

**THE  
ELECTRICAL INDUSTRY  
SUBSTANCE FREE WORKFORCE  
PROGRAM  
FOR  
ORANGE COUNTY, CA**

REVISED, MARCH 2019

**THE NECA/IBEW ORANGE COUNTY ELECTRICAL  
SUBSTANCE FREE WORKFORCE PROGRAM  
PART ONE – DEFINITIONS AND PROCEDURES**

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## **PART ONE**

### **THE NECA/IBEW SUBSTANCE-FREE WORKFORCE PROGRAM DEFINITIONS AND PROCEDURES**

#### **I. INTRODUCTION**

In recognition of the continuing problem of substance abuse impacting the health and welfare of employees and jeopardizing the safety of operations, it is the policy of the Orange County National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers Local 441 (IBEW) to deal aggressively with the problems of drug use and alcohol abuse in the workplace and to seek the assistance of all of their members and employees in this endeavor.

The procedures and guidelines contained in this document detail essential information about the administration of the NECA/IBEW Substance-Free Workforce Program. This document is also a resource to assist in the day-to-day matters that may emerge in the course of implementing the Drug and Alcohol Policy (DAP). It is recognized that no set of standards and guidelines, however complete, can accommodate all possible combinations of circumstances which may arise. Instead, these procedures are designed to be a working tool and foundation for use, and are to be applied using basic fairness, good judgment, and common sense. Any reference herein to one gender is intended to include both genders.

#### **II. BACKGROUND**

There is a vital interest by all electrical construction industry partners in maintaining the highest standards for the employee work environment in order to ensure the efficient operations necessary to provide reliable products and services to customers. Therefore, it is desirable to establish a strong policy to promote a safe and secure work environment free of the use of illicit drugs, unauthorized use of controlled substances, and the abuse of ethyl alcohol.

#### **III. DEFINITIONS**

##### **A. Breath Alcohol Concentration (BrAC)**

The concentration of alcohol in a volume of breath will be expressed in terms of grams of alcohol per 210 liters of alveolar breath. This measurement will be considered equivalent to Blood Alcohol Concentration (BAC).

##### **B. Active Status, Inactive Status**

Active or Inactive refers to an employee's status with regard to compliance with this Program. "Active" status means that the employee/applicant has met all requirements of this Program. Active status is gained upon passing the Initial or prehire drug test, is retained by continued compliance with all provisions of this Program and Policy, and is renewed when the employee passes any subsequent drug test. Active status is revoked for any violation of the Drug and Alcohol Policy. An individual's status under the Program then becomes "Inactive".

A person with Inactive status may re-gain Active status only through the Members Assistance Program.

Throughout this document and in administration of this Program, terms such as “in good standing”, “active”, and “valid” mean that a person is in compliance with the Program. Likewise their opposites mean that a person is not in compliance with the Program.

**C. Controlled Substances**

Means any substance listed in Schedules I - V of the Controlled Substances Act of 1970, as amended. This Act divides drugs into five schedules according to the legitimacy of medical use and potential for abuse. By definition, drugs listed in Schedule I have no legitimate medical usage and a high potential for abuse. Schedules II-V include all those drugs which are required to be controlled under federal law and dispensed either by a qualified physician and/or under state law.

**D. Unauthorized Use**

Unauthorized use of a controlled substance is use of any drug in Schedules II-V without regard to the proper standards of medical practice and/or contrary to the directives provided by the prescribing physician or other person qualified to dispense the medication. Use of someone else's prescribed medication will be considered unauthorized use.

**E. Employer**

Means any Employer who is required or permitted to make contributions to the Orange County Electrical Industry Trust Funds.

**F. Employee**

Means all bargaining unit employees who are required to be tested under this Policy. Apprentices are covered by an Addendum to this Substance Free Workforce Program and also to any Drug and Alcohol Policy adopted by the JATC.

**G. Ethyl Alcohol**

Means alcohol, ethanol, or any other term which describes the intoxicating agent in beverage alcohol.

**H. Federal Standards**

Means guidelines and requirements established by the U.S. Department of Transportation in 49 CFR Part 40, as amended, which establishes standards for the collection, testing, and medical review of urine specimens for drugs and the collection and testing of breath specimens for alcohol. Federal standards are to be applied in all drug and alcohol testing required by this Policy.

**I. Illicit Drugs**

Means any mind-altering or psychoactive substance, which has no legitimate medical use under the law (such as Schedule I drugs) or has been manufactured and/or distributed illegally. Medicinal use of marijuana (a Schedule I drug) is not permitted under this Policy.

**J. Medical Review Officer (MRO)**

Means a specially trained individual who receives all test results from the laboratory (negative and positive) and verifies them before reporting. The MRO may also have other administrative and technical duties associated with the NECA/IBEW Substance-Free Workforce Program. For the Policy

and these Procedures, MRO may also refer to a professional company under contract with the NECA/IBEW Substance-Free Workforce Program to provide these services.

**K. On Duty**

Means any time the employee is either performing work for the Employer, under the supervision of the Employer, in an Employer's vehicle, on Employer equipment, or on Employer business.

**L. Program Manager**

Means the NECA/IBEW Substance-Free Workforce Program Committee.

**M. Members Assistance Program (MAP)**

The MAP is a service which can assist in the confidential evaluation of eligible employees not in compliance with the Substance Free Workforce Program. Services may include counseling and/or referral to other services, and will include reporting of progress to the Program Administrator.

**N. Program Administrator**

The Program Administrator facilitates drug tests, maintains test result records, makes referrals to other professionals when appropriate, manages collection site, laboratory and MRO contracts, and manages communications among all parties as required.

**IV. RESPONSIBILITY FOR INTERPRETATION AND CHANGES**

The Orange County National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers Local 441 (IBEW) are solely responsible for the interpretation and administration of these Policies and Procedures.

Modifications or amendments must be mutually agreed upon by the IBEW/NECA Substance-Free Workforce Program Committee, and shall be in writing. At the request of either IBEW or NECA, this policy will be open to discuss modifications.

**V. EFFECTIVE DATE**

The effective date of this Program and the Drug and Alcohol Policy is June 1, 2004.

**VI. COPIES OF THIS POLICY/PROGRAM**

Any employee covered by this Policy may request a copy of this program/policy from the Local Union. Employers may request a copy of the program and related documents from the NECA Chapter.

**VII. DRUG TESTING**

A bargaining unit employee must have "Active" clean card status in order to be eligible for employment with a signatory Employer. Violation of any provision of the Drug and Alcohol Policy (DAP) shall result in the designation "Inactive".

## **A. Drug and Alcohol Testing Categories**

Employees will be tested for drugs in several categories. For post-accident testing, breath testing for ethyl alcohol will be conducted in addition to drug testing.

1. Pre-hire testing
2. Random
3. Post-accident
4. Reasonable Suspicion
5. MAP Authorized (During MAP care, Return to work, Follow-Up)
6. Periodic Testing

### **1. Pre-hire Testing**

a. Applicants dispatched to Employers from the referral hall must possess Active Status issued under this program within the past 12 months, or test within 24 hours of dispatch, Saturday, Sunday and holidays excepted. The referral hall will daily identify to the Program Administrator those who have been dispatched to Employers.

b. An employee whose Active status has been revoked and who seeks to return to work in the Local 441 jurisdiction must complete the MAP process to gain or re-gain Active status necessary to be eligible to work in the jurisdiction. An extended absence from work in the jurisdiction does not excuse loss of Active status.

**2. Random Testing.** Each month individuals who are subject to random testing will be selected by the Program Administrator for drug testing from a pool of all eligible employees. The pool will be updated each month. Employers will be notified of the names of their current employees who have been selected for testing. Employers may be contacted more than one time in the month for employee random testing.

Once notified, Employers will be asked to inform the selected employees as soon as practical by an authorized representative of the Employer, either in person or via telephone, that they are to appear for a drug test within 24 hours of notification. Employees are not to be contacted by the Employer at home solely for the purpose of being notified to appear for a urine test.

Employees who are out ill, on vacation, or temporarily off work for some other legitimate reason are to be notified upon their return to work provided their absence is no longer than three working days from the Employer's receipt of the notification fax.

If the employee is unable to be contacted in a timely manner (i.e., no longer working for the Employer, an illness likely to last more than three days, or a scheduled vacation), the Employer will so advise the Program Administrator and the employee will be dropped from that month's selections for that Employer. If the employee is no longer with the Employer, the Union will be contacted to obtain the name of his current Employer, and the notification process will continue.

If an employee fails to take a drug test as directed, the employee's status will be designated "Inactive" and the Employer's specially designated contact person will be so notified.

Employees are subject to being tested randomly each year. It is possible for an employee to be randomly tested not at all, once, or more than one time each year under the random selection procedure.

**3. Post Accident.** In the event of a work-related accident, the Employer shall promptly determine if:

- the accident involved \$1,000 or more in property damage, or involved a reportable injury as defined by OSHA regulations, or involved an injury which required medical treatment which could not be handled at the accident scene, and
- the employee's performance may have either caused or contributed to the severity of the accident.

Any employee who meets these criteria must be tested for drugs and alcohol. Alcohol testing should be completed within two (2) hours of the accident if at all possible. Drug testing should be completed within 24 hours of the accident.

a. **The Policy-Triggering Event.** The Employer is responsible for making a good faith determination whether an employee is subject to the post-accident requirement. This means that a knowledgeable, authorized Employer representative has made the decision to test based on the relevant facts immediately available (time being of the essence). Employees should be tested as long as their performance or decision-making cannot be completely discounted as either being the cause or a contributing factor to the accident. Employers must be prepared to document the reasonableness of their decisions based solely on the criteria described at the beginning of this Section.

b. **Employer Responsibilities.** Once the decision has been made to test, the Employer is responsible for ensuring that drug testing occur as soon as possible. If the breath-alcohol test cannot be completed within two (2) hours, the Employer should make a written record of the reasons for the delay and retain them on file. If the breath-alcohol test is not administered within eight (8) hours following the accident, the Employer will cease all attempts to conduct the test and shall prepare and retain on file written documentation indicating why the test could not be conducted. The test for drugs, however, must proceed under any circumstances.

The Employer is responsible for directly contacting the designated NECA/IBEW collection facility which will conduct the post-accident drug and alcohol test. Alternatively, the Employer may choose to utilize the services of its workers compensation clinic or emergency treatment facility. The Employer must ensure that the site is properly informed at the time of collection that it is a NECA/IBEW Substance-Free Workforce Program test and that the reason for the test is "post-accident." Whenever possible, the Employer should escort the employee to the collection facility. The breath-alcohol specimen must be collected first.

All post-accident drug test results should be forwarded to the Program Administrator for inclusion in the Active/Inactive status records.

A NECA/IBEW collection facility will be available 24 hours a day, seven days a week.

Post-accident specimens collected at a NECA/IBEW designated site will be paid for by the Program for all eligible employees.

c. **Employee Responsibilities.** Employees may not refuse a post-accident test on the grounds that they believe the criteria necessary to establish a testable work related accident has not been met.

An employee subject to testing who fails to remain readily available to have specimens collected may be deemed by the Employer to have refused to test. Employees may leave the

accident scene to seek medical assistance or emergency medical care as necessary to protect and preserve their health and safety or that of an accident victim.

Any employee subject to testing may not consume or ingest any ethyl alcohol for eight hours after an accident or until the alcohol test has been conducted.

d. Medical Issues. When an employee is injured in a qualifying accident, the highest priority must be to ensure that he/she is properly treated and medically stabilized before any thought is given to collecting specimens under the NECA/IBEW Substance-Free Workforce Program.

It is not permitted to take specimens from an employee through extraordinary means (i.e. catheterization) when the sole purpose of the invasive procedure is compliance with the drug and alcohol testing portions of this rule. Specimens may be collected only when approved by the attending physician or other attending medical professional.

A blood or breath test for alcohol for law enforcement authorities or the medical facility will be accepted as meeting the alcohol requirements of this Section.

**4. Reasonable Suspicion Testing.** The Employer may test an employee for drug/alcohol use if there is reasonable suspicion that there may be substances present which affect the employee's ability to perform the duties of his job. If circumstances warrant consideration of a drug test, an interview will be held between the employee and a management representative trained to recognize the signs of substance abuse. Prior to the interview, the Employer will contact the Local Union to request the presence of a Union Representative during the interview. An alternate Union Representative will be appointed by the Union if no Agent can be available within one hour of request. The Union will offer the employee in-person representation during the interview. The Reasonable Suspicion Evaluation Form will be used during the interview. Any resulting directive to take a drug test shall be given to the employee in writing. Management will provide transportation to and from the collection site for employees required to test.

**5. MAP Authorized Testing.** The MAP may authorize drug testing of any person with Inactive status who has been referred to the MAP for any reason. Tests may be authorized during the time a person with Inactive status is under a MAP referral. The MAP may authorize a Return to Work test to establish fitness for duty. In addition, Follow-Up tests may be authorized to monitor post-referral compliance with the Program. An employee who has been referred to the MAP for any reason may appear at a recognized collection site for a MAP authorized test ONLY if and WHEN authorized and directed to do so by his MAP counselor. These directives may come from the Program Administrator.

The time limit for a MAP Authorized test is the lesser of 24 hours or the time limit established by the MAP counselor.

**6. Periodic Testing.** Any employee who has not tested within the past 24 months may be selected for Periodic Testing.

## **B. Drug Testing Rules and Requirements**

For the purpose of this Section, and any other reference to a drug test administered under the NECA/IBEW Substance-Free Workforce Program, the following definitions apply:

**Adulterated** - An adulterated specimen is one that is not a human urine product (less than 5 mg/dl creatinine), or contains a substance or chemical which can only have been added to the specimen



after it has been voided (as determined by either its presence or its concentration in the urine), or modification of any other donor sample used for a drug test.

**Dilute/Diluted** - A dilute specimen contains less than 1.003 specific gravity and the creatinine level is below 20 mg/dl. A dilute specimen does not meet the minimum urine concentration standards for the NECA/IBEW Substance-Free Workforce Program and will be rejected.

**Reject/Rejected or Cancelled** - A specimen may be rejected (or test cancelled) for testing if it does not meet recognized minimum standards either for urine concentration or for documentation of the collection. Ordinarily, a rejected specimen or cancelled test will require the employee to provide a new specimen.

**Substituted** - A substituted specimen is one which has been brought into the collection facility and is not the donor's void. Such a specimen will be rejected under the NECA/IBEW Substance-Free Workforce Program.

Urine specimens will be collected from employees utilizing standardized procedures which ensure both individual privacy for the donor (unless an attempt is made to dilute or adulterate a sample) and proper chain-of-custody of the urine sample until it is sealed and transported to the laboratory.

Any donor specimen other than urine will be collected from employees utilizing standardized procedures and proper chain of custody of the specimen until it is sealed and transported to the laboratory.

Collection procedures will be consistent with Federal Standards for collection. However, a non-federal Custody and Control Form must be used to collect the specimen.

Employees caught attempting to dilute, adulterate, or otherwise interfere with the integrity of a specimen at an authorized collection facility may be required to have a second sample collected under direct observation before the employee leaves the collection facility. This second sample may be by an alternative method of drug testing to the original test attempt. Should the employee refuse to provide the second sample as required the original sample will be treated as a positive test.

The laboratory utilized in the NECA/IBEW Substance-Free Workforce Program must be a Department of Health and Human Services/ Substance Abuse and Mental Health Services Administration (DHHS/SAMHSA) National Laboratory Certification Program certified facility. Possible non-negative samples will be confirmed by gas chromatography/mass spectrometry (GC/MS).

The collection site and the laboratory utilized for conducting and processing drug tests must meet all requirements of the DHHS/SAMHSA or other successor national certification standards and must conduct all tests in compliance with established procedures.

If the laboratory determines that a urine specimen is too diluted, the specimen will be rejected and the employee notified to that effect by the MRO. If the laboratory determines that a specimen of any type has been substituted, adulterated or otherwise manipulated, the specimen will be treated as a positive test. All test results are to be forwarded to the Medical Review Officer (MRO) who will verify the results and initiate issuance of Active/Inactive status. MRO duties will be conducted in accordance with federal standards.

All confirmed drug positive or substituted/adulterated donors must be given the opportunity to provide to the MRO any legitimate medical reason(s) they wish to offer for the positive test result or rejected or untested or cancelled specimen. If the MRO's determination is that there is a legitimate, verifiable medical explanation for the positive test or composition of the specimen, the result will be treated as equivalent to a negative laboratory test for Clean Card status purposes. If not, it will be considered a

verified positive result. Use of another person's medication will not be an acceptable reason and will be considered a verified positive.

Employees must provide a telephone contact number on the drug testing documents so that the MRO can contact the employee if necessary. Refusal to cooperate or communicate with the MRO about a drug test will result in a positive result.

The MRO will advise the Program Administrator of all test results.

The Program Managers retain the authority to mutually agree to implement alternative methods of drug and/or alcohol testing at any time. These methods may include, but are not limited to: urine testing, oral fluids testing, hair testing, breath-alcohol testing. As other approved testing methods become available in the future, they may be utilized. In keeping with the stated intent to deal aggressively with the problems of drug use and alcohol abuse in the workplace, no advance notice of any such change is required.

### **C. Prohibited Substances and Cutoff Levels**

Drug testing under this Program will include the following substances:

- Marijuana metabolite (as 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid)
- Cocaine metabolite (as Benzoyllecognine)
- Opiates
- Codeine
- Morphine
- Amphetamines
- Amphetamine
- Methamphetamine
- Phencyclidine

Marijuana: California's Proposition 64 expressly recognizes California Employers' right to enact and enforce workplace policies pertaining to marijuana. Employers retain the right to maintain a drug and alcohol free workplace and to have policies prohibiting the use of marijuana by employees and prospective employees. The Employers utilizing this Program exercise the Employer rights reserved under California State law and marijuana is included in the list of prohibited substances under this Policy.

Cutoff Levels: (The amount of a prohibited substance found in a donor's specimen which produces a possible non-negative screen or a positive result)

It is intended that the Cutoff levels in the NECA/IBEW Substance-Free Workforce Program are linked to those established by the Department of Health and Human Services for federally regulated testing. Therefore, the Program cutoffs may be modified from time to time without notification to employees if the federal rules are amended. Individuals may be tested for use of any substance prohibited by the Drug and Alcohol Policy.

### **D. Post-Accident Alcohol Testing Protocol**

The post-accident alcohol analysis collection must also be consistent with the protocols established by federal standards. An evidential-level breath-testing device must confirm all presumptively positive alcohol positives. All breath alcohol devices employed for confirmation must be on the National Highway Transportation Safety Administration's (NHTSA's) DOT approved products list. The

Program Administrator will review all post-accident alcohol testing results on behalf of the Employer and will be responsible for reporting results and for maintaining test records.

The alcohol testing cutoff concentrations employed in the NECA/IBEW Substance-Free Workforce Program are 0.04% BrAC for both screening and confirmation tests. Employees regulated by the Department of Transportation will be subject to cutoffs found in applicable regulations.

#### **E. The Positive Drug or Alcohol Test**

In the case of a verified positive drug or alcohol test, the Program Administrator will immediately notify the Employer's specially designated contact person that the employee's status is "Inactive".

Employees are entitled to copies of verified positive results, which they may request in writing from the Program Administrator. Communication with the MRO or the Program Administrator may be conducted only by telephone or in writing. An employee may not visit the offices of the MRO or the Program Administrator to discuss the results of any test administered under this Program.

Once a positive MRO determination has been made, or Inactive status has otherwise been attained, the Program Administrator will refer the verified Inactive employee to the MAP for evaluation and counseling and/or further referral. Once the MAP has qualified the employee for return to work, the Program Administrator will be contacted and a return-to-work drug and/or alcohol breath test will be scheduled. Active status will be gained only if the employee tests as authorized and directed within the established time limit and a negative test result is obtained. Inactive status is retained if the test is not taken within 24 hours (or less if so directed by the MAP). Only MAP-directed drug tests are authorized while under the supervision of the MAP. Once a negative result is obtained, Active status will be issued. The Program Administrator will work closely with the MAP to ensure that the employee is considered a low risk to return to drug and/or alcohol use. The MAP may require follow-up drug and/or alcohol tests for a period of up to two years, the cost of which may be borne by the employee. Drug and/or alcohol tests required by the MAP will be considered to have equal consequences with all other forms of testing required by this Policy.

#### **F. Unauthorized Tests**

Only drug tests which are directly authorized in conjunction with (and taken in full compliance with) this Program will generally be recognized. If an employee takes an unauthorized test, the test result will be forwarded to the MRO. However, the result will be recognized as a valid test under this Program only if it is positive. Further, the employee will be required to reimburse the full amount of the cost of the unauthorized test. Tests taken outside of described time limits are considered Unauthorized.

#### **G. Wellness Benefit**

An eligible employee who is a covered participant in the Orange County Health Plan at the time of his negative drug test will receive a wellness benefit check in an amount determined by the Program Managers. This provision applies for authorized tests taken on employee time, if the result is negative. The amount of the Wellness benefit, established at \$60, may change by mutual agreement between IBEW and NECA. An employee's wellness benefit may be retained to reimburse the Fund for the full cost of past non-compliance with the Program.

Regardless of test result, the following tests will not generate a Wellness Benefit payment:  
Unauthorized tests, any MAP-authorized test, tests taken on company time.

## **H. Verification of Active/Inactive Status**

Status in the Program is a simple “Active” or “Inactive” designation, with no detail as to the reason for such status. Until Active status is achieved, an employee’s status will be considered Inactive. Designated Employer Representatives will be provided access to the employee’s current Active/Inactive status and will verify status when an employee is hired. An employee’s status may be Inactive due to failure to comply with any provision of this Policy and Program, or because a Periodic test is overdue, or because testing is not yet complete. The Employer should direct any questions regarding an employee’s Active/Inactive status to the Program Administrator.

## **I. Reciprocity for Traveling Employees**

The Program Administrator will accept “Active” status for a worker transferring into Local 441 under portability, provided verifiable compliance information is made available to the Program Administrator and the program is a similar IBEW-NECA drug testing program. This provision applies also to traveling workers dispatched through the Local 441 hiring hall.

## **VIII. FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND/OR FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) REQUIRED TESTING POLICIES**

Some subscribing Employers have employees who are covered under FHWA/FMCSA regulations found in 49 CFR Part 382, as amended. These employees are also considered part of the NECA/IBEW Substance-Free Workforce Program and will maintain their Active status eligibility in a similar manner to non-federally regulated employees. Although they have somewhat different federal testing categories (which include more alcohol testing requirements), they must also participate in the Substance-Free Workforce Program's random testing category. However, employees must be clearly informed whenever they are taking a federal test, and have different return-to-work requirements if they are positive. Employers must be notified of FHWA/ FMCSA test results by the Program Administrator in a different manner, must themselves maintain special test records, must have supervisors of FHWA/ FMCSA drivers trained to make reasonable suspicion determinations, must provide drug and alcohol information to their covered drivers in accordance with the rule, and must be prepared for both state and federal inspection of their FHWA/ FMCSA drug and alcohol testing program.

## **IX. CONFIDENTIALITY REQUIREMENTS**

All drug and alcohol test-related information maintained in connection with the Drug and Alcohol Policy is considered confidential. Those personnel having legitimate access to this information are required to restrict conversations to only those on a minimum need-to-know basis, but must otherwise maintain total confidentiality of test results and DAP violations. Willful failure to abide by these requirements, or negligence in maintaining written or oral confidentiality, may result in administrative action up to and including termination by the Employer or prosecution under federal or state law.

However, pursuit of a grievance arising out of the use of this policy will necessitate the release of all pertinent information, including drug test results. Such information will be exposed only to the extent necessary to properly process the grievance.

## PART TWO

### THE NECA/IBEW SUBSTANCE-FREE WORKFORCE PROGRAM DRUG AND ALCOHOL POLICY

#### **I. Statement of Policy**

The use of drugs and the abuse of alcohol among electrical construction industry employees can significantly increase the safety risk for workers and the general public, impact costs and liability for Employers, and erode public confidence. It is therefore the policy of the Orange County National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers Local 441 (IBEW), that illicit drug use, unauthorized use of controlled substances, and/or alcohol abuse by its members and others performing safety-sensitive duties, not be allowed to:

- jeopardize the health and welfare of themselves or their fellow workers;
- impact the safety of operations; or
- otherwise adversely affect or endanger other employees, customers, or the general public

This Drug and Alcohol Policy is designed to apply to all workers covered by the NECA/IBEW Substance-Free Workforce Program or who are required to be tested in accordance with U.S. Department of Transportation (DOT) operating administration regulations. Definitions and procedures designed to support this Policy are attached to this document.

#### **II. Possession of Illicit Drugs, Unauthorized Controlled Substances, or Ethyl Alcohol While on Duty or at the Work-site**

Possession of illicit drugs or unauthorized controlled substances while on duty or at the work-site will result in administrative action up to and possibly including termination by the Employer. Possession of open containers of alcoholic beverages while on duty or at the work-site, unless part of an Employer sponsored social function, will also result in administrative action by the Employer.

#### **III. Sale or Furnishing of Illicit Drugs, Unauthorized Controlled Substances, or Open Containers of Ethyl Alcohol While On Duty or at the Work-site**

Sale or furnishing of illicit drugs or unauthorized controlled substances while on duty or at the work-site will result in administrative action up to and may include termination by the Employer. Sale or furnishing of open containers of alcoholic beverages while on duty or at the work-site, unless part of an Employer sponsored social function, will result in administrative action up to and may include termination by the Employer.

#### **IV. Use of Illicit Drugs or Unauthorized Controlled Substances While on Duty or at the Work-site**

Use of illicit drugs or unauthorized controlled substances while on duty or at the work-site will result in administrative action up to and may include termination by the Employer.

#### **V. Use of Ethyl Alcohol While on Duty or at the Work-site**

Use of alcoholic beverages while on duty or at the work-site, unless part of an Employer sponsored social function, will result in administrative action up to and may include termination by the Employer. No use of alcoholic beverages is permitted at any time which will produce an alcohol concentration in violation of

Section V. of this Policy if the employee is then required to drive Employer vehicles or equipment or to perform safety-sensitive duties.

#### **VI. Presence in Any Required Test of Illicit Drugs, Unauthorized Controlled Substances, or Ethyl Alcohol**

The presence of illicit drugs or unauthorized controlled substances in a required drug test, or the presence of ethyl alcohol equivalent in excess of DOT allowed limits will result in administrative action and may include termination. Administrative action may include relief from safety sensitive duties for at least 8 hours or one full work shift.

#### **VII. Testing Requirements**

Employees participating in the NECA/IBEW Substance-Free Workforce Program must provide their required specimens for initial, pre-hire, post-accident, reasonable suspicion, periodic and random drug testing, as well as any testing required by the MAP. All employees must additionally provide a breath alcohol test for post-accident and reasonable suspicion testing.

Employees who fall under the DOT Federal Highway Administration (FHWA) and/or Federal Motor Carrier Safety Administration (FMCSA) regulations found in 49 CFR Part 382 must provide specimens in accordance with those rules for initial, reasonable suspicion (if drugs are suspected), post-accident, random, return to work, and follow-up testing. They must also provide a breath alcohol test for reasonable suspicion (if alcohol is suspected), post-accident, and random testing.

Refusal to take a required drug or alcohol test, or attempting to adulterate, dilute, substitute or contaminate any specimen, or refusal to respond/cooperate/communicate with Program Administrator or MRO, will result in administrative action and may include termination by the Employer.

#### **VIII. Testing Protocols**

All employees falling under the NECA/IBEW Substance-Free Workforce Program or under any DOT regulations will be tested consistent with federal standards (see also Program Procedures).

All specimens shall be collected under strict chain-of-custody procedures and tested at a laboratory certified by the Department of Health and Human Services/Drug Abuse and Mental Health Services Administration (DHHS/SAMHSA). All positive urine specimens must have been confirmed by gas chromatography/mass spectrometry (GC/MS). All test results will be forwarded to a qualified Medical Review Officer (MRO) for verification.

Breath specimens shall be obtained under strict chain-of-custody procedures by a federally qualified collector. Breath specimens must be confirmed on an evidential-level breath-testing device qualified for DOT testing by the National Highway Transportation Safety Administration (NHTSA).

#### **IX. Members Assistance Program (MAP)**

Individuals whose status has been determined to be Inactive will on a first episode be referred to the Members Assistance Program (MAP) for evaluation, appropriate counseling, and/or further referral to treatment or other professional services. An employee may also self-refer to the MAP by calling the Program Administrator. Subsequent referrals to the MAP after the first referral will be at the Program Manager's discretion.

Full compliance with the MAP is a requirement of becoming eligible to regain Active status. This includes but is not limited to appearing for subsequent drug tests only if and when the MAP so authorizes and directs.

The MAP will keep the Program Administrator informed as to an individual's compliance with these provisions.

Self-referral and ongoing participation in the MAP will be held confidential except under state or federal laws of mandatory disclosure, and as needed to properly administer the Program.

The MAP is an accommodation, but is not intended to supplant appropriate progressive disciplinary actions. Failure to cooperate fully will constitute waiver of accommodation, and normal disciplinary measures up to and including termination will apply.

#### **X. Customer Requirements**

Should any Customer's or government agency's requirements exceed or differ from this Policy, the Employer has the right to implement the requirements of the Customer or agency. Drug tests taken under a customer-required drug testing program shall have consequences equal to those under this Program and Policy. Drug test results will be forwarded to the Program Administrator for inclusion in the Active/Inactive status records.

Revised March 2019

Orange County NECA-IBEW Substance Free Workforce Program

MAP Eligibility - Returning to Work

Those with Inactive Status Program will be referred to the MAP and are classified into 3 Categories:

	<b>Classifications of workers:</b>	<b>MAP eligibility rules:</b>
Category 1)	<ul style="list-style-type: none"> <li>• OC JATC <u>Probationary</u> apprentices, all levels</li> <li>• Local 441 member CWs; all levels</li> <li>• Storekeepers</li> <li>• All Trainees</li> <li>• Stepped Installers</li> <li>• Unindentured</li> <li>• Apprentices temporarily in OC</li> </ul>	<ul style="list-style-type: none"> <li>• Will be terminated from the apprenticeship program or CW program</li> <li>• May not apply or re-apply to any OC Apprenticeship Program or the CW program for a period of 12 months</li> <li>• Must have completed the MAP on a self-pay basis to be eligible to apply/re-apply</li> </ul>
Category 2)	<p>Those in the following classifications who HAVE NOT been eligible in the OC Health Plan in the past 12 months:</p> <ul style="list-style-type: none"> <li>• OC JATC <u>Non-Probationary</u> apprentices, all levels</li> <li>• Journeyman Wireman</li> <li>• Transportation Journeyman</li> <li>• Transportation Technician</li> <li>• Maintenance Electrician</li> <li>• Residential Wireman</li> <li>• Journeyman Sound Installer</li> <li>• Construction Electrician (CE)</li> </ul>	<ul style="list-style-type: none"> <li>• Are eligible to utilize the MAP on a self-pay basis</li> </ul>
Category 3)	<p>Those in the following classifications who HAVE been eligible in the OC Health Plan in the past 12 months:</p> <ul style="list-style-type: none"> <li>• OC JATC <u>Non-Probationary</u> apprentices, all levels</li> <li>• Journeyman Wireman</li> <li>• Transportation Journeyman</li> <li>• Transportation Technician</li> <li>• Maintenance Electrician</li> <li>• Residential Wireman</li> <li>• Journeyman Sound Installer</li> <li>• Construction Electrician (CE)</li> </ul>	<ul style="list-style-type: none"> <li>• Are eligible for 1 Program-paid MAP utilization</li> <li>• If Inactive again, may only utilize MAP on a self-pay basis</li> </ul>

MAP cost to self-pay: Includes the cost of the MAP counseling/evaluation/referral service plus the cost of two drug tests.

How to Pay: By cash or money order payable to Orange County LMCC. Deliver to Local 441 for processing.

*Revised March 2019*