



Substance Abuse Policy

By and Between Members of

Mechanical Contractors Association of Kansas City
and
Plumbers & Gasfitters Local Union No. 8
and
Pipe Fitters Local Union No. 533
of the
United Association of Journeymen and Apprentices
of the Plumbing and Pipefitting Industry of the United States and Canada

June 1, 2023

Substance Abuse Policy

Effective: June 1, 2023

This Substance Abuse Policy has been adopted and implemented pursuant to negotiations between the **Pipefitters Local No. 533, Plumbers Local No. 8** (hereinafter referred to as the "**Unions**") and Mechanical Contractors Association of Kansas City (hereinafter referred to as the "**Association**"). It is understood that Signatory Contractors shall be bound by this policy under the current Collective Bargaining Agreements. Those members are hereinafter referred to as "**Contractor**" or "**Employer.**" Should any dispute arise with respect to the application or implementation of this Policy between workers employed pursuant to the collective bargaining agreements and their respective Employer such disputes shall be handled in accordance with the Joint Conference Board Procedure provisions of the Collective Bargaining Agreements.

PURPOSE

It is our policy to provide a safe and healthful workplace for all employees. The purpose of this policy and program is to establish and promote a safe, efficient and productive working environment for all employees by providing a workplace and workforce free from illegal drug as well as misuse of alcohol or controlled substances.

This policy shall apply to all employees performing work covered by the Collective Bargaining Agreements. Each Employer shall have in place a similar policy which shall apply to all other employees. All Signatory Contractors will certify that they have tested all non-collective bargaining unit personnel in their offices in accordance with the Substance Abuse Policy. Certification shall be through a form filled out every six months and forwarded to the Association. The certification form shall be provided to all Signatory Contractors by the Association.

It is understood that where other labor organizations are involved the Employer will be required to exert its best efforts to comply with this provision. The Unions and Employers intend that this policy shall be a common policy throughout the jurisdiction of the Unions involved. It is further intended that this policy, as written, shall be available to all Employers performing work within the jurisdiction.

POLICY

The use, sale, possession, transfer, manufacture or distribution of illegal drugs, intoxicants and controlled substances is prohibited in or on the Employer's property, job sites or vehicles. Any violation of this provision is cause for immediate discipline, up to and including discharge, as provided herein.

Employees shall not report to work under the influence of any drug, alcoholic beverage, intoxicant, narcotic or other substance which may adversely affect their ability to work or jeopardize the safety of themselves or others. Any violation of this provision is cause for immediate discipline, up to and including discharge, as provided herein. For the purpose of the policy, any employee who tests positive pursuant to the procedures set forth in this policy will be considered "under the influence" and in violation of this substance abuse policy, regardless of whether the use occurred on or off company premises.

It is considered to be a violation of this policy for Employees to report to work or to enter onto any Employer premises while under the influence of alcohol and/or legal or unauthorized drugs. Failure to submit to any drug/alcohol testing under this policy including but not limited to failure to report in a timely manner to a collection site, sign any approved required consent form or otherwise fully cooperate in the collection of any urine specimen, is also strictly prohibited. Any Employee who violates this policy will be subject to disciplinary action, up to and including, immediate termination.

OPTIONAL TESTING METHODS

All current members and employees, including office or salaried employees that have not been previously tested by their employer, will be required to participate in an initial drug screening test upon implementation of this substance abuse policy. The test is required as a condition of employment, and all employees must provide a written authorization and consent form allowing the testing facility to conduct the test. The member or employee has an option to take a urine test or an oral swab at their discretion (The Non-instant Swab Test). For temperature out of range, insufficient quantity, or a dilute negative test result, testing automatically reverts to oral swab. Upon successfully completing the drug screening, the employee will be notified of test

results indicating the date of the negative test and the results will be entered into a secure password-protected database. The Unions and the Association shall jointly select the testing agency which shall be SAMSHA approved.

Certain circumstances support substance testing as a warranted vehicle for determining possible impairment. These include:

1. Pre-employment testing.
2. Random testing.
3. Periodic testing.
4. Probable cause testing.
5. Work opportunities mandated testing.
6. Post accident or injury testing.

Pre-Employment Testing: The screening of prospective employees will be implemented to ascertain whether an applicant is capable of safely performing the duties of and meeting the prerequisite for the employment offered. Employees subject to the Collective Bargaining Agreements will be subject to screening unless they are compliant and can show they have had a negative test, in accordance with the terms of this plan, within the six months prior to reporting to a new Employer for work.

Random Testing: Each year, thirty-five percent (35%) of the active membership will be required to participate in a drug screening test, as outlined in the Substance Abuse Policy. A portion of the 35% total will be selected each month by a computer-generated random drawing, and employees whose names are drawn will be required to test, as a condition of employment. They must provide a written authorization and Consent Form allowing testing facility to conduct the test. Failure to complete a drug test will result in non-compliance.

Periodic Testing: Anyone not tested in a 24-month period will be selected.

Policy for Random Testing Program

- Every eligible employee will complete the member information sheet

that will be sent to a Third Party Administrator (hereinafter referred to as “**TPA**”).

- Once the Member information sheet is received at **TPA**, the employee's information will be entered into a secure password-protected database.
- Once selected from the Random Pool the member will have 48 hours after being notified to complete the drug screen process, and selections will be made on Mondays, Tuesdays and Wednesdays. Alternatively, a mobile collection unit may be deployed to take samples at the jobsite. If the mobile unit arrives at the jobsite and the member is not present, the contractor and member will both be notified, and the member will be considered non-compliant and unable to go back to work until they take a drug test.
- **TPA** will call the Member's home and/or cell. In the case of mobile collection, **TPA** will contact the employer first to determine where the member is working. If the member is no longer in the contractor's employ, **TPA** will contact the **Union** and ascertain whether the member is in the employ of another contractor or laid off. The member will be notified they have been chosen to take a random drug test when the mobile unit arrives at the site where the employee is working.
- The mobile collection may only be used in the following counties. Kansas: Leavenworth, Johnson, Wyandotte, and Miami. Missouri: Cass, Platte, Clay, Jackson, Lafayette, and Ray.
- **Unions** office will send monthly data reports to **TPA** to update member contacts.
- **Unions** and Contractor will notify **TPA** when a local member leaves the area and returns.
- 1/12 of 35% of the active members will be selected for testing each month.
- CBA Employees who are employed in the local Unions' jurisdiction will be in the mix.
- Association will send **TPA** a list of all Employers.

Probable Cause Testing: Substance testing can be implemented when there is "probable cause." Probable Cause shall be defined as those circumstances, where there is reasonable suspicion or belief, based on

objective evidence about the employee's conduct in the workplace that would cause a reasonable person to believe that the employee is demonstrating signs of impairment due to alcohol or drugs. Examples of objective evidence include, when an employee shows signs of impairment such as difficulty in maintaining balance, slurred speech, erratic or atypical behavior, or otherwise appears unable to perform his/her job in a safe or satisfactory manner. The examples noted must be observed and documented by the employee's supervisor and confirmed by the observation and documentation of at least one other supervisory or managerial person. All supervisory and managerial personnel making "probable cause" determinations shall be trained in accordance with this policy.

Work Opportunity Mandated Testing: In all situations where an employer is required to agree to a testing program in order to perform work on the project, testing may be required, but only performed in accordance with these standards or the owner's standards and applied uniformly to all personnel having access to the workplace. There shall be no discrimination against any employee who refuses a job assignment to a project that has drug testing.

Post Accident or Injury Testing: Screening may also be required after any work-related, OSHA reportable, accident or injury, or when damage to company property or other physical damage occurs on company premises, at a job site, or under other work related circumstances, where human error may have been a factor. Post accident testing will include both alcohol and drug testing.

Testing Levels: Current Department of Transportation Thresholds Limits will be used for both drug and alcohol limits.

Testing Cost: The cost of Pre-Employment, Periodic, and Random Testing for Unions' members shall be paid by the MCA Industry Fund. Probable Cause and Post Accident Testing will be paid for by the Employer. After testing positive, the testing cost for any employee will be paid for by that employee, until they have successfully passed a drug test making them eligible to again perform work covered under the CBA.

Follow-up testing required by the Employee Assistance Program during the twelve months after a positive test shall be paid by the MCA Industry Fund, if those tests are negative. Tests will be conducted during scheduled day shift hours on the employer's time if costs are paid for by the MCA Industry Fund or by the employer, unless the employee being tested waives this requirement, or the employee is taking a follow-up test after testing positive. All testing laboratories utilized shall be SAMSHA certified.

TEST RESULTS

The Medical Review Officer (hereinafter referred to as the "MRO"), who shall be a licensed physician, will review the test results before they are reported. If a test is returned non-negative, the MRO will reach out to the donor directly to obtain any prescription drug information that would validate the substance found in the sample. If the MRO determines there is legitimate medical explanation for the positive test result, the MRO will report the test result as negative.

If the Employee expressly declines the opportunity to discuss the results of the test, or the Employee cannot be reached after reasonable effort by the MRO, the MRO may advise the designated representative of the Employer of a positive test result without having communicated with the Employee about the test results. The MRO will report whether an Employee's test was positive or negative, and if positive, the identity of the substance(s) for which the test was positive.

Any member with a dilute negative result should be contacted and informed that they need to present for another oral swab drug screen within 48-hours.

The jointly selected Substance Abuse Professional will determine whether and when an Employee who has completed a drug/alcohol rehabilitation program may be returned to work.

CONFIDENTIALITY

All information generated regarding an employee's drug and/or alcohol test, test results, or rehabilitation is considered confidential. Only the Employer's designated representative, who shall be identified in writing to the Medical Review Officer, shall be disclosed such information. The MRO, or the Employer shall not release the individual

test result of any Employee without first obtaining written authorization from the tested individual.

ACTIONS TAKEN IN RESPONSE TO TEST RESULTS

An Employee whose drug/alcohol test is reported to the designated representative of the Employer as positive by the MRO will be subject to disciplinary action up to and including immediate termination. An Employee will be given an opportunity to seek assistance in overcoming a drug or alcohol problem through an Employee Assistance Program. If an Employee refuses assistance, he/she may be terminated. An Employee who refuses to be tested will be treated as having had a positive test result. Willful failure to report to a collection site on a timely basis, willfully refusing to sign any required consent form or otherwise willfully failing to fully cooperate with the testing procedure will be treated as a refusal to be tested.

CONTESTED POSITIVE TESTS

Any applicant found in violation of this policy due to a positive test result for a prohibited substance other than alcohol shall have the right to contest the positive test results. Any such applicant or Employee may contact the designated representative of the Employer and request a confirmation test be performed at his/her own expense on the second sample held by the laboratory of his/her choosing in which case the sample will be sent to that lab by the original testing laboratory. The lab that the individual chooses must be SAMSHA certified and the testing limits must be at or below those required by this policy or the Customer's. The individual must exercise this right within 72 hours after having received notice that he/she has a positive test result for prohibited substance(s).

If an applicant's retest is negative and the applicant was not hired due to a positive test for a prohibited substance the applicant will be reimbursed the cost of the test, paid any back wages due, and made re-eligible for hire if work is available.

If an Employee's retest is negative and the Employee was terminated due to a positive test for a prohibited substance, the Employee will be reimbursed for the cost of the test, paid any back wages due and reinstated as an Employee.

TRAINING

Supervisors and Managers who may make probable cause determinations will receive training and education regarding the physical and behavioral indicators of probable drug use. The Unions and the Association shall jointly select the agency approved to provide training.

ASSISTANCE PROGRAM

An opportunity to seek assistance in overcoming a drug or alcohol problem through an evaluation and counseling program will be offered to all employees through an Employee Assistance Program which shall be approved, paid for, and administered by Health & Welfare Fund of the employee's respective Union.

Any employee who tests positive, will be offered an opportunity to seek assistance, and will be suspended from work, without pay, until the employee can successfully pass a drug test and has complied with all requirements of the Assistance Program. Employees participating in and successfully completing any prerequisites for returning to work under their rehabilitation or counseling program, will be allowed to return to work, or if discharged from their prior employment due to positive test result will become eligible for new work opportunities without discrimination based on their prior positive drug test.

POLICY AMENDMENT

This policy may be modified by mutual agreement between the Business Managers of each respective Union, Association Board President, and Association Executive Director.

 6-2-2023
Local 533 Business Manager Date

 6/7/23
MCA of Kansas City Board President Date

 6-6-23
Local 8 Business Manager Date

 6/7/2023
MCA of Kansas City Executive Director Date

The following clinics are approved clinics for Pipefitter Local #533 and Plumber Local #8 members to complete drug and/or alcohol testing. No authorization is needed. Member needs to notify the front desk staff that they are there for testing under the MCA. Clinics have appropriate paperwork and protocols in place and all testing will be reported through our MRO provider.

If any member has an issue at any of the authorized clinics, they can reach out to Nicole Taylor for assistance:

Nicole Taylor
913-789-4034 – Office Phone
SHAW.cc.drugscreen@adventhealth.com

Centra Care - Olathe
14744 W 119th St.
Olathe, KS 66062
913-839-1759
Mon-Fri: 8am - 8pm
Sat & Sun: 8am - 5pm

Centra Care - Overland Park
9099 W 135th St
Overland Park, KS
66223
913-549-4242
Mon-Fri: 8am - 8pm
Sat & Sun: 8am - 5pm

Centra Care - Shawnee
11245 Shawnee
Mission Prkwy
Shawnee, KS 66203
913-268-4455
Mon-Fri: 8am - 8pm
Sat & Sun: 8am - 5pm

Caduceus USA - NKC
2103 Swift
North Kansas City,
MO 64116
Mon-Fri: 8am - 5pm

Caduceus USA - Lee's Summit
805 NE Rice Rd
Lee's Summit, MO
64086
816-554-1518
Mon-Fri: 8am - 5pm

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