



Western Partitions, Inc.
Drug-Free Workplace Policy & Administrative Rules
Wyoming Regional Office

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**WESTERN PARTITIONS, INC.
DRUG-FREE WORKPLACE POLICY & ADMINISTRATIVE RULES**

Wyoming Regional Office

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WESTERN PARTITIONS, INC. DRUG-FREE WORKPLACE POLICY

Wyoming Regional Office

Introduction

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.** (or "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.

The Company respects and seeks to follow union guidance about drug and alcohol testing.¹ 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. Its use is illegal in Wyoming.

WPI recognizes the need to avoid unnecessary intrusion into employee's private lives and to assure employee privacy and confidentiality to the greatest extent possible. The Company also acknowledges that some cases of substance abuse must be dealt with as illnesses requiring medical treatment, not only as personnel problems. Lastly, WPI believes that the goals of its alcohol and drug policy should include education, prevention, and rehabilitation. To achieve these objectives, Company employees who are present, or perform work, on WPI job sites in Wyoming 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 applicable collective bargaining agreements.

- a. WPI prohibits the unlawful manufacture, distribution, possession and use of controlled substances.
- a. For the purposes of this policy, 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. If 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 health care provider to use the drugs.
- e. This policy applies to all employees of the Company who are present, or perform work, on WPI job sites in Wyoming, including field, maintenance, sales, management, part-time (20 hours per month or more) as well as all applicants for any such position.

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

- f. 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 includes scheduled breaks and travel to work or from one workplace to another. Drug/alcohol testing is work time for the purposes of compensation and benefits for current employees.
- g. 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 Company facilities if the employee is present on such property for a work-related purpose.
- h. An employee's private property, such as lunch boxes, toolboxes, 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).
- i. Events attended voluntarily are not considered to be covered under this policy.

Methods of Testing

Ordinarily, drug 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 there is an inconclusive result for alcohol, the collection site conducts a breath alcohol test using procedures consistent with the US Department of Transportation (DOT) testing (49 CFR 40).

Following an inconclusive result, 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 to become eligible for hire or for return to work.

The Company may elect to test an applicant using a standard drug test before hire.

Consequences of Violations

Any employee who has violated this policy shall be subject to discipline. Discipline of bargaining unit members shall be in accordance with applicable collective bargaining agreements.

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 Procedure

The return-to-work process is described below (page 8). The Company's consulting Program Administrator monitors the process. With recommendations from the evaluating counselor and a negative test, the employee may be permitted to return to work at WPI's discretion if a job is available.

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 of employment.

Other Reasons for Testing

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

All new employees shall be tested within three days of hire.

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 a WPI employee to test under that policy, it will take precedence for that test. If the general contractor's policy is less strict than this policy, and if acceptable to the general contractor, then this 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 his/her union health and welfare trust, the Company Designated Employer Representative, 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.

Applicants and employees can 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).

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"). Wyoming does not permit such use.

The Company expressly prohibits possession or use of marijuana or marijuana products on company property or on company time. It also prohibits being impaired by the use of marijuana or marijuana products to any discernible degree while at work.

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

WPI maintains this Drug-Free Workplace program such that all information, interviews, reports, statements, memoranda and test results are considered to be confidential communications that may not be disclosed to anyone except:

1. The tested employee,
2. A designated representative of WPI (i.e. "Designated Employer Representative," representative of WPI's professional drug testing management firm), or
3. In connection with any legal or administrative claim arising out of WPI's implementation of the policy under Wyoming statutes.

While investigating a drug test result, the MRO may obtain information unrelated to the use of a controlled substance or alcohol from employees. Such information is held in strict confidence by the MRO and is not released to the Company unless the MRO believes the information gives reason for the employer to be concerned about safety of the employee or the employee's co-workers.

WPI 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 for alcohol- or drug-related problems shall be granted amnesty and discipline is waived for drug-related issues so long as the person discloses the problems before being notified of the requirement to test and continues to participate satisfactorily in a 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 and its partner unions and will automatically become an amendment to the Company's Wyoming policy upon written notice.

Joint Labor-Management Governance

This policy is governed under joint labor management committee administrative rules. The parties to the agreement reserve the right to change the administrative rules and/or the policy through the joint labor management process. In addition, the grievance procedures outlined in applicable collective bargaining agreements are available to all collective bargaining employees 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 are subject to and subordinate to applicable collective bargaining agreements.

WESTERN PARTITIONS, INC. DRUG-FREE WORKPLACE

ADMINISTRATIVE RULES

Wyoming Regional Office

Consulting Program Administrator

The consulting Program Administrator shall be an objective third party which has responsibility for managing the technical aspects of testing under this policy and overseeing the return-to-duty process. The current consulting Program Administrator is:

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

Collections; Split Specimens

A consent form is completed prior to pre-employment testing.

Initial drug screening may be conducted using a rapid screening method (oral fluid or urine). Any specimen which shows an inconclusive result is documented. The tested individual is then referred to the nearest authorized clinic / collection site for a laboratory drug test, as described below.

For laboratory testing, a "split specimen" collection is performed using procedures consistent with 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs." The 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. This is a retest of the same sample. If a split collection was not performed, a re-test may be conducted.

The employee or prospective employee must request the split test within seven (7) business days from the date the Company notifies him or her of a positive test. The cost of split specimen testing is paid by the tested individual, with reimbursement by WPI if the split test result fails to confirm the original test result.

Testing

When initial screening is conducted using a rapid screening method (oral fluid or urine) 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.

Individuals whose specimens have had inconclusive results on initial screening are referred to the nearest authorized clinic or collection site for a laboratory drug test. The specimen is forwarded to a laboratory certified by the Substance Abuse & Mental Health Services Administration (SAMHSA) of the US Department of Health and Human Services (DHHS).

Initial screening and confirmatory test cutoff levels in urine for the drug classes tested under the WPI Drug-Free Workplace Policy & Administrative Rules are shown on the last page of this document. Laboratory oral fluid testing cutoff levels will follow the standards of 49 CFR Part 40.

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.

In Wyoming, the Company may use saliva or breath sampling to test for alcohol. For breath alcohol, the testing cutoff is 0.02 g/210 L for both initial and confirmatory testing, but only confirmed results of greater than 0.04 g/210 L give rise to disciplinary consequences.

Laboratory

Initial drug screening may be conducted using a rapid screening method (oral fluid or urine) or by laboratory testing. Laboratory testing is performed at a laboratory certified by the DHHS. Confirmatory testing of non-negative or inconclusive screening tests is always conducted by DHHS-certified labs. Confirmed positive samples are retained by the testing laboratory according to the retention requirements of 49 CFR Part 40.

The current primary laboratories are:

Clinical Reference Laboratory (CRL)
8433 QUIVIRA RD
LENEXA KS 66215
Tel: 800-445-6917

Quest Diagnostics
101 RENNER BLVD
LENEXA KS 66219
Tel: 800-877-7484

Other SAMHSA / DHHS-certified laboratories may be used as needed to ensure rapid turnaround of test results.

Covered Employees

All WPI employees in Wyoming who are present, or perform work, on WPI job sites are covered by this policy, including field, maintenance, sales, management, part-time (20 hours per month or more) as well as all applicants for any such position.

Reasons for Testing

- a. 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. The employee will be transported to the collection site to provide specimens or a collector may come to the job site. After the employee provides specimens, management will arrange for safe transportation to the employee's residence. The employee will be off duty until the test results are received. This time is paid if all test results are negative and unpaid if test results are positive or constitute refusal to test.
- b. Pre-employment: All new employees shall be tested within three days of hire.
- c. Contract-required testing: Some general contractors have drug and alcohol testing policies which cover all individuals who work on the specific contractor's job site. WPI conducts testing when it is required as a condition of a contract.
- d. Post-accident: Involvement in a workplace accident involving death, physical injury or property damage may require testing. Management will document the circumstances of each accident individually. If there is reason to believe that the employee may have caused or contributed to the accident, post-accident testing will be conducted. If the employee's actions or inactions can be completely discounted as a contributing factor to the accident, no testing will be conducted.
- e. Return to duty: After positive tests or refusal to test, employees must test negative in order to return to work.
- f. 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 during the 12 months after return to work. Agreement to undergo such testing is a condition of employment after a violation.

Time Constraints for Testing

Employees are expected to proceed directly to an authorized collection site when directed to test by a Company official. Failure to appear at the collection site within a reasonable period of time constitutes refusal to test. Time spent testing is considered to be work time.

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, provision of an invalid specimen without a medical explanation (as determined by the Medical Review Officer), or adulteration or substitution of a urine sample.

Positive Test Results/Refusals/Medical Review

Laboratory-positive test results are transmitted to the Medical Review Officer (MRO). The MRO is a physician with special expertise and training in evaluating drug test results. The MRO or his/her designated representative attempts to contact applicants/employees confidentially, using the telephone number provided on the drug testing custody and control form. If the MRO is unable to establish contact within three (3) business days after receiving a positive test result from the lab, the MRO contacts the consulting Program Administrator, who asks the Designated Employer Representative to arrange a confidential conversation between the tested individual and the MRO.

The MRO or his/her staff member conducts 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 may 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 prohibited drugs or use of prescription medications without a valid prescription, the MRO verifies the test as POSITIVE. The MRO staff then promptly notifies the consulting Program Administrator, who in turn notifies the Designated Employer Representative. 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 has a safety concern regarding an employee's use of an impairing medication, the MRO shall report this concern to the Company.

A documented attempt to tamper with a test or to substitute a specimen is 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. If the laboratory 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.

Return to Work Process

When the Company receives notification of a verified positive test result or refusal to test, the Company promptly removes the employee from work in a confidential manner. The employee's employment is ordinarily suspended but may be terminated based on job-related factors as documented by one or more WPI managers. When return to work is offered, WPI requires that the employee complete three conditions to become eligible for reinstatement:

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 Company's consulting Program Administrator monitors the return-to-work process. 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 consulting Program Administrator.

The employee must agree to follow the counselor's recommendations as a condition of return to work. This may include an educational program or substance abuse treatment. Some or all of the expense of the education or treatment may be covered by the employee's health benefits; however, it will be the employee's responsibility to arrange for payment.

The WPI Drug-Free Workplace Program will pay for one return-to-duty test. If a return-to-duty test is verified as positive, the employee must pay in advance for any subsequent return-to-duty tests.

Agreement to complete the return-to-work process is a necessary condition for return to work, but it does not guarantee re-hire. The employee may be permitted to return to work at WPI's discretion if a job is available.

Appeal

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

Records

A statement regarding confidentiality in the Drug-Free Workplace program is found on page 4 of this document.

Test results and information relating to evaluation, education and substance abuse treatment will be retained in secure and confidential files. WPI expects all concerned parties 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.

Applicants and employees have the right to request and obtain written test results within sixty (60) days after providing a specimen for testing. Written requests should be directed to the consulting Program Administrator.

Testing Panel/Cutoffs

The following are initial (screening) and confirmatory cutoffs for urine drug testing and alcohol testing. Oral fluid drug testing cutoffs are set by the manufacturer or, for laboratory testing, consistent with the standards of 49 CFR Part 40.

Initial test analyte	Initial test cutoff ¹	Confirmatory test analyte	Confirmatory test cutoff
Marijuana metabolites (THCA) ^{1,2}	50 ng/mL ³	THCA ^{1,2}	15 ng/mL ³
Barbiturates.....	200 ng/mL.....	Barbiturates.....	200 ng/mL
Benzodiazepines.....	200 ng/mL.....	Benzodiazepines.....	200 ng/mL
Cocaine metabolite (Benzoylecgonine)....	150 ng/mL ³	Benzoylecgonine.....	100 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
Amphetamines			
Amphetamine/Methamphetamine.....	500 ng/mL.....	Amphetamine.....	250 ng/mL
		Methamphetamine.....	250 ng/mL
Ethanol (alcohol).....	40 mg/dL ⁴	Ethanol (urine).....	40 mg/dL ⁴
	0.02 g/210 L ⁵	Ethanol (breath).....	0.02 g/210 L ⁵

¹ An immunoassay must be calibrated with the target analyte, D-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

² For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

³ *Alternate technology* (THCA and Benzoylecgonine): When using an alternate technology initial test for the specific target analytes of THCA and Benzoylecgonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylecgonine).

⁴ Cutoff in saliva.
⁵ Cutoff in breath.