

## **PORT OF SEATTLE'S PROJECT LABOR AGREEMENT**

### **SUBSTANCE ABUSE PROGRAM**

#### **SUMMARY**

Unauthorized use, possession or sale of controlled substances, including marijuana or alcohol on the projects is prohibited. Persons who violate this rule or who are convicted for selling, using, or possessing controlled substances off the job will not be permitted to work on the project. If convicted in any court of law, the person will notify their employer within one (1) working day of the conviction. The employer will then notify the Administrator and the Coordinator. Failure of an employee/applicant to report a conviction to its employer will lead to prohibition from the project for up to one (1) year. Applicants for project employment will be subject to pre-employment controlled substance, alcohol and adulterant testing. Thereafter, employees will be subject to reasonable cause, post-accident, random and return-to-work/follow-up testing for the presence of controlled substances, alcohol or adulterants in their systems.

Employees who report for work with alcohol, adulterants or unauthorized controlled substances in their system will not be permitted to remain on the project. Employees who violate the substance abuse policy and applicants who fail the pre-employment testing will be denied employment and will not be eligible for reassignment to any Contractor on the Project Labor Agreement projects until a period of not less than ninety (90) calendar days has passed and the employee/applicant has successfully completed an approved counseling or rehabilitation program covered by the individuals medical benefits, at the employee's expense.

An employee/applicant will be deemed to have "successfully completed" an approved counseling or rehabilitation program covered by the individual's medical benefits when the Administrator is provided written documentation from the approved agency/organization that the employee/applicant has met all of the Program requirements. Such employees/applicants shall be subject to pre-employment, random and periodic controlled substance, adulterant or alcohol testing thereafter for up to one year. The program will apply to all Contractor craft personnel, union and non-union, at all construction sites covered by a Port of Seattle Project Labor Agreement. Special safeguards have been undertaken to assure that testing will be conducted by licensed laboratories, under the strictest federal guidelines, with special provisions to assure test reliability, employee privacy and confidentiality. All testing will be conducted only by laboratories approved by the Substance Abuse and Mental Health Services Administration ("SAMHSA") (formerly the National Institute of Drug Abuse, or "NIDA") in accordance with the Mandatory Guidelines for Federal Workplace Testing Programs established by the U.S. Department of Health and Human Services, as amended.

## FREQUENTLY ASKED QUESTIONS

- **Who is subject to testing under this Program?**

The program applies to all Contractor craft personnel performing manual labor, union and non-union, at all construction sites covered by the Project Labor Agreement. Applicants will be subject to pre-employment controlled substance, alcohol and adulterant testing. Photo identification must be presented; the only acceptable forms are as follows:

- State issued Driver's License
- State issued Identification Card
- Military issued Identification Card
- Passport

- **What drugs does the Program Test for?**

The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites/THC
- Cocaine metabolites
- Amphetamines (including methamphetamine)
- Opiates (including codeine, heroin, morphine)
- Phencyclidine (PCP)
- Barbiturates
- Oxycodone Screen
- Propoxyphene
- Methadone
- Benzodiazepines
- Alcohol

- **When will I be tested?**

Employees are subject to drug or alcohol testing in the following situations:

- Pre-employment
- Reasonable suspicion/cause
- Random
- Return to duty
- Follow-up
- Post-accident

- **What are the Testing Procedures?**

Controlled substance tests shall be by urinalysis and shall consist of two procedures, a screen test (EMIT or equivalent) and if that is positive, a confirmation test (GC/MS or equivalent). Alcohol test shall be by breathalyzer.

- **What is a Medical Review Officer (MRO)?**

MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. If the result is positive the MRO will conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the results to the service agent as negative. If not, the MRO will report the results as positive.

- **What happens if I test positive, refuse a test, or violate a specific drug & alcohol rule?**

- A refusal on the part of any applicant to comply with the testing procedure will disqualify the worker from employment on the Project for not less than ninety (90) calendar days.
- The presence of one or more controlled substance(s), adulterant(s) or alcohol in your system at or above the defined threshold levels will result in immediate disqualification for employment. Any disqualification for failing a controlled substance, adulterant or alcohol test will require you to complete an approved counseling or rehabilitation program and agree to periodic testing before becoming eligible again after ninety (90) calendar days.

- **What is considered a refusal to test?**

The following are some examples of conduct that is defined as refusing a test

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample when directed and it has been determined, through a required medical evaluation, that there was not adequate medial explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to cooperate with any part of the testing process.
- Failure to undergo a medical evaluation as part of “shy bladder” or “shy lung” procedures.
- Failure to sign Step #2 of the Alcohol Testing Form.
- Providing a specimen that is verified as adulterated or substituted.

- **Will my results be confidential?**

Your test results are confidential. A service agent (e.g. testing laboratory, MRO or Substance Abuse Professional) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as; legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, you will be notified in writing of any information they released.

- **Can I appeal?**

Any disputes involving application of this Program shall be referred to the Dispute and Grievance Procedure established by Article VIII of the Project Labor Agreement. Nothing in the grievance procedure may void the application of this Substance Abuse Prevention program on the Port of Seattle Project Labor Agreement Construction Project.

- **What do I do if I have a substance abuse or alcohol problem?**
  - Check with your Business Agents for an “approved” list of counseling and rehabilitation programs.
- **What happens if I’m taking a prescribe medication?**
  - From time to time, you may need to take medication prescribed by a doctor, or you will obtain medication from a pharmacist. Taking medication can affect your behavior and place you and the people you work with at increased risk of injury through an accident.
  - Any medical condition or medication can make a person unsafe. To determine if your medical condition or the medication you are taking can affect your safety you should always discuss it with a medical practitioner, and/or with a pharmacist if you are buying over-the-counter medicine. Read the labels on all drugs you may be taking to see what advice is provided.
  - The Health and Safety in Employment Act 1992 requires employees to take all practicable steps to not harm others. Reporting to and discussing with your employer that you are, or may be, affected by illness or medications is a practical step you can take to help prevent harm.
- **More questions?**
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