

THE NORTHWEST OHIO

SUBSTANCE ABUSE POLICY

as of January 1, 2021

of



Administered by:



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Section 1. INTRODUCTION

The AGC, MCA, and NECA contractors of Northwest Ohio, are committed to providing a safe workplace for those working within the organized construction industry. "Striving to make a zero-injury career a reality" remains a primary goal. A workplace unencumbered by the influences of illegal drugs and alcohol is necessary to assure this goal.

The Policy that follows was created in a collaborative effort by Labor, Owner and Contractor members of the former Great Lakes Construction Alliance. The first Policy was adopted March 1, 2002.

This document contains procedures to be utilized to conduct screening for illegal drugs, substances and alcohol on unionized construction projects. When implemented, this Policy applies to all employees and potential employees of contractors and subcontractors at all tiers, including bargaining unit and non-bargaining unit employees.

Individuals are prohibited from using, possessing, distributing, dispensing, manufacturing, being under the influence, or otherwise being involved with illegal substances and from abusive use of chemicals or controlled substances or alcohol while on employer or client property or while performing the employer's business.

Individuals are encouraged to seek assistance for substance abuse. Contact your union or your health and welfare plan for information on confidential Employee Assistance Programs which are designed to help individuals tackle a variety of issues including substance and alcohol abuse, relationship problems, childcare and eldercare concerns, financial/legal problems, depression and anxiety, work pressures, stress and more.

Section 2. COMMITMENT TO CONFIDENTIALITY

(a) Protecting the confidentiality of individuals is a primary interest of labor, owners, and contractors. Therefore, there will be a single entity contracted to provide medical review officer (MRO) services for the entire area covered by the Northwest Ohio Substance Abuse Policy. Only the MRO has access to an individual's medical records. Only the MRO and third-party administrator (TPA) have access to an individual's drug screening results.

(b) Only the MRO or TPA will be allowed to advise a designated contractor representative and local union representative when applicable that an individual is either *eligible* or *ineligible* under the Northwest Ohio Substance Abuse Policy. No information about test results, substances, levels of screening, or any other specific information will be shared.

(c) Contractors will designate a specific representative as the contact person. The contact person will be the only individual to receive information from the MRO.

(d) The following procedures and guidelines regarding confidentiality will be strictly observed:

(1) All test results will be considered medical records and held confidential to the extent permitted by law.

(2) All actions taken in connection with the Policy will remain confidential.

(3) Only the MRO and TPA will have detailed information concerning an individual's drug screening.

(4) Only the MRO or TPA may disclose whether an individual is eligible or ineligible with the Policy.

(5) Medical personnel, the contractor, its supervisors, or any other personnel will not disclose any information regarding the screening of an individual.

(6) Information may be divulged for grievances, arbitration, and/or litigation with respect to these matters to the extent permitted by law.

Section 3. WORK STATUS

- (a) Only individuals who are under the Northwest Ohio Substance Abuse Policy may be employed for work on a project requiring this Policy. After completion of consent form and testing, all individuals will be made aware of their eligible and/or ineligible status.
- (b) An individual must fill out the Drug/Alcohol screen consent form and email, mail or fax to the third-party administrator address listed on appendix F.
- (c) When an individual has submitted to an initial drug screening he/she shall proceed to the appropriate contractor's field office to be signed up for employment for a probationary period, pending results of the initial drug screening.

Section 4. TYPES OF SCREENING

A urine drug screen and/or breathalyzer alcohol test shall be administered under the following circumstances:

(a) Initial Drug Screening: All potential employees of all contractors at all tiers who work at the Project and who are ineligible with the Northwest Ohio Substance Abuse Policy shall submit to an Initial Drug Screening. The Initial Drug Screening will test for the presence of illegal drugs and substances. Information on drugs for which the test will be screening, and what levels will constitute an ineligible test may be found in Appendix A. This screen will not include an alcohol test. Any potential employee refusing to submit to this test will not be permitted to work on any Project covered by this Policy.

(1) *Existing Employees Transferred From Another Location to Work on a Project Covered by this Policy:* Individuals in this classification must become eligible under the Policy. Any individual who is ineligible under the Policy will not be permitted to work on the Project.

(2) *Recognition of other Drug Tests:* An individual who presents proof that he/she has passed a drug screen test administered under a program recognized as reciprocal to our program by the Northwest Ohio Substance Abuse Policy Board who has taken the test within twelve months prior to his/her first day of work on a Project covered by this Policy shall be classified as eligible under the Policy without being required to submit to an Initial Drug Screening. The date posted for the renewal will be twelve months from the date of the test not the date entered into the system. Unless the drug testing program has been previously classified as a Reciprocal Drug Testing Program, an individual shall not be eligible to work on a Project covered by this Policy until such time the other drug testing program is reviewed and classified as a Reciprocal Drug-Testing Program or one which meets the requirements of this Section 4(a)(2). Because delays will occur in the classification process, individuals are encouraged to provide information about the other drug testing program well in advance of their start date.

(3) Any individual who tests ineligible under a Reciprocal Drug-Testing Program shall not be considered eligible under this Policy unless (a) the individual becomes eligible under the Reciprocal Drug-Testing Program before reporting to work on a Project covered by this Policy or (b) the individual fulfills the eligibility requirements of Section 15 of this Policy.

(b) Random Screening: Twenty-five percent (25%) of the workforce employed on Projects covered by this Policy shall be tested at random annually or as mandated by law. Project owners requiring site specific random collection may request the Policy administrator to segregate the individuals working on their project into a separate pool otherwise the pool will include all individuals working on projects requiring the Policy. In either case, the selection of individuals for random screening shall be determined exclusively by the TPA through its computer-generated, random-number generating Policy to ensure complete impartiality and objectivity. Selection of individuals for random screening shall not be conducted by any contractors or employers. Random screening shall screen for illegal drugs and substances. This screen shall not include an alcohol test.

(c) Periodic Screening: All individuals will be tested a minimum of once every twelve (12) months to maintain their status as eligible with the Policy. A random test will be counted in determining whether an individual has been tested within the previous twelve (12) months. Individuals who have not been tested within the previous twelve (12) months will submit to a screening test when directed to do so. Periodic screening shall include screening for illegal drugs and substances. This screen will not include an alcohol test.

(d) Screening for Cause: All individuals may be tested for cause for illegal drugs and substances as well as alcohol when a reasonable suspicion exists that the individual appears to be under the influence of illegal drugs or substances and/or alcohol.

(e) Post Accident: An individual with a chargeable accident shall be required to submit to post-accident screening for the use of illegal drugs or substances and/or alcohol as soon as possible after the accident, but in no case later than thirty-two (32) hours after the accident. Screening will only test for alcohol if a breathalyzer test is conducted within eight (8) hours after the accident.

(f) MRO or TPA Directed Screening: After an ineligible test, individuals are subject to unannounced screening for illegal drugs and substances as well as alcohol as directed by the discretion of the MRO or TPA. Costs associated with MRO or TPA directed screenings will be paid by the individual.

Section 5. ILLEGAL DRUGS AND SUBSTANCES

(a) Screening under the Policy includes screens for:

- Amphetamines & MDMA (Ecstasy/Ecstasy)
- 6-Acetylmorphine (6AM)
- Barbiturates
- Benzodiazepines
- Cocaine
- Creatinine
- Methadone
- Opiates (2 tests: 1 for synthetic opiates, 1 for opiate derivatives)
- Phencyclidine
- Propoxyphene (Darvon)
- THC (Marijuana and Cannabinoids)
- Tramadol (Ultram)

(b) A screening test will be considered ineligible when it shows the presence of illegal drugs/substances in the body at or above cutoff levels stated on the Drug Information Chart contained in Appendix A.

Section 6. PROCEDURE FOR INITIAL, RANDOM AND PERIODIC DRUG SCREENING

(a) Specimen collection may occur on-site or at an off-site clinic provided no loss of wages results. (Wages will be the responsibility of the individual's employer.) Once notified that one is chosen for random test and if that random test is to be done *outside* of work hours, individual has 48 hours to report to an approved testing location with the COC form. If random is to be done immediately, the individual shall proceed to the collection facility.

(b) Each individual will read and sign the attached Drug Screen Consent Form prior to the first test being administered. Failure to do so constitutes refusal to submit to a test.

(c) A formal electronic chain of custody will be established for every drug test.

(d) A split sample consisting of two urine specimen bottles, sealed in a plastic container will be furnished to the individual. The bottles must contain an amount of urine sufficient for one Enzyme Multiplied Immunoassay Technique (EMIT) test and two Gas Chromatography Mass Spectrometry (GC/MS) tests, but in no event less than two bottles totaling 45 milliliters (one bottle containing 30ml and one bottle containing 15ml). Each individual's urine specimen will be collected in the plastic container and temperature verified so as to be within "acceptable range." *In order for a specimen to be within acceptable range and thus constitute a valid sample, the temperature reading must register between 90 (ninety) to 100 (one-hundred) degrees Fahrenheit.* The second bottle will be used in the event that the first bottle has become contaminated. Both Bottle A and Bottle B are to be sent to the screening laboratory after the remainder of the collection protocol has been properly completed, especially with regard to the tamper-proof seals. If the donor's specimen temperature does not meet the Policy guidelines (90 – 100 degrees), the donor will be given the opportunity to submit a second specimen. After dumping the original specimen in front of the donor,

the donor will be allowed up to three (3) hours and can consume up to 40oz of fluid to provide this second specimen, but MUST NOT be allowed to leave the collection facility. The same second specimen protocol applies in the event that the donor is unable to provide a sufficient quantity of urine (at least 45 ml), and under no circumstances may the collector combine specimen amounts from separate voids to accumulate a specimen of adequate volume. If the donor agrees to the second specimen protocol, but is unable to provide an acceptable second specimen AND there is still time remaining under the three (3) hour time limit, the donor may attempt to produce a third specimen. If the donor agrees to attempt a third collection, it MUST be a witnessed collection. All other protocols still apply.

(e) Before the specimen ever leaves the individual's sight, the urine container will be sealed with security tape, which has been initialed by the individual.

(f) A portion of the sample will be tested using the EMIT test and if ineligible, another portion will be tested for verification using the GC/MS test.

(g) If a test is ineligible the remainder of the urine specimen will be maintained at the laboratory for one year following the date of the test.

(h) Any individual who refuses to take a drug test will be considered having tested ineligible.

(i) The results of an ineligible status will be communicated to the contractor's designated representative and local union representative when applicable by the TPA. If an individual has tested ineligible or has otherwise become ineligible with the Policy, he/she will be removed from the Project immediately and paid for all hours worked, or if not yet employed, prohibited from reporting to work on a Project covered by this Policy. The individual will not become eligible for employment until such time the individual has met the requirements set forth in Section 15 unless the individual is regulated by the Department of Transportation or the Nuclear Regulatory Commission.

(j) The individual will be given a copy of the ineligible test results by the MRO, if requested in writing.

(l) *Rescreening*: If any individual who has tested ineligible wishes to challenge the results of the GC/MS test, he/she may do so at his/her option by having a tandom GC/MS test performed on the remainder of the previously collected urine specimen at a laboratory certified by SAMHSA (Substance Abuse and Mental Health Services Administration) of his/her choice. The MRO will have available a current list of SAMHSA certified screening facilities. The specimen will be shipped directly from the Policy administrator's laboratory to the laboratory of the individual's choice. The cost of this test will be borne by the individual (Appendix C). If the results of this test are eligible, the employer will reinstate the individual with full loss wages and benefits and will reimburse the individual for the cost of the test. The employer will in turn negotiate reimbursement for the associated cost for reinstatement with the owner requiring the use of this program. The individual must exercise the option of a second GC/MS test within 72 business hours, excluding Saturday and Sunday, of being notified of the ineligible test results. See Appendix C: Rescreening Procedure After an ineligible Test.

Section 7. PREREQUISITES FOR A DRUG/ALCOHOL TEST FOR CAUSE

(a) Individuals working at the Project may be tested for illegal drugs, substances and alcohol if there exists a reasonable suspicion that the individual is under the influence of alcohol or any of the substances identified in Section 5. For the purpose of this Policy, the terms "reasonable suspicion" shall be defined as aberrant or unusual on-duty behavior of an individual who:

(1) is observed on-duty by either the individual's immediate supervisor, higher ranking employee, or other managerial personnel of the contractor who has been trained to recognize the symptoms of drug abuse, impairment or intoxication, which observations shall be documented by the observer(s);

(2) exhibits the type of behavior which shows accepted symptom(s) of intoxication or impairment caused by controlled substances or alcohol or addiction to or dependence upon said controlled substances or alcohol; and

(3) Such conduct cannot reasonably be explained as resulting from other causes, such as fatigue, lack of sleep, side effect of prescription or over-the-counter medications, illness, reaction to noxious fumes or smoke.

(b) Drug screening of this type will not be conducted without the written approval of the contractor's job superintendent or designated manager. The job superintendent or designated manager must document in writing who is to be tested and why the test was ordered, including the specific objective facts constituting reasonable suspicion leading to the test being ordered, and name of any source(s) of this information. One copy of this document shall be given to the individual before he/she is required to be tested, and one copy shall immediately be provided to the Union steward, if requested by the individual. After being given a copy of the document, the affected individual shall be allowed enough time to be able to read the entire document. Failure to follow any of these procedures shall result in the elimination of the test results as if no test had been administered. The test results shall be destroyed, and no disciplinary action shall be taken against the individual.

(c) When a supervisor, higher ranking employee or other managerial personnel has reasonable suspicion to believe that an individual is using, consuming, or under the influence of an alcoholic beverage, non-prescribed controlled substance (other than over-the-counter medication), and/or non-prescribed narcotic drug while on duty, that person will notify the job superintendent or designated manager for the purpose of observation and confirmation of the individual's condition.

(d) The individual will be offered an opportunity to give an explanation of his condition, such as reaction to a prescribed drug, fatigue, lack of sleep, exposure to noxious fumes, reaction to over-the-counter medication or illness. A Union steward or designee shall be present if appropriate and requested during such explanation and shall be entitled to confer with the individual before the explanation is presented.

(e) If after this explanation the job superintendent or designated manager, after observing the individual, has reasonable suspicion to believe that the individual is using, consuming and/or under the influence of an alcoholic beverage, non-prescribed controlled substances, or non-prescribed narcotic while on duty, then, by a written order signed by the job superintendent or designated manager, the individual may be ordered to submit to a drug and alcohol screen. Refusal to submit to this screening after being ordered to do so will result in an ineligible status.

Section 8. PREREQUISITES FOR POST-ACCIDENT SCREENING

All employees who may have caused or contributed to an on-the-job accident, as defined below, will submit to a drug and or alcohol test unless the accident investigation documents all of the exceptions identified below.

This test will be administered as soon as possible after the employee receives necessary medical attention, or within eight hours for alcohol and within 32 hours for other drugs.

Accident means an unplanned or unintended event that occurs on the employer's property, during the course of the employer's business, or during working hours, or that involves employer-supplied motor vehicles or motor vehicles used in conducting the employer's business, or within the scope of employment, and results in any of the following:

- A fatality of anyone involved in the accident;
- Bodily injury requiring off-site medical attention;
- Vehicular damage in apparent excess of \$5,000.00
- Non-Vehicular damage in apparent excess of \$5,000.00
- Damage in apparent excess of \$5,000.00 for the combination of both Vehicular and Non-Vehicular damage.

As used in this policy accident does not have the same meaning as provided in Division (c) of section 4123.01 of the Ohio Revised Code. The definition of this rule is not intended to modify the definition of a compensable injury under the workers' compensation law in Ohio. Also, this definition of an accident does not match the definition used by the DOT. BWC in Ohio provides what they consider to be an "intelligent-testing design." As such, even after conducting an accident investigation and determining who may have caused or contributed to a work-related injury, it will not be required for the employer to order a post-accident test if all of the following apply:

- The injury was not serious even though off-site medical attention was required;
- The nature of the injury is common to the employee's job function;
- There was no violation of the work rules;
- There was no reasonable suspicion indicated by the accident investigation.

If the project owner has an existing post-accident testing policy that is more stringent, the policy may be implemented by the project owner.

Section 9. PROCEDURE FOR CAUSE DRUG AND POST-ACCIDENT SCREENING

- (a) Individual drug screens for cause/ post-accident will include screening for the same drugs as identified in Section 5 and alcohol.
- (b) Each individual will read and sign the attached Drug Screen Consent Form prior to any test being administered. Failure to do so constitutes refusal to submit to a screening.
- (c) For cause/ post-accident screening shall be performed at the appropriate jobsite trailer or at a designated off-site clinic. If the test is to be performed at an off-site clinic, the individual will be accompanied to the off-site clinic by a contractor representative. A split sample consisting of two urine collection containers sealed in a plastic container will be furnished to the individual. A minimum sample of two (2) ounces per container must be collected. All other security procedures are as listed in Section 6 shall be followed.
- (d) In EMIT test and, if ineligible, a confirming GC/MS test will be performed on the sample. The remainder of the sample will be stored at the laboratory for one year.
- (e) If the individual's test is ineligible, he/she will be presented with the results of the drug screen. He/She will have the option to have a portion of the remainder of the sample tested at his/her own expense at a SAMHSA certified laboratory of his/her own choice. The screen will consist of a tandem GC/MS test. The sample will be shipped directly from the Policy administrator's laboratory to the laboratory of the individual's choice.
- (f) If the test conducted pursuant to Paragraph (e) of this Section is eligible, the employer will reinstate the individual with full lost wages and benefits and will reimburse the individual for the cost of the test. The employer will in turn negotiate reimbursement for the associated cost for reinstatement with the owner requiring the use of this program. The individual must exercise the option of a second GC/MS test within 48 hours of being notified of the ineligible test results.
- (g) Any individual who is ineligible will not be eligible for employment on Projects covered by this Policy in accordance with Section 15.
- (h) Any individual who is ineligible is subject to unannounced screening for illegal drugs and substances as well as alcohol as directed by the discretion of the TPA.

Section 10. SCREENING FOR ALCOHOL

- (a) If an individual's test results indicate that he/she exceeded the Policy's .02% blood alcohol limitation, he/she will not be considered eligible under the Policy. Alcohol detection will be based on a breathalyzer. All breath testing shall be conducted by personnel trained in breath alcohol testing.
- (b) An individual who tests ineligible will be removed from the Project immediately and paid for all hours worked. If the individual has exceeded the Policy limit, they will not be eligible for employment for any employer on Projects covered by this Policy in accordance with Section 15.
- (c) Any individual who refuses to take an alcohol test will be considered ineligible.
- (d) Any individual whose screening is ineligible is subject to unannounced screening for illegal drugs and substances as well as alcohol as directed at the discretion of the TPA.

Section 11. EMPLOYER RESPONSIBILITIES

- (a) Each employer working on a site requiring compliance with this Policy must be registered in the Program (see appendix E).
- (b) Each employer will enroll and process the initial drug screening if an individual has not already been enrolled into the Program.
- (c) That any chain of custody issued to an employer is the employer's responsibility and if used the employer is responsible for payment within 30 days of invoice.
- (d) Failure of the employer to comply with the Policy will be grounds to relinquish their access to the system and thus access to Projects requiring compliance with this Policy.
- (e) Each employer will monitor its individuals for behavior that may indicate drug or alcohol misuse or abuse.
- (f) Each employer will provide training to its supervisor's that meets BWC requirements to enable them to identify and document behaviors that show reasonable suspicion. The training will also educate supervisors on how to handle the confrontation of situations and how to make referrals to testing and/or assistance.
- (g) Each employer will educate their individuals by providing information about the policy and how it will operate as well as to present educational awareness sessions on substance issues that meets the BWC requirements.
- (h) Each employer will notify the TPA if any of their individuals refuse to test. The employer shall use the Authorization Form that had been sent and note that the employee listed has refused to test. Also include the date, the social security number, and the individual's signature. The Authorization Form should then be e-mailed or faxed immediately to the TPA.

Section 12. EMPLOYEE RESPONSIBILITIES

- (a) Each individual shall report for screening as instructed. Failure to report will be considered a refusal to submit to the test.
- (b) It is strongly recommended an individual have their Authorization Form in their possession when reporting for their test.

Section 13. GENERAL PRINCIPLES

- (a) All results of tests included in this Policy shall be considered medical records and held confidential to the extent permitted by law. However, this information may be divulged for grievances, arbitration, and/or litigation with respect to these matters.
- (b) The screening laboratory for this Policy must be a laboratory certified by SAMHSA.
- (c) It is understood that neither the AGCNWO/MCA/NECA, nor their constituent member organizations and affiliated Unions, shall be responsible for ascertaining or monitoring the drug-free or alcohol-free status of any individual or applicant for employment.
- (d) No individual or employer may modify any document involved with the administration of this Policy.

Section 14. MEDICAL REVIEW OFFICER RESPONSIBILITIES

- (a) The MRO shall:
 - (1) Maintain confidentiality on all levels.
 - (2) Review and verify an ineligible test result.
 - (3) Notify a tested individual of an ineligible test result.
 - (4) Provide the individual an opportunity to explain an ineligible test.

- (5) If an individual has appropriate documentation for use of prohibited drug and the MRO determines legitimate use, the individual will continue to be classified as eligible with the Policy.
- (6) Review individual's medical records made available to him.
- (7) Notify the TPA and if applicable the local union representative when an individual is ineligible with the Policy.
- (8) Advise the individual of his right to request a second test of the split sample.
- (9) Process request for retest of original sample.
- (10) Participate in return to work decisions as required, noting individual's ability to return to work with or without restrictions.
- (11) Refer individuals who test ineligible to TPA for appropriate medical evaluation and recommendations.

Section 15. CONSEQUENCES OF A INELIGIBLE DRUG OR ALCOHOL TEST

(a) If an individual tests ineligible, the individual will be removed from the Project immediately and paid for all hours worked, or if not yet employed, prohibited from reporting to work. In a situation of reciprocal programs, ineligibility to work starts upon the date the first MRO determines someone is noncompliant with their policy. The individual will not become eligible for employment until such time the individual has met the requirements set forth in Paragraphs (d), (e), (f) and (g) of this Section, unless the individual is regulated by Department of Transportation or Nuclear Regulatory Commission regulations. Ineligible violations in the program will not be counted toward the multiple infraction rules listed below under paragraph e, f or g after five years with no additional ineligible violations by the individual in this policy.

(b) Individuals who test ineligible and local union representatives when allowed for by the applicable collective bargaining agreement, local union rules or apprenticeship policy and procedures shall have the right to secure a copy of all data relating to the test procedures and results provided. These costs are to be paid by the individual in advance.

(c) All individuals must be eligible under the Policy in order to be employed on a covered Project.

(d) **First Violation of Policy:** An individual who tests ineligible for the first time will be ineligible for employment on all Projects covered by this Policy for thirty (30) days from the date that he/she was notified by the MRO. Return to work is contingent on a review of a substance abuse professional, approval by the SAP and an eligible drug/alcohol screening.

(e) **Second Violation of Policy:** An individual who tests ineligible for the second time will be ineligible for employment on all Projects covered by this Policy for ninety (90) days from the date that he/she was notified by the MRO, contingent on a review of a substance abuse professional, approval by the SAP and an eligible drug/alcohol screening.

(f) **Third Violation of Policy:** An individual who tests ineligible for the third time will be ineligible for employment on all Projects covered by this Policy for one year from the date that he/she was notified by the MRO, contingent on a review of a substance abuse professional, approval by the SAP and an eligible drug/alcohol screening.

(g) **Violations of the Policy Greater than Three:** Each ineligible result greater than three will result in an additional one year of ineligibility for each violation from the date that he/she was notified by the MRO, contingent on a review of a substance abuse professional, approval by the SAP and an eligible drug/alcohol screening.

(h) The SAP may, in his discretion, modify the ineligibility periods in 15 (d)-(g).

(i) This Policy has no intention to mitigate a project owner's right to manage their facility. If a project owner has more severe consequences for an ineligible drug and/or alcohol testing result they will be recognized for the project owner's facility only.

Section 16. TAMPERING WITH A TEST

- (a) Any individual who attempts to or introduces a substituted or altered specimen shall be classified as ineligible under the Policy, as if he/she had tested ineligible.

Section 17. RESOLUTION OF DISPUTES

(a) The following procedure shall be used to resolve all disputes relating to the Policy with the exception of those disputes involving individuals covered by a collective bargaining agreement that references the Northwest Ohio Substance Abuse Policy or the NW Ohio GLCA Substance Abuse Policy. The parties to such a collective bargaining agreement should use the dispute resolution procedure contained in that collective bargaining agreement. However, the parties to such a collective bargaining agreement, at their discretion, may use the following procedure, or any portion thereof, in any particular dispute if so agreed by the local union and the Contractor.

(b) When a dispute arises pertaining to the administration of the Northwest Ohio Substance Abuse Policy, it shall be the responsibility of the Local Union and the Employer to attempt to resolve the matter. If the individual is not covered by a collective bargaining agreement, the individual and the employer will attempt to resolve the matter. In both cases, the parties may consult with the Policy Administrator to assist in resolving the matter.

(c) Joint Committee. If the matter is not resolved by the Local Union or unrepresented individual, and the Employer as indicated in Section 17b above, the parties will have 5 days to refer the problem to the respective **AGCNWO/MCA/NECA** Joint Drug Screening Board. This Board will consist of equal numbers of Union and contractor representatives, with each side having 3 members. The Board will attempt to reach consensus and shall be chaired by an individual elected by the full Board who will serve as the tiebreaker in case a vote is necessary to reach closure. The Board will convene a meeting within 10 days of receipt of a request from a Local Union, unrepresented individual or Employer. The Board will accept verbal and written statements, review testimony and exhibits, and will render a recommendation as to the merit of the grievance within 5 days of the meeting. The Board's decision will be binding. Upon request by the Board, the TPA will make a representative available to provide information and if necessary, testimony in connection with disputes under Article 17. Such information and/or testimony will only be given when there is a properly executed "Drug/Alcohol Consent Form and Member Information Form" (See Appendix B). Further, the TPA reserves the exclusive right to provide such information and/or testimony in writing, over the telephone or in person.

(d) Should any provision of this Policy be declared illegal by any court of competent jurisdiction, such provisions shall immediately become null and void, leaving the remainder of the Policy in full force and effect. The parties shall, thereupon seek to negotiate substitute provisions which are in conformity with the applicable laws.

DEFINITIONS

AUTHORIZATION FORM: A form that is used to access a drug test containing a barcode and authorization number.

ELECTRONIC CHAIN OF CUSTODY: Handling samples in a way that supports legal testimony to prove that the sample integrity and identification of the sample have not been violated, as well as documentation describing the procedures.

CONFIDENTIALITY: Knowledge that a specific individual is to be or has been screened for alcohol/substance abuse shall be limited to the MRO, personnel of the screening facility, the contractor's designed Policy administrator, the individual and, if the individual chooses, a representative of the union. To the extent that statistical data regarding the workforce and/or a portion of the workforce are collected, details of the screening may be included as long as the identity of the individual is protected.

CONFIRMATION: A second test by an alternate chemical method to positively identify a drug or metabolite. Confirmation is carried out on presumptive positive from an initial screen.

ELIGIBLE: Individuals with *eligible* status that have submitted to testing, are in compliance with the program terms, and are therefore eligible to work on projects requiring compliance with this Policy.

DRUG & ALCOHOL SCREENING: The method for determining the presence of controlled substances in urine and breath samples using a scientifically reliable method performed in accordance with procedures specified herein.

IMPAIRED FROM ALCOHOL: A level in excess of .02% blood alcohol.

INDIVIDUAL: a potential employee, employee or individual who has tested under this policy or a Reciprocal Drug-Testing Program.

LOSS TIME INJURY: As defined by OSHA regulations.

MEDICAL REVIEW OFFICER (MRO): A licensed physician whose medical training includes certification in toxicology and substance abuse treatment. The MRO is responsible for receiving the laboratory results generated by the substance abuse testing program, then interpreting and evaluating an individual's test result together with medical history and relevant biomedical information.

INELIGIBLE: Individuals who are not in compliance with this Policy. Individuals with a ineligible status shall either submit to a substance test, or complete rehabilitation and provide an eligible return to duty test if they wish to be eligible to work on projects requiring compliance with this Policy.

POST-ACCIDENT: Having a drug and/or alcohol screening done as a result of an accident.

REASONABLE SUSPICION: A belief that an individual shows signs of possible intoxication, use or being under the influence of drugs or alcohol. "Reasonable suspicion" may also be defined as a belief drawn from specific and particular facts and reasonable inferences that an individual is using illegal drugs or alcohol.

RECIPROCAL DRUG-TESTING PROGRAM: Any program administered under procedures substantially similar to or more stringent than this Policy and approved as a reciprocal drug-testing program by the NWOGLCA Board of Directors.

SCREENING FOR CAUSE: Having a drug and alcohol screening done when an individual's fitness for duty is in question.

THIRD PARTY ADMINISTRATOR: The individual or entity chosen to administer the substance abuse testing related elements of the substance abuse program. The Northwest Ohio Substance Abuse Program TPA is:

Reliable Drug Testing Clinic
7135 Sylvania Avenue, Building 2C
Sylvania, Ohio 43560
<https://reliabledrugtest.com/>
Phone: 419.517.1027
Fax: 419.841.5153

WRITTEN CONSENT FORM: A form to be signed by the individual prior to submitting to a drug or alcohol screen. See Appendix B.

Appendix B

THE NORTHWEST OHIO SUBSTANCE ABUSE POLICY

Drug / Alcohol Screen Consent Form and Member Information Form Please Print Clearly!

Release form for obtaining urine and/or breathalyzer samples for drug and/or alcohol screening and permission to furnish the results to employers participating in the Northwest Ohio Substance Abuse Program.

I authorize all contractors participating in the Northwest Ohio Drug and Alcohol Screening Program, Reliable Drug Testing Clinic, or any other third party administer or testing provider of the Northwest Ohio Drug and Alcohol Program and any authorized collection site or agent to take urine and/or breathalyzer samples from me for use in a drug or alcohol screening. I understand why these samples are being requested and I give permission for the results to be sent to the MRO. The MRO may communicate my status (eligible or ineligible) in accordance with the Northwest Ohio Substance Abuse Policy and Reliable Drug Testing Clinic; or any other third party administer or testing provider of the Northwest Ohio Drug and Alcohol Program. I further understand this information will be used to determine whether I am eligible for employment or continued employment under the Program's Policy. I further agree I am subject to the Program's Policy and that an ineligible test will render me ineligible for employment until such time I become "eligible" under the policy. I also recognize that the owner may have more severe consequences for an ineligible drug and/or alcohol testing result.

I further release and hold harmless Reliable Drug Testing Clinic, any successor or assign of Reliable Drug Testing Clinic that administers the Northwest Ohio Drug and Alcohol Program, the AGCNWO/MCA/NECA , and the Labor/Owner/Contractor Construction Summit, including their constituent member organizations and affiliated Unions, as well as their officers and directors from any consequences arising out of the drug and/or alcohol test or results there from.

I understand that this document will be valid for any and **ALL** drug and alcohol testing performed by all contractors participating in the Northwest Ohio Drug and Alcohol Screening Program, including randoms, and that I may not be required to fill out consent forms every time I am required to test.

Signature _____ Date _____

Social Security # _____ Date of Birth _____ Home Local _____

First Name _____ MI _____ Last Name _____

Street Address _____ Apartment # _____

City _____ State _____ Zip _____

Phone _____ Craft / Occupation _____ Email Address _____

Employer / Jobsite _____

.....
• Please either fax this form to 419-841-5153
• Or E-mail the form to;
• shawn@reliabledrugtest.com
.....

Appendix C

THE NORTHWEST OHIO SUBSTANCE ABUSE POLICY Rescreening Procedure After an “Ineligible” Test

*SUBJECT: Clarification of **Section 6 (I)**. - **RESCREENING PROCEDURES** After an
*Ineligible Test Result**

Section 6 (1) Rescreening allows an individual the opportunity to confirm an ineligible test result having a tandem GC/MS test performed on the split sample previously collected at a laboratory certified by SAMHSA (Substance Abuse and Mental Health Services Administration) of their choice.

1. The individual must exercise the option of a second GC/MS test within 72 business hours, excluding Saturday and Sunday, of being notified of the ineligible test results.
2. A letter must be sent by the individual screening ineligible to: **Reliable Drug Testing Clinic/Northwest Ohio Substance Abuse Policy, 7135 Sylvania Ave., Building 2C, Sylvania, Ohio 43560**, explaining the wish to confirm the results at a laboratory of their choice. Include the name, address and phone number of the laboratory. Also include a money order in the amount of the lab’s cost (usually \$150.00) Check with Reliable Drug Testing Clinic for the exact cost. If the results are eligible, the lab fee will be reimbursed by the employer. The employer will also reinstate the individual with full loss wages and benefits. The money order and letter need to be in the possession of Reliable Drug Testing Clinic within 72 business hours, excluding Saturday and Sunday, of notification of ineligible test results. If Reliable Drug Testing Clinic does not receive such items in that time frame, the original test will be deemed ineligible and no retesting will be allowed.
3. If the results remain ineligible an additional \$45.00 (Forty-Five Dollars) money order must be sent to allow the individual to retest after the applicable period of exclusion from projects covered by the Policy. An Authorization Form will be sent by the Policy Administrator to the individual to be used at an approved collection site.

A list of SAMHSA approved laboratories can be obtained from the Reliable Drug Testing Clinic and is attached as Appendix G. This list may change from the time this policy version was printed. Labs determine their specific fees - these fees are not negotiated by Reliable Drug Testing Clinic.

Appendix D

THE NORTHWEST OHIO SUBSTANCE ABUSE POLICY

Re-entry Screening Procedures

If an individual has been reported by the Medical Review Officer (MRO) to the employer as “Ineligible” the individual must:

1. Be removed from all project requiring eligible status for the applicable period of time: Thirty (30) days, first offense, ninety (90) days, second offense and one (1) year, third and subsequent offenses.
2. Forward a cashier’s check or money order to Reliable Drug Testing Clinic for the amount necessary for re-entry screening. The current amount is forty-five dollars (\$45). It is recommended to do this at least two weeks prior to the end of the suspension period.
3. Follow recommendations of TPA.
4. Receive a review from the Substance Abuse Professional and follow whatever appropriate treatment is recommended.
5. Receive release from SAP following period of suspension. It is recommended to contact the SAP at least a week prior to the end of the suspension period to verify completion of all SAP recommendations.
6. Receive an Authorization Form from the TPA for re-entry screening. A contractor’s COC will not be acceptable.
7. Submit urine sample at approved collection site.

APPENDIX E

THE NORTHWEST OHIO SUBSTANCE ABUSE POLICY Employer Registration Form Please Type or PRINT CLEARLY

Company Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Contact Person: _____

Title of Contact Person: _____

E-Mail Address: _____

Billing Address: _____

Billing City: _____ State: _____ Zip: _____

Billing Phone: _____ Billing Fax: _____

Signature: _____

Date: _____

Upon receipt of the Employer Registration form, Reliable Drug Testing Clinic will issue a Company Identification number to the contact person. This identification number will allow access by your company representatives to the Reliable Drug Testing Clinic website and database to check the status of building tradesmen and/or other jobsite employees with regard to the Northwest Ohio Substance Abuse Policy.

Return completed Employer Registration form to:

By Mail: Reliable Drug Testing Clinic
c/o Shawn Roberts
7135 Sylvania Ave., Building 2C
Sylvania, Ohio 43560

By Fax: (419) 841-5153

E-Mail: shawn@reliabledrugtest.com

Appendix F

CONTACTS

ENTITY	NOTES	PHONE, FAX, EMAIL, WEB
Reliable Drug Testing Clinic	MW: 9am – 5p Tuesday: 9am – 6p Thursday: 9am – 6p Friday: 9am – 4p	Tel: 419-517-1027 Fax: 419-841-5153 www.reliabledrugtest.com
Reliable Drug Testing Website	Click on NORTHWEST OHIO	www.reliabledrugtest.com
MUST	Michigan’s Substance Abuse and Safety Program	Tel: 248-352-9810 Fax: 248-352-9814
MUST Website		www.mustonline.org
NW Ohio GLCA Website		www.nwoglca.org
Northwest Ohio Substance Abuse Policy MRO	Dr. David Nahin	Tel: 1-877-295-3381
NWOSafety Website		www.nwosafety.com

Craftspeople: When you have a question about the substance abuse policy, please contact your labor organization.

NORTHWESTERN OHIO BUILDING AND CONSTRUCTION TRADES COUNCIL
Shaun Enright, Executive Secretary/Business Manager
909 Front Street • Toledo, OH 43605
Phone: 419-693-7717 • Fax: 419-693-2813

LIST OF CRAFT UNIONS Updated: 12/2013

- | | |
|---|--|
| BOILERMAKERS LOCAL #85 | P. O. Box 35
319 Glenwood Rd.
Rossford, OH 43460
419-666-9724
419-666-8605 (FAX) |
| BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL #3 | 4652 Lewis Ave.
Toledo, OH 43612
419-478-1818
419-478-1201 (FAX) |
| BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL #46 | 1310 Siler Street
Fremont, OH 43420
1-419-334-2454
1-419-334-2437 (FAX) |
| CEMENT MASONS & PLASTERERS LOCAL #886 | 4652 Lewis Ave.
Toledo, OH 43612
419-478-2652
419-478-0208 (FAX) |
| ELECTRICIANS LOCAL #8 | 807 Lime City Road
Rossford, OH 43460
419-666-8920
419-666-3984 (FAX) |
| ELEVATOR CONSTRUCTORS LOCAL #44 | 2300 Ashland Ave.
Room 206
Toledo, OH 43620
419-242-7902
419-242-6627 (FAX) |

GLAZIERS LOCAL #948

1308 W. Sylvania Ave.
Toledo, OH 43612
419-476-8362
419-476-8917 (FAX)

INSULATORS LOCAL #45

4904 North Summit St.
Toledo, OH 43611
419-726-4683
419-726-4739 (FAX)

IRON WORKERS LOCAL #55

1080 Atlantic Ave.
Toledo, OH 43609
419-385-6613 - 419-385-2125
419-385-6041 (FAX)

LABORERS LOCAL #480

P O Box 2214 (44871-2214)
1205 W. Perkins Ave.
Sandusky, OH 44870-4603
1-419-626-0793
1-419-626-0219 (FAX)

LABORERS LOCAL #500

2270 Ashland Ave.
Toledo, OH 43620
419-243-3279 - 419-243-3270
419-243-2061 (FAX)

LABORERS LOCAL #574

(Serving Delaware, Hancock, Hardin 1585 Harding Highway East
Marion, Seneca & Wyandot Counties) Marion, OH 43302
740-382-4136 (PHONE)
740-387-6354 (FAX)

PAINTERS LOCAL #7

1308 W. Sylvania Ave.
Toledo, OH 43612
419-476-7505
419-476-7506 (FAX)

PLUMBERS/FITTERS LOCAL #50

7570 Caple Blvd. Suite A
Northwood, OH 43619-1084
419-662-5456
419-662-4534 (FAX)

PLUMBERS/FITTERS LOCAL 776

1300 Bowman Road
Lima, OH 45801
419-229-5176
419-224-7552 (FAX)

ROAD SPRINKLER FITTERS LOCAL #669

P. O. Box 306
Lindsey, OH 43442
1-419-665-2516 Office
1-419-665-2674 (FAX)

ROOFERS LOCAL #134

4652 Lewis Ave.
Toledo, OH 43612
419-478-3785
419-478-1201 (FAX)

SHEET METAL WORKERS LOCAL #33

27430 Crossroads Parkway
Rossford, OH 43460
419-873-9971
419-873-9978 (FAX)

SIGN DISPLAY AND ALLIED TRADES
LOCAL 639

8257 Dow Circle
Strongsville, OH 44136
1-866-239-4575
1-440-234-6527 (FAX)