

# NORTHERN CALIFORNIA LABORERS' TRAINING CENTER SUBSTANCE ABUSE TESTING POLICY

## GENERAL STATEMENT

The Substance Abuse Policy has the purpose of protecting the health and safety of *apprentices*, journey-level *trainees* and staff at the Laborers' Training Center (Center) or other designated training sites and on job sites, encouraging freedom from drug dependency and enhancing worker employability and job safety.

The purpose of substance abuse testing is to aid in the treatment and rehabilitation of the trainee, to the extent that aid is practicable and does not substantially inhibit the Center's ability to meet its primary objective of training both apprentices and journeyworkers. While the purpose of substance abuse testing is not to punish, it is recognized that the removal of a trainee from the Center—or if the trainee is an apprentice, suspension or removal from the apprenticeship program—because of detected substance use may be necessary to provide a safe working environment to accomplish the training goals of those who are drug free.

## SECTION I DEFINITIONS

1. *Applicant* means anyone applying for entry, or re-entry, into the Apprenticeship Program through methods including, but not limited to the following: those listed in the Program's Administrative Procedures, transfers from Local Unions outside Northern California and individuals applying for reinstatement.
2. *Apprentice* is a person who is engaged in learning a designated trade and has entered into a written apprentice agreement.
3. *Board of Trustees* refers to the governing body comprised of management and union representatives who set policy for and oversee the actions of the Center.
4. *Collector* refers to any person who instructs and assists individuals at the collection site and/or who receives and makes a screening examination of the sample provided by the individuals.
5. *Contract* means an agreement between the EAP, the trainee—and if the trainee is an apprentice the JAC—spelling out the terms of the in-patient or outpatient treatment program. The EAP shall have the responsibility of overseeing compliance with the *Contract* requirements. Discipline for noncompliance with *Contract* requirements will be under the jurisdiction of the Executive Director and if the trainee is an apprentice, the JAC.
6. *Controlled Substance* means any drug, chemical or medication, the possession or use of which is prohibited or restricted by law, and which inhibits or tends to inhibit, diminish or adversely affect the perception, judgment, nervous or motor

skills of the user. As used in this drug-testing program, the phrase “*controlled substance*” shall not include legally prescribed drugs used as directed by a physician. The phrase shall include, but not be limited to, opiates (including heroin and all derivatives thereof), amphetamines of any kind, marijuana, and cocaine or the by-products of these substances or any mood altering substances.

7. *DHHS* refers to the Department of Health and Human Services
8. *Director of Apprenticeship* means the Director of Apprenticeship who is the person appointed by the Joint Apprenticeship Committee (JAC) to carry out the policies and procedures of the Committee.
9. *Director of Training* means the Training Director of the Laborers Training Center in San Ramon and the affiliated satellite training centers.
10. *Executive Director* means the Executive Director of the Laborers’ Training Center in San Ramon and the affiliated satellite training centers. The Executive Director has the authority to implement and enforce the policies of the training centers as set forth by the Board of Trustees.
11. *Intoxicant* means any substances, whether or not lawfully used or restricted by law, which when used in sufficient quantities, inhibits or tends to inhibit, diminish or adversely affect the perception, judgment, nervous or motor skills of the user. As used in this drug-testing program, the term “intoxicant” shall include, but not be limited to, alcohol in all forms and marijuana.
12. *GC/MS* means gas chromatography mass spectrometry which is the analytical testing method used to confirm an initial positive test result.
13. *JAC* refers to the Joint Apprenticeship Committee made up of management and union representatives who oversee the operation of the Apprenticeship Program.
14. *JAC Administrative Staff Member* refers to the Director of Apprenticeship and Apprentice Field Coordinators.
15. *List of Eligibles* refers to the list of apprentice applicants who have successfully completed the selection procedures and are eligible to be invited to join the Laborers’ Union as an apprentice.
16. *MRO* means Medical Review Officer, a licensed physician who has successfully completed qualification training according to *MRO* guidelines with knowledge of substance abuse disorders and appropriate training to interpret and evaluate results. The function of the *MRO* shall be to determine whether there is a medical explanation for the reported positive test results.
17. *Program of Drug Counseling by an Employee Assistance Program (EAP)* means an outpatient or in-patient treatment program as required.

18. *Release* refers to a Release and Authorization form in which an individual consents to be tested for the presence of controlled substances and authorizes the disclosure of substance abuse testing results and treatment information to and between the MRO and the Director, and in some instances between the employer and the JAC.
19. *Substance Abuse Test (SAT)* means an Enzyme-Linked Immunosorbent Assay (ELISA) oral swab, and where that test is positive, an additional confirming test in the nature of a Radio Immunoassay test or a Gas Chromatography/Mass Spectrometry (GC/MS) test. The SAT shall be conducted by a Department of Health and Human Services (DHHS) approved laboratory pursuant to its chain-of-custody (custody and control form specimen donor identification) procedures.
20. *Trainee* refers to an individual who is taking a class at a designated Laborers' Training Center and may be either an apprentice or a journeyworker.

## SECTION II TEST METHODS & DETECTION METHODS

1. The SAT shall be conducted by a California Department of Health Services/Drug Enforcement Agency approved laboratory.
2. The Substance Abuse Mental Health Services Administration Drug Advisory Board has established cut-off levels, which may be amended from time to time, for determining positive test results under the Center's substance abuse testing policy which are listed below:

<u>Drug / Drug Class</u>	<u>Initial Test</u>		<u>Confirmation Test</u>	
	<u>Method</u>	<u>Cut-Off Level</u>	<u>Method</u>	<u>Cut-Off Level</u>
Amphetamines	ELISA	50 ng/ml	GC/MS	15 ng/ml
Cocaine	ELISA	20 ng/ml	GC/MS	8 ng/ml
Marijuana	ELISA	4 ng/ml	GC/MS	1 ng/ml
Methamphetamines	ELISA	50 ng/ml	GC/MS	15 ng/ml
Opiates	ELISA	40 ng/ml	GC/MS	20 ng/ml
PCP	ELISA	10 ng/ml	GC/MS	5 ng/ml

3. In the event that any of the foregoing classifications or cut-off levels are amended, those amendments will be incorporated into the policy by reference and all persons subject to testing under this policy will be notified by the *Collector* of such changes.
4. It is not the objective of the *Board of Trustees* to test for substances that are legally prescribed by a qualified licensed physician. The function of the *MRO* shall be to determine whether there is a medical explanation for the reported positive test results.

SECTION III  
MANDATORY SUBSTANCE ABUSE TESTING AT A DESIGNATED  
LABORERS' TRAINING CENTER

1. All trainees taking a class at a designated training site for instruction lasting one week or longer, shall take a drug test during the first day of training.
2. If the trainee is an *apprentice*, refusal to be tested and/or provide the necessary specimen shall cause him/her to be immediately suspended from the Apprenticeship Program until the apprentice agrees to be tested and/or provide the necessary sample. If the apprentice remains suspended for sixty (60) days due to his/her failure to comply with the policy, he/she will be removed from the program.
3. A trainee's refusal to sign a *Release and Authorization form*, to be tested and to provide the necessary sample shall be grounds for denying training until such trainee agrees to sign the release form or be tested. No tests other than the one administered by the Center will be accepted.
4. If the trainee is an apprentice, refusing to sign a Release shall cause him/her to be immediately suspended from the Apprenticeship Program until the apprentice agrees to be tested and/or provide the necessary sample. If the apprentice remains suspended for sixty (60) days, due to his/her failure to comply with the policy, he/she will be removed from the program.

SECTION IV  
FOR CAUSE TESTING AT A LABORERS TRAINING CENTER

1. When an appropriately trained instructor or *JAC administrative staff member* has cause to believe that a trainee may be under the influence of a *controlled substance* and/or *intoxicant*, the instructor/staff member will require the trainee to be immediately removed from all training activities and request that he/she be subjected to a drug test.
  - A. An instructor/staff member acting under this paragraph shall complete a confidential probable cause report of the facts supporting his/her belief that a trainee was under the influence of drugs or alcohol. Another appropriately trained instructor/staff member must confirm the initial observations (which may be based on abnormal coordination, appearance, behavior, absenteeism, speech or odor) and conclusions. The report shall be submitted to the *Director of Training*.
  - B. If the trainee is an apprentice, refusing to sign a release, to be tested and/or to provide the necessary specimen, shall constitute grounds for immediate and permanent removal from the Apprenticeship Program.

- C. Staff members shall notify only those parties named in the release. A breach of this confidentiality shall be grounds for staff member termination.
2. Any trainee who is involved in an accident involving property damage or personal injury that requires medical care shall be required to submit to a *SAT*. Innocent victims involved in an accident will not be subject to a drug test unless reasonable cause exists. Pending results of the drug test, the trainee shall be removed from training until the *Director of Training* completes his review and advises the trainee of his decision.
  3. If immediately after an individual's specimen is collected, the *collector* determines that the specimen is discolored, contains contaminants, or has been tampered with, the individual supplying the specimen shall be required to give a second specimen as soon as possible under the direct observation of the collector.
  4. If the specimen is reported as "adulterated," "contaminated," or some other inconsistency, the individual shall be required to give a second specimen immediately at a collection site designated by the *Director of Training*, under the direct observation of an appropriately trained Training Center staff member.
  5. Failure to provide a second specimen shall constitute a refusal to test unless the individual can provide documentation from a qualified licensed physician designated by the Training Center, certifying that individual's physical inability to provide the required specimen.

## SECTION V PROCEDURES FOR TRAINEES AT THE CENTER

1. A trainee who tests positive for drugs pursuant to the testing procedures set forth in this policy shall be referred by the Director of Training to an *employee assistance program (EAP)* for referral to a treatment program. The trainee shall sign a contract with the *EAP* outlining his/her requirements for compliance with the treatment program. The trainee's right to receive training at a Laborers Training Center will be administratively suspended until he/she provides proof of successfully completing the counseling program prescribed by the *EAP* and he/she provides satisfactory proof of a negative drug test.
2. A trainee's second positive test following training at a designated training center shall be grounds for terminating the trainee's right to receive training at the Training Center for a period of two years from the date of the second positive test.

Journeyman and apprentices: Read the following statement and sign below.

Apprentices: After signing, continue on with the Apprenticeship Addendum.

**INFORMATION RELEASE AUTHORIZATION**

I, \_\_\_\_\_, SS# \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_,  
(please print)

hereby authorize the Northern California Laborers' Training Center's Executive Director, his designee(s), including but not limited to the Director of Training, the Director of Apprenticeship and the designated MRO to disclose to each other records obtained in the course of my testing and treatment for alcoholism and/or substance abuse. In addition, I hereby authorize the above-referenced individuals to disclose to any governmental agency having the authority to require the disclosure of the results of my testing and treatment.

The above disclosures shall be limited to the following specific types of information:

- Test results
- Drug treatment contracts
- Dates in treatment
- Progress reports

This consent is subject to revocation by the undersigned at any given time, except to the extent that action has been taken in reliance hereon, and if not earlier revoked, it shall terminate when the trainee (journeyman or apprentice) has completed his or her training or graduated from the apprenticeship program (apprentice)

I have read the foregoing "Substance Abuse Testing Policy" and understand its contents.

\_\_\_\_\_  
signature

\_\_\_\_\_  
date

Journeyman \_\_\_\_\_ Apprentice \_\_\_\_\_ (check one)

Local Union \_\_\_\_\_

Journeymen: Please turn in form at this time.

Apprentices: Please continue with Apprenticeship Addendum.

## APPRENTICESHIP ADDENDUM

### SECTION I

#### MANDATORY SAT OF APPRENTICE APPLICANTS

1. During the Apprenticeship Orientation or sponsorship/designation meeting (prior to acceptance into the Program), all *applicants* will be notified of the requirement to take a drug test. Applicants will also be provided a copy of the “Northern California Laborers’ Training Center Substance Abuse Testing Policy” prior to their acceptance into the program, and notified that a positive drug test will prevent their entry into said program. Applicants will be informed that testing shall occur on the first day of class.
2. Each applicant must sign a *release* form at the time of his or her orientation/oral interview. Failure to sign such a form will result in the applicant being denied placement on the *List of Eligibles* or entry into the Apprenticeship Program.
3. In the case of an applicant’s refusal to be tested or to provide the necessary specimen during their initial drug test, such refusal shall be grounds for denial of entry into the Apprenticeship Program for a minimum of sixty (60) days.
4. If the applicant tests positive under Section II of the Policy, said applicant shall be denied entry into the Apprenticeship Program. If within ninety (90) days from the positive drug test, the applicant provides proof that he/she has enrolled in and successfully completed a program of drug abuse counseling, the applicant will be reinstated to his/her previous position.
5. If the applicant tests positive a second time, he/she will be permanently barred from entry to the Apprenticeship Program.

### SECTION II

#### EMPLOYMENT SUBSTANCE ABUSE TESTING

1. In Accordance with the Joint Labor/Management Substance Abuse Policy, an individual employer may require an apprentice to be tested for the presence of drugs at the time the apprentice is dispatched.
  - A. The individual employer shall put the apprentice to work or pay the apprentice pending the test results unless it has probable cause to believe the apprentice is impaired, intoxicated or under the influence of drugs and/or alcohol.
  - B. If the employer does not allow an apprentice to work pending the test results because it believes it has probable cause, it shall make the apprentice whole for all lost wages and benefits if the apprentice tests negative. Apprentices, who have been dispatched to employers and have

been required to be tested pursuant to this section, agree to allow the employer to notify the *Director of Apprenticeship* (Director) of a positive test result.

- C. Apprentices who test positive shall not be dispatched to work or placed on the out-of-work list and will be referred to the Director in writing. The JAC will then refer the apprentice to an appropriate treatment program.
2. An apprentice whose work performance and/or behavioral conduct indicates that he/she is not in a physical condition that would permit the apprentice to perform a job safely and efficiently, will be subject to a drug test provided the employer has probable cause.
    - A. Probable cause shall be based on an appropriately trained supervisor's objective observations and may be based upon abnormal coordination, appearance, behavior, absenteeism, speech or odor.
    - B. The appropriately trained supervisor's observations and conclusions must be confirmed in writing by another appropriately trained supervisor.
    - C. The individual employer shall advise the apprentice of his/her right to consult with his/her Coordinator and explain his/her conduct.
    - D. The individual employer shall notify the Director of an apprentice's positive test result.
  3. An apprentice's refusal to sign a release form, to be tested and/or provide the necessary specimen, shall constitute grounds for immediate and permanent removal from the program. An apprentice's failure to report to the designated lab at the scheduled date and time for collection of specimen shall also be considered a refusal to be tested unless the apprentice can show just cause for not reporting to the required drug test.
  4. Apprentices who are directly involved in an accident involving property damage or bodily injury which requires medical treatment will submit to a drug test. Innocent victims indirectly involved in an accident will not be subjected to a drug test unless probable cause exists.

### SECTION III

#### PROCEDURES FOR APPRENTICES WHO TEST POSITIVE

1. An apprentice whose initial drug test was positive may be required by the Director to take another drug test at any time during the term of his/her apprenticeship training. The Director or the JAC shall give the apprentice at least twenty-four (24) hours notice of the requirement. Notice shall include the date and time of the drug test and the name and address of a drug testing laboratory in the area where the apprentice lives or is employed. The Director/JAC shall have the option of testing the apprentice at one of the Laborers' training facilities.



An apprentice's failure to report to the designated lab at the scheduled date and time for collection of specimen shall be considered a refusal to be tested unless the apprentice can show just cause for not reporting for the required drug test. Refusal to take the required drug test shall be grounds for removal from the Apprenticeship Program.

2. An apprentice who tests positive for drugs pursuant to the testing procedures set forth in this policy shall be referred by the Director of Apprenticeship or the *Director of Training* to an *employee assistance program (EAP)* for referral to a treatment program. The apprentice shall sign a contract with the *EAP* and the JAC outlining his/her requirements for compliance with the treatment program. However, providing that "special circumstances" which means a situation where an apprentice's drug problem is so serious that he/she needs in-patient treatment, or a situation where the person has demonstrated that he/she is a safety risk due to drug or alcohol use are found, the apprentice will be administratively suspended from the Apprenticeship Program until he/she successfully completes the treatment program prescribed by the *EAP*.
3. An apprentice who fails to enroll in, comply with and complete a treatment program, as required under the paragraph above, will be suspended from the Apprenticeship Program. Suspension shall be lifted if the apprentice complies with, or successfully completes the prescribed treatment program, provided that if the apprentice remains suspended for sixty (60) days due to his/her failure to comply with or complete the treatment program, he/she will be removed from the Apprenticeship Program. If the apprentice has been suspended two times during any one contract period, a third failure to comply with the treatment program will result in administrative removal.

#### SECTION IV RELEASE OF INFORMATION

Any apprentice who has tested positive during his/her term of apprenticeship or who has voluntarily entered into an in-patient treatment facility for drug or alcohol abuse shall sign a conditional release form that will allow the release of information from the facility to the Director and/or JAC authorized representative(s).

#### SECTION V SECOND POSITIVE TEST

Notwithstanding any other provisions of the Policy and Program, an apprentice who has two positive tests for drugs during their course of his/her apprenticeship shall be removed from the Apprenticeship Program.

**LABORERS' JAC SUBSTANCE ABUSE POLICY & PROGRAM  
ACKNOWLEDGEMENT, CONSENT, AND RELEASE FORM**

I (*print name*) \_\_\_\_\_ SSN \_\_\_\_\_  
have read the foregoing and have been given a copy of the "substance abuse policy"  
and understand its contents.

(*please initial*)

\_\_\_\_\_ I understand that the Northern California Laborers' JAC implements a Substance Abuse Policy and Program, which allows for pre-training, pre-employment, post-accident, random, probable cause and return-to-work testing for drugs and alcohol for apprentices.

\_\_\_\_\_ I understand that if I refuse to test, or if a suitable specimen is not provided, the Center will consider my refusal a positive test obstructed by my actions, and, therefore, I may be subject to disciplinary action described in the Policy up to and including removal from the Training Center or Apprenticeship Program.

\_\_\_\_\_ I consent to substance abuse testing and I authorize the Center to receive and disclose records related to my substance abuse testing, treatment, and progress reports, as it pertains to my employment status and/or training opportunity to:

1. The Training Center Staff limited to the Director of Apprenticeship, the Executive Director, the Director of Training and the Office Manager.
2. The Center's designated Collectors, Laboratories and Medical Review Officers.
3. Any governmental agency having the authority to require the disclosure of the results of my testing and treatment.

\_\_\_\_\_ I authorize my employer to release the results of my substance abuse test to the Director in accordance with the provisions of the Policy.

This consent is subject to revocation by the undersigned at any time, except to the extent that action has been taken in reliance hereon, and if not earlier revoked, it shall terminate when the apprentice has completed his/her training and has graduated from the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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