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Electrical Industry Drug and Alcohol Policy

January 12, 2021

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STATEMENT OF PURPOSE

The use of drugs or alcohol by employees at work is inconsistent with the Electrical Industry's commitment to providing employees with a safe, healthy, secure and productive workplace. The Drug And Alcohol ("DA") Policy provides information regarding: (a) prohibited conduct involving drugs and alcohol; and (b) when and how an employee will be tested for alcohol and/or substance use.

The ultimate goals of this policy are to:

- Create a safe and healthy work environment for all employees;
- Prevent possible Workplace Accidents, incidents and injuries;
- Reduce employee absences and tardiness;
- Improve productivity and work quality;
- Ensure the Employer's compliance with all applicable contractual obligations and laws; and
- Provide assistance to any employee who has a drug or alcohol issue.

It is the employer's desire to provide a safe and healthy environment for clients, visitors, vendors, suppliers, other contractors and the general public.

A summary of all DA Policy definitions can be found in DA Policy Appendix A to this Policy.

DISCLAIMERS: If any third-party client or contractor agreement, collective bargaining agreement, or applicable law or regulation is found to be inconsistent with its DA Policy, the Employer will comply with those agreements or laws where this policy is inconsistent, however, this Drug and Alcohol Policy replaces and supersedes any individual employer's drug and alcohol policy.

I. INTRODUCTION

As an employee, you agree to fully read and comply with the DA Policy as a condition of continued employment. You may request an additional copy of the DA Policy at any time, and a copy of this policy will be accessible on the Joint Industry Board's website.

The DA Policy and its testing requirements apply to all employees who are members of Local Union No. 3, I.B.E.W. ("Local Union No. 3) who are covered by the "Agreement and Working Rules." Apprentices will also be subject to all correlative provisions of the JIB's Apprenticeship Program. Depending on the type of work you perform or the particular project on which you are working, different or additional requirements may apply and take precedence.

Your Employer cannot anticipate every circumstance or preemptively answer every question that could arise out of the DA Policy. Therefore, your Employer reserves the right to consider each circumstance on a case-by-case basis and to resolve exceptional cases in the reasonable discretion of Legal Counsel.

II. STATEMENT OF NON-DISCRIMINATION

In accordance with the requirements of the Americans with Disabilities Act and other federal, state and local laws and regulations, the Employers in the Electrical Industry do not discriminate against employees or applicants who are qualified individuals with disabilities who are not currently engaged in the use of or abuse of illegal drugs, alcohol, or "Off-Label Drug Use" or who do not otherwise violate the DA Policy, including, but not limited to individuals who have: (a) successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or (b) otherwise rehabilitated successfully and are no longer engaging in such use.

III. DA RULES AND PROHIBITED ACTIONS

If you violate any of the following rules you may be subject to discipline, up to and including termination. While employed, you may not:

- Possess or use drugs and alcohol while at work.
- Be under the influence of, or have present in your system, any prohibited drugs, or alcohol during Covered Duty.
- Engage in Off-Label Drug Use during Covered Duty.
- Fail to report your use of over-the-counter ("OTC"), prescription drugs or dietary supplements that you know may impair your ability to safely perform your job duties while at work.
- Buy, solicit the sale of, distribute, or encourage the use of alcohol at work, or, illegal drugs or drugs for Off-Label Drug Use during Covered Duty.
- Fail to timely report to the Company a Workplace Accident.
- Refuse a drug or alcohol test or fail to appear for a drug or alcohol test at the time, date or place instructed. Such refusal will be treated for all purposes as a positive test.
- Attempt to alter or change your or another employee's test results or alter, change or substitute your or another employee's drug or alcohol test specimens.
- Otherwise refuse to cooperate or comply with the terms of this DA Policy.

REPORTING THE USE OF PRESCRIPTION, OTC OR DIETARY SUPPLEMENTS

Because your legal and proper use of prescription drugs, OTC drugs, or dietary supplements may nonetheless impair your ability to perform your job duties or may present a safety risk, you must immediately notify your direct Supervisor, or the Employer's local safety representative of your use of such substances that you know impairs your ability to safely perform your job duties.

Unless otherwise required or allowed by law, any such report will be kept confidential and the Employer will not ask you to reveal the specific medical conditions, impairments or disabilities that cause you to take such substances.

The Employer will take appropriate action in response to such information on a case-by-case basis, including, but not limited to, monitoring your ability to perform in your position while under the influence of such substances, and/or temporarily or permanently removing you from your position until the scope of the impairment while taking such substances no longer effects

the individual's ability to perform the job function.

IV. EMPLOYEE TESTING

Your Employer may require you to be tested under the following circumstances:

EMPLOYEE TESTING

The Industry has adopted testing practices to identify employees who use drugs or alcohol in violation of this DA Policy. If you are tested, you will not be permitted to return to work until the test results are received by the Employer. Such time away from work will be paid at your usual rates if you go for your test within 24 hours of being told by the Employer that you must go to an approved facility for a drug/alcohol test and the test results are negative. If your test results are positive or you don't go for your drug test to an approved test site within 24 hours, you will not get paid for your time off of work. It is a condition of employment for you to consent to substance abuse testing in the following instances:

- **Reasonable Suspicion Testing:** The Employer may require you to be tested for drugs and/or alcohol when a Qualified Supervisor concludes that there is Reasonable Suspicion that you are under the influence of or impaired by drugs and/or alcohol.
If you report to work visibly impaired, you will not be allowed to start. If possible, a Qualified Supervisor will consult privately with you to determine the cause of the observation. If the Qualified Supervisor reasonably suspects that you are impaired, and you deny such impairment, you will have to be drug or alcohol tested as provided above.

You are strongly encouraged to immediately report another employee's observed use of drugs or alcohol in violation of this DA Policy.

- **Post-Incident Testing:** Unless, in the opinion of your Employer, the circumstances do not require such testing, any time you have caused or your conduct is reasonably determined to be a contributing factor relating to a Workplace Accident, you are required to submit to controlled substance and alcohol testing without further notice, as soon as reasonably practicable, following your known involvement in any Workplace Accident.

NOTE REGARDING WORKPLACE ACCIDENTS RESULTING IN AN ON-THE-JOB INJURY: *You must report such a workplace accident at the soonest possible opportunity.*

- **Return-To-Work And Drug And/Or Alcohol Testing:** If you return to work after: (a) previously testing positive for drugs and/or alcohol use in violation of the DA Policy; or (b) voluntarily or involuntarily obtaining treatment for controlled substance or alcohol abuse pursuant to this Policy through the JIB's Substance Abuse Services program (SAS), voluntary referral programs, or another treatment program under the supervision of a Substance Abuse Professional ("SAP"), you will be required to undergo random drug or alcohol testing.
- **Testing Required by Third-Party Client, Project or Other Agreement, or Applicable Law:**

The Employer's employees may also be required to submit to drug or alcohol testing as required by a third-party client, project agreement, law, regulation, or other contractual obligation of the Employer. Unless precluded by other applicable local, state, or federal law or regulation, you agree, as an employee, to submit to such drug and alcohol testing as a condition of employment.

V. POSITIVE, ADULTERATED OR SUBSTITUTED TEST RESULTS

All drug testing vendors must be approved by the JIB. If the Employer receives: (a) a verified or confirmed positive drug or alcohol test result from a Medical Review Officer ("MRO"); or (b) a report from an MRO that he/she has reasonable cause to believe that an employee has tampered with the specimen; or (c) a report that an employee refused to submit to a drug or alcohol test; (d) an "adulterated" or "substituted" test result; or if (e) the employee acknowledges being under the influence of or impaired by drugs and/or alcohol, the following consequences will occur:

- You will not be permitted to return to work. A MRO or the Employer will provide you with prompt written notice of the test results, and a notice of rights and remedies available to you under the testing vendor's standard procedures including your right to contest the results and request that the same sample be retested at another licensed and approved laboratory. You will have the right to an explanation of the test results and the timeframe for obtaining the information and appealing. In the absence of any such appeal procedures available from the drug testing vendor, you will have the right to appeal the positive test result to the JIB. Simultaneously, you will be referred to the JIB's SAS program for a mandatory evaluation by an SAP, as well as subsequent follow-up, in accordance with the "JIB Substance Abuse Services (SAS) Drug Testing Evaluation and Referral Policy and Procedure", attached as Appendix C.
- If you fail a drug or alcohol test after returning to work, you will be subject to termination, subject to all legally required confirmation testing, appeals or retesting.

POSITIVE RESULTS FOR PRESCRIPTION, OTC, OR DIETARY SUPPLEMENTS

Positive results for tested prescription, OTC, or dietary supplements may not result in any disciplinary action or follow-up treatment or counseling provided that: (a) in the case of substances that you know impairs your ability to safely perform your job duties, you previously disclosed your use of such substances in accordance with this DA policy or innocently failed to disclose due to inaccurate information; or

(b) you can provide certification from a qualified medical provider that your use of such substances does not impair or inhibit your ability to safely and competently perform your job duties.

VI. REFERRAL PROGRAMS AND RETURN- TO-WORK REQUIREMENTS

VOLUNTARY SUBSTANCE-ABUSE REFERRAL PROGRAMS

The Electrical Industry recognizes that substance abuse is a treatable problem and offers a voluntary referral program for those who want to understand and correct their problem before it impairs their performance and jeopardizes their employment. You are encouraged to use the resources of the JIB's SAS program.

If you have a substance-abuse problem and voluntarily seek treatment through the SAS or other treatment resources before testing positive for controlled substances or alcohol use in violation of this DA Policy and before the Company otherwise determines that you have violated the DA Policy, you may request approval to take an unpaid leave of absence to be evaluated by an SAP and, if necessary, participate in a rehabilitation or treatment program. If you take time off from work to attend an in-patient rehab facility, you may be entitled to disability benefits. You will be eligible to return to work if there is available work opportunity and the following requirements are met:

- The employee must contact a SAP to request a substance-abuse evaluation within 3 business days of notifying his/her Employer of his or her substance-abuse problem, submit to all required evaluations within 10 calendar days of the date on which the employee first contacted the SAP for an evaluation, and complete all necessary evaluations within 20 days of the date on which the employee first requested an evaluation;
- **If treatment is not recommended by the SAP:** If the substance abuse professional determines that you are not affected by an identifiable substance problem, your Employer will return you to service within five days after completion of the evaluation if the following requirements are met:
 - Written certification from the SAP that you are not affected by any substance abuse problem is provided;
 - You pass a return-to-service drug and alcohol test; and
- **If treatment is recommended by the SAP:** Upon completion of the treatment program, you will be eligible to return to work for your employer or if the employer has no job for you, the Employment Department shall have discretion in assisting you in returning to work based upon your record if this is the first time you have attended a treatment program and the following conditions are met:
 - You provide written certification from the SAP that you have completed the recommended treatment program.
 - You pass a return-to-service drug and alcohol test; and
 - You agree to abide by this DA Policy, and agree to submit to random drug or alcohol testing on company time for one year after returning to work.

This section does not apply to any employee who has returned to work after denying impairment and testing positive for drug or alcohol use in violation of this DA Policy or to an employee who seeks and receives help without reporting it to his employer.

RETURN-TO-WORK OPPORTUNITIES OUTSIDE OF VOLUNTARY REFERRAL PROGRAMS

If you have not been permitted to return to work as the result of a positive drug and/or alcohol test in violation of the DA Policy, you may return to work for your employer or if the employer has no job for you, you will be slotted at the top of the Employment List and the following requirements are met:

- A period of 30 days has passed since the positive drug and/or alcohol test;
- You provide written documentation to your Employer from a qualified SAP that you have completed or are participating in an approved substance-abuse treatment or rehabilitation program; and
- You pass a return-to-service drug and alcohol test; and
- You agree to all Return-to-Work Conditions, including but not limited to random drug or alcohol testing as recommended by the JIB's SAP for a period of eighteen months after returning to work.

If you fail a drug or alcohol test after returning to work, you will be subject to termination, subject to all legally required confirmation testing, appeals or retesting.

VII. TESTING COLLECTION AND METHODOLOGY

When drug testing is performed, your employer will require you to be tested, at a minimum, for the use of Amphetamines, Cannabinoids, Cocaine, Opiates, and Phencyclidine (PCP). You may also be tested for alcohol and any and all other drugs including, but not limited to Hydrocodone, Oxycodone, Benzodiazepines, Barbiturates, Metabolites, Methadone, Methaqualone, Propoxyphene, Synthetic Marijuana products, such as "K2" and "Spice," Bath Salts, or any non-controlled substances as required or permitted by any applicable state or federal laws or regulations or by client or project agreements.

The tests and methodology used will be provided by a vendor approved by the JIB after reviewing their sample collection and testing procedures and compliance with all applicable HIPPA requirements. Testing methodology may include, but is not limited to, testing using urine, breath, saliva, or hair. Blood specimens will only be taken at the request of the employee.

VIII. MANDATORY DRUG-FREE WORKPLACE TRAINING

The Employer will conduct training on its DA Policy, as required by all applicable laws or as required by third-party client or project agreement or applicable laws or regulations. Copies of the DA Policy are maintained at all of the Employer's offices and are posted on the Employer's intranet.

IX. EMPLOYEE ASSISTANCE PROGRAM

The contact info for the SAS is set forth below:

JIB's SAS (718-591-2000, ext. 1396)

National Substance-Abuse Hotlines and Helplines

- **800 COCAINE** is a national information and referral hotline that refers callers to rehabilitation and counseling services in your area.
800 COCAINE also mails out basic information on cocaine and crack. (1-800-559-9503)
- **The American Council on Alcoholism** helpline provides referrals to alcohol treatment programs nationwide and provides written materials. (1-800-527-5344)

- **The National Council on Alcoholism and Drug Dependency** helpline is a referral service to treatment and counseling centers across the country. (1-800-NCA-CALL; 1-800-622-2255)
- **The National Institute on Drug Abuse Hotline** is a federally funded service providing referrals to drug and alcohol programs including referrals to programs for those who cannot pay for services. (1-800-662- HELP; 1-800-662-4357)
- **Alcoholics Anonymous (A.A.)** provides information and support to recovering drug addicts through local chapters in communities nationwide. Go to www.aa.org to search for local A.A. offices, websites and answering services.
- **Narcotics Anonymous (N.A.)** provides information and support to recovering drug addicts through local chapters in communities nationwide. Go to www.na.org to search for local N.A. offices, websites and answering services.
- **Al-Anon** provides information on alcoholism and alcohol abuse and refers callers to local Al-Anon support groups established to help friends and families of alcoholics. (1-888-425-2666) Nar-Anon provides a similar service for friends and families of drug users. (1-800-477-6291)

X. CONFIDENTIALITY

The Employer will keep drug/alcohol test information confidential, consistent with all applicable state and federal laws, and applicable contractual requirements. Test results are kept in a file separate and apart from your regular personnel file. The Employer may, however, use such information as evidence, if permissible, and only if relevant to the specific injury or incident in question, in proceedings relating to: (a) a claim for worker's compensation benefits; (b) a claim for unemployment compensation benefits; or (c) any other legal proceeding involving you and the Employer. The Employer may disclose such information to its attorney or other persons defending the Employer where such information is related to your or the Employer's claims or defenses in any civil, criminal, or administrative matter.

Release of information under circumstances other than those listed in this DA Policy will only be done after receiving your written release authorizing disclosure which shall include the name, address, phone number, the information you would like to be released, and the applicable date(s) of testing information you seek to be released.

In the case of mandatory SAP referrals after positive testing, participating employees must consent to limited information sharing with the Employer regarding: (a) if employee is medically restricted from returning to work; and (b) an employee's participation in or completion of any mandatory treatment programs required as a condition of returning to work.

XI. The Drug and Alcohol Policy and actions hereunder are subject to the dispute resolution procedures of Article I, Section 2(e) of the "Agreement and Working Rules."

APPENDIX A: SUMMARY OF DA POLICY DEFINITIONS

(LISTED IN ALPHABETICAL ORDER)

1. "Employer" means the Company for whom you work who is a party to the "Agreement and Working Rules" between New York Electrical Contractors Association, Inc. and the Association of Electrical Contractors, Inc. and Local Union No. 3, International Brotherhood of Electrical Workers, AFL-CIO.
2. "**Employer Property**" includes all property owned, leased or loaned by your Employer or any of its divisions, departments or subsidiaries, such as physical buildings, Employer vehicles, equipment, and project or client work sites.
3. "**Covered Duty**" means all regular working hours, paid and on-site unpaid meal or rest breaks, worked performed during overtime hours, and work- related travel to and from job sites.
4. "Return-to-Work Conditions" are conditions and commitments an employee must agree to and make, respectively, as a condition of being permitted to return to work, including the following, as applicable, and such other conditions that may be appropriate in the particular case:
 - Execute any releases of information needed by the Employer to verify an employee's participation in substance-abuse evaluation and/or treatment programs;
 - Present certification of completion of a recommended, approved, or mandatory drug or alcohol treatment program; or, if participating in a continuing drug or alcohol treatment program at the time of return to work, present certification of participation in that program upon returning to work as well as quarterly certifications of continued enrollment, if required and satisfactory progress and/or completion of the drug or alcohol treatment program.
 - Pass return-to-work drug or alcohol testing;
 - Submit to random follow-up drug or alcohol testing after returning to work, as specified in the DA;
 - Participate in a reasonable program of follow-up treatment for a period recommended by a certified SAP.

NOTE: The Employer reserves the right to require employees to agree to any or all of these terms as a condition of returning to work after testing positive for alcohol or controlled substances during Covered Duty, or completing a voluntary substance abuse program.

5. "**Legal Counsel**" means an attorney of the Employer's Legal Department or a lawyer of a law firm retained by the Employer or any of its subsidiaries.
6. A "**Medical Review Officer**" or "**MRO**" is a licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
7. "**Off-Label Drug Use**" includes: (i) the use of prescription drugs that are not prescribed to the employee, or that the employee is not using in the manner prescribed; (ii) the use of OTC drugs or dietary supplements in a different manner than intended by the drug or supplement manufacturer; and (iii) the use of any prescription drugs, OTC drugs, or dietary supplements in any way that inhibits or impairs the employee's ability to safely perform his or her job functions.
8. "**Reasonable Suspicion**" testing is based upon specific, current observations of an

employee's appearance, behavior, speech, breath, or body odors. The Employer may conduct "Reasonable Suspicion" testing in response to direct observation by a trained Qualified Supervisor of any of the following:

- An employee's obvious physical or mental impairment;
 - An employee's actual substance abuse on the job or prior to reporting for shift;
 - An employee exhibiting physical symptoms of impairment due to substance abuse or symptoms of chronic abuse or withdrawal effects of drugs or alcohol;
 - An employee's chronic or unexplained absences or tardiness;
 - An employee's abnormal conduct or erratic behavior while at work or a significant deterioration in employee's productivity, behavior, safety, or any other behavior that affects an employee's job performance over a period of time;
 - An employee's causing or contributing to an accident while at work;
 - An employee's repeated or flagrant violations of the Employer's safety or work rules that appear to be related to substance abuse; or
 - An employee's use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on the Employer's property during Covered Duty.
 - Behavioral factors (such as but not limited to insubordination; verbal or physical abusiveness or aggression; depression; mood swings, nonresponsiveness; hallucinations, disorientation or confusion) or physical signs or symptoms listed on the "Reasonable Suspicion Observation Form", attached as Appendix B.
 - The Employer shall have its Qualified Supervisor complete a "Reasonable Suspicion Observation Form" and otherwise reduce to writing the grounds for reasonable suspicion before ordering testing.
9. A "**Substance Abuse Professional**" or "**SAP**" is a licensed doctor, psychologist, social worker, employee assistance professional, or addiction counselor who is certified with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances and who qualifies to serve as an SAP.
10. "**Qualified Supervisor**" means a foreman or superintendent who has completed at least three (3) hours of training; one hour on signs and symptoms associated with drug use; one hour on signs and symptoms associated with alcohol misuse; and one hour on reasonable suspicion determinations. The Employer will maintain documentation of the Qualified Supervisor's certification in this training.
11. "**Workplace Accidents**" are any of the following involving employees on Covered Duty, employees operating an Employer-owned vehicle or machinery, or employees physically present on the Employer's Property:
- accidents, sometimes called "near misses," even in cases where no one was injured and no property was damaged, where there was a serious risk of loss of life, significant bodily injury or destruction of property;
 - Incidents resulting in property damage to the Employer's vehicle, equipment or other Employer Property, where the damage is reasonably expected to exceed \$5,000 as determined in the Employer's discretion;
 - Incidents that result in the death of any person;
 - Incidents that result in personal injury that results in medical treatment by a trained medical professional, such as emergency medical services, a doctor or a nurse, or an

- injury that causes or is expected to cause an employee to leave work or miss work;
- Incidents that result in the loss of consciousness of, or the need to carry from the scene, any employee or third party;
 - Any motor vehicle crash (includes all mobile Employer equipment) involving on-duty employees or an off-duty employee operating an Employer's vehicle or Company equipment;
 - Incidents resulting in an explosion or fire causing property damage or bodily injury explosions; and
 - Any incident for which applicable governmental regulations or third-party client or project agreements require post-incident drug or alcohol testing.