



Western Partitions, Inc.

Drug-Free Workplace Policy & Administrative Rules

Utah Regional Office

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Drug-Free Workplace Policy

The nature of the construction industry requires that all employees be in a condition to perform their jobs safely and efficiently, free from any impairment caused by alcohol or drugs. Being in an industry where the responsibility and alertness of each employee is necessary to maintain a safe environment, Western Partitions, Inc., hereinafter referred to as "WPI" or "the Company," must have a greater concern for employee alcohol and drug use than other employers. WPI and the unions with which WPI works in partnership are firmly committed to eliminating all problems associated with employee alcohol and drug abuse.

Both Federal and State regulations and statutes affect the way WPI addresses its goal to maintain a drug-safe workplace. Specifically, the Federal government names marijuana as a Schedule I controlled substance. Utah laws (Utah Code Title 26 Chapter 61a; Title 34, Chapter 38; and Title 76, Chapter 10) guide employer's testing programs and permit medical cannabis use. In addition, the Company respects and seeks to follow union guidance about drug and alcohol testing.¹

The Company recognizes the need to avoid unnecessary intrusion into employees' private lives and to assure employee privacy and confidentiality to the greatest extent possible. In addition, the Company acknowledges that some cases of substance abuse must also be dealt with as illnesses requiring medical treatment, and not only as a personal problem. Lastly, the Union and the Company believe the goals of its alcohol and drug policy should include education, prevention, and rehabilitation. To achieve these objectives, all Company employees must adhere to each of the following rules.

Rules

The use, possession, transfer, or sale of illegal drugs, narcotics or other unlawful substances is absolutely prohibited while employees are on the Company's job premises, in Company vehicles, or while working on any site in connection with Company work. Alcohol is not allowed in Company vehicles.

Refusing to test is a violation of this policy, including failure to proceed promptly for testing when directed to do so, tampering with a test, or a documented attempt to substitute a specimen. Any employee who violates this policy may be required to undergo rehabilitation and/ or may be subject to discipline under the terms of this policy and the collective bargaining agreement.

- a) The term "use" means consuming, possessing, selling, concealing, distributing, or arranging to buy or sell, being under the influence, or reporting for duty under the influence of alcohol or drugs.
- b) The term "alcohol or drugs" means any form of alcohol and/ or other intoxicating substance, including marijuana, and including legal drugs obtained illegally.
- c) The term "under the influence" means affected by the use of drugs/alcohol. In most cases, an employee is considered to be under the influence of alcohol or a drug when the employee has an alcohol test above a specified cutoff or a verified positive test for a specific drug.

¹ eg "Memorandum of Understanding between Labor and Management in Arizona, Utah and Southwest Nevada regarding Drug and Alcohol Abuse Prevention and Detection"

- d) In Utah, a person who possesses synthetic urine is guilty of an infraction, which is punishable by a fine up to \$750, compensatory service, forfeiture, disqualification, or a combination of those punishments (Utah Code 76 10-2203).
- e) In the event any person taking medically authorized or prescribed drugs is tested pursuant to this policy, that person must be prepared to substantiate authorization from his/ her health care provider to use the authorized or prescribed drug.
- f) This policy applies to all employees of the Company who are present, or perform work, on WPI job sites in Utah, including field, maintenance, sales, management, and part-time (20 hours per month or more) positions, as well as all applicants for any such positions.
- g) The term "working hours" means all the time in which employees are engaged in work duties or subject to the control of the Company, and also includes scheduled breaks and travel to work or from one workplace to another.
- h) The term "Company property" means all facilities, jobsites, vehicles, and equipment that are owned, leased, operated, or utilized by the Company or its employees for work-related purposes, including parking areas and driveways, as well as lockers, toolboxes, or other storage areas used by the employees. It also includes other public or private property, facilities, vehicles, and equipment located away from the Company facility if the employee is present on such property for a work-related purpose.
- i) An employee's private property, such as lunch boxes, tool boxes, back packs, purses, and the like that are brought by the employee onto Company property or used for work-related purposes may only be inspected for reasonable suspicion(see below).
- j) Events attended voluntarily are not considered covered under this policy.

Methods of Testing

Ordinarily, drug and alcohol testing is conducted at a Company site using an oral fluid test. If an oral fluid test result is inconclusive, the applicant or employee is directed to proceed immediately to an authorized collection site to provide a urine specimen for lab-based (standard) drug testing. If the inconclusive result was for alcohol, the collection site conducts a breath alcohol test using procedures consistent with the US Department of Transportation (DOT) testing (49 CFR 40).

Applicants are not hired or employees are removed from work pending the results of standard drug tests or breath alcohol tests. If the urine drug test comes back negative, the applicant is considered eligible for hire or the employee is returned to his/her normal work duties. If the applicant or employee fails the standard urine drug test, he/she must follow the WPI Return to Work Program as outlined below in order to become eligible for hire or for return to work.

Consequences of Violations

Any person who has violated this policy is subject to discipline. Discipline of bargaining unit members is in accordance with the collective bargaining agreement.

If a new hire or current employee tests positive or refuses to test, he or she is promptly removed from the job. Eligibility for return to work is conditional on a return-to-work process. Although the Company generally tries to provide a second chance in such circumstances, WPI is under no obligation to return the employee to work or to his/her previous position.

Return to Work Program

Management requires applicants or employees who test positive for alcohol or drugs or who refuse to test to complete three conditions before returning to work:

1. Assessment by a qualified counselor,
2. Agreement to participate in education and/ or counseling as recommended by the evaluator, and
3. A negative return-to-duty test.

The Administrator of the Return-to-Work Program monitors the return-to-work process. With a report from the evaluator to the Administrator and a negative test, the employee may return to work if a job is available.

Reasonable Suspicion Testing

The term "reasonable suspicion" means specific, articulable observations concerning work performance, appearance, behavior, or speech of the employee which would cause a reasonable person to believe the employee may have used controlled substances or misused alcohol. Examples of observations which might lead to a reasonable suspicion determination are slurred speech, staggering, the odor of alcoholic beverage, unusual sleepiness, aggressive behavior, unusual agitation, or the presence of drugs or drug paraphernalia. These observations must be documented by a trained Company representative as part of a reasonable suspicion determination.

When reasonable suspicion exists that an employee is in violation of this policy, the employee is required to submit to drug and/ or alcohol testing.

Other Testing

Other types of testing permitted under this policy, as defined in the Administrative Rules, include pre-employment, periodic/contract-required, post-accident, return to duty and follow-up.

All new employees are tested, preferably prior to performing any work but in no case later than five (5) days after starting work. Managers are tested periodically to meet the requirements of Utah law (Utah Code 34-38-3(1)).

Some general contractors (GCs) have drug and alcohol testing policies which cover all individuals who work on the specific contractor's jobsite. If the Company is required, as a condition of contract award, to abide by the terms and conditions of a GC's drug and alcohol policy, the Company will notify the interested Unions in writing prior to testing under the owner's policy. Generally, if a GC has a stricter drug testing policy and requires a Company employee to test under that policy, the GC's testing policy takes precedence for that test. If the GC's policy is less strict than the WPI Drug-Free Workplace Policy, then the WPI Drug-Free Workplace Policy takes precedence for that test.

Drug-Related Convictions

All employees must notify management of any criminal conviction for any drug-related offense occurring in the workplace, no later than five (5) days after such conviction.

Self-Referral

If an employee suspects that he/she has an alcohol or drug problem, the employee is expected to seek assistance for that problem from his or her Union health and welfare trust or another competent resource.

Reporting Use of Medications

Use of prescribed medicine according to the healthcare provider's instructions is not a violation of this policy. However, *it is a violation of federal law and of this policy to use other people's prescription medications*. It is also a violation of this policy to use medications in a way that is not consistent with the healthcare practitioner's directions.

Employees who take prescription medications with warning labels (regarding dizziness, drowsiness, or other impairment while using the medicine) are required to:

1. Discuss use of the medicine with their doctors, given the nature of their jobs; and
2. Inform Company management that they are using a medication with a warning label. Employees are not required to identify the name of the drug or the reason for using the drug.

Management may change an employee's employment status or job duties at its discretion.

Marijuana

Marijuana is a Schedule I controlled substance; its use is illegal under federal law. Some states permit marijuana for personal/recreational use or to treat medical conditions when authorized in writing by a licensed medical doctor ("medical marijuana"). In Utah, private employers are not required to accommodate the use of medical marijuana, nor is there a requirement to allow the use of marijuana generally. Therefore, in the interest of safe and effective job performance, the Company expressly prohibits possession or use of marijuana on company property or on company time as well as the presence of marijuana in employees' bodies while at work. It also prohibits being impaired by the use of marijuana to any discernible degree while at work. A positive test for marijuana may result in disciplinary action, up to and including termination of employment.

Use of cannabidiol (CBD) products does not excuse a test that is positive for tetrahydrocannabinol (THC). Employees are advised to consider this carefully when deciding whether to use CBD products.

Confidentiality

The Company shall take reasonable measures to safeguard the privacy of employees in connection with this policy, including maintaining the confidentiality of employees who come forward to discuss alcohol or drug abuse affecting them. Any person employed by the Company who voluntarily seeks assistance or rehabilitation for alcohol or drug related problems shall be granted amnesty, and discipline is waived for drug-related issues so long as the person continues to participate satisfactorily in the rehabilitation or counseling program.

Compliance with State & Federal Law

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



Administrative Rules

- 1. Designated Employer Representative (DER): The Designated Employer Representative has responsibility for managing the WPI Drug-Free Workplace Program. The current DER is:

WPI
 Sonja Savage
 26055 SW Canyon Creek
 Road Wilsonville OR 97070

Northwest Drug-Safe is the current Administrator of the Company’s Return-to-Work Program.

Administrator, Return-to-Work Program
 For Western Partitions, Inc.
 Northwest Drug-Safe
 1049 SW Baseline St Ste C325
 Hillsboro, OR 97123-4748
 503-297-4113 / Fax 503-297-4748

- 2. Collections: A consent form is completed prior to pre-employment testing. An Oral Fluid Test (with Alcohol) giving instant test results is ordinarily used. The manufacturer’s collection procedure shall be followed exactly for all collections. All inconclusive Oral Fluid tests will be confirmed by a urine sample sent to a laboratory certified by the US Dept of Health & Human Services (DHHS). The Company may elect to conduct standard urine drug testing through a DHHS-certified lab rather than an Oral Fluid test at its discretion.

When initial screening is conducted using a rapid screening method (eg oral fluid) and the test result is inconclusive (non-negative), WPI seeks to obtain a photographic record of the test result and to retain it for at least 60 days. The record is to be placed in a sealed envelope, signed by the tested individual, and stored in a secure location separate from the individual’s personnel record.

- 3. Testing Levels: The following are the test level cutoff values used for the drug classes routinely tested under the WPI Drug-Free Workplace Program in Utah.

		Test Level Cutoff Values		
		For Oral Swab Tests	For Standard Urine Tests/Breath Alcohol Tests	
Drug Name	Abbreviation	Screening Cutoff	Screening Cutoff	Confirmation Cutoff
Amphetamine	AMP	50 ng/ ml	500 ng/mL	250 ng/mL
Methamphetamine	mAMP	50 ng/ ml	500 ng/mL	250 ng/mL
Cocaine	COC	20 ng/ ml	150 ng/mL	100 ng/mL
Marijuana	THC	12 ng/ ml	50 ng/mL	15 ng/mL
Phencyclidine	PCP	10 ng/ ml	25 ng/mL	25 ng/mL
Benzodiazepines	BZO	10 ng/ ml	300 ng/mL	300 ng/mL
Oxycodone	OXY	20 ng/ ml	300 ng/mL	300 ng/mL
Methadone	MTD	30 ng/ ml	300 ng/mL	300 ng/mL
Barbiturates	BAR	50 ng/ ml	300 ng/mL	200 ng/mL
Alcohol (breath only)	ALC	≥0.02% BAC	≥0.04 g/210 L	≥0.04 g/210 L

Other drugs may be tested for under special circumstances.

4. Covered Employees: All employees of WPI in Utah are covered by this policy.
5. Reasons for Testing:
 - a. Pre-employment, periodic/contract-required: All new employees shall be tested no later than 5 days after beginning work. Current employees may be tested if general contractors require a test within a specified time prior to working on the general contractor’s job site (“Periodic” or “Contractor-required”). Managers are tested periodically to comply with Utah state law (Utah Code 34-38-3(1)).
 - b. Post-accident: Involvement in an on-the-job accident may require testing. Management will document the circumstances of each accident individually. If the employee’s actions or inactions can be completely discounted as a contributing factor to the accident, no testing will be conducted. When there is a reasonable possibility that drug use may have contributed to the accident, drug testing is conducted.
 - c. Reasonable suspicion: If there is reasonable suspicion, as defined in the policy, to believe that an employee is in violation of this policy, the employee is required to submit to drug and/ or alcohol testing.
 - d. Return to duty: After positive tests or refusals to test, employees must complete the WPI Return to Work Program in order to return to work. This includes provision of a negative return-to-duty test result.
 - e. Follow-up: After positive tests or refusals to test, employees are subject to unannounced tests in addition to other reasons for testing, not to exceed 4 tests per year for 2 years. Agreement to undergo such testing is a condition of compliance with this Policy after a violation.

6. Refusal to Test: Refusal to test will have the same consequences as a verified positive test result. Refusals to test include refusal to provide the required sample (including failure to proceed promptly for testing when directed to do so), refusal to cooperate with the testing process, or adulteration or substitution of a sample.

7. Inconclusive / Positive Test Results; Medical Review:
 - a. When an Oral Fluid test is inconclusive, the applicant or employee is directed to proceed immediately to an authorized collection site to provide a urine specimen for lab-based (standard) drug testing. If the inconclusive result was for alcohol, the collection site conducts a breath alcohol test using procedures consistent with the US Department of Transportation (DOT) testing (49 CFR 40).

 - b. Prior to taking the standard urine drug test or breath alcohol test, a full copy of the WPI Industry Drug-Free Workplace Policy must have been given to applicants to read. Such applicants must sign that they understand and are willing to abide by the Policy.

 - c. If applicants or employees fail the standard urine drug test or breath alcohol test, the applicant or employee must follow the process outlined within the WPI Drug-Free Workplace Policy to be eligible to return to work.

 - d. If the applicant or employee passes the standard urine drug test and/or the breath alcohol test and a job is available, he/she may begin or resume work.

8. Return to Work Process: See “Return to Work Program” in Policy section (above).

9. Confidentiality of Results: Test results and information relating to evaluation, education, and substance abuse treatment will be retained in secure and confidential files. All concerned parties are expected to release information concerning the Drug-Free Workplace Program only to authorized parties with a need to know, or with specific written authorization from the tested individual.

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