

**WALLS & CEILINGS INDUSTRY**

**DRUG-FREE WORKPLACE POLICY**

**&**

**ADMINISTRATIVE RULES**

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**WALLS & CEILINGS INDUSTRY  
DRUG-FREE WORKPLACE POLICY & ADMINISTRATIVE RULES**

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## **WALLS & CEILINGS INDUSTRY DRUG-FREE WORKPLACE POLICY**

**[Employer Name]**, hereinafter referred to as the Company, shall be defined in this policy to include corporations, partnerships, and sole proprietorships. 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 in order to maintain a safe environment, the Company must have a greater concern for employee alcohol and drug use than other employers. The Carpenters Union, the Painters Union, the Plasterers Union and the Laborers Union, hereinafter referred to as the Union, the Associated Wall and Ceiling Contractors, and the Company are firmly committed to eliminating all of the problems associated with employee alcohol and drug abuse.

The Company also recognizes the need to avoid unnecessary intrusion into employee's 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, not only as personnel problems. Lastly, the Union, the Associated Wall and Ceiling Contractors and the Company believe that the goals of its alcohol and drug policy should include education, prevention, and rehabilitation. To achieve these objectives, all the Company employees must adhere to each of the following rules and regulations:

### **Rules**

The use of alcohol or drugs by employees during working hours or on the job site or on company property (including company vehicles) is absolutely prohibited. 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 to any degree.
- 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 having a verified positive test.
- d. The term "verification card" means a laminated, wallet-size card describing a specific drug test. Verification cards normally show the employee's first name, last name, an ID number, and the collection date of the test. The cards also show whether THC was reported for the test.
- e. In the event that any person taking medically authorized or prescribed drugs is to be tested for alcohol or drugs pursuant to this policy, that person must be prepared to substantiate authorization from his or her health care provider to use the prescription drugs.
- f. This policy applies to all employees of the company, including maintenance, sales, clerical, management, part-time (20 hours per month or more) as well as all applicants for any such position, except those employees who are required to participate in a corporate drug testing program or a drug testing program through unions other than those listed above.
- 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, job sites, 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 to be covered under this policy.

### Consequences of Violations

If an employee tests positive or refuses to test, he or she will be removed from the job.

Management shall require that employees who have tested positive for alcohol or drugs or who refuse to test complete three conditions before returning to work:

1. Evaluation 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 Program Administrator will monitor the return-to-work process. With documentation from the evaluator and a negative test, the employee may return to work if a job is available.

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

### Reasonable Suspicion Testing

The term "reasonable suspicion" shall for the purposes of this policy be defined as specific, articulable observations concerning work performance, appearance, behavior or speech of the employee which would cause a trained 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 Company representative as part of a reasonable suspicion determination.

When reasonable suspicion exists that an employee is in violation of this policy, the employee shall be required by management to submit to drug and/or alcohol testing. In the event of a positive test result or refusal to test, the employee shall be required to participate in a return-to-duty process. If an employee refuses to participate in the testing as outlined in the policy or if an employee's test results are positive and the employee refuses to seek rehabilitation or completion of a rehabilitation program, that employee is subject to prompt termination.

### Other Testing

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

All new employees shall be tested if they have no verification card. Any employee whose card date has a lapse time of greater than six months when changing employers will be deemed to be a new hire and will be required to retest. Employers may test new hires who have current cards when written company procedures call for testing of all new hires.

The Walls and Ceilings Industry Drug-Free Workplace Policy requires all covered employees to participate in random drug testing. This computer selection procedure shall be administered by the Program Administrator. It is the intent of this policy that all employees shall be systematically tested at least one time per calendar year. The names of employees who have tested positive or refused to test and successfully complete education and/or rehabilitation shall be returned to the group of employees subject to random selection for testing.

Many general contractors have drug and alcohol testing policies which cover all individuals who work on the specific contractor's job site. If a general contractor has a stricter drug testing policy and requires our employee to test under that policy, it will take precedence for that test. If the general contractor's policy is less strict than the Walls and Ceilings Industry Drug-Free Workplace Policy, then the Walls and Ceilings Industry Drug-Free Workplace Policy will take 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, either from an Employee Assistance Program, his/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.

Medical marijuana is not a prescription medicine. While its use may be authorized under state laws, it is prohibited under Federal law. Marijuana use is not acceptable under this Policy for any reason.

Applicants and employees have the opportunity to discuss positive drug test results due to prescription medications with the Company's Medical Review Officer (MRO) before results are reported to the Company (see Administrative Rules).

### 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.

Amendments

Any amendments to this policy shall be the unanimous product of the Company, the Union, the Associated Wall and Ceiling Contractors and the Labor-Management Committee, and will automatically become an amendment to the company policy upon written notice.

Joint Labor-Management Governance

This Walls and Ceilings Industry Drug-Free Workplace Policy as adopted by the Company will be governed under joint labor management committee administrative rules. The parties to the agreement reserve the right to change the administrative rules and/or the Walls and Ceilings Industry Drug-Free Workplace Policy through the joint labor management process. In addition, the grievance procedures outlined in the collective bargaining agreement are available to all collective bargaining employees or employers who may have a complaint in regard to the policy and/or administrative rules. Non-collective bargaining personnel shall be subject to internal company discipline procedures. This policy and the administrative rules shall be subject to and subordinate to the collective bargaining agreement.

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**WALLS & CEILINGS INDUSTRY DRUG-FREE WORKPLACE**

**ADMINISTRATIVE RULES**

- 1. Program Administrator: The Program Administrator shall be an objective third party which has responsibility for managing the Walls & Ceilings Drug-Free Workplace Program, including performing random selections and overseeing the return-to-duty process. The current Program Administrator is:

Northwest Drug-Safe  
1049 SW Baseline St Suite C325  
Hillsboro OR 97123-3848  
503-297-4113 • FAX 503-297-4748

- 2. Collections: "Split specimen" collections will be performed using procedures consistent with 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

In the split specimen collection procedure, a urine specimen is divided or "split" between two shipping bottles, both of which are transported to the testing laboratory. If the results of the initial screening and confirmation tests of the "primary" specimen are positive, the split specimen may be tested at another qualified laboratory at the expense of the tested individual.

- 3. Testing/levels:

Initial and confirmatory test cutoff levels in urine for the drug classes tested under the Walls & Ceilings Industry Drug-Free Workplace Program are shown below. Other substances may be tested for if, in the judgment of the Medical Review Officer, such testing is merited for safety reasons.

Dilute urine specimens (creatinine <20 g/L, specific gravity < 1.003) are considered unacceptable. A written protocol describing the procedures for recollection is available upon request.

Post-accident and reasonable suspicion oral fluid testing will use Federal cutoffs as available; otherwise, it will use those established by the certified laboratory where the testing is conducted.

For breath alcohol testing, the cutoff is 0.02 g/210 L for both initial and confirmatory testing.

Initial test analyte	Initial test cutoff <sup>1</sup>	Confirmatory test analyte	Confirmatory test cutoff concentration
Amphetamines			
Amphetamine/Methamphetamine.....	500 ng/mL.....	Amphetamine.....	250 ng/mL
		Methamphetamine.....	250 ng/mL
Barbiturates.....	200 ng/mL.....	Barbiturates.....	200 ng/mL
Benzodiazepines.....	200 ng/mL.....	Benzodiazepines.....	200 ng/mL
Cocaine metabolite (Benzoylecgonine)....	150 ng/mL.....	Benzoylecgonine.....	100 ng/mL
Marijuana metabolites (THCA) <sup>1</sup> .....	50 ng/mL.....	THCA <sup>1</sup> .....	15 ng/mL
Opioids			
Codeine/Morphine.....	300 ng/mL.....	Codeine.....	2000 ng/mL
		Morphine.....	2000 ng/mL
Hydrocodone/Hydromorphone.....	300 ng/mL.....	Hydrocodone.....	100 ng/mL
		Hydromorphone.....	100 ng/mL
Oxycodone/Oxymorphone.....	100 ng/mL.....	Oxycodone.....	100 ng/mL
		Oxymorphone.....	100 ng/mL
6-Acetylmorphine.....	10 ng/mL.....	6-Acetylmorphine.....	10 ng/mL
Phencyclidine.....	25 ng/mL.....	Phencyclidine.....	25 ng/mL
Ethanol (alcohol).....	0.04 g/L <sup>2</sup> .....	Ethanol (alcohol) (urine).....	0.04 g/L <sup>2</sup>
	0.02 g/210 L <sup>3</sup> .....	Ethanol (alcohol) (breath).....	0.02 g/210 L <sup>3</sup>

<sup>1</sup> Δ-9-tetrahydrocannabinol-9-carboxylic acid (THCA) is the target analyte for marijuana testing. THC is reported by contractor or employee request; otherwise, THC is not reported.

<sup>2</sup> Cutoff in urine

<sup>3</sup> Cutoff in breath

- Marijuana (THC) testing: All urine specimens are tested for the psychoactive ingredient in marijuana products (tetrahydrocannabinol or THC). However, the presence of THC is only reported by the Program Administrator if such reporting is specifically requested by the employee or the employer in writing.

When requesting a dispatch, it is the employer’s responsibility to notify the Union if THC testing is required. The Union shall give its members the opportunity to refuse the dispatch without negative consequences.

Employers are required to notify current employees in writing when there is a requirement for THC testing prior to assignment to a job or job site. Employees may refuse the assignment, but if an employer does not have another job available, such employees may need to return to the out-of-work list. Other than this possible consequence, there shall be no negative consequences for employees (for refusing an assignment) or for employers (for replacing the employee) in this situation.

THC reporting is mandatory for reasonable suspicion and post-accident tests.

Tests which include THC reporting are documented as such on the verification card. Likewise, tests for which THC is not reported are designated as such on the verification card.

- Laboratory: Drug testing will be performed by a laboratory certified by the Substance Abuse & Mental Health Services Administration (SAMHSA) of the US Department of Health and Human Services (DHHS). The current primary laboratory is:

Legacy Laboratory Services                      (503) 413-5200  
1225 NE 2nd Avenue  
Portland OR 97232

6. Covered employees: All employees of companies adopting the Walls & Ceilings Industry Drug-Free Workplace Policy are covered by the Policy except those employees who are required to participate in a corporate drug testing program or a drug testing program through unions other than those listed in the Policy.

7. Reasons for testing:

- a. Pre-duty: All new employees shall be tested if they have no verification card. Any employee whose card date has a lapse time of greater than six months when changing employers will be required to be tested. Employers may also test new hires who have current cards when written company procedures call for testing of all new hires.
- b. Periodic: Current employees may be tested if their card dates have a lapse time of greater than six months.
- c. Contract-required: Current employees may be tested to meet the specific requirements of general contractors.
- d. Random: The expected annualized rate of random testing shall be 25% unless changed by the Labor-Management Committee. Each employee will be given an approved verification card indicating the date of the random test.
  - (1) If a participant's name is drawn while he/she is on vacation, out sick, or working out of the jurisdiction for a short period, he/she shall be required to take the test as soon as possible upon return to work.
  - (2) Random testing may occasionally be conducted out of the jurisdiction when it is practical and when the employee is on a long-term work assignment, subject to limitations and/or conditions provided by applicable statutes and policies of that local jurisdiction.
  - (3) If an individual is not currently employed when the selection was received, is on extended medical leave, or is working at an unusually distant site where testing is not feasible when selected, his/her name is returned to the computer database for future selection.
- e. 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 will be conducted. After individualized investigation, post-accident testing will also occur when required by contract.

Whenever feasible, an oral fluid specimen will be used for post-accident testing in addition to a urine specimen. Oral fluid testing will use a split specimen and be conducted at a certified laboratory. In most cases, a negative oral fluid test result supersedes a positive urine test result for the purposes of disciplinary action.

- f. Reasonable suspicion: If there is reasonable suspicion, as defined in the policy, to believe that an employee is in violation of the policy, the employee shall be required to submit to drug and/or alcohol testing.

Whenever feasible, an oral fluid specimen will be used for reasonable suspicion testing in addition to a urine specimen. Oral fluid testing will use a split specimen and be conducted at a certified laboratory. In most cases, a negative oral fluid test result supersedes a positive urine test result for the purposes of disciplinary action.

- g. Return to duty: After positive tests or refusal to test, employees must test negative in order to return to work.
  - h. Follow-up: After positive tests or refusal to test, employees are subject to unannounced tests in addition to other reasons for testing, not to exceed 4 tests per year for two years. The Program Administrator contacts employees directly (eg by text message or telephone) to undergo follow-up testing on their own time. Agreement to undergo such testing is a condition of compliance with this Policy after a violation.
  - i. Job site: Testing of a work group may occur at the discretion of company management, following random selection, or upon credible reports of drug use at the job site.
8. Time constraints for testing: Employees are expected to proceed directly to an authorized collection site when directed to test by a company official. Supervisors must notify employees of selection for random testing no later than two hours before the end of the work shift. Employees will be paid for one hour to take the test.
9. 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, refusal to cooperate with the testing process, or adulteration or substitution of a urine sample.
10. Positive test results/refusals/medical review:

Laboratory positive test results are reported to the Program Administrator. The Program Administrator determines whether to forward the result to the Medical Review Officer (MRO). Tests which are positive for any drug except THC are promptly forwarded. If the employee or employer has requested THC testing in writing, tests which are positive for THC are forwarded to the MRO. If no written request has been received, the Program Administrator will not forward tests which are positive for THC-only to the MRO.

The MRO is a physician with special expertise and training in evaluating drug test results. The MRO or his/her designated representative will attempt to contact the applicant/employee confidentially, using the telephone number provided on the drug testing custody and control form. If the MRO is unable to establish contact within two (2) business days after receiving the positive test result from the Program Administrator, the MRO will notify the Program Administrator, who will ask the authorized Company representative to arrange a confidential conversation between the tested individual and the MRO.

The MRO will conduct an interview to determine if the positive test result was due to use of prescription medication by the person for whom it was prescribed (authorized use of a controlled substance). The MRO will report the test as NEGATIVE with confirmation of a valid prescription by the health care provider or pharmacy.

If a positive test result is due to use of illegal drugs, use of prescription medications without a valid prescription, or the presence of alcohol above the cut-off level, the MRO will verify the test as POSITIVE. The MRO will immediately notify the Program Administrator, who will promptly notify the Company. If a positive test involves use of a prescription medication but not according to the healthcare provider's written directions, the MRO may report such use to the Company.

If the MRO expresses a safety concern regarding an employee's use of an impairing medication, the Program Administrator shall report this concern to the employer.

A documented attempt to tamper with a test or to substitute a specimen will be considered a refusal to test. Adulteration or substitution of a specimen is considered refusal to test, and is reported by the laboratory only with firm scientific evidence. In such cases, the MRO is not required to contact the applicant/employee. If the testing facility determines that a specimen is invalid because it does not contain appropriate amounts of any substance normally found in

urine, then the test will be treated as an adulterated/substituted specimen after review by the MRO.

11. Return to work process:

The Program Administrator will monitor the return-to-work process on behalf of the Company.

Upon notification of a verified POSITIVE test result or refusal to test, the Company must inform the employee and remove him/her from work. This must be done in a confidential manner. The employee must meet three (3) conditions in order to be eligible to work for the Company:

1. Be evaluated by a qualified counselor,
2. Agree to participate in education and/or counseling as recommended by the evaluator, and
3. Provide a negative return-to-duty test.

It is the employee's responsibility to schedule an evaluation appointment with a licensed or certified counselor and to authorize the evaluator to communicate with the Program Administrator.

The employee must ordinarily commit to an educational program or course of treatment in order to be released to work. Some or all of the expense of the evaluation, education and treatment may be covered by the individual's health benefits; however, it will be the individual's responsibility to arrange for payment. If an employee fails to comply with the educational program or course of treatment recommended by the evaluator, the Program Administrator so informs the employer. The employer then suspends the employee's employment until the employee returns to compliance.

The Walls & Ceilings Industry Drug-Free Workplace Program will pay for one return-to-duty test. If a return-to-duty test is verified as POSITIVE or the employee refuses to test (including failure to complete a collection, adulteration or substitution), the employee must pay for any subsequent return-to-duty tests.

12. Appeal:

When notified of a verified positive test result, the Company representative will inform the employee that he or she has the right to have the urine sample independently examined by a certified laboratory of his or her choice, at his or her expense, within 30 days.

13. 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.