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CENTRAL INDIANA UNION ELECTRICAL CONTRACTORS



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## **Substance Abuse Program for the Union Electrical Construction Industry**

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### **SUBSTANCE ABUSE PROGRAM**

#### **I. OBJECTIVES**

Local Union 481 of the International Brotherhood of Electrical Workers (IBEW) and the Central Indiana Chapter of the National Electrical Contractors Association (NECA) are firmly committed to the safe and efficient performance of work in the electrical contracting industry. The safety and health of employees and the quality of workmanship are of paramount concern. The use, possession, manufacture, or distribution of alcohol and/or drugs is inconsistent with the achievement of these objectives, therefore, the parties resolve to combat chemical abuse in any form and encourage every individual in the industry to join in this effort.

The union and the employers advocate fair rules of employment, dignity of workers, and sensitivity for troubled or afflicted persons. Accordingly, the parties will strive to alleviate substance impairment through generally accepted methods of testing, education and training, and rehabilitation. Furthermore, the parties recognize the need to insure privacy and confidentiality to the greatest extent possible consistent with the stated objectives of this program.

#### **II. INTRODUCTION**

The procedures and guidelines contained in this document delineate essential information about the implementation and administration of the Quality Connection Substance Abuse Program. It is recognized that no set of standards and guidelines, however complete, can address all situations which may arise. Instead, this document is designed to be a basic framework, and the procedures and guidelines set forth herein are to be applied using fundamental fairness, sound judgement, and common sense.

### III. DEFINITIONS

*Accident/Incident:* An accident is an event caused by an employee, either directly or indirectly, resulting in treatment by a health care provider, or resulting in damage to property. An incident is an event which has all the attributes of an accident, except that no harm was caused to person or property.

*Adulterated Specimen:* A specimen which contains an added substance or chemical intended to mask the presence of drugs.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols.

*Alcohol Concentration:* The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

*Available:* An employee with the status listed as “available” is defined as being fit for duty and available to work on any job site within IBEW #481’s jurisdiction. The employee has a current, confirmed negative test on file.

*Breathalyzer:* An evidential breath testing device approved by the National Highway Traffic Safety Administration (NHTSA) for alcohol testing.

*Business Hours:* Those hours falling between 12:01 am on Monday and ending on that Friday at midnight, 12:00 am, excluding Martin Luther King Day, President’s Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran’s Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve, Christmas Day and New Year’s Eve or days celebrated as such. Whenever a holiday falls on Sunday, that Monday shall be considered as the holiday. If a holiday falls on a Saturday, the preceding Friday shall be considered as the holiday. By example, if an employee is notified on Monday at 4:00 pm to take a specific action within twenty-four business hours, that employee must complete the assigned task by 3:59 pm on that Tuesday. An employee, who receives the twenty-four business hour notice on Friday at 4:00 pm, shall complete that assigned task by that Monday at 3:59 pm.

*Certified Laboratory:* A laboratory which has met the standards set forth in Subpart F from “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” and is approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the Department of Health and Human Services (DHHS) to conduct drug testing for federal agencies.

*Chain of Custody:* Procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition.

*Collection Site:* A designated location where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

*Controlled Substance:* A drug or other substance listed in Schedules I-V of the “Controlled Substances Act of 1970,” as amended.

*Confirmation Test:* A second analytical procedure performed by a certified laboratory to identify the presence of a specific drug or metabolite. This procedure is independent of the screening test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (See also: GC/MS)

*Counterfeit Drug Card:* A card certifying compliance with this Substance Abuse Program will be considered counterfeit if it is modified in any manner without proper authorization, or if it was not issued to the person using it to verify compliance with the program.

*Cut-off Level:* The value at or above which a specimen is considered positive and below which it is considered negative.

*Database Administrator:* Quality Connection of Central Indiana, Inc’s. (“Quality Connection”) third party administrator (TPA) shall be responsible for recording test results, issuing drug cards, providing notification for pre-employment/referral and random tests, and keeping a current record of each employee’s compliance status with this program.

*Diluted Specimen:* Diluted specimens are usually caused by either consuming a large volume of fluids or by adding water to a discharged sample. A diluted specimen contains a specific gravity of less than 1.0030 but greater than 1.0010 and a creatinine concentration below 20mg/dl but greater than 2.0 mg/dl.

*Employee:* Any person covered by the terms and conditions of a collective bargaining agreement between the Central Indiana Chapter of the National Electrical Contractors Association and Local Union 481 of the International Brotherhood of Electrical Workers which contains the enabling language for this Substance Abuse Program.

*Employer:* An individual firm, also referred to as a contractor, assented to a collective bargaining agreement between the Central Indiana Chapter of the National Electrical Contractors Association and Local Union 481 of the International Brotherhood of Electrical Workers which contains the enabling language for this Substance Abuse Program.

*Enzyme Immunoassay:* A screening method operating on the principle of antigen-antibody interaction. Enzyme immunoassay tests have limited accuracy, therefore, specimens testing positive must be confirmed by a more reliable second test.

*Gas Chromatography/Mass Spectrometry (GC/MS):* The current state-of-the-art technique in analytical toxicology used for confirmatory tests. GC/MS is the most sensitive and specific procedure commonly used for drug identification.

*He/His:* As used in this document, the terms “he” or “his” or similar masculine pronouns shall be construed to include the feminine alternatives of such pronouns. Such terms are used solely for grammatical purposes and shall not be construed to limit this program or its application on the basis of gender.

*Initial/Pre-employment :* Prospective employees and actual employees of Quality Connection affiliated employers will be subject to the Quality Connection Substance Abuse Program. Each employee will be instructed to report to and provide a urine sample at an approved collection site within the time period of three (3) days. These individuals will be directed by their employer or union representative (who may ask them to contact Quality Connection) to report to a specified and/or approved collection site location.

*Medical Review Officer (MRO):* A licensed physician responsible for receiving laboratory results generated by a drug testing program, who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

*Negative Test Result:* A negative test result is reported if: (1) the screening test indicates that no substances were present at or above the established cut-off levels, or (2) the screening test indicates the presence of a substance(s) at or above the established initial cut-off level(s), but the confirmation test indicates that no substances were present at or above the established confirmatory cut-off levels.

*Not available:* An employee with the status listed as “not available” is defined as no longer having a valid drug card. The employee is not available for work until the employee has fulfilled his/her obligations with an SAP, has complied with the prescribed treatment program as directed by an SAP and has taken a return to work or follow up test with a negative test result. An employee can be listed as “not available” due to reasons that include but are not limited to expired test, confirmed positive test result, refusal to test, failure to test timely, failure to fulfill SAP directed treatment program, etc.

*Owner:* A corporation, agency, person, or other entity which hires contractors to perform construction and/or maintenance work.

*Positive Test Result (Alcohol):* A positive alcohol test result is reported if the breathalyzer test, or a more reliable test, indicates the presence of alcohol at or above the established cut-off levels.

*Positive Test Result (Drugs):* A positive test result is reported from the laboratory to the Medical Review Officer (MRO) if both the screening test and the confirmation test indicate the presence of a substance(s) at or above the established cut-off levels. A positive test result is reported from the Medical Review Officer (MRO) to the employer after the MRO has reviewed the test results with the employee and determined that the positive results do not stem from the proper use of prescription medicines, over the counter medicines, or any other medically acceptable reason.

*Probable Cause:* Probable cause shall be defined as those circumstances, based on objective evidence about the employee’s conduct in the workplace that would cause a reasonable person to believe that the worker is demonstrating signs of impairment due to alcohol or other drugs. An employer or owner can test for substances in addition to the normal test panel when reasonable suspicion exists.

*Random Testing:* A method of testing conducted upon an employee population without the employees’ prior knowledge of exactly when specimens will be collected.

*Refusal to Test:* A refusal to test shall include any of the following situations:

- 1) Failure to submit to a test required by the Quality Connection Substance Abuse Policy. A refusal shall include not appearing for a test after being directed to do so or not remaining and completing the test.
- 2) Failure to provide a urine, breath, or blood specimen within the required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be evaluated by an approved physician. The physician will provide his findings to the MRO who will make a final determination. If the MRO cannot verify a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test.
- 3) Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
- 4) Failure to follow the observer’s instruction in an observed collection event including raising clothing to just above the navel or lowering clothing and underpants to mid-thigh to determine whether the employee has a prosthetic or other device that could be used to interfere with the collection process .
- 5) The possession or wearing of a prosthetic or any other device that could be used to substitute a urine sample or interfere with the collection process.
- 6) A report from the MRO that the employee has a verified adulterated or substituted test result.

*Screening Test (or Initial Test):* An enzyme immunoassay screen used to eliminate “negative” urine specimens from further analysis.

*Substance Abuse Professional (SAP):* A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; a state-licensed or certified marriage and family therapist; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

*Substituted Specimen:* A specimen which has been brought into the collection site and is not the donor’s discharge.

*Unconfirmed Positive Test:* The test result is pending laboratory confirmation, but has been reported from the laboratory to the MRO as positive based on the initial screening test. The initial screening test indicates the presence of a substance(s) at or above the established initial cut off level(s) and is pending confirmatory cut off levels. The MRO must then complete an interview with the employee to determine if the employee has a valid reason for the drug being detected. This term can also be used in describing a POCT (Point of Collection Test)/quick test that has screened positive and is then sent to the laboratory awaiting final confirmation test results.

#### IV. TESTING

(A) **Circumstances for Drug Testing:** Listed below are the circumstances under which an employee will be required to submit to a urine drug test:

(1) Initial/Pre-employment tests: Each employee will be instructed to report to and provide a urine sample at an approved collection site within a time period of three (3) days.

Employers will allow one (1) hour of normal paid work time allotted prior to the due date for the member to complete their required drug test. The member will take the test during the one (1) hour allotted by the employer by the test due date. If the member does not take the drug test during the one (1) hour allotted by the employer, the member is still required to complete the test by the test due date. Employees assigned to projects where on-site testing facilities (either mobile or permanent) are made available are encouraged to test at those facilities. Employees who are required to test for an owner-mandated test during normal work time will not be given an additional hour of normal work time by the employer.

An individual who is not a member of Local Union 481 (e.g. Group II, III, IV journeymen), or an individual who is a member of the local union but was unemployed or was working outside the jurisdiction of the local union when his/her drug card expired, or a newly organized worker, shall submit to a drug test within three (3) working days following employment with a covered employer.

(2) Post Accident/Incident: It shall be the employer’s responsibility to have employees tested for drugs following a work related accident or incident. Drug testing must be completed within thirty-two (32) hours of the accident/incident, or as soon as possible following medical treatment.

In instances of post-accident/incident or probable cause testing (for drugs or alcohol), the employee will be transported to the testing facility by the employer, or be tested at the work site. At the option of the employer, the employee may be suspended pending the test result. In the event a negative test result is reported, the employee shall be compensated for all lost time.

When an employee is injured in a qualifying accident, priority must be given to the employee’s medical treatment before any consideration is given to collecting a specimen for testing.

(3) Probable Cause: An employee may be tested for drugs if a reasonable suspicion exists that the employee is impaired by drugs.

A determination of probable cause (either for drugs or alcohol) must be based on specific, contemporaneous observations, made by a qualified supervisor, concerning the appearance, behavior, speech, and/or body odors of an employee. Such observations must be documented and a copy of all documentation shall be furnished to the employee.

In order to make a determination of probable cause, a supervisor must have completed training on the effects of alcohol and controlled substances usage. Such training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances and shall be conducted by a qualified instructor.

(4) Random: After the employee’s initial drug test, the employee will be placed in the Random Pool for future selection. A minimum of five percent (5 %) of all covered employees shall be tested randomly each month so that each employee is tested at least once every two (2) years. No employee shall be placed in the random pool more than twice in one 12-month period. Employees will be chosen anonymously from a computerized selection program. The employee will be notified by regular mail and the employee’s current employer will be notified by email of the random selection. The notification letter will state that the employee must report for a test at an approved collection site within ten (10) days of date of random notification. In the event that an employee has failed to report for a random test within the required time frame, the Database Administrator will evaluate and determine if an employee has a valid reason for failing

to report for the random test (e.g. vacation, working out of jurisdiction, unemployed, wrong mailing address). The Database Administrator will contact the employee's last known employer to obtain documentation of any valid reasons for the failure to report for testing. If the employee has a valid reason, then a refusal to test will not be issued for that instance.

An employee may be tested on a random basis when such testing is mandated by an owner. Employee selection should not be discriminatory or arbitrary. The costs of owner mandated random drug testing shall be borne by the owner and/or employer.

(5) **Return to Work & Follow-Up:** An employee who has tested positive for drugs will be required to obtain a negative test result before returning to work. The return to work urine test shall be authorized by a substance abuse professional. (See also: Consequences of a Confirmed Positive Test Result)

At the employee's expense, a minimum of three follow-up tests in the twelve (12) month period after the return to work test shall be prescribed by a substance abuse professional in conjunction with a treatment program. Follow-up tests are scheduled without an employee having prior knowledge.

(B) **Circumstances for Alcohol Testing:** Listed below are the circumstances under which an employee may be required to submit to an alcohol test:

(1) **Post Accident/Incident:** It shall be the employer's responsibility to have employee's tested for alcohol following a work related accident or incident. Alcohol testing should be conducted within two (2) hours of the accident/incident, if at all possible.

(2) **Probable Cause:** An employee may be tested for alcohol if a reasonable suspicion exists that the employee is impaired by alcohol.

## V. TESTING PROTOCOLS

(A) All substance abuse testing shall, at a minimum, be conducted in accordance with the Department of Transportation's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" as set forth in the Federal Register unless noted otherwise in this policy. Only laboratories certified by the Department of Health and Human Services/Substance Abuse and Mental Health Services Administration (DHHS/SAMHSA) will perform urine drug testing.

The urine collection procedures shall differ from the DOT protocol as follows:

(1.) Non-federal chain of custody is used

(2.) Split collection is preferred but not mandatory

(3.) If an employee provides an unacceptable specimen (ex. temperature out of range), the unacceptable specimen is discarded and NOT sent to the lab for testing (only the specimen collected under observation is sent to the lab).

(4.) Return to duty and follow-up tests are not required to be collected under direct observation.

(B) Employees will be required to furnish photo identification, a unique identification number (e.g. substance abuse identification card number) and their drug testing authorization at the collection site prior to testing.

(C) 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, substitute, or adulterate a specimen) and proper chain-of-custody of the urine sample. Collection procedures will be consistent with federal standards for collection. The employee will be afforded privacy for the urine collection unless (1) the collector observes evidence of an employee's attempt to tamper with a specimen, or (2) the temperature range of the original specimen presented by the employee to the collector was out of normal range, or (3) the specimen appeared to have been tampered with, or (4) the employee's previous specimen was determined to be an invalid specimen by the laboratory. Under these circumstances, the employee will be required to provide a second specimen under direct observation before the employee leaves the collection facility. Should the employee refuse to provide the second specimen as required, a refusal to test will be issued which carries the same consequences as a confirmed positive test.

(D) Urine specimens will be screened initially by a federally approved enzyme immunoassay and presumptively positive specimens must be confirmed by gas chromatography/mass spectrometry (GC/MS) or other federally approved method.

(E) The drugs to be tested for, and the applicable cut-off levels, are as follows:

Drug	Screening Levels ng/ml	Confirmation Levels ng/ml
Amphetamines	500	
Amphetamine		250
Methamphetamine		250
MDMA (Ecstasy)	500	250
Cocaine Metabolites	150	100
PCP-Phencyclidine	25	25
Opiate Metabolites	2000	
6-Acetylmorphine	10	10
Morphine		2000
Codeine		2000
Marijuana Metabolites	50	15

These test levels are subject to change in order to conform with the levels set forth in the “Procedures for Transportation Workplace Drug and Alcohol Testing Programs.”

(F) The cut-off levels for alcohol testing shall be equivalent to the values established by the Department of Transportation (DOT). Currently, an alcohol concentration of .04 or greater is considered positive.

(G) All test results will be forwarded to the Medical Review Officer (MRO) for verification. The MRO will advise the Database Administrator of all negative tests and the issuance of a drug card will be initiated.

(H) If the results of both the screening test and the confirmation test are positive, or the specimen was substituted or adulterated, the donor will be contacted by the MRO and given the opportunity to provide the MRO with any legitimate medical reason(s) they wish to offer for the positive test or untestable specimen. If the MRO determines there is a legitimate, verifiable medical explanation for the positive test result or composition of the specimen, the result will be treated as equivalent to a negative laboratory test. If not, it will be considered a confirmed positive result. Exceeding the prescribed dosage of a legal drug or using another person’s medication will not be acceptable reasons. The ingestion of hemp products will not be an acceptable explanation for a marijuana positive result. It is the intention of this policy to comply with state and federal laws. Where state and federal law differ, however, the policy will comply with federal law. For example, some state laws permit the use and possession of marijuana for medical and/or non-medical purposes. Federal law does not. Consistent with federal law, the policy considers marijuana to be an illegal drug for purposes of this policy.

The MRO may verify a test as positive without having communicated with the employee about the test if: (1) the employee expressly declines the opportunity to discuss the test, or (2) the MRO, after making all reasonable efforts, is unable to contact the employee.

If an employee fails to report for a test in a timely manner as specified in the notice sent from the Quality Connection, his/her status in the Quality Connection Substance Abuse Program will be “Not Available”. Employees who fail to report for a test in a timely manner should immediately contact the Quality Connection and request the “ONE STRIKE” opportunity to take a late test.

On or after November 1, 2013, the first time an employee fails to report for a test in a timely manner, the Quality Connection will charge the employee with the “One Strike” opportunity to take a late test without reporting to an SAP for further review.

An employee will be granted only one strike. Strikes will be recorded by the Quality Connection starting November 1, 2013. An employee, who has used his/her one strike and was previously allowed to take a late test, shall be required to report to an SAP to remove the “Not Available” from his/her card if he/she fails to report in a timely manner for any subsequent test. Any late testing due to a military obligation will not subject the individual to sanctions, nor shall a strike be assessed.

(I) An employee testing positive or having a refusal to test due to an adulteration or substitution shall have the right to direct the MRO (within 72 hours) to have the secured remaining portion of the urine sample independently retested by a certified laboratory of his or her choice at his or her own expense. If the rest of the retest is different from the original result, the original test result will be cancelled and a recollection under direct supervision shall be conducted. If the independent retest is negative, the employee shall be reimbursed for the cost of such independent test plus be compensated for any lost time.

(J) An employee providing a diluted specimen will be given the opportunity to return to a collection site within twenty-four (24) business hours of receipt of verbal or written notice of the diluted specimen to provide a second specimen, on his/her own time. Employees should refrain from excessive consumption of fluids prior to the retest.

No adverse action or discipline shall be taken against any employee on the basis of a first diluted specimen. A second diluted specimen, without a valid medical reason, will be treated as equivalent to a confirmed positive test. If an employee does not provide a second, undiluted specimen within this twenty-four (24) business hour period, the first test shall be classified as being a confirmed positive test result.

(K) An employee who refuses to submit to any test required by this Substance Abuse Program, fails to permit an observed collection when required by this Program, substitutes or adulterates a urine specimen, or uses or possesses a counterfeit drug card will be reported as having received a confirmed positive test. The status of "Not Available", due to the failure to timely take a test, shall also be considered as a confirmed positive test unless the employee is allowed the ONE STRIKE opportunity to take a late test under Article V of this policy. In addition, the employee shall be subject to employer discipline, up to and including discharge.

(L) No adverse action or discipline shall be taken against any employee on the basis of an unconfirmed positive test result.

## **VI. CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT**

(A) In the case of a confirmed positive drug or alcohol test, the employer's designated contact person will be notified that the employee no longer has a valid drug card. Employers will not be required to retrieve a voided drug card.

(B) An employee who tests positive for drugs and/or alcohol shall be ineligible to work for a minimum of thirty (30) days (measured from the date that the test result was reported to the contractor) and will be directed to a qualified Substance Abuse Professional (SAP) for consultation and review.

(C) Before returning to work, an employee must (1) complete an evaluation with a qualified Substance Abuse Professional, (2) follow treatment prescribed by the SAP, (3) obtain written documentation from the SAP verifying fitness for duty and (4) obtain a negative result on a return-to-work test. (Documentation from the SAP must be presented to the database administrator prior to taking the test), and (5) agree to submit to a minimum of three (3) follow-up tests in the twelve (12) month period after the return-to-work test.

(D) A confirmed positive test result shall not be the sole basis for termination of employment. Only employees who are in noncompliance with this Substance Abuse Program may be discharged. For the purposes of this provision, "noncompliance" shall mean the following: (1) failure to report to a Substance Abuse Professional as directed, (2) failure to follow and/or complete a SAP-prescribed treatment program, or (3) failure to take a return-to-work or follow-up test.

(E) An individual testing positive for a second time shall be ineligible to work for a minimum of ninety (90) days and an individual testing positive for a third time in a 5 year period, shall be ineligible to work for one (1) year under any collective bargaining agreement that recognizes this substance abuse program. The individual must also complete a SAP-prescribed treatment program, at his/her own expense, before returning to work.

(F) If an employee fails to report for a required follow-up test, his drug card will be marked "not available" and they will be required to repeat the rehabilitation requirements in Article VI of this policy before re-testing again.

## **VII. EMPLOYER RESPONSIBILITIES**

(A) Employers shall prohibit the unlawful use, possession, consumption, manufacture, or distribution of controlled substances in the workplace.

(B) Employers shall furnish the names of a primary and secondary contact person to handle all communications and/or correspondence associated with this program. For reasons of confidentiality, only these persons will be contacted regarding employee test results or other sensitive information. Employers will be responsible for notifying the Quality Connection of any changes in their designated contact persons.

(C) The Employer shall be responsible for contacting the database administrator to verify that each employee, or applicant for employment, covered by this substance abuse program possesses a valid drug card. Employers shall not employ individuals who do not possess a valid drug card (except for certain new hires who may have three (3) working days to be tested).

The employer shall have the sole responsibility for removing an ineligible employee from its workforce upon notification that such an employee no longer has a valid drug card.

(D) It shall be the responsibility of the Employer to comply with the substance abuse policy requirements of an owner, when such requirements are more stringent than those set forth in this document.

(E) Employers are responsible for providing post-accident and probable cause test results to the database administrator.

(F) Employers shall take all reasonable and necessary precautions to protect the confidentiality of test-related information.

## VIII. EMPLOYEE RESPONSIBILITIES

- (A) Employees shall report to work fit for duty, including being in the appropriate mental and physical condition necessary to perform work in a safe, competent manner, free from the influence of drugs and alcohol.
- (B) Employees are required to carry a valid drug card at all times during work hours. Upon request, an employee shall present his/her drug card to an employer or owner, either at the time of employment or during work hours. Employees shall be responsible for the replacement of lost or stolen drug cards.
- (C) An employee shall consent to the release of drug test results to the database administrator as well as his/her employer. Also, the employee will comply with all owner mandated substance abuse policy requirements not inconsistent with this Program.
- (D) In accordance with the Drug Free Workplace Act of 1988, an employee must notify management of any criminal conviction for a drug-related offense occurring in the workplace, not later than five (5) days after such conviction.
- (E) Employees are encouraged to seek voluntary assistance for substance abuse problems. Seeking voluntary assistance will not be considered the equivalent of having obtained a positive test result.

## IX. COMPLIANCE AUDITS

In order to maintain the integrity and effectiveness of the Quality Connection Substance Abuse Program, it is essential that employers comply with Article VII, Section (C). As a means to ensure such compliance, The Quality Connection and/or the Labor-Management Committee reserves the right to audit any or all signatory employers and assess penalties for program violations.

Such audits may be conducted on a regularly scheduled basis, on a random basis, or in conjunction with the investigation of a complaint. Employers shall cooperate in the auditing process and any employer who refuses or impedes an audit shall be subject to the maximum penalties available.

The purpose of an employer audit will be to verify that all covered employees possess a valid drug card. If it is determined that any employees are working without a valid drug card (except for certain new hires who may have three (3) working days to be tested), an employer may be assessed as follows:

First thirty (30) days of employment without a valid card: \$10 per employee per day.

Thirty-first (31st) day of employment and beyond: \$50 per employee per day.

Assessments shall be payable to "The Quality Connection of Central Indiana, Inc." If an employer believes that an assessment is erroneous or unfair, an appeal can be made to the Labor-Management Committee. Assessments will be treated in the same manner as any other payment required by the collective bargaining agreement and if an employer fails to remit, then the provisions outlined in Article VII, Section 7.02 of the collective bargaining agreement shall apply. The Quality Connection shall be responsible for the enforcement of this provision and the collection of all assessments.

## X. GENERAL PROVISIONS

- (A) **Grievance Procedure:** Any alleged violation of this program shall be subject to the grievance procedure outlined in the collective bargaining agreement.
- (B) **Amendments:** This program is subject to change or supplement at any time by mutual agreement between the Central Indiana Chapter, NECA and Local Union No. 481, IBEW.
- (C) **Effect of Law /Separability:** Nothing contained in this document is intended, nor shall be construed, to authorize any action that is contrary to federal or state law.

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

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