

Volume

8

NECA/IBEW DRUG-FREE WORKPLACE PROGRAM

Revised February 23, 2023



*Employer & Employee
Handbook*



Arizona Chapter NECA and IBEW Local 640

**ARIZONA CHAPTER NECA AND IBEW LOCAL UNION 640
DRUG FREE WORKPLACE PROGRAM**

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DRUG FREE WORKPLACE PROGRAM**

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MISSION STATEMENT

To achieve maximum consumer
confidence and trust by providing a
**SAFE AND HEALTHY
DRUG FREE WORKFORCE.**

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Overview

Committed to eliminating all of the problems associated with employee alcohol and drug abuse, the Arizona Chapter of National Electrical Contractors Association (Arizona Chapter of NECA or NECA) along with International Brotherhood of Electrical Workers Local Union 640 (IBEW Local Union 640 or IBEW) adopted the Drug Free Workplace Program on June 21, 2000 and updated effective February 23, 2023.

This Program applies to all electrical construction company employers who are signatory to the NECA/IBEW Local Union 640 Collective Bargaining Agreement. As employers we have committed to substance abuse testing of all employees. Employers may adopt this program for non-bargained employees, and if so the program may include maintenance, sales, clerical, management, owners and part-time employees, as well as applicants for any such position.

The Program allows for substance abuse testing in these five circumstances:

1. Pre-employment testing
2. Systematic computer selected random testing
3. Post accident / Incident- Category Triggering Event
4. Follow-Up / Return to Work / MRO Requested
5. Other / Retest / MRO Requested

This Program is separate and distinct from any testing required by the Department of Transportation (“DOT”). Holders of commercial driver’s licenses will be subject to DOT regulations, which include a testing program, and the separate requirements and procedures under this Program. An administrator has been hired by the program to provide the following services: maintaining all participant’s information records, random selection, MRO interface, EAP status, and issuance of Clean Cards. A software program has been written to assist in these functions. In addition to the administrator, the Program has contracted with a specimen collection center, a laboratory and a Medical Review Officer to screen at least all non-negative test results for program compliance.

This Program is designed so that those who are not in compliance will get the treatment they need. As long as these employees do not comply, they will be subject to disciplinary action as called for under this Policy including any company policies regarding substance abuse. These actions may include termination.

All employer and employee information is kept strictly “confidential”.

The company also recognizes the need to avoid unnecessary intrusions into employee’s private lives and will ensure employee privacy and confidentiality to the greatest extent possible. In order for all test results to be kept as confidential as possible, each employer will select two (2) Designated Representatives to handle all confidential matters involving this program and will be the first point of contact for program participants. Only these Designated Representatives will be informed if an employee is not in compliance with the program.

Lastly, the Arizona Chapter of NECA, IBEW Local Union 640 and the employers 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 rules and regulations as set forth in the following pages.

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THE NECA/IBEW DRUG-FREE WORKFORCE PROGRAM POLICY, DEFINITIONS AND PROCEDURES FOR THE ELECTRICAL CONSTRUCTION INDUSTRY

I. INTRODUCTION

In recognition of our Joint Vision Statement, whereby, we envision a partnership where the customer recognizes the NECA/IBEW as the standard in the electrical industry and further recognizing the impact which substance abuse has on the health and welfare of Employees, and jeopardizing the safety of operations, it is the policy of the Arizona Chapter of NECA and the IBEW Local Union 640 to deal aggressively with the problems of drug use and alcohol abuse in the workplace and to seek the assistance of all of its members and other employees in this endeavor.

The procedures and guidelines contained in this document detail essential information about the administration of the NECA/IBEW Drug-Free Workforce Program. This document is also a resource to assist in the day-to-day matters that may emerge in the course of implementing the Drug and Alcohol Policy (DAP). It is recognized that no set of standards and guidelines, however complete, can accommodate all possible combinations of circumstances which may arise. Instead, these procedures are designed to be a working tool and foundation for use, and are to be applied using basic fairness, good judgment and common sense.

II. BACKGROUND

There is a vital interest by all electrical construction industry partners in maintaining the highest standards for the Employee work environment in order to ensure the efficient operations necessary to provide reliable products and services to customers. Therefore, it is desirable to establish a strong policy to promote a safe and secure work environment free of the use of illicit drugs, unauthorized use of controlled substances, and the abuse of ethyl alcohol.

The use of drugs and the abuse of alcohol among electrical construction industry employees can significantly increase the safety risk for both, workers and the general public, impact costs and liability for employers, and erode public confidence. It is therefore the policy of the Arizona Chapter of NECA and the International Brotherhood of Electrical Workers Local 640 (IBEW), that illicit drug use, unauthorized use of controlled substances, and/or alcohol abuse by its members and others performing safety-sensitive duties, not be allowed to:

- jeopardize the health and welfare of themselves or their fellow workers;
- impact the safety of operations; or
- otherwise adversely affect or endanger other employees, customers, or the general public

Every employee, and especially an employee who works in a safety sensitive position is required to remain free from the influence of drugs, including controlled substances, alcohol and any other substance, including medical marijuana, that may impair the individual's ability to perform his or her job duties safely or productively, or that may otherwise impair his or her senses, coordination or judgment while on duty. Any individual reporting to work under the influence of, or having present in his/her body, any drug or drug metabolite including prescribed drugs, alcohol or other substances or medications that may adversely affect the individual's ability to work or perform their duties in a safe, productive or efficient manner, must advise the designated company representative (please ask your supervisor the name of the individual) before starting work or commencing an activity. Any employee taking prescribed, over-the-counter medications or medical marijuana, will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether

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the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor or designated company representative) to avoid unsafe workplace practices and activities.

This Policy is designed to apply to all safety sensitive positions, including positions in the electrical construction trade such as journeyman, construction wireman, construction electricians, apprentices, pre-apprentices, and employees with commercial driver's licenses as a requirement of the job. Definitions and procedures designed to support this Policy are attached to this document.

All employees must notify their employer of any criminal convictions for any drug-related offense no later than five (5) days after such conviction.

III. Possession of Illicit Drugs, Unauthorized Controlled Substances, Including Medical Marijuana, or Ethyl Alcohol While on Duty or at the Work site

Possession of illicit drugs, unauthorized controlled substances or medical marijuana while on duty or at the work site will result in administrative action up to and including termination by the Employer. Possession of marijuana or open containers of alcoholic beverages while on duty or at the work site, unless part of an Employer sponsored social function, will result in administrative action up to and including termination by the Employer.

IV. Sale or Furnishing of Illicit Drugs, Unauthorized Controlled Substances, or Open Containers of Ethyl Alcohol While on Duty or at the Work site

Sale or furnishing of illicit drugs, unauthorized controlled substances or medical marijuana while on duty or at the work site will result in administrative action up to and including termination by the Employer. Sale or furnishing of marijuana or open containers of alcoholic beverages while on duty or at the work site, unless part of an Employer sponsored social function, will result in administrative action up to and including termination by the Employer.

V. Use of Illicit Drugs or Unauthorized Controlled Substances While on Duty or at the Work Site

An employee is prohibited from reporting to work or working with prescription drugs in his/her system that were not taken as prescribed for that employee. Use of illicit drugs, unauthorized controlled substances or medical marijuana while on duty or at the work site will result in administrative action up to and including termination by the Employer.

VI. Use of Marijuana or Ethyl Alcohol While on Duty or at the Work Site

Use of marijuana or alcoholic beverages while on duty or at the work site, unless part of an Employer sponsored social function, will result in administrative action up to and including termination by the Employer. No use of marijuana or alcoholic beverages is permitted at any time which will produce a marijuana or alcohol concentration in violation of Section VII. of this Policy if the Employee is then required to drive Employer vehicles or equipment or to perform safety-sensitive duties.

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VII. Presence in Any Required Test of Illicit Drugs, Unauthorized Controlled Substances, Marijuana or Ethyl Alcohol

The presence of illicit drugs or unauthorized controlled substances in a required drug free workforce test, or the presence of marijuana or ethyl alcohol equivalent to .04% BRAC or above in a required breath test, will result in administrative action up to and including termination. The presence of alcohol equivalent to .02% to .039% BRAC in any Employee test regulated by the DOT will result in that individual being relieved from safety-sensitive duties for at least eight (8) hours or one work shift, whichever is longer.

The presence of the metabolites of medical marijuana authorized by state law, alone, will not result in administrative action except as required by federal law or authorized by state law. Employees who hold commercial driver's licenses as a requirement for their jobs are considered to be employed in safety sensitive positions and therefore may not have metabolites of medical marijuana in their urine or other bodily fluids while on duty.

VIII. Testing Requirements

Employees participating in the NECA/IBEW Drug-Free Workforce Program must provide urine or oral fluid specimens for pre-employment drug testing, random drug testing, employer discretionary drug testing, and post accident or incident category-triggering event drug and alcohol testing (subject to OSHA regulation requirements discussed herein). Employees not subject to collective bargaining may also be required to be subject to random testing, except as prohibited by law. All Employees must additionally provide a breath alcohol test for post-accident testing.

Employees who also fall under the DOT regulations found in 49 CFR must provide urine specimens in accordance with those rules for pre-employment, reasonable suspicion (if drugs are suspected), post-accident, random, return to work, and follow-up testing under those regulations. They must also provide a breath alcohol test for reasonable suspicion (if alcohol is suspected), post-accident, and random testing under those regulations. Should oral fluids be accepted under DOT, they may be used.

Urine or oral fluid samples will be tested for the following drug categories: cannabinoids, cocaine, the amphetamines, the opiates, phencyclidine (PCP), barbiturates, propoxyphene, benzodiazepines and methadone.

Refusal to take a required drug or alcohol test, or attempting to adulterate, dilute, or contaminate a urine or oral fluid specimen, will result in administrative action up to and including termination by the Employer.

IX. Employee Assistance Program

Any Employee found violating the possession, use, or presence sections of this Policy (whether identified by his/her behavior, work performance, a drug and alcohol testing result, and/or self-admission) may on a first episode be referred to the Employees Assistance Program (EAP) for further evaluation and appropriate counseling. In some cases, disciplinary action under this Policy may be stayed pending active participation and successful completion of a drug or alcohol program. Self-referral and ongoing participation in the EAP will be held confidential except under state or federal laws of mandatory disclosure.

Referrals to the EAP for subsequent violations will depend on the Program Manager's discretion. The EAP participation is an accommodation but is not intended to supplant appropriate progressive disciplinary actions. Refusal to accept an EAP referral or to actively participate in the EAP will be grounds for termination by the

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employer. However, failure to cooperate fully will constitute waiver of accommodation, and normal disciplinary measures up to and including termination will apply.

If any employee has tested positive for a third time, the employee shall be immediately terminated and not subject to future hire, until the employee has satisfactorily completed a state approved rehabilitation program prescribed by a state approved treatment facility at the expense of the employee.

X. DEFINITIONS

A. Adulterated Sample

If a person produces an adulterated sample, as determined by the MRO, the persons test results will be handled as a refusal to test and the person will be verified in our system as being non-compliant.

B. Breath Alcohol Concentration (BRAC)

The concentration of alcohol in a volume of breath will be expressed in terms of grams of alcohol per 210 liters of alveolar breath. This measurement will be considered equivalent to Blood Alcohol Concentration (BAC).

C. Clean Card

Means a document, which certifies that the Employee has met all requirements of the NECA/IBEW Drug-Free Workforce Program. The Clean Card is issued upon request of the Employee passing the pre-employment drug test (as appropriate) and is renewed when the Employee passes the yearly random test (see Section VII). Employers may verify clean card status using the online system.

Clean Cards are invalidated for any violation of the DAP, including but not limited to being verified positive on a required drug or alcohol test. When approved to return to work, the Employee with an invalidated Clean Card must pass a return to work test to obtain a new Clean Card.

D. Controlled Substances/Drugs

Means any substance listed in Schedules I - V of the Controlled Substances Act of 1970, as amended. This Act divides drugs into five schedules according to the legitimacy of medical use and potential for abuse. By definition, drugs listed, with the exception of medical marijuana, in Schedule I have no legitimate medical usage and a high potential for abuse. Schedules II-V include all those drugs, which are required to be controlled under federal law and dispensed either by a qualified physician and/or under state law.

Nothing in this Program shall reduce employee rights granted within state medical marijuana laws, including the Arizona Medical Marijuana Act. Individuals authorized by state law to use medical marijuana for medicinal purposes must understand that nothing in the law allows them to be impaired by, or under the influence of, medical marijuana while at work. To the degree there is a conflict between state medical marijuana laws and this Program, state medical marijuana laws shall prevail and control.

Unauthorized use of a controlled substance is use of any drug in Schedules II-V without regard to the proper standards of medical practice and/or contrary to the directives provided by the prescribing physician or other person qualified to dispense the medication. Use of someone else's prescribed medication will be considered unauthorized use.

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E. Diluted Samples

If a person produces a diluted sample and then the next immediate sample is also diluted the tests results will be reported as non-compliant.

F. Employer

Means any Employer who is signatory to the Inside Agreement between IBEW Local Union 640 and Arizona Chapter NECA. While the Phoenix Electrical Joint Apprenticeship and Training Committee (PEJATC) is neither a statutory nor common law employer of any apprentices or pre-apprentices, for purposes of the collective bargained agreement between the IBEW LU640 and the Arizona Chapter NECA, it shall be included in the definition of "Employer" as that term is used herein, when the context of this DFW Program so requires.

G. Employee

Means all journeymen, construction wiremen, construction electrician apprentices, and pre-apprentices who are required to be tested by this Policy. It also means all non-bargained employees of an employer who has adopted this program.

H. Ethyl Alcohol / Alcohol

Means alcohol, ethanol, or any other term, which describes the intoxicating agent in beverage or medical alcohol.

I. Federal Standards

Regulations issued by the U.S. Department of Transportation in 49 CFR, will be used as guidelines for the collection, testing, and medical review of urine specimens for drugs and the collection and testing of breath specimens for alcohol, to the extent consistent with this Program and practical. However, compliance with those regulations will not be required under this Program.

J. Health Maintenance Check

Means a payment issued to a bargained Employee, who is a covered participant and who has submitted to a required urine substance test, and received a negative test result. The payment shall be equal to the amount of two (2) hours pay (excluding all fringe benefits), at the minimum hourly pay rate for Journeyman Wireman and shall not be considered wages. This payment is applicable to each negative result for any required or authorized urine drug tests.

No Health Maintenance Check will be issued for negative tests performed by an on-site collection service, for return to work tests, post accident / incident category triggering event tests or tests performed as part of the EAP requirements.

K. Illicit Drugs

Means any mind-altering or psychoactive substance, which has no legitimate medical use under the law (such as most Schedule I drugs) or has been manufactured, distributed, possessed and/ or consumed illegally, without a prescription or other lawful authorization from a physician licensed to practice medicine in the United States. Nothing in this section shall contravene Federal Regulations disapproving medicinal use of marijuana for Employees performing covered service under DOT agency rules or any other federal mandate for an Employer.

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L. Medical Review Officer (MRO)

Means an individual licensed physician who receives at least all non-negative test results from the laboratory and verifies them before reporting. The MRO will also have other administrative and technical duties associated with the NECA/IBEW Drug-Free Workforce Program. For the Policy and these Procedures, the MRO may also associate with a professional company or group of physicians who are associated with the NECA/IBEW Drug-Free Workforce Program to provide these services. The MRO shall act consistently with Section III(I) in this program.

M. On Duty

Means any time the Employee is performing work for the Employer, is under the supervision of the Employer, is in an Employer's vehicle, is on Employer equipment, or is on Employer business. "On Duty" shall also mean any time an apprentice or pre-apprentice is attending any training class function required by, on the premises of or sponsored by, the PEJATC.

N. Program Manager

Means the NECA/IBEW Drug-Free Workforce Program Committee for all Employees except apprentices, and means the Joint Apprenticeship Training Committee (JATC) for apprentices.

O. Refusal to Sample

If a person refuses, or is unable to produce an adequate sample at the time of collection will be listed as non-compliant in the program. If a person is directed to take the on-site oral fluid test and they show a doctor's note providing a legitimate excuse, any alternative test must occur within 24 hours and must be an observed urine test, to be taken on the employee's time, and no health maintenance check will be issued. If a person is directed to take the on-site oral fluid test and they refuse or fail to participate in such on-site test they will be deemed non-compliant.

P. On-site / Mobile Collection

The Employer shall have the option of using an on-site collection service, in which case the specimen collections would take place at the Employer's facility or jobsite *or acceptable non-residential location*, within two (2) hours of notification.. If on site collection is utilized, the test collection will be on the Employer's time and no health maintenance check will be issued. If the collection is for post- accident / incident category triggering event then a breath specimen for alcohol will be collected. All employers are advised to use the on-site collection service.

Q. Safety Sensitive Position

Means a position in which an incumbent employee influenced by drugs or alcohol, including but not limited to prescription drugs or medical marijuana, constitutes an immediate and direct threat to public health and safety or a position in which a momentary lapse in attention by the incumbent employee because of drugs or alcohol, including but not limited to prescription drugs or medical marijuana, could result in injury, death, or significant property damage to that person or another person. This program views positions in the electrical construction trade such as journeymen, construction wireman, construction electricians, apprentices, pre-apprentices and employees with commercial driver's licenses as a requirement of their job as being safety sensitive positions. Each employee in a safety sensitive position is required to maintain physical and mental functions undiminished and unencumbered by drugs, prescription drugs, medical marijuana or alcohol and is expected to have regular, predictable attendance and must maintain a constant state of alertness and must be able to work cooperatively with others in the workplace.

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Each employee in a safety-sensitive position, who is taking a prescription drug which could affect or impair job performance, or is taking medical marijuana, must disclose that to their DFW company representative or other designated representative (please ask your supervisor the name of the representative) of their employer prior to beginning safety-sensitive duty, so that the representative can engage in an interactive process with the employee to determine whether any reasonable accommodations can/may be made. This requirement is independent of whether the medication is taken during working hours or off hours. The employee does not need to disclose the actual prescription, only that they are taking a prescription that may impact a safety-sensitive position.

XI. RESPONSIBILITY FOR INTERPRETATION

The Arizona Chapter NECA DFW Committee, which includes the IBEW Local Union 640 and PEJATC representatives are solely responsible for the interpretation and administration of these Policies and Procedures. Any questions should be directed to the appropriate Program Manager.

XII. EFFECTIVE DATES

The effective date of the Arizona Chapter NECA/IBEW LU 640 Drug Free Workplace Program was June 21, 2000 with current revision of February 23, 2023.

XIII. DRUG AND ALCOHOL POLICY NOTIFICATIONS

The following guidelines will be used to implement the DAP.

A. Apprentices

All applicants for the Apprenticeship Program will receive a copy of the DAP at the time of application and sign a statement acknowledging their understanding and acceptance of the Policy. Signed statements will be retained by the Director of the Apprenticeship Program for the duration of training and then by the Program Manager (or their designee) for as long as the individual remains a NECA/IBEW Drug-Free Workforce Program participant.

B. Participating Bargaining and Non-Bargaining Employees

All participating bargaining and non-bargaining Employees who are to be affected by the Policy will receive a copy of the DAP. Information on the Policy must be communicated to Employees on a periodic basis.

C. Posting of the DAP

The DAP (either in a full-text version or outline) must be posted in one or more prominent locations accessible to Employees at each participating Employer and at the Union.

XIV. CLEAN-CARD PROCEDURES

No Employee covered by collective bargaining shall be employed by a participating Employer without a valid Clean Card as reported in the online system except as allowed by within the guidelines of this policy. Violation of any provision of the DAP shall invalidate an Employee's Clean Card.

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A. Drug and Alcohol Testing Categories

Employees will be urine or oral fluid tested for drugs in five categories:

- a. Pre-employment (including enrolling as an apprentice or pre-apprentice in the PEJATC)
- b. Random
- c. Post-accident / Incident Category-Triggering Event
- d. Follow-Up / Return to Work / MRO Requested
- e. Other / Retest / MRO Requested

Arizona Chapter NECA and IBEW Local Union 640 understand that some customers may have their own drug/alcohol policies that supersede or add to this policy. In those cases, the parties to this policy agree to work to the means to satisfying the customer.

For post-accident and incident category-triggering event testing, breath testing for ethyl alcohol will also be conducted in addition to the collection of a urine or oral fluid sample.

Except as otherwise noted, all non-mobile testing will be accomplished on Employee's own time and paid for by the Program including the health maintenance check for negative results, provided the employee was directed to a clinic.

1. Pre-employment. Any new entrants into the NECA/IBEW Drug-Free Workforce Program (i.e. travelers and new bargaining Employees) must be tested and qualify for a valid Clean-Card within 24 hours of being dispatched. At the discretion of each Employer, such new entrants may be employed on probation, subject to verification of their Clean-Card status. If IBEW LU 640 dispatches a non-compliant individual in response to a call requiring an individual with a Clean Card, said individual will not be considered to have met the qualifications of the call.

Employers have the option of accepting the completed Employee's copy of the specimen collection form as evidence that the Employee is acceptable for probationary hire under the 24-hour rule.

The employer reserves the right to test all new employees employed at his/her place of business.

2. Random. Each month, individuals who are subject to random testing are selected for urine or oral fluid drug testing from a pool of all eligible employees. The pool will be updated each month.

Employers are notified by fax or email during the target month for any of their current Employees who have been selected for such testing. The PEJATC is notified of selected apprentices not yet employed and the PEJATC will notify those apprentices in a manner similar to that described below. Both the Employer and PEJATC are notified of selected and employed apprentices. In this instance, the employer is responsible for notifying the apprentice.

Once notified by fax or email, Employers will be asked to immediately inform the selected Employee that they are to appear for a specimen collection within 24 hours of their notification. Employees are not to be contacted at home to be notified to appear for a random test. If the employer uses the on-site/mobile collection the employee will immediately take the oral fluid test. If a urine specimen is requested, the employee will have up to 2 hours to provide a specimen.

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If a participant's name is drawn while he/she is unemployed, on vacation, or working out of jurisdiction, he/she may be required to take the test within 24 hours of beginning a work assignment, return from vacation or return to jurisdiction.

Once the Employee notification has been made, the Employer will fax back the notification form documenting the notification process to the Program Administrator. Individual Employer notifications will be spread throughout the month to ensure unpredictability for Employees. For that same reason, some Employers may be contacted more than one time in the month for Employee random testing.

If the Employee is unable to be contacted in a timely manner (i.e., no longer working for the Employer, an illness likely to last more than three days, or a scheduled vacation), the Employer will fax back that information to the Program Administrator and the Employee will be dropped from that month's selections. If the Employee is no longer with the Employer, the Union will be contacted to obtain the name of their current Employer, and the notification process will continue. If an Employee is on vacation, the employer may notify the Employee immediately upon return to work of random selection, requiring that the test is taken within 24 hours of notification. If the employee is notified of the random test, the employer must notify the Program Administrator of the time of the employee notification.

If an Employee fails to provide a sample in accordance with their notification, the Employee's existing Clean-Card will be voided and the Employer's specially designated contact persons (no more than two), will be notified both by fax and by telephone that the Employee no longer has a valid Clean-Card. The Employer is not expected to retrieve a voided Clean Card from an Employee.

Employees are subject to being tested randomly each year at a minimum rate of one hundred thirty percent (130%), or as modified by mutual agreement between NECA and the IBEW. It is possible for an Employee to be tested more than one time each year under the random selection procedure.

Any employee who has received a status of non-compliant in the past 24 months will be subject to an annual minimum rate of five hundred percent (500%) random testing.

3. Post-Accident or Incident Category-Triggering Event. In accordance with OSHA regulations, drug or alcohol testing performed after a workplace accident or incident category-triggering event that also includes an employee report of illness or injury will only occur where there is a reasonable possibility that drug or alcohol use by the reporting employee was a contributing factor to the reported injury or illness. Every attempt will be made to test an Employee within two (2) hours of a post-accident or incident category-triggering event, by any collection procedure listed in the program. If unable to do so, the Employer should make a note of the reason and test the Employee as soon as practical. In addition to the collection of a urine or oral fluid sample to test for substances, breath testing for ethyl alcohol will also be conducted.

If an employee is taken to a hospital, a mobile drug testing service is available. Please refer to the latest program documents or the administrative office for contact information. The mobile service will provide for both substance and breath alcohol post accident testing. All of the collected samples will be sent to Southwest Labs to be included in the NECA/IBEW program. The employee is not eligible for a health maintenance check for post accident or incident category-triggering event testing.

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4. Follow-up / Return to Work/ MRO Requested. An individual who has successfully completed a program as required by the EAP shall be subject to a Follow-up or Return to Work test. No health maintenance check will be issued for this test.
5. Other / Retest / MRO Requested. An individual may be subject to MRO requested tests. A health maintenance check may be issued for this test.

B. Drug Testing Protocols

All Employees falling under the NECA/IBEW Drug-Free Workforce Program or under FHWA or other DOT regulations will be tested consistent with this program or for federally mandated testing, applicable federal regulations (see also Program Procedures).

Urine or oral fluid specimens shall be collected under strict chain-of-custody procedures and tested at a laboratory certified or in the process of being certified by the Department of Health and Human Services/Substance Abuse and Mental Health Services Administration (DHHS/SAMHSA). All positive urine specimens must have been confirmed by gas chromatography/mass spectrometry (GC/MS). At least all non-negative test results will be forwarded to a qualified Medical Review Officer (MRO) for verification.

Breath specimens shall be obtained under strict chain-of-custody procedures by a federally qualified collector. Breath specimens must be confirmed on an evidential-level breath-testing device qualified for DOT testing by the National Highway Transportation Safety Administration (NHTSA).

Urine or oral fluid specimens will be collected from Employees utilizing standardized procedures, which ensure both individual privacy for the donor (unless an attempt is made to dilute or adulterate a sample) and proper chain-of-custody of the urine or oral fluid sample until it is sealed and transported to the laboratory. However, a non-federal Custody and Control Form must be used to collect the specimen. Employees caught attempting to dilute or adulterate their specimen will have a second sample collected immediately. The program utilizes collection centers and on-site collections.

Urine samples must be screened by an approved immunoassay and presumptively positive specimens must be confirmed by gas chromatography/mass spectrometry (GC/MS). Nine drug groups will be tested for: cannabinoids, cocaine, the amphetamines, the opiates, phencyclidine (PCP), barbiturates, propoxyphene, benzodiazepines and methadone.

Cutoffs in the NECA/IBEW Drug-Free Workforce Program are intended to be linked to the cutoffs established by the Department of Health and Human Services for federally regulated testing. (Please see page 16 for the current cutoff levels as of the date of printing, new cutoff levels are available from the administrator). Therefore, these Program cutoffs (but not the drugs being tested) may be modified from time to time with notification to Employees if the federal rules are amended. The NECA/IBEW Drug Free Workforce Program Committee reserves the right to test for additional drugs as needed and may, from time to time, add a new substance and appropriate cut off level or delete an old substance and its cut off level. The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free workforce. All employees, covered under DAP, will be notified at least sixty days prior to the change being initiated.

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All test results, both negative and positive, may be forwarded to the Medical Review Officer (MRO) who will verify all positive results and initiate invalidation of the Clean-Card issuance. MRO duties will be conducted in accordance with Federal Standards.

All confirmed drug positive donors must be given the opportunity to provide to the MRO any legitimate medical reason(s) they wish to offer for the positive test. The positive donor must contact the MRO within 24 hours of the first contact by the MRO. If the positive donor does not contact the MRO in the specified time frame the test results will be reported without benefit of the donor's interview. The MRO may within 72 hours of notification re-open the drug test if the donor can prove a valid physical reason why they were unable to contact the MRO prior to the final report as non-compliant. If the MRO's determination is that there is a legitimate, verifiable medical explanation for the positive, the result will be treated as equivalent to a negative laboratory test for Clean-Card purposes. If not, it will be considered a verified positive result. Use of another person's medication will not be an acceptable reason and will be considered a verified positive. Nothing in this Program shall reduce employee rights granted within state medical marijuana laws, including the Arizona Medical Marijuana Act.

Even though prescribed medication is a negative drug test. The MRO shall make responsible parties of the program aware if an employee is prescribed a medication that could affect their ability to perform safety-sensitive duty.

The MRO will advise the program administrator of all negative tests. A health maintenance check will be issued for negative tests to bargained employees, except for those tests performed by an on-site Collection Service, post-accident / incident category triggering event, for follow-up (return to work), or tests performed as part of the EAP requirements.

C. Post-Accident Alcohol Testing Protocols

All presumptively positive alcohol positives must be confirmed by an evidential-level breath-testing device. All breath alcohol devices employed for confirmation must be on the National Highway Transportation Safety Administration's (NHTSA's) DOT approved products list.

The alcohol testing cutoff concentrations employed in the NECA/IBEW Drug-Free Workforce Program are 0.04% BRAC for both screening and confirmation tests. Employees regulated by the Department of Transportation will be subject to cutoffs found in applicable regulations.

D. The Positive Drug and Alcohol Test

In the case of a verified positive drug test the MRO will immediately notify the Employer's specially designated contact persons (not more than two) both by telephone and written confidential correspondence that the Employee no longer has a valid Clean-Card. The Employer will not be required to physically retrieve a voided Clean Card from an Employee. In the case of apprentices, the PEJATC will also be notified.

Employees are entitled to copies of verified positive results, which they may request in writing from the MRO. Reasonable administrative cost will apply.

Positive Breath Alcohol test results will be sent directly to the employer/designated contact.

Once a positive MRO determination has been made, the program administrator will refer the verified positive Employee to the Employee Assistance Program (EAP) for evaluation and counseling and/or treatment. Once the EAP has qualified the Employee for return to work, the MRO will be contacted and a

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return-to-work drug and/or alcohol breath test will be scheduled. Once a negative result is obtained, a Clean Card will be issued to the Employee. The MRO will work closely with the EAP to ensure that the Employee is considered a low risk to return to drug and/or alcohol use.

The EAP may require follow up drug and/or alcohol tests for a period of up to two years. Drug and/or alcohol tests required by the EAP will be considered to have equal consequences with all other forms of testing required by this Policy.

E. Verification of Clean-Card Status

Every participating Employer will be provided with a unique user name and password which will allow 24 hours per day/365 days per year computer verification of Clean-Card status. Access to the system is enabled by using the assigned user name and password.

When an Employee is hired, the Employer should verify the possession of a valid Clean Card ~~Card by requesting to see the actual card and~~ by checking the DFW website. Each employer will receive a unique user name and password to access the website. Please contact the program administrator for the necessary information.

Questions by the Employer can also be directed to a designated NECA/IBEW Drug-Free Workforce Program client services representative in the Program Administrations Office.

F. Clean Cards

Clean Cards will be issued only when requested by the employee for pre-employment testing and random testing. Clean Cards will be mailed to qualifying Employees so that they should arrive at their address of record within twenty business days of the collection. Clean Cards will clearly designate the Employee's name and the expiration date of the Card. Employers who do not notify the Administrator in a timely manner of any testing notification may be subject to penalties.

XV. Federal Highway Administration (FHWA) Required Testing Policies

Some subscribing Employers have Employees who are covered under FHWA regulations found in 49 CFR Part 382, as amended. These Employees are also considered part of the NECA/IBEW Drug-Free Workforce Program and will maintain their Clean-Card eligibility in a similar manner to non-federally regulated Employees. Although they have somewhat different federal testing categories (which include more alcohol testing requirements), they must also participate in the Drug-Free Workforce Program's testing categories. However, employees must be clearly informed whenever they are taking a federal test, and have different return-to-work requirements if they are not in compliance. Employers must be notified of FHWA test results by the MRO in a different manner, must themselves maintain special test records, must have supervisors of FHWA drivers trained to make reasonable suspicion determinations, must provide drug and alcohol information to their covered drivers in accordance with the rule, and must be prepared for both state and federal inspection of their FHWA drug and alcohol testing program.

XVI. Confidentiality Requirements

All drug and alcohol test-related information which is maintained in connection with the DAP is considered confidential. Those personnel having legitimate access to this information are required to restrict conversations to only those on a minimum need-to-know basis, but must otherwise maintain total confidentiality of test results and DAP violations. Willful failure to abide by these requirements, or negligence in maintaining written or oral

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confidentiality, may result in administrative action up to and including termination by the Employer or prosecution under federal or state law.

XVII. Appeals Process

The appeals process for the NECA/IBEW Drug Free Workforce Program shall be handled by the appeals committee established by the Arizona Chapter of NECA.

The appeals committee shall be made up of the Drug Program Committee of NECA and the executive director/chapter manager as appointed by the President and the board of directors of the NECA chapter. The executive director/chapter manager of NECA shall be the secretary for the appeals process and shall only vote to break a tie of the appeals committee.

The appeals committee will meet on an as needed basis with 48 hours notice. The notice can be sent either via fax or email. The only information on the notice sent via fax will be the date, time and location of the meeting. No specifics of the appeal shall be sent via fax.

If an employee wishes to make an appeal, the appeal should be in written letter form as to why the employee is seeking an appeal. A certified letter with return receipt request needs to be addressed as follows:

Appeals Committee – DFWP
Arizona Chapter – NECA
4315 N. 12th Street, Suite 100
Phoenix, AZ 85014

Once the appeal has been received, the executive director of Arizona Chapter – NECA will make the necessary copies and mail the information to the members of the appeals committee. The members of the appeals committee will be given 5 days to review the information before a meeting of the appeals committee shall be scheduled.

The employee seeking the appeal shall have the opportunity to present his/her case before the appeals committee with the assistance of their union representatives. The appeals committee shall make their decision at the scheduled meeting, with the employee knowing the results before leaving the appeals meeting.

A written decision will be sent to the employee, the employer and the program administrator. This decision is only for compliance of the NECA/IBEW Drug-Free Workforce Program. In no way does this appeal process super cede or remove an employee's right to the grievance procedure outlined in the current collective bargaining agreement.

XVIII. Program Funding

Funding for the NECA/IBEW Drug-Free Workforce Program shall be the sole responsibility of the Arizona Chapter NECA. The level of contribution for this program shall be determined by the Arizona Chapter NECA, from time to time, at its sole discretion. However, at no time, shall the program fail to make required payments to participants or vendors, in a timely manner. Failure by the program to meet any proper financial commitment will be just cause for the immediate suspension of the program. Should the program remain unable to resume proper operation within 60 days, participation in the NECA/IBEW Drug-Free Workforce Program may be terminated immediately.

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IXX. Cut-off Levels - As of June 1, 2020, the drug testing cutoff concentrations (Drug Panel 159) in the NECA/IBEW Drug-Free Workforce Program are as follows:

Drug Class	Drugs Detected	EIA¹ Screening Cut-Off Urine	GC/MS² Confirmation Cut-Off Urine
Amphetamines	Amphetamine Methamphetamine	500 ng/ml	250 ng/ml
Barbiturates	Amobarbital Butalbital Pentobarbital Phenobarbital Secobarbital	200 ng/ml	300 ng/ml
Benzodiazepines	Alprazolam metabolite Diazepam / Nordiazepam Oxazepam Temazepam Clonazepam Lorazepam	200 ng/ml	100 ng/ml
Cocaine	Benzoylcegonine	150 ng/ml	100 ng/ml
Cannabinoids	Marijuana metabolites (THCA)	50ng/ml	15 ng/ml
Methadone	Methadone	300 ng/ml	300 ng/ml
MDMA	Methylenedioxyamphetamine (MDMA) Methylenedioxyamphetamine (MDA)	500 ng/ml	250 ng/ml
Fentanyl	Fentanyl Norfentanyl	1ng/ml	1 ng/ml
Opiates	Codeine Morphine Hydrocodone Hydromorphone	2000 ng/ml 2000 ng/ml 2000 ng/ml 2000 ng/ml	2000 ng/ml 2000 ng/ml 100 ng/ml 100 ng/ml
Oxycodone	Oxycodone Oxymorphone	300 ng/ml 300 ng/ml	100 ng/ml 100 ng/ml
6-Acetylmorphine(6AM)	Heroin metabolite	10 ng/ml	10 ng/ml
Phencyclidine	Phencyclidine	25 ng/ml	25 ng/ml
Propoxyphene	Propoxyphene.	300 ng/ml	300 ng/ml
Alcohol		.040 BRAC	

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Drug Class	Drugs Detected	EIA¹ Screening Cut-Off Oral Fluid/As Neat	GC/MS² Confirmation Cut-Off Oral Fluid/ As Neat
Amphetamines	Amphetamine Methamphetamine	25 ng/ml	15 ng/ml
Barbiturates	Amobarbital Butalbital Pentobarbital Phenobarbital Secobarbital	60 ng/ml	20 ng/ml
Benzodiazepines	Alprazolam metabolite Diazepam / Nordiazepam Oxazepam Temazepam Clonazepam Lorazepam	60 ng/ml	20 ng/ml
Cocaine	Benzoylcegonine	15 ng/ml	8 ng/ml
Cannabinoids	Marijuana metabolites (THC)	4 ng/ml	2 ng/ml
Methadone	Methadone	15 ng/ml	15 ng/ml
MDMA	Methylenedioxyamphetamine (MDMA) Methylenedioxyamphetamine (MDA)	25 ng/ml	15 ng/ml
Opiates	Codeine Morphine Hydrocodone Hydromorphone	30 ng/ml	15 ng/ml
Fentanyl	Fentanyl Norfentanyl	4 ng/ml	1 ng/ml
Oxycodone	Oxycodone Oxymorphone	30 ng/ml	15 ng/ml
6-Acetylmorphine(6AM)	Heroin metabolite	3 ng/ml	2 ng/ml
Phencyclidine	Phencyclidine	3 ng/ml	2 ng/ml
Alcohol		.040 BRAC	

¹ EIA: enzyme immunoassay. ² GC/MS: gas chromatography/Mass Spectrometry.

Specimen Validity	Creatinine	20 ng/ml	n/a
	pH	4.5-9.0	n/a

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Acknowledgement of Receipt of the
Arizona Chapter NECA/IBEW Local Union 640
Drug Free Workplace Policy Handbook

I have received a copy of and have carefully and thoroughly read the Arizona Chapter NECA/IBEW Drug Free Workplace Policy Handbook, dated February 23, 2023.

Employee's or Applicant's Signature

Print Employee's Name

Employer

Date

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Notification of Designated Representative

_____ (Employer/ Contractor) hereby notifies our employees that the following are the designated representatives for the NECA/IBEW Drug Free Workplace Program.

If you are working in a safety-sensitive position, the program has determined that the following positions in the electrical trade are safety-sensitive, journeyman; construction wireman; construction electrician; apprentices and employees with commercial driver's licenses, and are required to notify your employer of any prescription that could affect or impair your job performance, please notify one of the following:

Representative's Name

Representative's Name

Phone Number and Extension

Phone Number and Extension

Email Address

Email Address

Representative's Name

Representative's Name

Phone Number and Extension

Phone Number and Extension

Email Address

Email Address

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