

SUBSTANCE ABUSE PROGRAM

SECTION A. PROHIBITION AGAINST ALCOHOL AND ILLEGAL CONTROLLED SUBSTANCES AT THE WORKPLACE

1. The possession, distribution, manufacture, dispensation or use of alcohol or drugs or controlled substances at the Company's workplace is prohibited. Reporting to work impaired from performing one's job due to alcohol and/or illegal or unauthorized drugs or controlled substances is also prohibited. For purposes of this policy, being "impaired from alcohol" is defined as a blood alcohol level in excess of the State Standard giving rise to a legal presumption of intoxication. For purposes of this Policy, being "impaired from illegal drugs" means that chemical test results demonstrate on-site impairment in accordance with test levels that are recognized as positive by the U.S. Department of Health and Human Services in its "Mandatory Guidelines for Federal Workplace Drug Testing Programs" or in a subsequently issued rule or regulation issued by the Agency. Any employee who violates these prohibitions shall be subject to appropriate disciplinary action up to and including discharge.

2. For any Employer who implements this Policy, the rules and requirements contained in this Policy shall apply to management and supervisory personnel at the job site to the same extent as other employees, with the exception of Section O.

3. The Parties agree that government mandated or customer required and implemented substance abuse policies are beyond the scope of this Policy and this policy is not intended to affect government mandated or customer required and implemented substance abuse policies. (For example, this shall include the current DOT requirements and CDL guidelines.)

SECTION B. RANDOM TESTING

Random Testing shall be permitted by the Employer in any situation wherein the project owner, client, or general contractor makes such testing a prerequisite before the employees gain access to the jobsite, or when required by law. The Employer will submit proof to the Union, upon request, that such testing is called for.

The individual Employer shall conduct no more than four random tests per year per job, and the number of persons tested shall not exceed 10% of the workforce of each job. In the event that the test-positive ratio from any single random test exceeds 2.5%, then the Employer shall be allowed to increase the frequency of random testing to 12 times per year, and the size of any individual test to 20% of the workforce.

SECTION C. PROBABLE CAUSE TESTING

Probable cause chemical testing of incumbent employees is prohibited except to the

extent required by law or where the Employer is required by the owner, client or general contractor to adopt a probable cause testing program as a prerequisite for the electrical contractor gaining access to the job site, or when the Employer determines that such testing is appropriate. The Employer will notify the Union when such testing is done.

1. When probable cause testing is permitted, an employee may be required to submit to a chemical test which demonstrates a reasonable basis to believe that the employee is impaired on the job. A reasonable basis will exist under the following circumstances:

(a) a firsthand observation is made of the employee's job performance and documented in writing prior to any tests;

(b) the employee's conduct or action indicating alleged impairment shall be observed and documented in writing by one supervisor, two if available; and

(c) the written documentation which is the basis for the chemical test should be furnished to the employee. The Employer shall agree to standardized forms to be used, whenever possible, to document impairment.

2. When probable cause testing is permitted, persons refusing to submit to substance abuse testing shall be subject to discipline up to and including discharge, provided the Company had a reasonable basis for demanding such a test.

3. When probable cause testing is permitted, if an employee who is asked to take a chemical test admits that he has illegal drugs in his system, the Employer may act on this admission and decline to administer a test.

SECTION D. PROCEDURES FOR SUBSTANCE ABUSE TESTING

1. Collection of blood or urine samples shall be by a physician or health professional. Specimen containers shall be labeled with a number and the donor's signature and shall be closed with a tamper-proof seal initialed by the donor and the collecting agent. The labeling shall be done in the employee's presence and in the presence of a job steward or other union representative, if available, if the employee chooses. If no union representative is available, a co-worker can be used as a witness.

2. The specimen number and the identifying information shall be entered in a log and signed by the collecting technician in the presence of the employee and of a job steward or other union representative, if available, if the employee chooses. If no union representative is available, a co-worker can be used as a witness. The employee shall initial the proper line on the log entry. The specimen container shall be closed with a tamper-proof seal. All labels shall also be tamper-proof.

3. The amount of any sample collected shall be such that sufficient amounts remain both for confirmation testing and independent testing.

4. Sample shall be stored in a scientifically acceptable manner.
5. All handlers and couriers of the sample must complete entries and identify themselves on a proper chain of custody form.
6. On the day that the sample is taken, the Employer may send the employee home for the remainder of the day, but shall assist the employee in arranging safe transportation home.
7. Should the samples test positive showing prohibited substances, confirmation tests by an alternative scientific method must be performed. No discipline or adverse action shall be taken against the employee until confirmation testing produces a positive result. After testing and confirmation testing, the facility must retain a sufficient portion of the sample for independent retesting and store that portion in a scientifically acceptable manner for thirty days.
8. The Employer, all of its medical personnel, supervisors and other employees or contractor-retained agencies and laboratories who are involved in the administration or alcohol and drug testing for the Employer shall adhere to the Code of Ethical Conduct For Physicians Providing Occupational Medical Services as adopted by the American Occupational Medical Association on July 23, 1976, as well as the "Drug Screening in the Workplace Ethical Guidelines" as adopted by that organization on July 25, 1986, and the HHS Medical Review Office Manual for Federal Workplace Drug Testing Program, or other appropriate recognized guidelines.
9. Testing under this Section will be performed by an independent testing laboratory holding a current certification from the Substance Abuse and Mental Health Services Administration (SAMHSA), National Institute on Drug Abuse (NIDA), or other appropriate agency. All test results will be reviewed by a Medical Review Officer (MRO) who shall be a physician with training and expertise with substance abuse testing and a valid certification. To the extent applicable, the MRO will follow procedures set forth in the HHS Medical Review Office's Manual for Federal Workplace Drug Testing Program, or other appropriate recognized guidelines.
10. All testing or retesting by an Employer or by an employee shall, as a minimum, be conducted in accordance with the U.S. Department of Health and Human Services, "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as set forth in the Federal Register. Collection of urine specimens shall be conducted in accordance with the current procedures set forth in the HHS Urine Specimen Collection Handbook or other appropriate recognized guidelines. In addition, urine samples shall be separated into two containers at the time of donation of sample. One portion of the original urine sample shall be kept secure and chemically stable and made available for verification of laboratory testing results.
11. Testing shall be strictly limited to the presence of alcohol or illegal, unauthorized or controlled substances. Laboratories shall not test for or reveal to the Employer the presence of legal substances or any ailment, disease, disorder or disability.

12. 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 testing program and procedures.

13. A Third Party Administrator will be utilized for all drug-testing programs.

SECTION E. TEST RESULTS

1. All non-compliant tests and/or actions will require review by a MRO. The MRO may require accelerated testing. All release to return to work following a non-compliant test and/or action will require the MRO's release. A release from the MRO does not guarantee an employment opportunity with the former employer.

4. 2. Results of drug testing shall be furnished to the employee and the contractor. All results obtained from substance abuse testing as provided in this program shall be kept strictly confidential.

2. 3. Should an employee test negative on the initial test, that employee shall be reinstated and made whole for any lost time.

SECTION F. PRE-HIRE TESTING

Pre-hire testing may be performed if determined by the Employer. The Union will be advised, in advance, by the Employer of the Employer's intent to conduct such testing. The testing, if conducted, shall be applied uniformly to all applicants. Such testing must conform to the procedures and standards set forth in this policy.

Employees who do not test positive and who are employed after such testing shall be paid for two (2) hours at their regular rate of pay. Employees who do not test positive but are not hired shall be compensated in an amount equivalent to two (2) hours at the package rate when the Employer issues the next regular paycheck.

SECTION G. SEARCHES

Physical searches or searches of the private property of employees shall not be permitted with respect to incumbent employees except to the extent required by federal or state law or when conducted by law enforcement officers pursuant to a properly issued search warrant.

SECTION H. SCHEDULE OF DISCIPLINARY ACTIONS

1. Impairment

(a) An employee determined to be impaired by use of alcohol, or drugs or

controlled substances as a result of properly administered testing as described in this Program will, on first occurrence, be offered the opportunity to enter a rehabilitation or counseling program. A list of local programs which are approved by the company's health care program, which shall include the Local 26 Employee Assistance Program, will be made available to the employee. If the employee enters such a program and remains in conformance with such program, his status as an employee will not be affected, and he will be allowed continued access to the job site under the conditions proscribed by the program which he has entered and as long as he remains drug/alcohol free, if the Employer continues to have work available for that employee. Pending completion of the initial stages of any such program during which the employee may not yet be ready to return to the job site, the employee shall be on an unpaid leave of absence.

A first-offense employee who does not choose to enroll in a rehabilitation program as provided for herein shall be disciplined, up to and including discharge, by the Company.

2. Unlawful Manufacture, Distribution, Dispensation or Possession of Drugs or Controlled Substances at the Workplace

Any employee who unlawfully distributes, manufactures, dispenses, and/or possesses drugs or controlled substances at the workplace, while on the Employer's job site, or while using the employer's vehicle for any of the above, and any employee who attempts to engage in any of the foregoing acts shall be immediately discharged.

3. Unauthorized Distribution or Possession of Alcohol at the Workplace

The unauthorized possession or distribution of alcohol at the workplace, while on the Employer's business, on the Employer's premises, on the Employer's job site, or while using the Employer's vehicle for any of the above, and any employee who attempts to engage in any of the foregoing acts is subject to discipline up to and including discharge depending on the totality of circumstances.

SECTION I. CHALLENGING TEST RESULTS

1. An employee required to submit to a substance abuse test should be advised of positive results by the Company's medical personnel and have the opportunity for explanation and discussion prior to the reporting of results to the Company, if feasible. The mechanism for accomplishing this should be clearly defined. The affected employee shall have the right to have his/her sample independently retested by a laboratory or his/her choice at his/her expense. If the independent retest indicates that the specimen does not contain levels of substance(s) in violation of the standards set forth in this Program, the employee shall be put back to work immediately with reimbursement of the test costs and full back pay and benefits provided that the employee acts with reasonable promptness to conduct the retest and that the results of the retest are provided to the Company (during working hours) within two (2) working days of the notification to the employee of the retest results. If the Company disputes the result of the independent

laboratory's retest, it may submit the sample for evaluation pursuant to mass spectrometry testing by an independent laboratory. These tests results shall be final and determinative. In the event that a Company retests using mass spectrometry testing which confirms a positive result, the Employer shall not be required to reinstate, award back pay or pay for the employee's retest.

2. Where the employee or applicant believes that the positive test result is not due to alcohol or illegal drugs but to exposure to a workplace substance, or that accuracy of the test result was confounded by a workplace substance, he/she shall have the right, at the Employer's expense, to have an independent laboratory evaluation of the specimen by mass spectrometry or other state-of-the-art technology. If the evaluation indicates that the positive test result was due to a workplace substance rather than alcohol or illegal drugs, or that the workplace substance confounded the accuracy of the test, (a) the employee shall be put back to work immediately with full back pay and benefits, (b) the Employer shall immediately notify OSHA or the appropriate state agency concerning such exposure, and (c) the Employer shall take immediate steps to insure that workers on the site are not exposed to such substances at levels that may produce or cause such positive test results, or that may cause material impairment of health or functional capacity.

SECTION J. USE OF OVER-THE-COUNTER MEDICATION OR MEDICATIONS PRESCRIBED BY A LICENSED PHYSICIAN

1. Use of over-the-counter medications or of a medication prescribed by a licensed physician pursuant to the physician's orders, is NOT prohibited if taken in appropriate amounts and/or as authorized by a physician; but to avoid an unwarranted accusation and/or other misunderstanding, the employee may, if he or she chooses, report the fact that he/she is taking medication.

SECTION K. EDUCATION AND AWARENESS PROGRAM

The Company shall establish and implement a Drug Education and Awareness Program which shall include the following:

1. Periodic dissemination of information to employees regarding the dangers of drugs in the workplace; the Company policy of maintaining a drug-free workplace; the penalties that may be imposed; and any available substance-abuse counseling programs and services, rehabilitation programs, employee assistance programs, and other community services that are available to those who have a substance abuse problem.

In connection with the above, employees will be encouraged to seek counseling and other assistance from these agencies, programs and services, on a self-referral basis if they feel they have a need for it. An employee who voluntarily seeks help and undergoes treatment for alcohol or drug abuse prior to being required to undergo drug testing will NOT be subject to disciplinary action because of admitted substance abuse, provided he or she remains drug free or alcohol free after commencing treatment, in conformance with applicable law.

2. Management and Supervisory employees will also be trained to assist in identifying and addressing the matter of unlawful use of alcohol or of a controlled substance by employees, including the making of referrals to appropriate agencies.

3. The Employer shall provide training to all management, security and supervisory personnel who have responsibility for the oversight of employee activities or work performance in the recognition of impairment from drugs, alcohol, and workplace materials or substances that may cause physical harm or illness.

4. Training required in paragraph 2 will include: observation, documentation and reporting skills, and procedures and methods for workplace substance evaluations and analysis.

5. A copy of this Policy shall be posted by the Employer at the job site and by the Union at the union hall.

6. The Employer shall establish and implement a program that assures that all managers, supervisors and employees are re-instructed in any changes in the existing procedures and methods.

7. All foremen shall receive training and be qualified to supervise the safety and health program, including substance abuse impairment recognition and intervention procedures.

SECTION L. ADDITIONAL CONSIDERATIONS APPLICABLE TO WORK ON FEDERAL CONTRACTS

The following additional provisions shall apply only to employees who are employed by the Company on a work project that constitutes procurement by the Federal Government of a Federal Agency of any property or services of a value of twenty-five thousand dollars (\$25,000.00) or more.

1. As a condition of employment, any employee convicted of a violation of a criminal drug statute for a violation occurring in the workplace must, as required by the Federal Drug-Free Workplace Act, notify the Company within five (5) days of that conviction. Failure to do so will subject the employee to disciplinary action up to and including discharge.

2. As required by the Federal Drug-Free Workplace Act, any employee who is convicted of a violation of a criminal drug statute occurring in the workplace shall be disciplined by the Company or shall be required by the Company to participate in an approved drug abuse assistance or rehabilitation program.

3. As required by the Federal Drug-Free Workplace Act, the Company shall notify any Federal Contracting Agency on whose projects it is working of a workplace drug conviction of an employee of the Company within ten (10) days after receiving notice from the convicted employee or other official source of such a conviction.

4. In compliance with the U.S. Department of Defense Drug-Free Work Force Clause (September 1988), any employee who has been granted access to secret or classified information--or whose position and work involves national security, health, or safety and/or a high degree of trust and confidence--shall be subject to random testing for the unlawful use of alcohol or controlled substances at Company expense.

5. The Company shall establish a policy prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the performance of any work or contract. The policy statement shall be posted by the Employer. This policy shall express the Employer's intent to maintain a drug-free workplace, the availability of drug counseling, rehabilitation, employee assistance programs, and the penalties that may be imposed upon employees who abuse drugs.

SECTION M. CONTROLLED SUBSTANCES

For purposes of this Amendment to the Master Agreement, a "controlled substance" is defined as: Any drug listed in Schedules I through V of the Controlled Substances Act, at Section 202 thereof, 21 U.S.C., Section 812. These controlled substances include, but are not limited to, marijuana, cocaine, opiates, amphetamines, and phencyclidine.

SECTION N. FHA REGULATIONS

In compliance with the requirements imposed by the Federal Highway Administration Motor Carrier Safety Regulations--Subpart H--Controlled Substance Testing, any Employer who is covered by these regulations may impose these regulations upon employees performing work covered by these regulations.

SECTION O. Drug-Free Applicant Pool

1. The Union will maintain an applicant pool consisting of employees who have submitted to substance abuse testing, who have demonstrated compliance, and remain in compliance with this Section of this Program. The Union will refer for employment to an employer who requests drug free applicants (whether for all applicants or on a job-specific basis) only employees who comply with this Section. Employee participation is voluntary, but employees who do not participate will not be referred as part of the applicant pool referenced herein.

2. Each participating applicant and/or employee shall be tested prior to being eligible for referral, and thereafter shall be tested every 12 months. Thereafter, those employees shall be subject to random testing which will apply to 25% of the group that was available for testing during the past 12 months.

SECTION P. ROLE OF THE LOCAL UNION

1. Application of Grievance Procedure and Arbitration Provisions

Grievances of employees involving the application of the terms and conditions of employment set forth in this Program shall be subject to the Grievance Procedure and Arbitration Provisions of the collective bargaining agreement.

2. The Union is not responsible for ascertaining or monitoring the alcohol or drug-free status of any employee or applicant for employment, nor for the costs of such testing.

3. The Washington DC Chapter NECA and Local 26, IBEW agree not to engage in any litigation against each other in connection with any aspect of this program except as necessary to enforce decisions rendered under Section P, Subsection 1.

4. The Parties are committed to a drug-free workplace and supports reasonable steps to achieve this goal as set forth in this policy.

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