABLE, BUT HAS NOT BEEN LEGALLY OBTAINED. THE TERM "ILLEGAL DRUG" BROADLY REFERS TO ALL FORMS OF NARCOTICS, DEPRESSANTS, STIMULANTS, HALLUCINOGENS, COCAINE, CRACK, AMPHETAMINES, OR OTHER DRUGS OR PREPARATION THAT ALTER A PERSON'S PHYSICAL OR EMOTIONAL STATE, INCLUDING MARIJUANA. THIS TERM ALSO INCLUDES PRESCRIBED DRUGS NOT LEGALLY OBTAINED AND PRESCRIBED DRUGS NOT BEING USED FOR PRESCRIBED PURPOSES.

**LEGAL DRUG:** PRESCRIBED DRUGS AND OVER-THE-COUNTER DRUGS THAT HAVE BEEN OBTAINED LEGALLY AND ARE BEING USED FOR THE PURPOSE FOR WHICH THEY WERE PRESCRIBED AND/OR MANUFACTURED. THIS TERM ALSO INCLUDES ALCOHOL AS DEFINED IN THIS POLICY.

**MEDICAL REVIEW OFFICER (MRO):** A LICENSED PHYSICIAN (MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHY) RESPONSIBLE FOR RECEIVING LABORATORY RESULTS GENERATED BY AN EMPLOYER'S DRUG TESTING PROGRAM. THE MRO SHALL HAVE KNOWLEDGE OF SUBSTANCE ABUSE DISORDERS AND HAVE APPROPRIATE MEDICAL TRAINING TO INTERPRET AND EVALUATE AN INDIVIDUAL'S CONFIRMED POSITIVE TEST RESULT, TOGETHER WITH HIS/HER MEDICAL HISTORY AND ANY OTHER RELEVANT BIOMEDICAL INFORMATION.

**SPLIT SPECIMEN:** IN DRUG TESTING, A PART OF THE URINE SPECIMEN THAT IS SENT TO A FIRST LABORATORY AND RETAINED UNOPENED, AND WHICH IS TRANSPORTED TO A SECOND LABORATORY IN THE EVENT THAT THE EMPLOYEE REQUESTS THAT IT BE TESTED FOLLOWING A VERIFIED POSITIVE TEST OF THE PRELIMINARY SPECIMEN OR A VERIFIED ADULTERATED OR SUBSTITUTED TEST RESULT.

**SUBSTANCE ABUSE:** THE UNAUTHORIZED USE OF ANY DRUGS (LEGAL OR ILLEGAL) AND/OR ALCOHOL OR USE IN SUCH QUANTITY OR FREQUENCY AS TO IMPAIR A PERSON'S MENTAL OR PHYSICAL CAPACITY.

**SUBSTITUTED SPECIMEN:** A SPECIMEN WITH CREATININE AND SPECIFIC GRAVITY VALUES THAT ARE SO DIMINISHED THAT THEY ARE NOT CONSISTENT WITH HUMAN URINE.

**UNDER THE INFLUENCE:** THE EMPLOYEE HAS ALCOHOL AND/OR DRUGS IN HIS/HER SYSTEM AND HAS TESTED POSITIVE FOR ALCOHOL AND/OR DRUGS. THE EMPLOYEE CAN ALSO BE DETERMINED TO BE "UNDER THE INFLUENCE" WHEN AFFECTED BY SUCH ALCOHOL AND/OR DRUG IN ANY DETECTABLE MANNER, INCLUDING BUT NOT LIMITED TO IMPAIRED PERFORMANCE OF THE JOB DUTIES AND RESPONSIBILITIES AND/OR SAFETY CONCERNS.

#### XIV. FORMS AND ATTACHMENT

# NECA – CINCINNATI CHAPTER

## DRUG-FREE WORKPLACE PROGRAM

### A. ACKNOWLEDGEMENT, CONSENT, RELEASE, AND INFORMATION FORM

THE INDIVIDUAL IDENTIFIED BELOW HEREBY ACKNOWLEDGES THAT THE HAVE RECEIVED A COPY OF NECA – CINCINNATI CHAPTER DRUG-FREE WORKPLACE PROGRAM WRITTEN POLICY.

PRINTED NAME: (PRINT FIRST AND LAST NAME)	SOCIAL SECURITY NO.:
HOME ADDRESS:	DATE:
	HOME PHONE NO:
	SIGNATURE:

# NECA – CINCINNATI CHAPTER

## DRUG-FREE WORKPLACE PROGRAM

### B. REASONABLE SUSPICION REPORT OF SUSPECTED JOB-RELATED DRUG AND/OR ALCOHOL USE.

THE INDIVIDUAL IDENTIFIED BELOW IS SUSPECTED OF FAILING TO COMPLY WITH THE ASSOCIATIONS DRUG-FREE WORKPLACE POLICY.

**INSTRUCTIONS TO SUPERVISOR:** WATCH THE EMPLOYEE CAREFULLY AND NOTE SUSPICIOUS ACTIONS AND/OR CHARACTERISTICS ON THIS FORM. BE SURE THAT ALL SUPERVISION INVOLVED IN THE OBSERVATION PROCESS COMPLETES A SEPARATE COPY OF THIS OBSERVATION REPORT IMMEDIATELY. THIS DOCUMENT MUST BE PREPARED AND SIGNED BY THE SUPERVISOR WITHIN 24 HOURS OF THE OBSERVED BEHAVIOR OR BEFORE THE RESULTS OF THE TEST ARE RELEASED.

EMPLOYEE NAME	SOCIAL SECURITY #	JOB TITLE
EMPLOYEE HOME WORK PHONE	OBSERVATION DATE & TIME START	OBSERVATION DATE & TIME END
ALCOHOL, SUSPECTED DRUGS, OR DRUG PARAPHERNALIA DISCOVERED? <input type="checkbox"/> YES (EXPLAIN BELOW) <input type="checkbox"/> NO		

STANDARD	YES	NO
STUMBLING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
STAGGERING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
FALLING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
UNABLE TO WALK	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SWAYING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
UNSTEADY	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HOLDING ON	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SWAYING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
RIGID	<input type="checkbox"/> YES	<input type="checkbox"/> NO
UNABLE TO STAND	<input type="checkbox"/> YES	<input type="checkbox"/> NO
FEET WIDE APART	<input type="checkbox"/> YES	<input type="checkbox"/> NO
STAGGERING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SAGGING AT KNEE	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HOLDING ON	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SHOUTING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SILENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WHISPERING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SLOW	<input type="checkbox"/> YES	<input type="checkbox"/> NO
RAMBLING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
MUTE	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SLURRED	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SLOBBERING	<input type="checkbox"/> YES	<input type="checkbox"/> NO
INCOHERENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO

TEMPERATURE	MOOD	APPEARANCE			
COOPERATIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO	RESISTING	<input type="checkbox"/> YES <input type="checkbox"/> NO	MESSY	<input type="checkbox"/> YES <input type="checkbox"/> NO
POLITE	<input type="checkbox"/> YES <input type="checkbox"/> NO	FIGHTING	<input type="checkbox"/> YES <input type="checkbox"/> NO	DIRTY	<input type="checkbox"/> YES <input type="checkbox"/> NO
CALM	<input type="checkbox"/> YES <input type="checkbox"/> NO	THREATENING	<input type="checkbox"/> YES <input type="checkbox"/> NO	PARTIALLY DRESSED	<input type="checkbox"/> YES <input type="checkbox"/> NO
SLEEPY	<input type="checkbox"/> YES <input type="checkbox"/> NO	CALM	<input type="checkbox"/> YES <input type="checkbox"/> NO	EXCREMENT STAINS	<input type="checkbox"/> YES <input type="checkbox"/> NO
CRYING	<input type="checkbox"/> YES <input type="checkbox"/> NO	DROWSY	<input type="checkbox"/> YES <input type="checkbox"/> NO	UNRULY	<input type="checkbox"/> YES <input type="checkbox"/> NO
SILENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	PROFANITY	<input type="checkbox"/> YES <input type="checkbox"/> NO	STAINS ON CLOTHING	<input type="checkbox"/> YES <input type="checkbox"/> NO
TALKATIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO	HOSTILE	<input type="checkbox"/> YES <input type="checkbox"/> NO	NEAT	<input type="checkbox"/> YES <input type="checkbox"/> NO
EXCITED	<input type="checkbox"/> YES <input type="checkbox"/> NO	HYPERACTIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO	HAVING AN ODOR	<input type="checkbox"/> YES <input type="checkbox"/> NO
SARCASTIC	<input type="checkbox"/> YES <input type="checkbox"/> NO	ERRATIC	<input type="checkbox"/> YES <input type="checkbox"/> NO		
FIGHTING	<input type="checkbox"/> YES <input type="checkbox"/> NO				

MOVEMENT	EYES	BREATH			
JERKY	<input type="checkbox"/> YES <input type="checkbox"/> NO	BLOODSHOT	<input type="checkbox"/> YES <input type="checkbox"/> NO	ALCOHOL ODOR	<input type="checkbox"/> YES <input type="checkbox"/> NO
SLOW	<input type="checkbox"/> YES <input type="checkbox"/> NO	WATERY	<input type="checkbox"/> YES <input type="checkbox"/> NO	STRONG	<input type="checkbox"/> YES <input type="checkbox"/> NO
NORMAL	<input type="checkbox"/> YES <input type="checkbox"/> NO	DILATED	<input type="checkbox"/> YES <input type="checkbox"/> NO	MODERATE	<input type="checkbox"/> YES <input type="checkbox"/> NO
NERVOUS	<input type="checkbox"/> YES <input type="checkbox"/> NO	GLASSY	<input type="checkbox"/> YES <input type="checkbox"/> NO	FAINT	<input type="checkbox"/> YES <input type="checkbox"/> NO
HYPERACTIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO	DROOPY	<input type="checkbox"/> YES <input type="checkbox"/> NO	NO ALCOHOL ODOR	<input type="checkbox"/> YES <input type="checkbox"/> NO
		CLOSED	<input type="checkbox"/> YES <input type="checkbox"/> NO		

# NECA – CINCINNATI CHAPTER

## DRUG-FREE WORKPLACE PROGRAM

AGE	EATING CHEWING	DATE
FLUSHED <input type="checkbox"/> YES <input type="checkbox"/> NO PALE <input type="checkbox"/> YES <input type="checkbox"/> NO SWEATY <input type="checkbox"/> YES <input type="checkbox"/> NO	GUM <input type="checkbox"/> YES <input type="checkbox"/> NO CANDY <input type="checkbox"/> YES <input type="checkbox"/> NO MINTS <input type="checkbox"/> YES <input type="checkbox"/> NO	

USING THE LIST ABOVE, EXPLAIN BELOW ANY PHYSICAL SIGNS OR SYMPTOMS OF POSSIBLE SUBSTANCE USE THAT ARE EVIDENT.

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DESCRIBE BELOW THE BEHAVIOR OF THE INDIVIDUAL THAT IS THE BASIS FOR THE DRUG-FREE WORKPLACE PROGRAM.

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LIST BELOW THE NAMES OF ALL OTHER EMPLOYEES WHO WERE PRESENT AT THE TIME OF THE INCIDENT.

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STATE IF OTHER EMPLOYEES WERE:

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REPORTING SUPERVISOR NAME	REPORTING SUPERVISOR SIGNATURE	DATE
CONFORMING SUPERVISOR NAME	CONFORMING SUPERVISOR SIGNATURE	DATE

**NECA – CINCINNATI CHAPTER  
DRUG-FREE WORKPLACE PROGRAM**

**B. NEXT CHANCE AGREEMENT**

AS PART OF ITS DRUG-FREE WORKPLACE PROGRAM, YOU AGREE TO SEEK COUNSELING AND REFERRAL TO A REHABILITATION PROGRAM FOR ALCOHOL AND/OR DRUG USE. THE ULTIMATE GOAL IS FOR YOU TO MEET ALL THE REQUIREMENTS OF THE POLICY AND RETURN TO WORK. THE FOLLOWING CONDITIONS APPLY TO YOUR REHABILITATION PROGRAM:

- YOU MUST AUTHORIZE YOUR COUNSELOR OR REHABILITATION PROGRAM COORDINATOR TO PROVIDE PROOF OF ENROLLMENT IN AN ALCOHOL/DRUG ABUSE REHABILITATION PROGRAM AND PROOF OF ATTENDANCE AT ALL REQUIRED SESSIONS ON A MONTHLY BASIS. YOUR ATTENDANCE MAY BE CLOSELY MONITORED AND MAY SERVE AS A BASIS TO TERMINATE YOUR EMPLOYMENT (CANCEL THIS AGREEMENT) IF YOU DO NOT REGULARLY ATTEND ALL REQUIRED SESSIONS.
- YOU WILL PAY FOR ALL COSTS THAT ARE NOT COVERED BY YOUR INSURANCE AND/OR HEALTH AND WELFARE FUND.
- FOR SEVERAL MONTHS FOLLOWING COMPLETION OF YOUR REHABILITATION PROGRAM, YOU WILL BE TESTED FOR ALCOHOL AND/OR DRUG USE ON AN UNANNOUNCED BASIS TO DETERMINE IF YOU ARE IN COMPLIANCE WITH THE DRUG-FREE WORKPLACE POLICY. YOUR EMPLOYMENT MAY BE PROMPTLY TERMINATED IF YOU REFUSE TO SUBMIT TO TESTING OR IF YOU TEST POSITIVE DURING THIS PERIOD.
- YOU MUST MEET ALL ESTABLISHED STANDARDS OF CONDUCT AND JOB PERFORMANCE. YOU MAY BE TERMINATED IF YOUR ON-THE-JOB CONDUCT OR JOB PERFORMANCE IS UNSATISFACTORY. SATISFACTORY PERFORMANCE INCLUDES ONGOING COMPLIANCE WITH THIS DRUG/ALCOHOL TESTING POLICY, INCLUDING TESTING IF THERE IS REASONABLE SUSPICION OF A VIOLATION OF THE PROHIBITION OF USE.
- YOU VOLUNTARILY AGREE TO ALL OF THE ABOVE CONDITIONS AND AUTHORIZE MY COUNSELOR OR REHABILITATION PROGRAM COORDINATOR TO PROVIDE PROOF OF MY ENROLLMENT AND ATTENDANCE AT THE RECOMMENDED REHABILITATION PROGRAM.

NAME	SIGNATURE	DATE

**THIS FORM IS OPTIONAL**

ACCEPTANCE OF THIS POLICY AND/OR PROVIDING A SPECIMEN IN ACCORDANCE WITH THIS POLICY SHALL CONSTITUTE IMPLIED ACCEPTANCE AS EXPLICITLY DESCRIBED ABOVE AND OTHERWISE.

**NECA – CINCINNATI CHAPTER  
DRUG-FREE WORKPLACE PROGRAM**

**C. ADOPTION AGREEMENT**

THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION CINCINNATI CHAPTER HEREBY ADOPTS AND AGREES TO THIS DRUG-FREE WORKPLACE PROGRAM AND POLICY EFFECTIVE AS OF THE DATE BELOW.

REPRESENTING THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION CINCINNATI CHAPTER

DON BOLLING EXECUTIVE DIRECTOR		
	SIGNATURE	DATE

NURSING CORPS / SHIELD HEREBY AGREES TO SERVE AS THE DESIGNATED MEDICAL PROVIDER FOR IMPLEMENTATION AND ADMINISTRATION OF ALL COMPONENTS OF THIS PROGRAM.

ANDREW POWELL DIRECTOR OF MEDICAL TESTING		
	SIGNATURE	DATE