

***PARKERSBURG-MARIETTA  
CONTRACTORS AND TRADES  
EDUCATIONAL  
AND DEVELOPMENT FUND***

***AMENDED-7/20/2011  
SUBSTANCE ABUSE  
POLICIES AND PROCEDURES***

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## I. Purpose.

The Contractors and Trades Educational and Development Fund, working in the jurisdiction of the Parkersburg-Marietta Building Trades Council and North Central Building Trades, has a strong commitment to provide a safe and secure workplace for its members/employees and to establish programs promoting high standards of health and safety.

The purpose of this policy is to provide guidelines for all concerned regarding substance use and abuse and to provide practical procedures for its administration.

## II. Definition.

Substance abuse means the misuse or illicit use of drugs or controlled substances such as heroine, marijuana, cocaine, or legally obtainable drugs not reported and being abused.

## III. Policy and Procedures.

Policy and procedures which apply to Building Trades Craftsmen considered for employment by contractors and which apply to employed Building Trades Craftsmen are addressed in the following statements:

### A. Applicants considered for employment.

1. In order to maintain a safe, drug-free environment for its employees, contractors will not employ craftsmen who are involved in substance abuse. Prospective employees must submit to substance abuse testing before being employed.
2. Prospective employees will receive a copy of the current policy at the time of testing.

### B. To implement this policy the following procedures will apply.

1. Testing for drugs shall be limited to pre-employment testing, annual testing for existing employees, random testing pursuant to a random drug testing plan established by a contractor, owner or union, and testing of existing employees for cause. For cause testing will be determined when there exists supporting evidence of impairment, accidents or when the contractor has good reason to believe an employee is under the influence of a drug or other intoxicant.
2. All prospective Building Trades Craftsmen will be tested before or incident to being hired by a contractor.
3. Subject to random drug testing and testing for cause, any employee who tests negative as a new hire may come and go on his or her projects without retesting for a period of one (1) year.

### C. Random drug testing.

1. Random drug testing will be recognized where such testing is required by the contractor, owner or union.
2. Testing of a contractor's employees will be conducted at a frequency not greater than once monthly.
3. Testing of a contractor's employees at the request of the contractor may not exceed 5% of the contractor's employees in a given month. In making the calculation of 5% of the contractor's employees, the result of the multiplication of the number of employees times 5% will be rounded up to the higher whole number. This number may be increased with the approval of the program administrator with documentation of the industrial site requirement.
4. Testing will be performed on the project site or such other convenient site as may be agreed to by the contractor and the program administrator and will be conducted during working hours. During a random collection, a sample must be collected before the nurse leaves the site.
5. All costs directly associated with the testing will be borne by the Fund.
6. Employees testing negative will receive an updated drug-free status in the TOPS online database. Employees testing dilute or employees unable to provide a specimen will need to follow the guidelines outlined in section IV, paragraph (A).
7. Breath Alcohol Testing will be performed upon request and in the event of an accident.
8. All results will be reported to employer/contact person.

## D. Eligibilities.

Any employee who for a valid reason is unable to test on his/her designated date will be given an alternate date within five (5) days prior to or after the original date. Employees who refuse to submit to drug testing will be treated as having a positive test result. See section IV, paragraph F, relating to assessment procedures following a positive test result.

E. Upon completing successful drug testing [a negative test result], the TOP System will be updated certifying the employee's eligibility for employment.

F. The drug abuse policy includes a qualitative analysis for the following drugs of abuse:

<i><b>DRUG</b></i>	<i><b>SCREENING CUT-OFF LEVEL</b></i>	<i><b>GC/MS</b></i>
Amphetamines	500	250
Barbiturates	300	200
Benzodiazepines	300	300
Cocaine/benzoylecgonine	150	100
Methadone	300	300
Opiates (Codeine/Morphine)	2000	2000
6-Acetylmorphine	10	10
Phencyclidine (PCP)	25	25
Oxycodon (Oxycotin, Percodan, Percocet)	300	300
Propoxyphene	300	300
THC (cannabinoids marijuana)	50	15
Alcohol (breath)	.02 %	.02 %

## G. Employee Awareness Education:

Employee Awareness Education will be recognized where such education is required by the contractor, owner or union. A qualified person will explain why and how substance use is a workplace problem, the effects, sign/symptoms of use, affects of commonly used drugs in the workplace and, how to get help. There will be a minimum of two hours of substance abuse education annually for all employees. New employees will be advised about this program during orientation and will receive such education as soon as possible thereafter. In addition, supervisors will be trained when such training is required by the contractor, owner or union, to recognize substance problems that may endanger the employees and others as well as violate this Policy. This training will be in addition to the employee education session. Supervisors will also be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem, and how to make referrals for help.

## IV. Test procedures, results and appeals:

A. The specific gravity of the urine specimen will be checked at the time of collection of the urine sample. The specific gravity should be equal to or greater than 1.005. If the specific gravity of the specimen is less than 1.005 [such a specimen is referred to as "too dilute"], the specimen will be rejected and not further tested. If the first urine specimen is rejected as too dilute, the employee will be asked to wait and give another urine specimen. If the second urine specimen is again rejected as too dilute, the employee will be asked to wait and give a third urine specimen. If the third urine specimen is again rejected as too dilute, the employee will be given the option to have a hair test performed at that time. If a hair test is not permitted under state law, an alternative test approved by the administrator will be performed. If the employee chooses not to have the hair test/alternative test performed, then the employee will be treated as having a positive test result. If the additional specimen collection of urine cannot be collected before closing time on that day, the worker will be given the option of immediately providing a hair test/alternative test, or coming back the very next morning to provide the urine specimen. If the employee fails to do so, the test will be considered a refusal to test.

1. If a urine specimen with a specific gravity equal to or greater than 1.005 is not collected and the employee does not consent to a hair test or an alternative test, no drug-free status will be entered in the TOP system.

2. In the event of a “shy bladder” and the employee is unable to provide a sample in a reasonable amount of time, the employee must provide medical documentation from their physician for this syndrome then an alternate test will be performed. During this time your drug card will be listed as inactive. Failure to provide this documentation and supply the alternate test will be considered as a refusal to test.

B. In addition to the specific gravity, the temperature of the urine specimen is checked. The range of temperature must be from 90 degrees to 100 degrees. If the temperature is not within the normal range, the urine specimen will be rejected and a second specimen will be collected in a reasonable amount of time. Only the second specimen will be submitted to the lab. Failure to take another test will be considered adulterated as described in the following paragraph.

C. Adulterated Sample.

1. In case the urine sample is determined to be adulterated [“adulterated” meaning to make impure by adding an improper substance to the specimen], the employee will be treated as having a positive test result. This includes being in possession of contraband during the time of collection.
2. In the case of an adulterated urine sample, the employee shall have the same rights as an employee who had a positive test result, and the same assessment procedures will be followed. See section IV, paragraph F.

D. Medical Review Officer (MRO) reviews test results.

1. Attempt to contact employee or prospective employee at the phone number listed.
  - a. If no answer, repeat attempts are made.
  - b. If there is a recorder, a discrete message is left, including date and time of the message.
  - c. If a person other than the employee or prospective employee answers, confidentiality remains. Results will only be discussed with the employee or prospective employee
  - d. A two hour window period is given to return the phone call. If no return call is made, the Business Agent/contact person is notified.
2. After the results have been discussed with the employee or prospective employee, he/she is offered an appointment to further discuss results with the MRO.
  - a. If employee or prospective employee declines the appointment, he/she is informed that the Business Agent/contact person will be contacted.
  - b. If employee or prospective employee agrees to an appointment, a time will be scheduled the same day if time allows. No show appointments will be reported immediately to the Business Agent/contact person and the employer.
  - c. If there are any questions by the MRO about the positive test result and the prescription drugs listed, a SAMHSA Certified Lab Toxicology Department will be contacted and/or a local pharmacy will be contacted regarding drug crossover and drug interaction.
3. If employee or prospective employee is unavailable to discuss the results, the Business Agent/contact person and employer will be contacted.
4. MRO shall offer employee or prospective employee the right to have his/her split specimen retested at an approved lab of his/her choice, and employee or prospective employee is responsible for the retesting cost up front.

E. Appeal of positive test results.

Employees or prospective employees who wish to appeal his/her positive test results must notify the program administrator within twenty-four (24) hours of his/her notification of the results. Employees or prospective employees must post in cash the fee for another test confirmation using the same specimen but done at an alternate laboratory. The cash deposit should be made with the hospital. The alternate laboratory will be mutually agreed to between the employee or prospective employee, the hospital and the program administrator. If the second confirmation, which shall be a GC/MS (Gas Chromatography/Mass Spectrometry) confirmation, is negative,

the employee or prospective employee will be reinstated and the second test cost will be refunded to the employee or prospective employee by the Fund.

F. Assessment

1. The office of the MRO will inform employee or prospective employee of the EAP Counselors contact information to complete the necessary assessment. Assessment is necessary in order that employee or prospective employee will be eligible to retest. Contact will be made either by telephone or certified mail.
2. Employee or prospective employee must complete the assessment as soon as possible after notification of the positive test result. The Fund will pay for the cost of the initial assessment for an existing employee, but will not pay for the cost of the initial assessment for a prospective employee. The fund will not pay for any treatment beyond the initial assessment.
3. Employee or prospective employee will not be eligible for retest until written evaluation has been made by the Substance Abuse Professional which recommends eligibility for a retest.
4. Employee or prospective employee must complete recommendations, if any, before becoming eligible for retest.
5. Employee or prospective employee must still wait thirty (30) days from the original test date to retest after completion of the assessment.
6. Failure to timely complete the assessment will result in ineligibility to retest for a period of one (1) year from date of positive test.
7. An individual who has two (2) positive test results will be ineligible to retest for a period of ninety (90) days from completion of the assessment. An individual who has three (3) positive test results during any twelve (12) month period will be ineligible to retest for a period of ninety (90) days from completion of the assessment or for one (1) year from the date of the last positive test result, whichever period of time is greater.

G. Walk in drug screens are not allowed. To insure payment for the testing procedures, an appointment must be made using the recall letter, or testing may be scheduled by the Business Agent, company representative or the Fund Office.

H. Notification of Outside Entities and Notification from Outside Entities.

1. The Trustees of the Parkersburg-Marietta Contractors and Trades Educational and Development Fund are authorized to enter into reciprocal agreements with other funds (outside the jurisdiction of the Parkersburg-Marietta Building Trades Council and the North Central Building Trades) providing similar programs and procedures for employees and prospective employees in the construction industry.
2. Pursuant to any such reciprocal agreements, the Parkersburg-Marietta Contractors and Trades Educational and Development Fund is authorized to share drug testing results with such other funds and to receive and act upon drug testing results transmitted from such other funds.
3. Any employee or prospective employee who is tested under this Amended Substance Abuse Policies and Procedures shall be deemed to have consented to all of its provisions, including specifically this section IV, paragraph H.

Revised 7/20/2011