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SHEET METAL INDUSTRY DRUG-FREE WORKPLACE PROGRAM, INC.

POLICY FOR DRUG AND ALCOHOL-FREE WORKPLACE PROGRAM SMWIA LOCAL UNION 312 SMACNA UTAH

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POLICY

PURPOSE

The members of Local Union 312, Sheet Metal Workers Intermountain Association (SMWIA), and the Sheet Metal Contractor's Association of Utah (SMACNA) are committed to a workplace environment, which ensures the safety and encourages the personal health and productivity of all employees in our industry. We recognize that substance abuse in the workplace is a threat to the safety, health, and job performance of all employees. The goal of this policy is to balance respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. The SMWIA Local Union 312, SMACNA Utah Drug-Free Workplace Policy Committee (DFWPC) has established this policy to detect and remove abusers of alcohol and drugs from the workplace.

The DFWPC wishes to promote and facilitate follow-up procedures that enable detected users to stop using drugs and/or abusing alcohol permanently and return to employment without bias, as safely and expediently as possible, pursuant to this policy. To meet this goal the DFWPC, Employee Assistance Program, SMWIA, and employer will need the full cooperation and compliance of the employee with the procedures outlined in this policy.

This Policy will be governed under the Administrative Procedures negotiated by the DFWPC. The DFWPC reserves the right to change the Policy and/or the Administrative Procedures. Any amendments to the Policy or the Administrative Procedures shall be negotiated by the DFWPC and will become effective upon written notice.

The purpose of this document is to convey to employees/employers the DFWPC's policy on alcohol and controlled substance use in the workplace.

SCOPE

This substance abuse policy shall be the policy for all employers and their employees.

As a condition of employment, employees are required to abide by this policy. Certain employees may also be subject to additional requirements that are mandated for their job duties under State and/or Federal regulations, including, but not limited to, CDL licensed employees and oil and natural gas pipeline employees.

DEFINITIONS

- a. **"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- b. **"Alcohol Testing"** means breath testing by a certified breath-alcohol technician, using a DOT-approved breath-testing device.
- c. **"Drugs" or "Controlled Substances"** means any drug including those assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I, through Schedule V., as they may be revised from time to time (21 CFR 1308). They may include, but are not limited to:
 1. Marijuana
 2. Cocaine
 3. Opioids
 4. Phencyclidine (PCP)
 5. Amphetamines
 6. Barbiturates
 7. Benzodiazepines
 8. Methadone
 9. Propoxyphene
 10. Synthetic Opiates
- d. **"Drug Testing" or "Drug Test"** means scientific analysis of the presence of drugs or their metabolites in the human body.
- e. **"Designated Employer Representative"** means persons authorized to receive confidential drug and alcohol information.
- f. **"Employee"** means contractors (sole proprietors, partners, owner members, corporate officers), their overhead staff (clerical workers, estimators, detailers, supervisors, warehouse workers, laborers), their bargaining unit employees employed under the Building Trades Agreement, the Residential Addendum to the Building Trades Agreement, Industrial Workers Agreement, Maintenance Agreement, Siding, and Decking Agreement, Production Agreement and Standard Form Agreement (pre-apprentices, production workers, classified, applicants, trainees, technicians, temporary employees, and travelers), and the staff employees of SMWIA Local Union 312, and SMACNA Utah who are not covered by a collective bargaining agreement.
- g. **"Employer"** means a contractor who is signatory to a collective bargaining agreement with SMWIA Local Union 312.
- h. **"Employee Assistance Program (EAP)"** means a designated provider of services for the purpose of drug and alcohol use assessment, provision of treatment options, and plans, and referrals for employees who violate this policy.

- i. **“Employer Property”** means all facilities, job sites, vehicles, and equipment that are leased, operated, or utilized by the employer or its employees for work-related purposes. This will include parking areas and driveways, lockers, toolboxes or other related storage areas used by employees. It will also include other public or private property, facilities, vehicles, and equipment located away from the employer facility if the employee is present on such property for work-related purposes.
- j. **“Employer Time”** means all working hours regardless of whether the employee is on the employer’s property, and at any time the employee represents the employer in any capacity.
- k. **“Medical Review Officer (MRO)”** means a licensed physician with knowledge of controlled substance abuse disorders that is employed or used by the TPA to conduct a review of drug test results.
- l. **“New Entrant”** means any person applying for a bargaining or non-bargaining position, who is not currently a member of SMWIA Local Union 312, nor employed by an employer covered by this policy. New entrants must pass a DFWPC-approved pre-employment/new entrant test before being hired and entering the random testing pool. New entrants shall also include those individuals who have been out of the random pool for a period of six months.
- m. **“Pre-Employment Test”** under this policy shall be an optional drug test that the individual employer may require for a new employee who has recently been employed and is currently subject to random drug testing within Local 312. If an employer chooses to conduct pre-employment testing, they must pre-employment test all new employees.
- n. **“Positive Test”** means any test result which meets any of the following criteria:
 1. **Positive Alcohol Test** means test levels on both the initial test, and the confirmation test produce a result of .02 grams per 210 liters of breath for fitness for duty determination. A result of .04 grams per 210 liters of breath, or greater, will be determined as a violation of this policy.
 2. **Positive Drug Test** means test levels on both the screening test and the confirmatory test which are recognized as positive by the U.S. Department of Health and Human Services (DHHS) in its Mandatory Guidelines for Federal Workplace Drug Testing Program, or the standard cutoff levels for a drug as established by the laboratory, if DHHS has not established cutoff levels for that drug. If the DHHS issues subsequent rules or regulations regarding test levels, the DFWPC shall meet to consider amendments.
 3. **Adulterated/Invalid Test** means 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.
 4. **Substituted Test** means a specimen with creatinine and specific gravity values that are so diminished, or so divergent, that they are not consistent with human urine.

5. **Refusal to Test** means that an employee/applicant failed to provide an adequate specimen due to any of the reasons listed below:
 - a. Failure to appear for any test within a reasonable time, as determined by the employer, after directed to take a test.
 - b. Failure to provide a specimen or a sufficient amount of specimen when directed, unless the MRO has verified a pre-existing medical condition, which explains why an adequate specimen cannot be provided; or
 - c. Failure to cooperate with any part of the collection or testing process.

A "Positive Test" is a violation of this policy, for consequences see "Disciplinary Action" section.

- o. **"Prospective Employee"** means any person who has made a written or oral application to become an employee of an employer, or a person dispatched from the Union to a new employer.
- p. **"Random Testing"** means the unannounced drug testing of an employee who was selected by using a systematic computer-generated selection method uninfluenced by any personal characteristic other than job category.
- q. **"Reasonable Cause"** or **"For-Cause Testing"** means testing founded on an articulated belief, based on recorded specific facts and reasonable inference drawn from those facts, that an employee is impaired, under the influence of, or has used drugs or alcohol at work.
- r. **"Sample or Specimen"** means any sample of urine, oral fluid, or breath used for controlled substance or alcohol testing.
- s. **"Third Party Administrator (TPA)"** a third-party contracted to perform services on behalf of the Sheet Metal Workers Drug-Free Workplace Program.
- t. **"Union"** shall mean all members of the Sheet Metal Workers International Association.
- u. **"Use"** means to illegally consume, sell, purchase, manufacture, distribute, report to work under the influence of, or be in the possession of drugs or alcohol at work. The term "use" shall also include the presence of drugs or alcohol in the body of an employee, including the presence as a metabolite, as indicated by a positive test, and the use of a prescription drug without a valid prescription from an authorizing physician or other healthcare provider.

PROHIBITED ACTIVITIES

It is a violation of this policy for any employee to use drugs or alcohol while on employer time, conducting employer business, or on employer property.

An employee shall be in violation of the policy if he/she reports to work under the influence of, or has present in their body, drugs, or alcohol. A drug test will be considered positive when the test result is verified by the MRO as "positive" for drugs or their metabolites. An alcohol test will be considered positive when the test result is at or above .02. See the Definitions section, "Positive

Test,” for more specific criteria of what constitutes a positive test. Employer-sponsored events attended voluntarily are not considered to be covered by this policy.

The use of prescription drugs under the care of a physician that may impair the employee's ability to safely perform their duties must be reported to the employee's supervisor. It is a violation of the policy to use a prescription drug without a valid prescription from an authorizing physician, or other healthcare provider, or to use a prescription in excess of the prescription instructions.

It is a violation of this policy for an employee to use alcohol while on employer time or on employer business, or to report to work under the influence of alcohol.

1. If an employee's alcohol test is between .02-.039 he/she will not be allowed to work for 24 hours, or one shift, and will be required to pass a return to duty breath alcohol test with a result below .02 grams per 210 liters of breath.
2. Any employee whose alcohol test is .02 or greater, but less than .04, for the second time in 12 consecutive months, shall be referred to the “Employee Assistance Program” (EAP) for evaluation and will not be allowed to work for 24 hours, or one shift, and will be required to pass a return to duty breath alcohol test with the result below .02. This is not a violation unless the employee does not complete the EAP evaluation.
3. Any employee with an alcohol test of .04 or higher will be in violation of this policy and shall be referred to the EAP for evaluation.
4. Any employee, with a previous alcohol result of .04 or greater, whose alcohol test is .02 or greater for the second time in 12 consecutive months shall be in violation of this policy and shall be referred to the “Employee Assistance Program” (EAP) for evaluation.

It is a violation of this policy for any employee, who is required to submit to a post-accident drug and/or alcohol test, to use any controlled substance or alcohol until they have received a post-accident drug and/or alcohol test, unless the controlled substance is by valid prescription or medical treatment.

It is a violation of this policy for an employee to refuse to submit a specimen when required to do so under the terms of this policy. Refusal to submit a specimen (breath, oral fluid, and/or urine) will be treated as a positive test result.

Any employee who tampers with substitutes or adulterates a specimen for drug or alcohol testing will be in violation of this policy. Any specimen reported by the MRO as substituted or adulterated will be treated as a positive test result.

It is a violation of this policy for any employee to fail to cooperate in the collection of a specimen for a drug or alcohol that has been properly ordered. Failure to cooperate will be treated as a positive test result.

Once referred to the EAP for violation of this policy, the employee must comply with all counseling, rehabilitation and aftercare as required by the EAP. If the employee fails to cooperate, the employee will be considered in violation of this policy,

If a customer of an employer has additional requirements for drug and alcohol testing, policies, or procedures, all employees and employers shall abide by such requirements. Failure to abide by such requirements shall constitute a violation of this policy justifying reassignment or other appropriate discipline.

When the employer receives a positive drug or alcohol test for an employee who was tested outside of this program, the employer will immediately order a reasonable suspicion test to be conducted. The test will verify whether the donor is in violation of the SMWDFW policy. Results are to be reported to the designated employer and SMWIA Local Union 312.

POLICY VIOLATIONS/DISCIPLINARY ACTIONS

While the intent of this policy is to enable detected users to stop using drugs and alcohol, employers have the right to terminate employees who violate this policy.

For the **first** policy violation, employees will be referred to the EAP for evaluation. Such employees shall be allowed to return to work if the employee complies with recommended treatment or counseling required by the EAP counselor. The employee must then take, and pass, the return-to-duty test as interpreted by the Medical Review Officer. **Refer to: Safe Harbor Section**

For the **second** policy violation, employees will be suspended for a period of 30 days. At the conclusion of the 30 days, the EAP will verify compliance and the employee must pass a return-to-duty test. **Refer to: Safe Harbor Section**

For the **third** (or more) policy violation, employees will be suspended for a period of 90 days. At the conclusion of the 90 days, the EAP will verify compliance and the employee must pass a return-to-duty test. If either the employee or employer wishes to contest the 90-day suspension, either (or both) may request in writing to have the suspension reviewed by the DFWPC. The DFWPC, by majority vote, can override the 90-day suspension rule and determine a shorter time of suspension.

Employees who violate this policy by **selling**, **manufacturing** or **distributing drugs** or alcohol at work will be terminated from employment.

If an employee who violates this policy is an **owner** of a company or an **employee not covered** by a bargaining agreement, he/she shall be barred from the work site and referred to the EAP. If he/she refuses to comply with this policy, the matter shall be referred to the DFWPC.

If an employee misses two (2) consecutive appointments with the EAP, they will be considered non-compliant until the EAP meeting has been complete.

If a follow-up test has been requested, the employee must report directly to the collection agent (CODA) by end of the next business day (5:00 p.m.). Failure to comply will be treated as a refusal.

If an employee suspects that he or she has a controlled substance abuse problem, the employee is expected to contact the EAP. Any employee who voluntarily seeks assistance or rehabilitation for controlled substance or alcohol abuse, prior to being subject to testing under this policy, shall not be subject to the disciplinary action for violation of the Policy, as long as the employee continues to participate satisfactorily in the counseling or rehabilitation program. Failure to comply (treated as a policy violation and) requires removal from workplace duties until the employee complies with the EAP recommendations.

If an employee reports drug or alcohol use that is in violation of this policy to the employer, the employee must be referred to the EAP for evaluation and the employee must then comply with the EAP counselor's recommendations.

SAFE HARBOR

The purpose of safe harbor is to allow for relapse management and to prevent second and third policy violations if possible. Any employee who has had a first or second policy violation is eligible. If the employee slips and begins using again, they can call their EAP counselor and ask for "safe harbor." If the employee calls before the employer is notified of a pending test by the collection dispatcher, the employee will be given immunity. The employee will be required to meet with the EAP counselor and follow the counselor's recommendations.

GRIEVANCE PROCEDURE

In the event a union employee, covered by the bargaining agreement has a grievance as a result of the application and administration of this policy, the employee shall grieve the issue through the procedure as outlined in Article X, Sections 1 and 2 of the Standard Form of Union Agreement.

In the event a non-bargaining employee has a grievance because of the application and administration of this policy, the grievance will be submitted to the American Arbitration Association for adjudication. The grievance must be submitted within thirty (30) days following the decision of the DFWPC. The parties in arbitration will be responsible for securing their legal representation in this matter. The arbitrator's decision is final and binding on both parties, and upon such decision, neither party will pursue any further litigation regarding the grievance. All related arbitration costs and attorney fees will be paid for by the party found in default.

DRUG TESTING CIRCUMSTANCES

New Entrant Procedures: All new entrants, bargaining and non-bargaining, in the random testing pool shall pass a DFWPC approved drug test, the cost of which is paid for by the program. Bargaining unit employees shall pass this drug test before being dispatched by SMWIA Local Union 312 to an employer. Non-bargaining unit employees shall pass this drug test before being hired by an employer.

Pre-employment Procedures: Employers can test prospective employees who are already entered into random testing pool. Refusal to consent to a pre-employment drug test will stop any further action toward employment.

Post-Accident Tests: In the event of an accident that is OSHA/UOSHA recordable and/or which results in damage to property or equipment, any person(s) directly involved in the accident may be required to submit to a drug/alcohol test.

Reasonable Cause: (For-Cause Test) Reasonable Cause testing will be done in cases where there is a belief by a designated company official, safety manager or designated supervisor, trained in controlled substance and alcohol use and misuse, that an employee may be using drugs or alcohol while at work or reporting to work under the influence of drugs and alcohol, or using prescription drugs illegally. Reasonable Cause or For-Cause tests will be required when there is any of the following:

1. Observable phenomena (actual use or possession)
2. Abnormal behavior or physical characteristics (as specified in the "Observed Behavior-Reasonable Cause" Record form) not satisfactorily explained by circumstances not attributable to controlled substance or alcohol use.

An employee's private property may only be inspected for reasonable cause and shall include employee's lunch boxes, toolboxes, back packs, purses and the like that are brought by the employee onto the employer's property or used for work-related purposes.

Random Testing: Random testing will be administrated by a TPA retained by the DFWPC. Random testing will be conducted for those employees covered by the scope of this policy.

Return to Duty: When an employee has violated this policy and has been referred to the EAP (BHS) for evaluation, he/she must pass a drug and/or alcohol test prior to being released by the MRO to return to work. If it is the first violation of this policy, passing the return to duty test means that a negative result is obtained on the drug/alcohol test for all substances except marijuana. If the offending-controlled substance is marijuana, the employee may pass the test if the result shows significantly descending levels, indicating the employee is not currently using the controlled substance. Therefore, a positive marijuana test can be defined as a passing test by the MRO if the employee verifies no current use, and the descending THC levels are consistent with the profile of someone who is no longer using.

Follow-Up: Once the employee returns to work, he/she will be subject to counseling and follow-up drug testing as specified by the third-party agent (BHS) to remain compliant with this policy. The EAP will specify the number and frequency of clinic visits and follow-up drug/alcohol tests required. The DFW Third Party Collections Agent (CODA) will contact the employee directly to schedule follow up tests, donors will have until 5:00 p.m. the next business day to comply, failure to do so will be treated as a refusal.

A positive follow-up drug test will be treated as an additional violation of the policy, subjecting the employee to the disciplinary actions specified in the policy for subsequent violations.

Contesting a Drug Test Result: An employee will have 72 hours to request the reconfirmation of any specimen that is deemed positive, adulterated, or substituted. The reconfirmation test will be performed at a different SMHSA-certified laboratory and is dependent on the original sample having produced a large enough quantity to perform the reconfirmation.

An employee who has tested positive, adulterated, or substituted shall have the right to request in writing, from the employer, a copy of the laboratory report.

GENERAL PROVISIONS

No employee shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the substance abuse program.

Neither the Union, SMACNA Utah nor the DFWPC is responsible for ascertaining the drug-free or alcohol-free status of any employee or prospective employee.

The employers agree to hold harmless and indemnify the SMWIA Local Union 312, the Sheet Metal Contractors Association of Utah, and the DFWPC from any liability that may be incurred as a result of the substance abuse policy, including drug and alcohol testing.

Nothing herein shall be construed as giving rise to a duty, undertaking or obligation on the part of the Union, SMACNA Utah or the DFWPC to provide a safe workplace. The Union, SMACNA Utah or the DFWPC does not warrant or assure the proper administration of the testing program by the third-party administrator, Medical Officer, or laboratory. It is recognized that the actions of the Union, SMACNA Utah, and the DFWPC in administering this program are necessary for the effective performance of their functions in representing their constituencies under the terms and conditions of the collective bargaining agreements.

If any provision of this substance abuse policy is declared to be illegal by any court of competent jurisdiction, the remainder of the policy shall be in full force and effect and the DFWPC shall seek to negotiate substitute provisions, which are in conformity with the applicable laws.

PAYMENTS FOR DRUG TESTING

Paid by the Program:

1. Random Tests
2. Return-to-Duty Tests
3. Follow-Up Tests
4. New-Entrants into the Random Pool
5. Pre-Employment Tests
6. Reasonable-Cause Tests

Paid by the Employer:

1. Post-Accident Tests
2. Job Site Tests (will be paid by Employer, Contractor, Customer, or other parties)

Paid by the Individual:

1. Re-analysis of positive, adulterated, and substituted specimens.
2. Individuals will be reimbursed if the re-analysis fails to return a result of positive, adulterated, or substituted.

PROCEDURES

Confidentiality

To ensure the confidentiality of test results and the privacy of employees, all communication concerning drug or alcohol testing, sample collection, test results, employee notification, and discipline will be handled only by an authorized representative of the employer, SMACNA Utah, SMWIA Local Union 312, the TPA, the EAP, or the Medical Review Officer. Any electronic transmission of personal information must be treated as confidential.

In cases involving bargaining unit employees where notification to the employer is required per this policy, notification will also be given to an authorized representative of the Utah Sheet Metal Local Union and SMACNA Utah.

Drug testing records will be kept in a separate locked file not accessible to non-authorized personnel.

Reasonable Cause Testing

Supervisors will fill out the form "Observed Behavior-Reasonable Cause Record" before requesting a reasonable-cause test. The circumstances supporting a reasonable cause test shall be set forth by completing the narrative portion of the reasonable cause test form. If a second supervisor is not available to corroborate the request for a test, the test will be based on the observations of a single supervisor. A reasonable-cause test can be conducted at the TPA's testing facility or on-site. If a reasonable-cause test is needed, the TPA should be contacted immediately.

When a reasonable cause test has been properly ordered, the test will be done as soon as possible and within 32 hours of notification of the employee by the employer for a drug test and within 8 hours of notification to the employee for an alcohol test.

No employee will be allowed to proceed to a "Reasonable-Cause" test on his/her own. Any employee who is suspected of being under the influence of drugs or alcohol, or who may test positive for alcohol, will be offered transportation to their place of residence.

Any employee who is required to submit to a "Reasonable Cause" test will not be allowed to return to work until a negative test result is received by the employer.

When an employee is tested under the “Reasonable Cause” provision of the Substance Abuse Policy and the test result is negative, the employee will be compensated for all lost time.

Post-Accident Testing

Post-accident drug tests will be conducted within 32 hours of the accident. If a drug test is not conducted within 32 hours of the occurrence of the accident all drug testing will stop. If an employee is not allowed to return to work until the test result is received and the test result is negative, the employee will be compensated for all lost time. All alcohol testing will take place within 2 hours, but not later than 8 hours of the accident. If an alcohol test is not conducted within 8 hours of an accident all alcohol testing will stop. If a post-accident test is needed, the TPA should be contacted immediately. Post-accident tests can be conducted either at the employer’s facility, or **other prearranged collection facilities/clinics**, if the parties are injured and admitted to a hospital, at the hospital.

New Entrant/Pre-Employment Testing

Pre-Employment & New-Entrant tests are conducted at the TPA’s facility, or under the supervision and in compliance with, the TPA and this policy’s procedures. A prospective employee will be given an opportunity to explain to the MRO any circumstance that may result in a pre-employment positive test.

A New Entrant (bargaining or non-bargaining) who has a positive new entrant test will be referred to the EAP in accordance with the Disciplinary Procedures. A previous member of this program, who has been out of the random pool for six or more months, or transfers from another SWMIA Local to Local Union #312, will be considered a New Entrant.

Members of SMWIA Local Union 312 who have a positive pre-employment test are in violation of this policy and shall be referred to the EAP in accordance with the Disciplinary Procedures.

Random Testing

The initial pool of employees subject to random testing will be made up of all employees of employers and all employees on the out-of-work list. New entrants to the workforce will have their names added to this pool after passing a new entrant drug test. Names will be randomly selected by computer generation once a month for drug and/or alcohol testing. The TPA will be responsible for this random selection and testing.

The number of tests collected annually will be equal to 50% of the names in the pool unless the number is otherwise adjusted by the DFWPC. The TPA will contact the employers of those employees who were selected for random testing and coordinate on-the-job testing with them.

When an employee is selected for random testing, while on the out-of-work list, the TPA will notify the authorized representative of the Local Union. When the employee is dispatched to the employer, the authorized representative of the Local Union will notify the TPA, who will then contact the employer and schedule the random test. Employees who are on the out-of-work list will not be called in for random testing.

When an employee is selected for random testing and is no longer working for a signatory employer and is not on the out-of-work list, their name will be removed from the pool of employees subject to random testing, and the authorized representative of the Local Union will

be notified. If such employee desires to return to work for an employer, and six or more months have passed since his/her removal from the random pool, they will be considered a new entrant into the manpower pool and will be subject to the drug test procedure for new entrants.

An employee who is in the EAP program and is undergoing counseling, treatment or therapy will be excused from random testing. When the employee returns to work after passing a return-to-duty drug and/or alcohol test, the employee will then be eligible for random testing.

Return to Duty Process and EAP

Once an employee has been informed by the MRO that he/she has given a positive test result it will be the responsibility of the employee to contact and set up an appointment with the EAP. At the appointment, the EAP Clinician will do an assessment and will specify a plan of treatment for the employee. This treatment plan could include education, EAP counseling, various treatment options, and aftercare. The EAP will also set the number of and duration of the Follow-up tests. This information will be specified on the Assessment and Treatment Plan form, which the employee will be asked by the clinician to sign. Once the EAP has signed releases by the employee the Assessment and Treatment Plan form will be transmitted to the TPA, SMACNA Utah, Designated Union Representative, and the Designated Employer Representative. During the appointment, the EAP will inform the employee of when he/she can take the Return to Duty test, according to the information given the EAP by the TPA/MRO. The EAP will give the employee the Return to Duty Test Request form specifying the date that the employee can retest.

When the MRO receives a negative return to duty test result from the laboratory it will be reported to the employer and the union representative. **Upon notification of a negative return to duty test result the employee is eligible to return to duty** and a compliance letter will be issued by the MRO.

For employees who are placed into treatment they will need both, notification of compliance by the MRO and to have completed their intake assessment with the treatment provider.

If an employee does not complete the specified recommendations by the EAP the employee will be non-compliant and the EAP will inform SMACNA Utah, the Designated Union Representative and the Designated Company Contact of the non-compliance and the employee must be removed from duty until he/she is compliant with EAP recommendations.

Sampling Procedures

Drug tests, sample collections, chain of custody, alcohol tests and reporting of results will be done in conformity with this policy and shall be conducted in accordance with the requirements of Title 34, Chapter 38 of the Utah Code Annotated and in accordance with the DHHS Mandatory Guidelines for Federal Drug Testing Programs and all normal chain-of-custody procedures used in sample collection.

Any laboratory used for drug testing will be Substance Abuse Mental Health Services Administration (SAMHSA) certified and will comply with all applicable rules and regulations of the Department of Health and Human Services for drug testing.

All drug tests, alcohol tests and sample collection procedures shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested. Department of Transportation (DOT) procedures and forms will be used for any DOT regulated employee.

Medical Review Officer

In the case of a positive, adulterated, substituted or invalid laboratory test result, the employee or prospective employee shall be so advised by the MRO by telephone on a confidential basis. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any medication prescribed by his/her physician, which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with DHHS guidelines and normal chain-of-custody procedures.

The MRO will report a positive test to the employer, EAP, and SMWIA representative if:

- a. An employee has expressly declined the opportunity to discuss the test result with the MRO.
- b. The employer has successfully contacted the individual and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the individual.
- c. If neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within five days of the date on which the MRO receives the confirmed test result from the laboratory.

Reporting Procedures

Following a random or follow-up drug test an employee shall return to work until notified of the test results. If the result is negative, the employee shall continue to work.

For any test result that is positive, the result will be verbally called by the MRO to a designated representative of the employer and will be followed by an electronically transmitted notification of non-compliance on the day that the result is received. Copies of the notification will also be sent to SMACNA Utah, Local Union 312 (for bargaining personnel & pre-apprentice only) and the EAP. Positive alcohol tests will be reported immediately to a designated representative of the employer.

Employees who test positive will be removed from the job site by an authorized representative of the employer upon receipt of notification of the positive, adulterated or refusal to test result. In notifying an employee of a positive test result, the authorized representative of the employer shall utilize the written standard form of notification and shall make certain that the notification is given to the employee in privacy. This notification will include information concerning how to contact the EAP.

For those who are on the out-of-work list at the time, the written notification will be given to the employee by an authorized representative of the Local Union.

The employee may return to work for the employer when the employer has received a notification of compliance from the MRO. If the employee is on the out of work list, or does not return to work for the employer and signs the out of work list, the employee must have a notification of compliance from the MRO in order to be dispatched by the Local Union.

Cases of Possible Specimen Tampering

If a collector observes any behaviors or materials at the time of collection, which could reasonably indicate that the employee has or will attempt to adulterate or substitute a specimen, the result will be considered positive and the collector will notify the employer. Observed urine collections are not authorized by this policy.

Controlled Substance & Alcohol Screening Cut-Off Levels

Urine Specimens:

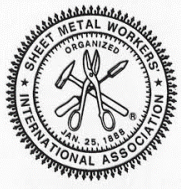
<u>Substance</u>	<u>Screening</u>	<u>Confirmation</u>
Marijuana	50 ng/mL	15 ng/mL
Cocaine	300 ng/mL	150 ng/mL
Opiates	300 ng/mL	300 ng/mL
Amphetamines	1000 ng/mL	500 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Barbiturates	300 ng/mL	300 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Methadone	300 ng/mL	300 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Oxycodone	100 ng/mL	100 ng/mL

Oral Fluid Specimens:

<u>Substance</u>	<u>Screening</u>	<u>Confirmation</u>
Marijuana	1 ng/mL	1 ng/mL
Cocaine	5 ng/mL	8 ng/mL
Opiates	10 ng/mL	40 ng/mL
Amphetamines	100 ng/mL	50 ng/mL
Methamphetamine	40 ng/mL	50 ng/mL
Phencyclidine	1 ng/mL	10 ng/mL
Benzodiazepines	1 ng/mL	1 ng/mL
Barbiturates	20 ng/mL	20 ng/mL
Methadone	5 ng/mL	5 ng/mL

Breath Test:

<u>Substance</u>	<u>Screening</u>	<u>Confirmation</u>
Alcohol	0.02 %	0.02 %



**SHEET METAL INDUSTRY
DRUG-FREE WORKPLACE PROGRAM, INC.**



OBSERVED BEHAVIOR-REASONABLE CAUSE RECORD

Company: _____ Date: _____

Employee: _____ Last 4 of Social# _____

OBSERVE AND DOCUMENT CURRENT INDICATORS

Patterns of any of the above conduct or combinations of conduct may occur but must be accompanied by indicators of impairment in order to establish "reasonable cause." Please check all indicators listed below that are **currently** present:

- | | | |
|--|---|--|
| <input type="checkbox"/> Constricted Pupils | <input type="checkbox"/> Twitching | <input type="checkbox"/> Possession of substance that appears to possibly be a drug or alcohol |
| <input type="checkbox"/> Dilated Pupils | <input type="checkbox"/> Violent Behavior | <input type="checkbox"/> Possession of Paraphernalia (such as syringe, bent spoon, metal bottle cap, medicine dropper, paint can, glue tube, nitrite bulb, or aerosol can) |
| <input type="checkbox"/> Scratching | <input type="checkbox"/> Drowsiness | <input type="checkbox"/> Other |
| <input type="checkbox"/> Red or Watery Eyes | <input type="checkbox"/> Slurred Speech | |
| <input type="checkbox"/> Involuntary Eye Movements | <input type="checkbox"/> Odor of Alcohol | |
| <input type="checkbox"/> Sniffles | <input type="checkbox"/> Nasal Secretion | |
| <input type="checkbox"/> Excessively Active | <input type="checkbox"/> Dizziness | |
| <input type="checkbox"/> Difficulty Concentrating | <input type="checkbox"/> Coordination Issues | |
| <input type="checkbox"/> Nausea or Vomiting | <input type="checkbox"/> Inability to Verbalize | |
| <input type="checkbox"/> Flushed Skin | <input type="checkbox"/> Irritable | |
| <input type="checkbox"/> Sweating | <input type="checkbox"/> Argumentative | |
| <input type="checkbox"/> Yawning | <input type="checkbox"/> Bizarre Behavior | |

DETERMINING REASONABLE CAUSE

If you can document one or more of the indicators above, ask yourself these questions to establish reasonable cause: (check yes for all that apply)

- Has some form of impairment been shown in the employee's appearance, actions or work performance?
- Does the impairment result from the possible use of drugs or alcohol?
- Are the facts reliable? Did you witness the situation personally, or are you sure that the witnesses are reliable?
- Are the facts capable of explanation?
- Are the facts capable of documentation?
- Is the impairment current, today or now?

DO NOT proceed with reasonable cause testing unless all the above questions are answered with a YES.

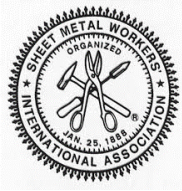
- Reasonable Cause Established
- Reasonable Cause Not Established

Prepared By: _____

Supervisor/Manager

Signature: _____

TO SCHEDULE A REASONABLE SUSPICION TEST CONTACT CODA: (801) 561-2777



**SHEET METAL INDUSTRY
DRUG-FREE WORKPLACE PROGRAM, INC.**



**WRITTEN STANDARD FORM OF NOTIFICATION
EMPLOYER INSTRUCTIONS
FOR EMPLOYEE POLICY VIOLATIONS**

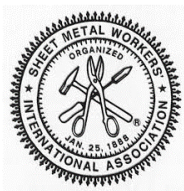
An employee can be found to be in violation of the policy for any of the following reasons:

- | | |
|--------------------------|---------------------|
| 1. Positive Alcohol Test | 4. Substituted Test |
| 2. Positive Drug Test | 5. Refusal to Test |
| 3. Adulterated Test | |

If an employee is found to be non-compliant, the employer should complete the following steps:

1. An authorized representative of the company needs to remove the employee from the job and notify him/her of the violation utilizing the standard Written Form of Notification.
2. Make sure the notification is given in privacy. No information is to be communicated to any person who does not have a **need** to know.
3. You are not obligated to hold their position open. Do not allow the employee to return to work unless they have signed the "Return to Work Agreement" from the EAP.

If you have any questions or need further assistance, please contact SMACNA Utah at (801) 486-8449 or the Union Hall at (801) 973-4804.



SHEET METAL INDUSTRY
DRUG-FREE WORKPLACE PROGRAM, INC.



NOTIFICATION TO EMPLOYEE OF POLICY VIOLATION

Company: _____ Date: _____

Donor Name: _____ Last 4 of Social# _____

This notice is to inform you that you are in violation of the Sheet Metal Industry Drug-Free Workplace Program. If you are a bargaining employee, a copy of this notice has been provided to Local Union #312.

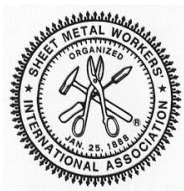
To become compliant, the following actions must be taken:

1. You are to be removed from the job site immediately.
2. You must contact the Employee Assistance Program Provider (EAP) Blomquist Hale to schedule an Assessment. Based on this assessment, the EAP will provide you with a specified plan of treatment. This plan could include EAP counseling along with various treatment options, aftercare and follow up testing. You will be required to agree to, and sign, the treatment plan. if you are a bargained employee, a copy of this plan will be provided to Local Union #312.
Blomquist Hale Phone: 801-262-9619
3. The EAP will determine when you are eligible to take a "Return to Duty" test. Once you have passed this test, you will be issued a "Return to Work Release". If you are a bargained employee, you will then become eligible for dispatch.
4. Upon returning to work, you will be required to maintain compliance with the treatment plan. If you fail to comply you will be considered in violation of this policy. If you are a bargained employee, Local #312 will be notified.
5. If you wish to dispute a test result, you have the right to request a retest be performed, at your expense, within 72 hours of the original test.

Company Signature: _____

Donor Signature: _____

EMPLOYEE ASSISTANCE PROVIDER:
BLOMQUIST HALE CONSULTING
(801) 262-9619 OR (800) 926-9619



SHEET METAL INDUSTRY DRUG-FREE WORKPLACE PROGRAM, INC.



DESIGNATED EMPLOYER CONTACT FORM

Company: _____ Date: _____
Address: _____

DESIGNATED EMPLOYEE CONTACTS

To ensure confidentiality and compliance, the Sheet Metal Industry Drug Free Workplace Program asks that each company designate at least two individuals as “Designated Employee Contacts.” This designation confirms that these individuals within your organization are familiar with the Drug Free Workplace Program’s policies and procedures, and that interactions with participants are compliant.

The main function of this designation is act as the point of contact for random dispatch. Important communications including policy updates will also be sent to these individuals.

Designated Employee Contact#1 _____

E-mail Address: _____

Direct Phone Number: _____

Designated Employee Contact #2 _____

E-mail Address: _____

Direct Phone Number: _____

NON-COMPLIANCE CONTACTS

If a donor is found to be non-compliant, the employer’s non-compliance contact will be notified. Because this information is highly confidential, this notification will be delivered directly to the authorized individual via telephone.

Non-Compliance Contact #1 _____

Direct Phone Number: _____

Cell Phone Number: _____

Non-Compliance Contact #1 _____

Direct Phone Number: _____

Cell Phone Number: _____

For questions, please call SMACNA Utah (801) 486-8449
Return completed form to Shelley Lester – shelleylester@sisna.com