

DRUG & ALCOHOL TESTING POLICY FOR

ATTACHMENT "A"

DRUG/ALCOHOL TESTING POLICY FOR

SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION,
KANSAS CITY CHAPTER, INC.

AND

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL
UNION NO. 2, KANSAS CITY MISSOURI

This Drug/Alcohol Testing policy for Sheet Metal and Air Conditioning Contractors' National Association, Kansas City Chapter, Inc. and Sheet Metal Workers' International Association Local Union No. 2, Kansas City, Missouri has been adopted and implemented pursuant to negotiations between the Sheet Metal Workers' International Association Local Union No. 2, Kansas City, Missouri (hereinafter referred to as "Local 2" or the "Union") and Sheet Metal and Air Conditioning Contractors' National Association, Kansas City Chapter, Inc. (hereinafter referred to as SMACNA-KC or the "Employer").

Should any dispute arise with respect to the application or implementation of this policy between workers employed pursuant to the collective bargaining agreement between SMACNA-KC and Local 2, such disputes shall be submitted to the grievance and arbitration provisions of the agreement.

PURPOSES

This policy is negotiated and implemented pursuant to the Drug Free Work Place Act of 1988. It is not the intent of this program that it be used as punishment, but rather to assist employees with alcohol and/or drug abuse problems. The program to be put in place no later than August 1, 1999.

POLICY STATEMENT

This policy applies to all employees of the employer, both bargaining unit and non-bargaining unit, including sales, clerical, management, owners, part-time employees, as well as applicants for employment.

PREFACE

Alcohol/substance abuse is recognized as a treatable illness. The desired result and preferred procedure is rehabilitation resulting through referral to locally operated industry Employee Assistance Program (EAP). The EAP should provide the employee and the supervisor educational programming, individual and family counseling, as well as treatment referral services.

CONDITIONS AND DEFINITIONS:

1. Workplace problems arising out of an employee's relationship with substance abuse may warrant a variety of management responses, including referral for treatment, testing, disciplinary action, or termination of employment.

2. The parties to this Policy regard urine testing as problematic and do not advocate total reliance on such procedures to identify individuals with an alcohol/chemical dependency. However, certain circumstances support substance testing as a warranted vehicle for determining possible impairment and/or a propensity for substance abuse. These include:

- A. Pre-employment testing;
- B. Probable cause testing, (i.e. post accident and/or injury)
- C. Work opportunities mandated testing.

3. The use of alcohol or illegal drugs during working hours, or on a job site or on the employer's premises is absolutely forbidden. Any employee who violates this policy may be required to undergo rehabilitation and/or may be subject to disciplinary action, including termination.

4. The term USE means consuming, possessing, selling, concealing, distributing or arranging to buy or sell, being under the influence or reporting for duty under the influence of alcohol or illegal drugs.

5. EMPLOYER'S PREMISES includes all property, facilities, land, buildings, structures, automobiles, trucks, and other vehicles owned, leased, or used by the Company, and construction sites where the Company is providing services and employment.

6. The term ALCOHOL or ILLEGAL DRUGS means any form of alcohol and/or other intoxicating substance, narcotic plant or similar narcotic substance, illegal chemical substances or drugs (including legal drugs obtained or used illegally or without proper medical supervision or authorization).

7. An EMPLOYEE ASSISTANCE PROGRAM (EAP) means a program designed to assist employees with alcohol and/or substance abuse, or other problems by means of counseling, treatment, or referral to more specific centers. The emphasis of the program is centered on the recovery of the individual and to provide services designed to assist in recovery.

8. The term EMPLOYEE includes all employees of the employer, both bargaining unit and non-bargaining unit, including sales, clerical, management, owners, part-time employees, as well as applicants for employment.

9. The term WORKING HOURS means all of the time in which an employee is engaged in work duties or duties complementary to work, including rest periods, lunch periods, travel time or time subject to employer control.

10. An employee's private property may be inspected only for probable cause. (See Item 14 below).

11. UNDER THE INFLUENCE OF ALCOHOL means a blood alcohol content of .05% or greater.

12. UNDER THE INFLUENCE OF A CHEMICAL SUBSTANCE OR DRUG means a urine content determined to equal or exceed the levels approved by the United States Department of Health and Human Services (DHHS).

13. PRE-EMPLOYMENT SCREENING - the screening of prospective employees may be

implemented to ascertain whether an applicant is capable of safely performing the duties of and meeting the prerequisites for the employment offered. Pre-employment testing will not apply to an employee who returns to active employment with an employer following an absence of less than six (6) consecutive months.

14. PROBABLE CAUSE - those circumstances, based upon objective evidence about an employee's conduct in the workplace, that would cause a reasonable person to believe that the employee is demonstrating signs of impairment due to alcohol or chemical substances. (See Item 4 above "USE"). Depending upon the circumstances existing at the time, probable cause may automatically apply to employee work behavior which results in injury to or endangerment of the health and safety of others in the workplace.

15. WORK OPPORTUNITY MANDATED TESTING - In all situations where an employer is required to agree to a testing program over which he/she has no control or direct input in order to qualify as a provider of services and/or products, testing shall be approved; however, the employer shall exert maximum pressure to insure that the testing is performed in accordance with the standards enumerated in this Policy and applied uniformly to all personnel having access to the affected workplace or specific work order. There shall be no discrimination against any employee who refuses a job assignment to a job or project that is subject to testing. An employee who refuses a job assignment to a job or project for which the employer is required to agree to a random testing program may be laid off if there is no alternate work available for which said employee is qualified.

16. An employee who is convicted of violations of laws involving illegal chemical substances or drugs while on work status will be considered to be in violation of this Policy and subject to action noted herein.

17. An employee who suspects he/she has developed an addiction to, dependency on, or otherwise has a problem with alcohol or chemical substances or drugs, is expected to seek assistance through the EAP or other competent resource. Any person who voluntarily seeks assistance or rehabilitation for alcohol and/or chemical substance or drug related problems shall be granted amnesty and disciplinary remedies waived so long as the person continues to participate satisfactorily in the rehabilitation or counseling program. An employee cannot voluntarily seek assistance or rehabilitation and thereby gain amnesty following the occurrence of circumstances which gave rise to probable cause for testing.

18. The failure of an employee to promptly participate in testing or a search under probable cause at management's request, or should an employee's test results be positive and the employee refuse to seek rehabilitation or fail to complete a rehabilitation program, such employee shall be subject to disciplinary action including termination.

19. Any employee who has tested positive for alcohol and/or chemical substance or drugs shall be required to enroll through the local EAP in a state approved counseling or rehabilitation program. Upon submission of a work release from the program, said employee may return to work if a job is available, or be referred from the out-of-work list.

20. The employer with the approval of the local union shall select at least one, no more than two, DESIGNATED REPRESENTATIVES to handle all confidential matters regarding this Policy. Only the Designated Representative(s) will be informed of test results. The name(s) of the employer Designated Representative(s) will be communicated to the EAP in writing.

21. Nothing in this Policy is intended, nor shall it be construed, to authorize any action that is unlawful under federal or state law.

22. Discipline of bargaining unit members shall be in accordance with the provisions of the collective bargaining agreement and/or the rules of the Joint Apprenticeship & Training Committee as appropriate. Union members subject to this policy continue to have access to the usual protections provided as a part of their union membership. Union members may request that a union representative be available or present prior to any action taken by an employer at any stage of the policy and its administration. If an individual is aggrieved by any action taken under this Drug /Alcohol Policy and his complaint cannot be resolved, it may, if the individual or Union requests, be referred as a grievance under the grievance and arbitration provisions of the individual's collective bargaining agreement. In the event the matter is referred to arbitration, the Arbitrator shall be bound substantively by the provisions of the Drug/Alcohol Policy.

23. An employee who tests positive and is granted an opportunity for rehabilitation as an alternative to discipline will, prior to returning to work and upon proper release by an authorized representative of the treatment agency or program, sign a "Last Chance Agreement", a copy of which is attached to this Policy as Addendum "A".

24. PRESCRIPTION DRUGS - any substance prescribed for an individual by a licensed medical practitioner. Prescription drugs may be brought upon Company Premises only by the person for whom they are prescribed, and shall only be used in the manner, combination and quantity prescribed. Employees using a prescription drug which may impair mental or motor function shall inform their supervisor of such use. For the safety of all employees, the employer may place persons using such drugs in a less hazardous job assignment or place them on temporary unpaid leave until released as fit for duty by the prescribing physician. The employer reserves the right to have its physician determine if a prescription drug produces hazardous effects or to restrict the quantity the employee is allowed to bring to the workplace. (No employee shall be discriminated against for the use of a prescribed drug).

This policy shall be distributed to all employees at the time it becomes effective. All employees shall sign a document acknowledging receipt of the policy and consenting to alcohol and drug testing conducted in accordance with the policy. The policy shall also be posted on a bulletin board at the Employer's place of business.

An employee found in violation of this Section may be subject to immediate disciplinary action.

TESTING:

1. Initial screening tests shall consist of a ten panel Enzyme Immunoassay (EMIT) test. Gas Chromatography/Mass Spectrometry (GC/MS) testing will be utilized for confirmation of any positive EMIT. All positive test results will be sent to a S.A.M.S.H.A. certified laboratory for confirmation.

Initial and Confirmation Threshold Limits

NG/ML DRUG	Screen Cutoff	Confirmation Test
Marijuana (THCA)	50	15
Cocaine Metab	300	150
Amphetamines	1000	500
Opiates	2000	2000
Phencyclidine (PCP)	25	25
Barbiturates	300	300
Benzodiazepines	300	300
Methadone	300	300
Propoxyphene	300	300
Methaqualone	300	300

2. Drug testing and the "chain of custody" shall be conducted in accordance with the procedures of the U.S. Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs. When the specimen for testing is obtained the employee shall be accompanied by the designated company representative for validation purposes. 3. Urine samples will be separated into two containers at the time of donation of the sample - one portion of the original sample shall be kept secure and chemically stable and made available for verification of laboratory test results. 4. Any employee testing positive shall have the right to have the secured portion of his/her urine sample independently examined by a laboratory of his/her choice at his/her expense, the laboratory selected shall meet the same certification as required under this Policy. 5. Drug tests shall be conducted on urine samples and alcohol tests on breath samples, unless an employee is unable to provide such samples. In that circumstance, a test of the employee's blood will be used. If an employee is receiving medical attention and a blood test is conducted by a health care provider, the results of that blood test may be used as the basis for employment action under this policy. 6. A positive test result shall be determined utilizing the current threshold levels approved by the United States Department of Health and Human Services (DHHS). 7. Test results will be released to the EAP Director and marked confidential. The results of a test will only be made known to the employee, employer, union, JATC (when applicable), and the EAP. Upon written request, the testing facility and/or EAP shall make available to the employee the laboratory reports concerning his/her positive test. The results of any positive test will not be released to any other party or agency unless required by law or with the written permission of the employee.

8. The EAP shall contact the employer, through the designated employer representative only, with the results of the test. The employee will be notified in writing by the employer representative who shall make certain that the notification is given in confidence. Neither the test results nor the notification shall be communicated to any other person who does not have a bona fide need to know. An employee subject to probable cause testing may, for reasons of safety, be suspended from active work until the test results are available. If the employee is suspended and the test result is negative the employee will be reinstated with back pay for time the employee otherwise could have worked. 9. The employee must present the employer with a copy of the receipt from the laboratory given at the time of the urinalysis. AMENDMENTS: Amendments to this Policy may be developed jointly by the employer and the union to comply with state or local laws, or federal requirements, or for purposes of correcting procedural problems which may arise.

Sheet Metal and Air Conditioning Sheet Metal Workers' International Association Contractors' National Association, Local Union No. 2, Kansas City, Missouri Kansas City Chapter, Inc. By:

_____ By: _____ Date: _____
 _____ Date: _____

ADDENDUM "A"
LAST CHANCE AGREEMENT AND RELEASE

I. The reinstatement and continuing employment of _____ (Employee) by _____ (Employer) is contingent upon the following:

A. Employee's providing to the Employer a negative test result (at employee's expense) prior to return to active work;

B. Employee's full participation in and successful completion of any certified treatment program approved by the Employee Assistance Program (EAP).

C. Employee's satisfactorily meeting the conditions of any recommended follow-up treatment or

other program approved by the EAP; and,

D. Employee's submission to any chemical or drug test requested by the Employer during a two (2) year period following the date of this Agreement.

II. Employee understands and agrees that failure on his/her part to meet any of the foregoing requirements may result in termination.

III. Employee hereby consents to submit to a chemical or drug test at Employer's request during the two (2) year period following the date of this Agreement.

IV. Employee hereby authorizes any certified laboratory or other testing facility to release the results of any chemical or drug test to Employer during the two (2) year period following the date of this Agreement in accordance with the terms and conditions of the Substance Abuse Policy endorsed by the employer and the union. Employee will be responsible for any treatment or follow-up program costs not covered by Employee's health insurance.

V. Employee hereby releases any physician, addictionologist, counselor, or other rehabilitation professional to discuss Employee's compliance with this Agreement with Employer during the two (2) year period following the date of the Agreement.

Date: _____

Employee:

Print Name

Signature

Employer:

Print Name and Title Signature

**ADDENDUM "B"
POLICY RECEIPT AND CONSENT TO ALCOHOL / DRUG TESTING**

I hereby acknowledge receipt of the Alcohol and Substance Abuse Policy for the Construction Segment of the Sheet Metal Industry which has been implemented by Sheet Metal & Air Conditioning Contractors' National Association, Kansas City Chapter (hereafter "Employer"), as part of the agreement that is entered into with Local 2 of the Sheet Metal Workers' International Association dated July 1, 1999.

I hereby consent to participate in alcohol testing under this policy by means of a breath test using an evidential breath testing device. I also consent to participate in urine drug screening tests under this policy, including any and all procedures used by the physician, nurse, and/or laboratory to collect the sample. I authorize the findings of any alcohol or drug test, together with any related medical information, to be reported to the designated representatives of the company.

I understand that if I refuse to participate or if test results are positive, I may be subject to disciplinary action up to termination from employment or referral to an employee assistance

program.

EMPLOYEE:

(Print Name)

(Signature)

Date: _____

INDUSTRY RELATED
TELEPHONE NUMBERS

Union Hall, 2902 Blue Ridge Blvd., Kansas City, MO 64129 816-254-8021
www.sheetmetal2.org

St. Joseph Hall, 1316 Frederick Ave., St. Joseph, MO 64503 816-232-5034

Mo-Kan Health & Welfare, 406 West 34th, Suite 603 816-531-0334
Kansas City, MO 64111 www.mokansheetmetal.org

Apprentice Office, 9703 East 53d St., Raytown, MO 64133 816-353-0038
www.sheetmetal2jajtc.org

Nat'l. Pension Fund, 601 N. Fairfax, Alexandria, VA 22314 1-800-231-4622
www.smwnpf.org

Franklin Financial Grp., 10801 Mastin, Ste. 200, O.P. KS 66210 913-469-9612
vincent_pastorino@prusec.com

Credit Union, 2539 Broadway, Kansas City, MO 64081 816-842-0727

SMACNA, 777 Admiral Blvd., Kansas City, MO 64106 816-421-3360
www.information@smacnakc.com