

Striving to be Drug Free
for a Safe Industry



Building & Construction
Resource Center, Inc.

DRUG & ALCOHOL POLICY



*“Striving to be Drug Free
for a Safe Industry”*

As Revised and Adopted September 19, 2018



UNION CRAFTS PARTICIPATING IN THE GEOGRAPHICAL JURISDICTION OF THE BCRC

- **BOILERMAKERS - LOCAL #374**
- **BRICKLAYERS - LOCAL #4**
- **IN/KY/OH REGIONAL COUNCIL OF
CARPENTERS & MILLWRIGHTS**
- **GLAZIERS - LOCAL #1165**
- **HEAT & FROST INSULATORS - LOCALS #17 & #75**
- **ELECTRICIANS - LOCALS #531 & #697**
- **ELEVATOR CONSTRUCTORS - LOCAL #2**
- **IRONWORKERS - LOCAL #395**
- **LABORERS - LOCALS #41, #81, & #645**
- **OPERATING ENGINEERS - LOCAL #150**
- **PAINTERS - LOCALS #460, #469, #1118, & #80**
- **PLASTERERS & CEMENT MASONS - LOCAL #692**
- **PILE DRIVERS - LOCAL #578**
- **PIPEFITTERS - LOCAL #597**
- **PLUMBERS - LOCAL #210**
- **ROOFERS - LOCALS #23 & #26**
- **SHEETMETAL WORKERS - LOCALS #20 & #218**
- **SPRINKLER FITTERS #281**
- **TEAMSTERS - LOCAL #142**
- **TECHNICAL ENGINEERS - LOCAL #130**

This Policy has been adopted by the NWIBRT



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for a Safe Industry



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Your Employee Assistance Program (EAP)

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BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.

INTRODUCTION

The Labor and Management representatives of the Building and Construction Industry for Northwest Indiana have formed an alliance to address the problems caused by drug and alcohol abuse. Management and Labor together have created the Building and Construction Resource Center, Inc. (hereafter "BCRC"), an independent not-for-profit corporation that offers a wide range of services to Employees in the unionized construction industry, which includes Employers, Labor Union organizations. It is BCRC's goal to assist Employers in establishing and maintaining workplaces that are free of the destructive effects caused when Employees use or abuse drugs and/or alcohol. BCRC's activities are not intended to interfere with normal practices of the Labor Unions or Management. BCRC recognizes its responsibility to communicate with and educate Employers and Employees in the unionized construction industry concerning this policy, as well as the harmful effects of drugs and alcohol in our society, and in the workplace. BCRC also recognizes the need to provide a program of assistance to those persons for whom drugs or alcohol may be causing problems. Our Employee Assistance Program (EAP) provides support, counseling, and resources for life issues that can take a toll on your emotional well-being or take time away from things you value the most, like work and family. Finally, while not wishing to violate the rights or invade the privacy of any Employee, BCRC's drug testing program will seek to identify those Employees who are unable or unwilling to conform to BCRC's program. This program has been established in accordance with Drug and Alcohol Testing Industry Association (DATIA), Substance Abuse and Mental Health Services Administration (SAMHSA), and Federal Department of Transportation Guidelines for specimen collection, laboratory analysis and review, and standards of integrity and confidentiality.

THE POLICY

Persons who use or abuse drugs and/or alcohol, on or off their jobs, are likely to be less productive, to be less reliable, to be more frequently absent, and to have other work-related problems that can cause increased costs, delays, accidents, and injuries. These Employees can also risk the health, safety and well-being of other workers on the job. The unionized construction industry can control and reduce this problem through recognition of the problem, development of a comprehensive policy and program of education and information, promotion of an Employee Assistance Program (EAP), and implementation of fair and respectful drug testing that conforms to Drug and Alcohol Testing Industry Association (DATIA), Substance Abuse and Mental Health Services Administration (SAMHSA), and Federal Department of Transportation Guidelines for specimen collection and analysis. All of this is to be done with the utmost confidentiality and respect for the individual.

All Employers (as defined herein) hereby adopt the following policy:

No Employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing any work for the Employer.

In order to enhance substance abuse awareness among all Employers and Employees, educational seminars and training programs will be offered. The educational seminars will be directed toward education in regards to the seriousness of the nationwide drug and alcohol abuse problem, and how the use of drugs and alcohol negatively impacts safety, productivity, and the competitive ability of the American workforce.

Supervisors will be trained to identify Employees in potentially difficult situations, and to recognize signs of impairment, as well as the Supervisors' responsibility to document, intervene and

follow-up with the troubled individual. These sessions will be offered as ongoing training programs.

BCRC encourages all Employees troubled by their own or a family member's drug or alcohol abuse to seek professional care and treatment. Early recognition and treatment of alcohol and drug abuse provides the greatest opportunity for successful recovery. BCRC provides an Employee Assistance Program (EAP) for all Employees and their families who need professional guidance in assessing their substance abuse or alcohol-related problem and choosing an appropriate course of treatment.

Current Employees will be referred to an EAP representative as a result of a non-negative (positive) drug or alcohol test, a non-compliant event, or upon an individual's own request. In either case, the content of the discussion with the EAP will be protected and confidential, to the extent allowed by law. A participant's use of and communications with the EAP are confidential and information regarding such confidential matters will not be released to BCRC or any of its subscribing organizations or participants without written release from the participant in accordance with the law. Employees, who use the EAP as a consequence of a non-negative (positive) drug or alcohol test, or a non-compliant event, will be subject to the conditions established in the drug testing portion of this policy and as outlined by the EAP Counselor.

The EAP staff has knowledge of the level and types of benefits available to BCRC Employees. Employees can access the services of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year. Employees calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and who may meet with them to further assess the nature of the problem in order to provide a referral to the best and most appropriate level of care. The EAP is staffed by certified and Masters-level credentialed human services professionals who are sensitive to

the needs of the individual. Individuals who take the initiative to contact the EAP for assistance do so with the assurance that their calls will be treated respectfully and confidentially. The direct services provided by the EAP are sponsored by BCRC.

In compliance with Public Law 100-690 (The Drug-Free Workplace Act), which applies only to Employers who have federal grants or federal contracts of more than \$100,000, an Employee who is convicted of a workplace drug or alcohol violation and who is employed by a BCRC affiliated Employer must report this information to his/her immediate supervisor no later than five (5) days after such conviction. The Supervisor must report this information immediately to the Employer's Program Administrator.

DEFINITIONS

- **Addendums** (i.e., Attachment F) may be approved by the Board of Directors on an as-needed basis.
- **Adulterated Specimen** a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- **Air Blank** means, in evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.
- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

- **Alcohol Concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (BrAC).
- **Alcohol Confirmation Test** means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, which provides quantitative data about the alcohol concentration.
- **Alcohol Screening Device (ASD)** a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.
- **Alcohol Screening Test** means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- **Alcohol Testing Site** a place selected by the Employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.
- **Alcohol Use** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- **Aliquot** means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.
- **Applicant** means a person, Independent Contractor, or Employer, or person working for an Independent Contractor, or Employer who applies to become an

Employee of a BCRC Contractor/ Employer participant, and includes a person who has received a job offer made contingent on the person passing a drug test.

- **Archived Status** means a person who has been inactive, deactivated or otherwise out of the random pool.
- **Authorized Test** means a drug and/or alcohol test performed in accordance with the provisions of this Policy and at the request (or direction) of BCRC.
- **BCRC** means Building and Construction Resource Center, Inc., which is a not-for-profit corporation formed by labor and management representatives of the building and construction industry for Indiana & Illinois, for the purpose of addressing problems of drugs and alcohol in the workplace.
- **BCRC Policy** means all of the policies, procedures, and other matters set forth in this document (i.e., the BCRC Drug & Alcohol Policy) and all amendments and addenda to this document.
- **Breath Alcohol Technician (BAT)** is a person who instructs and assists employees in the alcohol testing process and operates an Evidential Breath Testing device (EBT).
- **Canceled Test** means a drug or alcohol test that has a problem identified that cannot be or has not been corrected. A canceled test is neither a positive nor a negative test. An Employer is not permitted to take adverse job action based on a canceled test.

- **Card Manager** is the individual designated by each Employer who has the authority to access data information that will confirm the status of Employees by electronic e-mail.
- **CL or Clear** means that an Employee is “cleared”, available for work, and currently compliant with this Policy when used with respect to the BCRC status of an Employee.
- **Chain of Custody** the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.
- **Collection Container** means a container into which the Employee urinates to provide the specimen for a drug test.
- **Collection Site** means a place designated by BCRC where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of controlled substances, or for purposes of providing breath sample to be analyzed for alcohol concentration.
- **Collector** means a person who instructs and assists Employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes necessary forms.
- **Company** means an Employer/Contractor who is a member of BCRC.

- **Confirmation (or confirmatory) Drug Test** a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
- **Confirmation (or confirmatory) Validity Test** a second test performed on a different aliquot of the original urine specimen to further support a validity test result.
- **Confirmed Drug Tests** a confirmation test result received by an MRO from a laboratory.
- **Confirmatory Test**
 - a) For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15-30 minutes later, that provides quantitative data of alcohol concentration. This test is conducted on an EBT.
 - b) For controlled substances testing, a confirmatory test is a second analytical procedure on the same specimen to identify the quantitation and presence of a specific drug or metabolite. This confirmatory test is independent of the initial test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, synthetic opiates, opioids, amphetamines and phencyclidine).
- **Contractor Participant** means an Employer who is a contributing member of BCRC.

- **Controlled Substance** means marijuana (THC), cocaine, synthetic opiates, opioids, phencyclidine (PCP), amphetamines (including methamphetamines), barbiturates, benzodiazepine, propoxyphene, methadone, 6-acetylmorphine and ecstasy.
- **Designated Employer Representative (DER)** an Employee authorized by the Employer to take immediate action(s) to remove Employees from safety-sensitive duties, or cause Employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the Employer, consistent with the requirements of this policy. Service agents cannot act as DERs.
- **Dilute Specimen** means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- **DOT** these terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of this part, the United States Coast Guard (USCG) in the Department of Homeland Security is considered to be a DOT agency for drug testing purposes only since the USCG regulation does not incorporate Part 40 for its alcohol testing program. These terms include any designee of a DOT agency.

- **Drugs** mean the substances for which tests are required under this policy and include marijuana (THC), cocaine, amphetamines (including methamphetamines), phencyclidine (PCP), opioids, synthetic opiates, barbiturates, benzodiazepine, propoxyphene, methadone, and ecstasy.
- **Drug test** means a test conducted for controlled substances.
- **Employee** means an Employee of a Company, or of a Contractor/Employer participant, who is a member of BCRC.
- **Employee Assistance Program (EAP) Counselor** means a Masters-level professional with an education in psychology, social work, counseling, etc. with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance related disorders. The EAP will assess and make recommendations concerning education, treatment, follow-up testing and aftercare.
- **Employer** means a Company, or a Contractor/Employer participant, who is a member of BCRC.
- **Evidential Breath Testing Device (EBT)** means a device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
- **First Occurrence Clause** means if an Employee does not report for a random test, and it is the first time the Employee has failed to report, the Third Party

Administrator (TPA) may allow the Employee to take the test without reporting to the EAP for further review. Employees may utilize this clause only one time.

- **Observed Follow-Up Testing** may be required, based on an EAP evaluation for a non-negative or positive test result, missed random, incomplete test/walk outs as described in this policy. Follow-up testing will be administered by the TPA and must be observed.
- **Gas Chromatography/Mass Spectrometry Confirmation (GC/MS)** is a state of the art drug testing technology, providing a fingerprint of the detected drug.
- **HHS** means the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
- **HHS-Approved Laboratory** any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
- **Initial Test (for drugs)** means an immunoassay screen to eliminate negative urine specimens from further consideration.
- **Initial Validity Test** means the first test used to determine if a specimen is adulterated, diluted, or substituted.
- **Invalid Drug Test** the result reported by an HHS

certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

- **Laboratory** any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
- **Licensed Medical Practitioner** means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, Local, or Foreign laws and regulations, to prescribe controlled substances and other drugs.
- **Medical Review Officer (MRO)** means a Licensed Physician, registered with the American Association of Medical Review Officers (www.aamro.com), responsible for receiving laboratory results generated by BCRC's 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/her medical history and any other relevant biomedical information.
- **N/A or Not Available** means that an Employee is not available for work and is not currently compliant with this Policy when used with respect to the BCRC status of an Employee. (NOTE: An Employee can be N/A for several reasons, which may or may not include failing a drug or alcohol test.)

- **New Employee/Applicant** means a person who has not been previously tested by BCRC and includes a person referred for pre-employment testing.
- **NOF or Not on File** means that an Employee is not currently entered into the BCRC database as an Employee eligible for and subject to the BCRC Policy when used with respect to the BCRC status of an Employee. (NOTE: An Employee can be NOF for several reasons, which may include failure to provide documentation that the Employee is eligible for and has agreed to be subject to the BCRC Policy.)
- **Non-Compliant Event** means any of the following:
 - (a) a Positive Test for alcohol or drugs (which shall also include any Positive Tests that occur during any retesting),
 - (b) an Insufficient Specimen if an appropriate medical professional determines that there is no legitimate medical reason for the Insufficient Specimen,
 - (c) a Diluted Specimen if the Employee fails to provide a subsequent testing sample within the applicable time period specified in this Policy or a subsequent testing sample is also a Diluted Specimen,
 - (d) an Adulterated Specimen,
 - (e) a Substituted Specimen,
 - (f) an Out-of-Temperature Specimen that is not promptly resolved by providing a compliant sample at the time that the specimen is obtained at the collection site,
 - (g) any acts by an Employee that compromise the testing protocol (i.e., washes his/her hands, flushes the toilet, etc.) prior to being given direction from the collection professional,
 - (h) a Refuse To Submit (to an alcohol or controlled substances test),
 - (i) a failure to submit to Post-Accident/Incident Testing (which shall include a failure to test resulting from the Employee leaving the jobsite prior to such Post-Accident/Incident Testing), and
 - (j) any other

act or omission by an Employee that BCRC determines, in BCRC's sole discretion, to constitute a substantial or willful non-compliance with the policies and/or procedures set forth in this Policy.

- **Non-Negative** a urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s), and/or invalid.
- **Out-of-Temperature Specimen** means a specimen that is below 900F or above 1000F at the time the specimen is obtained at the collection site.
- **Owner** means a large business or firm that hires a "Contractor Participant" to perform work at their facility.
- **Owner Requested Job-Site Random Testing** means a Northwest Indiana Business Roundtable Owner, which has been approved by the Board of Directors, and may require a random drug test be done at their facility. The Employee will test within one hour of notification of the random test. The test may be performed at the Owner's facility no more than monthly provided there is an approved BCRC Collection Site at the facility.
- **Positive Test (alcohol)** occurs when an Employee's confirmatory test result reads 0.02 BrAC or higher.
- **Positive Test (drugs)** positive result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- **Post-Accident/Incident Testing** means drug and alcohol tests requested by an Employer following the occurrence of an accident and/or incident.

- **Probable Cause Testing** may be required when a Supervisor observes and documents unusual behavior.
- **Program Administrator** means the individual who has administrative responsibilities for overseeing the drug and alcohol testing program for an Employer. The Program Administrator may serve as an Employer's DER.
- **Property** means all Employer-owned and/or leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, and Employer-owned and/or leased vehicles, lockers, tools, equipment and desks.
- **Random Selection** means a scientifically valid method for selection of Employees to be tested that result in an equal probability that any Employee from a group of Employees subject to the selection mechanism will be selected, and does not give an Employer discretion to waive the selection of any Employee under the mechanism.
- **Refuse To Submit** (to an alcohol or controlled substances test)
- Means that an Employee:
 1. Fails(ed) to appear for any test (except a pre-employment test) within a reasonable time, as determined by the BCRC Policy, after being directed to do so by the BCRC Policy;
 2. Fails(ed) to remain at the testing site until the testing process is complete (a walk out);

3. Fails(ed) to provide a urine specimen for any drug test required by this BCRC Policy;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the Employee's provision of a specimen;
5. Fails(ed) to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no acceptable medical explanation for the failure;
6. Fails(ed) or declines to take a second test the Employer or collector has directed the Employee to take;
7. Fails(ed) to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the policy. In the case of a pre-employment drug test, the Employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails(ed) to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, provides incorrect or inaccurate information to the collection site or on necessary forms, or fails to complete all documents);
9. Provides a second (2) specimen that is dilute.

- **Reinstatement Test** is the test allowed by BCRC, which must be consistent with the Policy, to reactivate an Employee who has been “archived” for six (6) months or more.
- **Rejected** for testing the result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.
- **Reporting Employee** is an Employee who reports a work related injury or illness that was caused by and/or relates to the accident and/or incident for which the post-accident/incident drug or alcohol testing is requested by the Employer.
- **Observed Return to Duty Test** is required once an EAP evaluation has been completed and the counselor has set a date for the test, because of a non-negative (positive) test, missed random, walkout or refusal to submit as described in this policy. This test must be observed and taken within the time frame specified by the EAP. If the return to duty test is not taken as directed by the EAP, the participant will be required to return to the EAP.
- **SAMHSA** means Substance Abuse and Mental Health Services Administration is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation.
- **Safe Site** means a URL beginning with “https” which is a secure site for data transmission.
- **Screening Test (or initial test):**

- In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- **Screening Test Technician (STT)** means a person who instructs and assists employees in the alcohol testing process and operates an Alcohol Screening Device (ASD).
- **Shipping Container** means a container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.
- **Specimen** means a sample of urine, used for analysis and/or diagnosis. For the purpose of this policy; specimen is defined as urine.
- **Specimen Bottle** means the bottle that, after being sealed and labeled according to the procedures in this policy, is used to hold the urine specimen during transportation to the laboratory.
- **Split Specimen** means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the Employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

- **Substituted Specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
- **Testing Levels** means levels at or above when a specimen is determined to be positive, and below when a specimen is determined to be negative.
- **Third Party Administrator (TPA)** means an entity that provides or coordinates one or more drug and/or alcohol testing services to Employers. A TPA typically provides or coordinates the provision of a number of such services and performs administrative tasks concerning the operation of drug and alcohol testing programs for Employers. This term includes, but is not limited to, groups of Employers who join together to administer, as a single entity, the drug and alcohol testing programs of its Employees (e.g., having a combined random testing pool).
- **Unauthorized Test** means a drug and/or alcohol test that is: (a) not performed in accordance with the provisions of this Policy, and/or (b) not performed at the request (or direction) of BCRC. Such tests include retests initiated by an Employer and/or an Employee that are not performed at the request (or direction) of BCRC.
- **Union** means a Labor Organization that represents Employee(s) who are employed by a Company, or of a Contractor/Employer participant, who is a member of Building and Construction Resource Center, Inc.
- **Verified Test** means a drug test result or validity testing result from a HHS-certified laboratory that has undergone review and final determination by the MRO.

DRUG TESTING

BCRC will provide an identification card to each participant which will reflect the results of the Drug & Alcohol Screen Test from the laboratory and/or as verified by the Medical Review Officer (MRO). To implement an appropriate and acceptable program, BCRC has adopted six (6) safeguards that reflect the standards established by the Drug and Alcohol Testing Industry Association (DATIA), U.S. Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) for testing mandated by the U.S. Department of Transportation. Those safeguards are as follows:

1. The integrity of collected urine specimens will be ensured by utilization of one collection procedure at all sites. Samples will be collected in accordance with federal standards that provide for a continuous Custody and Control Form and which recognize privacy concerns regarding the individuals being tested.
2. Testing will be conducted only by accredited labs that have obtained and retain HHS/SAMHSA certification.
3. All specimens that are positive in an initial screen must then be confirmed by gas chromatography/mass spectrometry (GC/MS).
4. A Medical Review Officer (MRO) will review all non-negative (positive) drug tests in order to verify positive test results. The MRO is a physician with specialty training and expertise in substance abuse and drug testing. The MRO will review lab-confirmed positive test results to ensure proper procedure, protocol, and reporting. The MRO will make two (2) documented attempts, within twenty-four (24) hours of receiving the confirmed positive test result, to interview the individual who has a confirmed positive

test result by telephone to investigate whether a legal prescription (or other legitimate medical reason) has caused the specimen to test positive. If the individual does not consult with the MRO and provide the necessary information within forty-eight (48) hours of being contacted by the MRO (delays in responding caused by verifiable emergency or medical issues will be given consideration for exception) or he/she has no legal prescription, the MRO will take appropriate steps to report a verified positive to the BCRC Program Administrator, who will then invalidate the Employee's certification card. All persons who have tested positive must have their return to work cleared by the EAP.

5. All non-negative (positive) specimens will be retained frozen in a locked facility at the testing laboratory for one (1) year. The retained specimens will be available should the results of the initial test be disputed or should arbitration or litigation arise out of the actions taken because of the test results.

DRUG GROUP

The BCRC drug-testing program will test for the following drugs at these levels:

Drug Class	Initial Test Level	Confirmatory Test Level
AMPHETAMINES	500 ng/mL	
Amphetamine		250 ng/mL
Methamphetamine		250 ng/mL
BARBITURATES	300 ng/mL	
Amobarbital		200 ng/mL
Butalbital		200 ng/mL
Pentobarbital		200 ng/mL
Phenobarbital		200 ng/mL
Secobarbital		200 ng/mL
BENZODIAZEPINES	300 ng/mL	
Alprazolam Metabolite		200 ng/mL
Oxazepam		200 ng/mL
COCAINE METABOLITES	150 ng/mL	100 ng/mL
MARIJUANA METABOLITES	50 ng/mL	15 ng/mL
METHADONE	300 ng/mL	200 ng/mL
METHAQUALONE	300 ng/mL	200 ng/mL
MDA-ANALOGUES	500 ng/mL	
MDA		250 ng/mL
MDMA		250 ng/mL
OPIATES	2000 ng/mL	
Morphine		2000 ng/mL
Codeine		2000 ng/mL
OPIATES (SEMI-SYNTHETIC)	300 ng/mL	
Hydromorphone		100 ng/mL
Hydrocodone		100 ng/mL
6-ACETYLMORPHINE	10 ng/mL	10 ng/mL
OXYCODONES	100 ng/mL	
Oxycodone		100 ng/mL
Oxycodone		100 ng/mL
PHENCYCLIDINE	25 ng/mL	25 ng/mL
PROPOXYPHENE	300 ng/mL	200 ng/mL

ALCOHOL TESTING

1. Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and that meets the DOT's testing requirements.
2. When a specific time for an Employee's test has been scheduled, and the Employee does not appear at the collection site at the scheduled time, the Breath Alcohol Technician (BAT) will contact the Designated Employer Representative (DER), who may determine that the Employee has refused to be tested.
3. For alcohol testing (screening and confirmatory), a breath sample will be collected and analyzed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT). For the screening test, a breath sample may be collected by the Screening Test Technician (STT), using an Alcohol Screening Device (ASD).
4. If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a Breath Alcohol Technician (BAT) will perform a confirmatory test, no less than fifteen (15) and no more than thirty (30) minutes after the completion of the screening test.
5. If the confirmatory test is positive (0.02 and above, BrAC), the Breath Alcohol Technician (BAT) shall immediately notify the BCRC/Employer's DER.
6. Results of additional tests arranged by an Employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

PAYMENT FOR TESTING

Costs related to an Authorized Test will be paid by BCRC, except for the following tests:

- a. D.O.T. pre-employment testing;
- b. D.O.T. Return to Duty Testing
- c. D.O.T. Follow Up Testing
- d. Industrial cleaning pre-employment testing;
- e. Industrial cleaning re-instatement testing;
- f. Pre-screening testing of applicants for an apprenticeship program
- g. The following testing for a New Employee/Applicant whose initial drug test is confirmed as a Positive Test:
 - (1) Any follow-up testing required by the EAP
 - (2) Any return-to-duty testing
 - (3) Any subsequent testing required by the EAP
- h. Any other types of testing that BCRC determines, in its sole discretion, should be paid in a different manner and/or by a person (or entity) other than BCRC.

All costs related to an Unauthorized Test and all costs for re-testing of disputed test results by an Employee will be paid by the Employer or Employee who initiated such test. The costs to be paid by the Employer or Employee for such tests will be determined by BCRC, in BCRC's sole discretion, and shall be subject to change.

BCRC shall also have the right to terminate and/or restrict the Card Manager privileges, e-mail status confirmation system access, and any other access to information contained in any BCRC database for any Employer who fails to comply with this Agreement, the BCRC Policy, or any payment obligations to BCRC.

If an Employee fails to pay for any testing costs and/or other costs for which the Employee is responsible under this BCRC Policy,

then the BCRC status of such Employee shall be listed as “N/A” unless and until the Employee fully pays all such costs for which the Employee is responsible under this BCRC Policy.

The policies for payment for the Employee’s time for testing are:

1. For new or current union members or Employees seeking an initial test, the test is a condition of employment, and Employees in the BCRC Policy will not be paid for their time in providing a specimen for the initial test.
2. All current Employees who are to test for any of the following reasons: late/missed random, probable cause, post-accident, diluted re-test, return-to-duty, or follow-up testing, reinstatement test, or retest due to a flawed or rejected test, will not be paid for their time in providing a specimen for the test.
3. Employees will only be paid a stipend by BCRC for submitting to subsequent random testing: (a) required by the BCRC Policy (see attachments A thru D) (b) in response to notification (by email, U.S. Mail or text message) from the BCRC Office (c) for which the Employee submits within seven (7) calendar days including the day BCRC gives notification for such random testing. It is understood that all testing will occur on the Employee’s time. The Employee must submit for such testing within seven (7) calendar days including the day BCRC gives notification for such random testing. **NO EXCEPTIONS!**
4. All checks issued for such stipends must be cashed within ninety (90) calendar days from the date of the check. If an Employee does not cash a stipend check within ninety (90) calendar days from the date of the check, the Employee forfeits his/her right to such

stipend, and such stipend check shall be void and shall not be reissued under any circumstances or for any reason.

5. D.O.T., Non-Bargaining, Industrial Sector, Slag, and Pipe Fitter's Local #597 Employees are exempt from the stipend reimbursement.

INITIAL TESTING (PRE-EMPLOYMENT)

Prospective Employees and current Employees of BCRC affiliated Employers and Unions will be subject to the BCRC program. All persons who are eligible and who intend to obtain a BCRC card will be instructed to report to an approved BCRC collection site and to provide a urine specimen for initial (pre-employment) testing and a clear status before starting work for any participating Employer. The individual will be directed by BCRC or by their Employer, to report to a BCRC approved collection site location. These selected collection sites will have collection kits, Custody and Control Forms, and all other necessary supplies.

RANDOM TESTING

After the individual's completion of the initial drug test (with a negative result), he/she will be placed in the Random Pool after which he/she will be notified via U.S. mail to report to an approved collection site for a random drug test. The individuals chosen for a random drug test will be selected anonymously, from a computerized selection program. Fifty percent (50%) of the currently active BCRC individual cardholders will be selected annually for random testing. Then, on a monthly basis, one-twelfth (1/12) of the selected Employees will be notified to submit to a random test in order to update their BCRC identification cards and status. A copy of the form letters

notifying individuals of their selection for this random test appears as an attachment A, B, C & D at the back of this booklet.

Employees will be required to report to an approved collection site within seven (7) days from the date of the Notice for Random Testing letter in order to maintain their BCRC identification card and status. No Employee will be required to submit to a random test more than twice (2) in a twelve (12) month period. Unless chosen for an on-site random. Employees can be chosen for an on-site random every month. All Employees will be selected for random testing at least once (1) every two (2) years.

If an Employee does not provide a sample at an approved collection site within seven (7) calendar days of BCRC issuing the notification of a random selection, his/her status in the BCRC Substance Abuse Program will be deemed "Not Available." Employees who fail to report for a random test in the required time forfeit their stipend and should contact the BCRC office. If an Employee does not report for a random test, and it is the first (1) time the Employee has failed to report, the TPA may allow the Employee to take the test without reporting to the EAP for further review. Employees may choose to take a "First Occurrence Clause" at this time. Employees may utilize this clause only one (1) time. However, once this "First Occurrence Clause" has been utilized, an Employee who fails to report for a random test at any time in the future will be required to contact the EAP for evaluation and to receive instructions on the required procedure(s) for removing the "Not Available" status from his/her card.

OWNER REQUESTED ON-SITE RANDOM TESTING

An owner may request that an "On-site Random Selection" be done at their facility. An Owner's request must be approved by the BCRC Board of Directors and an addendum must be executed by both parties before the Owner is eligible to do such testing. Each Contractor or Owner will submit a list of Employees working

on-site that day or has access to the Owners' facility to the BCRC "Safe Site". The BCRC will then generate a random selection of the submitted pool and return the selections to the appropriate party. This random may be done on a monthly basis. These On-Site Random Selections shall include only those Employees submitted.

Any confirmed non-negative (positive) test at these facilities will require an EAP evaluation prior to returning to work. The testing will be consistent with the Addendum contained herein as Attachment III.

PROBABLE CAUSE TESTING

An Employee may be subject to Probable Cause Testing based on observed and documented unusual behavior. Circumstances sufficient to lead a reasonable person to suspect that an Employee is under the influence of drugs or alcohol, or is in possession of; a controlled substance shall be determined by an immediate supervisor and should be confirmed by one other supervisor whenever possible. The immediate supervisor shall document, in writing, the incident and the probable cause basis for such testing. The documentation shall specifically detail the behavior and conduct of the Employee, the location, date, time, of observation, conversations, witnesses (if any), and should be signed by the supervisor who witnessed the incident. Such Employees may request that a Union Representative be available or present prior to any action taken by an Employer, if any, at any stage of the policy and its administration. There is no stipend for these tests. By referring an Employee for Probable Cause Testing, the Employer represents to BCRC that the Employer has complied with these policies and procedures and any other policies and procedures required by law. BCRC has no obligation to determine or confirm that that Employer has complied with such policies and procedures.

POST-ACCIDENT / INCIDENT TESTING

An Employer may require an Employee to submit to Post-Accident/Incident Testing after the involvement in, or cause of an accident/incident, that causes injury to the Employee or another person. The Employer may also require an Employee to submit to Post-Accident/Incident Testing when the Employee is involved in, or causes an accident and/or incident, which results in damage or destruction to property.

Post-Accident/Incident Testing must be both a Breath Alcohol Test (BAT) and Urine Drug Screen (UDS), and must be completed within two (2) hours of the recorded accident/incident if a BCRC testing facility is located on the job site, or within four (4) hours of the recorded accident/incident if an Employee is required to go off the job site to a BCRC testing facility. Any Employee suspected of unnecessarily delaying the testing process will be considered to have refused to submit to testing. If an Employee leaves the jobsite prior to submitting to Post-Accident/Incident Testing requested by the Employer, then the Employee will be considered to have refused to submit to testing; provided, however, this provision shall not apply if the Employee leaves the jobsite for the purpose of obtaining emergency medical treatment for the Employee or with the express authorization of the Employer, and the Employee submits to such Post-Accident/Incident Testing as soon as reasonably possible under the circumstances.

In instances of Post-Accident/Incident Testing or Probable Cause Testing, the Employee will be transported to the testing facility by the Employer. 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 at the appropriate rate within the Collective Bargaining Agreement, straight or premium pay.

When an Employee is injured in an accident and/or incident, priority must be given to the Employee's medical treatment before

any consideration is given to collecting a specimen for drug and alcohol testing. Such Employees may request that a Union Representative be available or present prior to any action taken by an Employer, if any, at any stage of the policy and its administration. If an Employee is aggrieved by any action taken under this BCRC Drug and Alcohol Policy and his/her complaint cannot be resolved, the complaint may, if the Employee or Union requests, be referred as grievance under the grievance and arbitration provisions of the Employee's collective bargaining agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provision of this BCRC Drug and Alcohol Policy. There is no stipend for these tests.

The following provisions apply to any Post-Accident/Incident Testing of a Reporting Employee, and shall limit and take precedence over any other provisions of this BCRC Policy relating to Post-Accident/Incident Testing. An Employer shall not refer a Reporting Employee for Post-Accident/Incident Testing unless the Employer has a reasonable basis for believing that drug or alcohol use by the Reporting Employee could have contributed to the injury or illness.

The Employer shall consider the following factors in determining whether or not the Employer has a reasonable basis for believing that drug or alcohol use by the Reporting Employee could have contributed to the injury or illness:

- (1) Whether drug or alcohol use could have contributed to the injury or illness;
- (2) Whether the Employer is also requesting that other employees involved in the accident/incident be tested;
- (3) Whether the Employer has a heightened interest in determining if drug and/or alcohol use could have contributed to the injury or illness due to the hazardousness of the work being performed when the injury or illness occurred; and
- (4) All other relevant factors.

By referring an Employee for Post-Accident/Incident Testing, the Employer represents to BCRC that the Employer has complied with these policies and procedures and any other policies and procedures required by law. BCRC has no obligation to determine or confirm that that Employer has complied with such policies and procedures.

RAPID TEST PROHIBITED

A Rapid Test/Point of Collection Test shall not be used for any drug and alcohol testing performed for the BCRC Policy.

“EMERGENCY” WORK ASSIGNMENTS

To accommodate Owners with emergency work, craft personnel who have not previously held a BCRC identification card, or taken an initial drug test, the following provisions will apply when starting for emergency work assignments:

1. Upon arrival at a job location for sign-up, the Designated Employer Representative (Card Manager) shall request the Employee to present his/her BCRC identification card.
2. An individual who does not have a BCRC card at the time of hire will be requested to secure a card and submit to an initial drug test within one (1) day, in order to comply with the BCRC Policy.
3. An Employee without a BCRC identification card may work one (1) day. On the second (2nd) day, a Custody & Control Form (as proof of having submitted to a drug test) or a BCRC card must be presented.

4. An Employee who has provided a specimen for testing must bring to the job site his/her copy of the Custody & Control Form, given to him/her by the collection site, as proof that he/she has submitted to an initial test.
5. If the work assignments are consecutive, the Employee will be allowed to work for up to a maximum of four (4) days in order for the Employee to receive his BCRC identification card and have the Employers Card Manager verify the Employee's status.
6. If the Employee's work assignment is terminated by his/her Employer before the Employee's status is verified within the allowable four (4) days for verification, and the individual is rehired, the Employee will have to provide the same Employer a BCRC identification card at the second (2nd) rehiring sign up, and a clear status. Except in the event that the rehire is less than four (4) days from the initial hire date, the individual, Local and Non-Local, BCRC card holder shall accept and understand that should his/her drug test results be reported as positive, he/she will be subject to disciplinary action up to and including termination without obligation for further compensation by the BCRC affiliated Employer. Such termination shall also be subject to the individual's rights under his/her Collective Bargaining Agreement.

CARD SYSTEM

Employees will be required to give their BCRC Identification Card Number to their Employer's Card Manager in order for the Card Manager to access the e-mail status confirmation system. Inquiries to the status confirmation system will provide the date of the Employee's last test and one (1) of the following BCRC status indicators:

- NOF meaning “Not on File”
- N/A meaning “Not Available”
- CL meaning “Clear”

Employees can also access their own status and update contact information through the membership portal under the “Member Utilities” tab on the www.bcrcnet.com homepage.

STATUS CONFIRMATION

An Employer may verify the status of all BCRC Employees who are current Employees of the Employer (or persons offered immediate employment by the Employer subject to BCRC employment eligibility verification). This includes any former Employees who have been recalled for immediate re-employment by the Employer and any persons who were referred to the Employer by a participating Union for immediate employment, subject to BCRC employment eligibility verification. However, an Employer is not permitted to access any information from the BCRC database for any individual who is not a current Employee of the Employer (or a person offered immediate employment by the Employer subject to BCRC employment eligibility verification).

The Employer is required to obtain appropriate written consent from its Employees to access any information about such Employees from the BCRC database, and is required to comply with all provisions of this BCRC Policy regarding access to such information. Such access can be obtained by having their card status verified on their job site in order to determine if the Employee is available or not available under the BCRC program. The Employer may also use the e-mail procedures for verification.

An Employer who accesses any information from the BCRC database concerning an individual who is not a current Employee of the Employer (or a person offered immediate employment by

the Employer subject to BCRC employment eligibility verification) violates the BCRC Policy and is subject to appropriate sanctions for such unauthorized use of the BCRC database. Such sanctions may include terminating, or at least limiting, the access of such Employers to information in the BCRC database.

When an Employee's status is Not Available (N/A), he/she will be advised to contact the BCRC office to resolve the N/A status. The individual may be required to follow the protocol for a non-negative (positive) test as prescribed in the BCRC Policy.

The Employer may verify the Employee's card after four (4) days to reconfirm the status and if the Employee's status is still N/A, the Employer may terminate the Employee. Said Employee will be referred to the Employee Assistance Program for assessment and will be required to follow the recommendations of the EAP Counselor before being considered for further assignments. The status of Clear (CL) will be restored only with written approval of the EAP. This procedure will protect the Employee's confidentiality and allow the Employer to audit the status of his/her Employees, which may be required by the owner to be submitted monthly.

REPORTING OF TEST RESULTS

For all D.O.T. testing, all test results shall be reported to the Employer and to any other persons and/or entities required by applicable law and/or regulations. For all On-Site Random Testing performed pursuant to a BCRC Onsite Substance Abuse Testing Addendum or other testing agreements with owners, BCRC shall report test results in accordance with the provisions of such Addenda and/or Agreements. For all Post-Accident/ Incident Testing and all Probable Cause Testing, BCRC has the right to provide all test results to the Employer that requested such testing.

INSUFFICIENT SPECIMEN

An Employee who provides an insufficient specimen of urine or breath when required to do so shall be referred to an appropriate medical professional for evaluation at the participant's expense. If the medical evaluation fails to reveal an acceptable medical explanation for the inability to provide a specimen, the donor shall be considered to have refused to test and shall be subject to the rules as outlined in this policy. If a legitimate medical reason is revealed, no action shall be taken.

DILUTE SPECIMEN

An Employee providing a Dilute Specimen will be given the opportunity to return to a collection site within forty-eight (48) hours to provide a second (2nd) specimen, on his/her own time. This second specimen shall be given pursuant to observed collection protocol and procedures.

Employees should refrain from excessive consumption of fluids prior to the retest. No adverse action shall be taken against any Employee based on a first (1) Dilute Specimen, unless the Dilute Specimen is confirmed to be a Positive Test or the Employee fails to provide the second (2nd) specimen in compliance with the forty-eight (48) hour time period and procedures set forth herein. A second (2nd) diluted specimen, without a valid medical reason, will be treated as a refusal to submit to testing and a Non-Compliant Event, regardless of the test results.

ADULTERATED, SUBSTITUTED AND/OR OUT-OF-TEMPERATURE RANGE SPECIMEN

When a urine specimen is reported as adulterated, substituted, out of temperature (meaning the specimen is below 900F or above 1000F) or the Employee compromises the testing protocol

(i.e., washes his/her hands, flushes the toilet, etc.) prior to being given direction from the collection professional, the Employee will be considered to have not cooperated with the testing process and the test will be considered a refusal to be tested. If the temperature is out of range, the Employee will be offered the opportunity to take an additional observed test prior to leaving the site. A refusal to submit to the subsequent test will be considered non-compliance and the Employee will be made “N/A” and referred to the EAP.

In addition, the Employee who has refused to be tested, or who uses or possesses a counterfeit drug card, shall be subject to Employer discipline up to and including discharge, subject to the Unions’ collective bargaining agreements.

CONSEQUENCES FOR A NON-NEGATIVE (i.e., POSITIVE) TEST

1. An Employee who tests non-negative (i.e., positive) for drugs shall be contacted directly by the Medical Review Officer (MRO). If the MRO verifies the results of the non-negative (positive) test, the MRO will notify the Employee that he or she is ineligible for work and he/she will be directed to contact the TPA. The BCRC will refer the Employee to the program’s Employee Assistance Program (EAP) for consultation and review. If the MRO contacts the Employee and finds that there is a reason for the non-negative (positive) test (an authorized prescriptive medication) the MRO will downgrade the result to a negative, and the Employee’s card will be marked “CL”.
2. In the case of a confirmed non-negative (i.e., positive) drug or alcohol test, the TPA will be notified that the Employee’s status should be marked “N/A”. The “N/A” status will be effective at the moment that a confirmed non-negative (i.e., positive) test is received.

3. Before returning to work, an Employee must:
 - (1) Complete an evaluation with the program's Employee Assistance Program provided by the BCRC EAP Provider
 - (2) Follow a treatment plan prescribed by the program's EAP
 - (3) Obtain written documentation from the program's EAP verifying return-to-duty date.
 - (4) Obtain a negative result on a Return to Duty Test. The specimen for all Return to Duty Tests shall be given pursuant to observed collection protocol and procedures.

4. A "N/A" status will not be the sole basis for termination of employment. An Employee must contact the BCRC office to resolve an "N/A" status.

Only Employees who are in non-compliance with this BCRC Policy may be discharged. For the purposes of this provision, "non-compliance" shall mean one or more of the following:

- Failure to report to the program's Employee Assistance Program as directed,
- Failure to follow and/or complete a EAP-prescribed treatment program,
- Failure to take an observed return-to-duty or an observed follow-up test,
- Failure to report for a random test request within seven (7) days, or

- Failure to submit to a drug or alcohol test when requested to do so by the EAP.
5. A New Employee/Applicant whose initial drug or alcohol test is confirmed as a Positive Test shall pay all costs for:
- Any follow-up testing required by the EAP
 - Any return-to-duty testing
 - Any subsequent testing required by the EAP.

ADDITIONAL CONSEQUENCES FOR MULTIPLE NON-COMPLIANT EVENTS

If any Employee has three (3) or more Non-Compliant Events within a twelve (12) consecutive month (rolling) period, the Employee shall not be permitted to take a Return-to-Duty Test until one (1) year after the most recent Non-Compliant Event within such twelve (12) consecutive month period and the Employee' BCRC Substance Abuse Card and status shall be N/A for the same time period. In addition, such Employee must complete an EAP-prescribed treatment program before returning to work.

BCRC also performs on-site random testing pursuant to the BCRC Onsite Substance Abuse Testing Addendum. The policies set forth in such Addendum (and/or other testing agreements with Owners) also impose additional consequences for Positive Tests and/or other Non-Compliant Events. Such additional consequences generally apply at the specific plants and locations covered by such Addenda (and/or other testing agreements with owners) and are in addition to any additional consequences set forth in this BCRC Policy.

OBSERVED RETURN-TO-DUTY TESTING

The Return to Duty test is required for an Employee to be reinstated into the BCRC program following a positive test, missed random, walkout, or refusal to submit as described in this BCRC Policy. The participant must have a negative drug test before resuming performance of his/her job duties. This test may not be taken until the Counselor has set a date for the test. The specimen for all Return to Duty Tests shall be given pursuant to observed collection protocol and procedures.

OBSERVED FOLLOW-UP TESTING

Follow-up testing for drugs and/or alcohol is a requirement in order for a returning Employee to stay in compliance with the BCRC Program. Testing shall be determined by the Employee Assistance Counselor, and will be implemented and monitored by the TPA (BCRC) when the Employee returns to work. Follow-up tests must be taken within forty-eight (48) hours from the time when the TPA attempts to contact or contacts the Employee, or the Employee will be considered non-compliant, made "N/A", and returned to the EAP for further evaluation.

A New Employee/Applicant whose initial drug or alcohol test is confirmed as a Positive Test shall pay all costs for such follow-up testing required by the EAP and any subsequent testing required by the EAP. The specimen for all Follow-Up Testing shall be given pursuant to observed collection protocol and procedures.

DISPUTED POSITIVE RESULTS

An Employee who disputes non-negative (positive) results shall have the right to have his/her initial sample independently re-tested by a Department of Health and Human Services (HHS) certified laboratory of his/her choice, at his/her own expense only

when a money order, travelers check or cash is received by BCRC will testing begin, within ten (10) working days of when he/she was notified of the test results. A portion of the initial sample (or split specimen) shall be forwarded under a Custody and Control Form directly by BCRC's testing laboratory to the HHS laboratory selected by the Employee. Review of the drug test result must be performed by a qualified MRO who has been approved by BCRC. If the second lab report shows the presence of a controlled substance, the test result will be considered non-negative (positive). If the second lab report test indicates no presence of a controlled substance, then both tests will be considered negative.

The following section only applies when the Employee tests due to Post-Accident/Incident Testing or Probable Cause Testing: If the test is negative, the affiliated Employer will reimburse the Employee for compensation lost at the appropriate rate within the Collective Bargaining Agreement, straight or premium pay, during the period of his/her disciplinary suspension or termination and will reimburse the Employee for the cost of the re-test.

An Employee, whose test results are verified non-negative (positive) by the MRO, will be referred to the EAP by the TPA (BCRC). The Employee is expected to attend all appointments with the EAP Counselor, and to follow the Counselor's recommendations and requirements. A non-negative (positive) alcohol test conducted on a breath sample cannot be re-tested. All problem situations shall be resolved in accordance with current guidelines and standards established by the U.S. HHS/SAMHSA or U.S. Department of Transportation.

APPEALS AND PROTECTIONS/JUST CAUSE

Employees who are subject to this BCRC Policy continue to have access to the usual protections provided as a part of their

Union membership and/or as members of bargaining units covered by Collective Bargaining Agreements. Such Employees may request that a Union Representative be available or present prior to any action taken by an Employer, if any, at any stage of the policy and its administration. If an Employee is aggrieved by any action taken under this BCRC Drug and Alcohol Policy and his/her complaint cannot be resolved, the complaint may, if the Employee or Union requests, be referred as a grievance under the grievance and arbitration provisions of the Employee's Collective Bargaining Agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provisions of this BCRC Drug and Alcohol Policy.

ILLINOIS – “DRUG FREE WORKPLACE ACT” – 30 ILCS 580

When working on public projects in the State of Illinois, Employers must comply with the Illinois Drug Free Workplace Act. This Act requires Employers to certify that it provides a drug free workplace by complying with certain steps. First, the Employer must publish a statement to its Employees notifying them that as a condition of employment, drug possession, use, etc. is prohibited at work and specify the actions taken if this is violated. Second, Employers must provide each Employee working in Illinois a copy of this published statement. Third, Illinois requires Employers to provide a drug free awareness program to inform Employees about drug abuse, the Employer's drug free policy, the availability of drug assistance programs, and penalties for drug violations. If the Employer receives notice of an Employee's criminal drug conviction, the Employer must notify the Illinois agency in the contract within ten (10) days. Finally, if an Employee violates the drug free policy, an Employer has thirty (30) days to take action against the Employee, up to and including termination or requires the Employee to satisfactorily participate in an approved drug abuse assistance program.

If the Employer fails to follow the Drug Free Workplace Act provisions, the Illinois agency in the contract may suspend or terminate the contract. If the violation is serious, the Illinois agency may recommend debarment, which makes the Employer ineligible to be awarded any contract or grant by the State of Illinois for one to five (1-5) years.

For further reference, the Drug Free Workplace Act may be found at 30 ILCS 580; <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=551&ChapterID=7>.

ILLINOIS – “SUBSTANCE ABUSE PREVENTION PROGRAMS REQUIRED” – 820 ILCS 265/15

Employers who work on public works projects in Illinois must have a written substance abuse prevention program that meets or exceeds the following requirements: (1) at least a 9 panel urine drug test plus a test for alcohol (NOTE: blood testing may only be used in post-accident tests); (2) a list of prohibited actions and conditions listed below; (3) Employees must submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing before the project begins, but not required for an Employee who has been participating in a random testing program during the 90 days preceding the date on which the Employee commenced work on the project; and (4) a procedure for notifying the Employee of any violations or refusal to submit to a drug test.

The prohibited Employee actions include using, possessing, distributing, delivering, or being under the influence of a drug or alcohol while performing work on a public works project. Any Employee with a Blood Alcohol Content at or above 0.02 is considered to be under the influence.

This written program must be filed with the Illinois agency and made publicly available.

Any Employee who violates the drug policy, tests positive for drugs, or refuses to submit to a drug test may not work on a public works project until the Employee satisfies the following conditions: (1) the Employee has tested negative for presence of drugs and is not under the influence of alcohol; (2) the Employee has been approved to return to work in accordance with the Employer's written substance abuse prevention program; and (3) the testing for drugs and alcohol was conducted in accordance with laboratory testing and Chain of Custody procedures as required by the U.S. Department of Health and Human Services. Upon meeting these conditions, an Employee may return to work if qualified work remains.

For further reference, the Substance Abuse Prevention Program Requirements may be found at 820 ILCS 265/10, 820 ILCS 265/15, and 820 ILCS 265/20; available at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2950&ChapterID=68>

Attachment A – General Trades:
BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

You have been selected by BCRC's computer generated random selection to take a random drug test for BCRC. You must be tested no later than midnight (day) of (Month), 20___. Our computer program selects the names of BCRC cardholders for a random each month. You can be selected up to twice in a twelve month period.

In order to stay in compliance with BCRC and possess a clear (CL) BCRC card status you will be required to report to an approved collection site within seven (7) days from the date on this "Notice of Random Testing" letter (the date on this letter is included in the seven days). Please verify that the BCRC card number in the upper right hand corner of this notice matches your BCRC card number. If it does not match your BCRC card number, please notify our office immediately!

This random test is to be taken on your own time at any of the BCRC approved collection sites identified on the enclosed collection site list. You will be mailed a \$30.00 stipend for the time necessary to secure random testing only if your test is taken within the allotted seven (7) days of this notice. **NO EXCEPTIONS!** Failure to take your test by the date outlined above will result in your BCRC card status being deemed "Not Available" (N/A) and will require that you contact the BCRC office for instructions on the required procedure(s) for correcting the "N/A" status. In the event you are taking prescribed medication(s), **DO NOT** take them to the collection site. You will be contacted by our Medical Review Office (MRO), who will need your prescription information for the verification process. Please provide a legible and accurate telephone number on all forms at the collection site.

Remember, it is your responsibility to keep your contact information current with BCRC. You can do so through the "Members Utilities" secure portal on the BCRC website at www.bcrcnet.com or by calling the BCRC office at the numbers listed below.

Questions, contact the BCRC office @ 219-764-9500 or toll free @ 877-988-5400. Thank you for your cooperation.

Sincerely,

Tish Roach
Executive Director

As a member of BCRC, you and your family have access to Perspectives, a fully independent, professional Employee Assistance Program (EAP). Perspectives twenty-four (24) hour, seven (7) days a week hotline number is (800) 456-6327. All calls to Perspectives are confidential.

Attachment B – Non-Bargaining:
BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

You have been selected by BCRC's computer generated random selection to take a random drug test for BCRC. You must be tested no later than midnight (day) of (Month), 20___. Our computer program selects the names of BCRC cardholders for a random each month. You can be selected up to twice in a twelve month period.

In order to stay in compliance with BCRC and possess a clear (CL) BCRC card status you will be required to report to an approved collection site within seven (7) days from the date on this "Notice of Random Testing" letter (the date on this letter is included in the seven days). Please verify that the BCRC card number in the upper right hand corner of this notice matches your BCRC card number. If it does not match your BCRC card number, please notify our office immediately!

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Executive Director

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This random test can be taken on your own time/taken on your Employer/Contractor's time at any of the BCRC approved collection sites identified on the enclosed collection site list. Failure to take your test by the date outlined above will result in your BCRC card status being deemed "Not Available" (N/A) and will require that you contact the BCRC office for instructions on the required procedure(s) for correcting the "N/A" status. In the event you are taking prescribed medication(s), DO NOT take them to the collection site. You will be contacted by our Medical Review Office (MRO), who will need your prescription information for the verification process. Please provide a legible and accurate telephone number on all forms at the collection site.

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Tish Roach
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Attachment D

BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.
AUTHORIZATION FOR CONSENT TO DRUG AND ALCOHOL
ANALYSIS & AUTHORIZATION FOR RELEASE OF RESULTS

I, the undersigned, _____, do hereby authorize the testing of my body fluids for employment reasons and understand and agree that the results of any such testing will be turned over to the Building and Construction Resource Center, Inc. and, further that the testing procedures will be limited to tests for prohibited and illegal drugs and controlled substances.

I understand that the results of these tests may be used for employment and disciplinary reasons and hereby authorize the release of such information from the laboratory and MRO.

I further certify that the urine specimen collected from me is mine and not adulterated or altered in any manner. I have been advised that matters affecting me relative to the interpretation or application of the Drug Policy and subject exclusively to the grievance and arbitration procedure under my collective bargaining agreement (if applicable).

_____ Witness	_____ Signature of Applicant/Employee
_____ Date	_____ Employee's Social Security Number
_____ Time	_____ Employee's Telephone Number
_____ Notary Public	_____ Employee's Address
_____ Commission Expires	_____ City
_____ Official Seal (Must be notarized if NO ID)	_____ State & Zip Code

**BCRC APPLICANT/CARDHOLDER DRUG TEST
INFORMATION AND INSTRUCTION SHEET**

BCRC is exercising extreme care to ensure that strict quality control measures are followed in the collection, handling, and analysis of your specimen. You play an important role in this process and should be certain that you have provided an unadulterated specimen to the laboratory. Remember, you are certifying that the specimen which you provide is yours and is unadulterated. Any adulteration or switching of specimen is a breach of BCRC's rules and, if you are employed, may subject you to discipline up to and including termination by your Employer.

For your own protection and peace of mind, we ask that you:

- Provide a picture identification to the collection site/technician at time of arrival;
- Be escorted to a collection room and asked to provide an unadulterated specimen in the collection bottle provided. The bottle should be filled to 45 ml;
- Return the specimen bottle to the medical technician and witness, initial and date the integrity seals placed on your specimen;
- Verify the proper spelling of your name as recorded on the log sheet;
- Verify that your social security number has been properly recorded;
- Verify that the social security number placed on your specimen bottle is the same as that recorded on the log sheet and the Custody and Control Form.

**I HAVE READ THE ABOVE AND HAVE HAD AN OPPORTUNITY
TO ASK QUESTIONS REGARDING THIS PROCEDURE.**

BCRC Applicant/Cardholder Signature

Date

BCRC On-site Substance Abuse Testing Addendum

Effective _____, 20__

1) BCRC will cover all outside Contractors, non-bargaining personnel, and/or safety personnel working at heavy industrial facilities, light industrial facilities, health care facilities, and/or any public or private entity in Northwest Indiana for the purpose of substance testing, tracking and administration under the terms of this Addendum to the BCRC Policy. Testing will include random on-site testing, Post-Accident/Incident Testing, Probable Cause Testing and Follow-Up Testing when required.

2) BCRC will identify to the Employer's and/or Owner's Designated Employer Representative (DER) anyone that has a non-negative (positive) test result, including walkouts or refusals to test, at the facilities where this amendment is adopted. Said participant would be "Not Available" (N/A) for employment at that facility until the participant has contacted the EAP for evaluation and to receive instructions on how to resolve their "N/A" status. If the result of the participant's Return to Duty test is negative and he/she is and continues to comply with all the follow up testing protocol as outlined in the BCRC Policy the participant will be allowed to return to work. BCRC will identify anyone that has two confirmed non-negative (positive) tests, to include walkouts or refusal to test, at this facility to the Employer's/Owner's DER.

3) The Employer/Owner will provide BCRC with a list or "pool" from which random selections will be drawn. This list will consist only of Participants physically on the Owner's site on the day the random selection is requested. BCRC will notify the Employers/Owners DER or Card Manager of the random testing selections. Upon notification the selected participant has one hour plus travel time to report to an approved BCRC testing facility. Notification will be given during the same shift for which the pool was submitted and a minimum of two hours prior to the end of the participant's shift plus swipe time. Although no stipend will be paid, the test will count as a random test in the normal BCRC Policy.

4) Employers and Owners will be assigned a code number for access to the BCRC e-mail system for verification of availability of participants in their facility and internal auditing requirements.

5) Employers/Owners who require tests to be current within a specified time frame will be obligated for the administration, implementation and cost of these tests since these tests are not consistent with the BCRC Policy.

Example: Owner "A" requires that all Employees have a drug screen within the last one hundred eighty days (180). Any Employee that must test to be in compliance can do so provided it is not a violation of the applicable Collective Bargaining Agreement. This test will not be at the expense of BCRC.

Gary Kebert, President BCRC

Kevin Roach, Secretary BCRC

Owner Representative

Date

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Dennis Hahney
Pipe Fitters' Local 597

Brad Holzhauser
Technical Engineers' Local 130

Striving to be Drug Free
for a Safe Industry



**Building & Construction
Resource Center, Inc.**

Phone: (219) 764-9500 • Fax: (219) 764-9505

Toll Free: (877) 988-5400

6050 Southport Rd., Ste. B • Portage, IN 46368

www.BCRCNET.com

*Tish Roach
Executive Director*

Perspectives

(800) 456-6327

www.perspectivesltd.com

Your Employee Assistance Program (EAP)

