

Striving to be Drug Free
for a Safe Industry



Building & Construction
Resource Center, Inc.

DRUG & ALCOHOL POLICY

AS REVISED AND ADOPTED JULY 1, 2022



*“Striving to be Drug Free
for a Safe Industry”*

UNION CRAFTS PARTICIPATING IN THE GEOGRAPHICAL JURISDICTION OF THE BCRC

- BOILERMAKERS - LOCAL #374
- BRICKLAYERS - LOCAL #4
- IN/KY/OH REGIONAL COUNCIL OF
CARPENTERS & MILLWRIGHTS
- GLAZIERS - LOCAL #1165
- HEAT & FROST INSULATORS - LOCALS #17 & #75
- ELECTRICIANS - LOCALS #531 & #697
- ELEVATOR CONSTRUCTORS - LOCAL #2
- IRONWORKERS - LOCAL #395
- LABORERS - LOCALS #41, #81, & #645
- OPERATING ENGINEERS - LOCAL #150
- PAINTERS - LOCAL #460
- PLASTERERS & CEMENT MASONS - LOCAL #692
- PILE DRIVERS - LOCAL #578
- PIPEFITTERS - LOCAL #597
- PLUMBERS - LOCAL #210
- ROOFERS - LOCALS #23 & #26
- SHEETMETAL WORKERS - LOCAL #20
- SPRINKLER FITTERS #281
- TEAMSTERS - LOCAL #142
- TECHNICAL ENGINEERS - LOCAL #130

This Policy has been adopted by the NWIBRT



Striving to be Drug Free
for a Safe Industry



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Your Employee Assistance Program (EAP)

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BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.

INTRODUCTION

The Labor and Management representatives of the Building and Construction Industry for Northwest Indiana have formed an alliance to address the problems caused by drug and alcohol abuse. Management and Labor together have created the Building and Construction Resource Center, Inc. (hereafter "BCRC"), an independent not-for-profit corporation that offers a wide range of services to Employees in the unionized construction industry, which includes Employers and Labor Union organizations. It is BCRC's goal to assist Employers in establishing and maintaining workplaces that are free of the destructive effects caused when Employees use or abuse drugs and/or alcohol. BCRC's activities are not intended to interfere with normal practices of the Labor Unions or Management. BCRC recognizes its responsibility to communicate with and educate Employers and Employees in the unionized construction industry concerning this policy, as well as the harmful effects of drugs and alcohol in our society and in the workplace. BCRC also recognizes the need to provide a program of assistance to those persons for whom drugs or alcohol may be causing problems. Our Employee Assistance Program (EAP) provides support, counseling and resources for life issues that can take a toll on your emotional well-being or take time away from things you value the most, like work and family. Finally, while not wishing to violate the rights or invade the privacy of any Employee, BCRC's drug testing program will seek to identify those Employees who are unable or unwilling to conform to BCRC's program. This program has been established in accordance with the Drug and Alcohol Testing Industry Association (DATIA), the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Federal Department of Transportation Guidelines for specimen collection, laboratory analysis and review, and standards of integrity and confidentiality.

THE POLICY

Persons who use or abuse drugs and/or alcohol, on or off their jobs, are likely to be less productive, to be less reliable, to be more frequently absent and to have other work-related problems that can cause increased costs, delays, accidents and injuries.

These Employees can also risk the health, safety and well-being of other workers on the job. The unionized construction industry can control and reduce this problem through recognition of the problem, development of a comprehensive policy and program of education and information, promotion of an Employee Assistance Program (EAP) and implementation of fair and respectful drug testing that conforms to the Drug and Alcohol Testing Industry Association (DATIA), the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Federal Department of Transportation Guidelines for specimen collection and analysis. All of this is to be done with the utmost confidentiality and respect for the individual.

All Employers (as defined herein) hereby adopt the following policy:

No Employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing any work for the Employer.

In order to enhance substance abuse awareness among all Employers and Employees, educational seminars and training programs will be offered. The educational seminars will be directed toward education in regards to the seriousness of the nationwide drug and alcohol abuse problem and how the use of drugs and alcohol negatively impacts safety, productivity, and the competitive ability of the American workforce.

Supervisors will be trained to identify Employees in potentially difficult situations and to recognize signs of impairment, as well as the Supervisors' responsibility to document, intervene and

follow-up with the troubled individual. These sessions will be offered as ongoing training programs.

BCRC encourages all Employees troubled by their own or a family member's drug or alcohol abuse to seek professional care and treatment. Early recognition and treatment of alcohol and drug abuse provides the greatest opportunity for successful recovery. BCRC provides an Employee Assistance Program (EAP) for all Employees and their families who need professional guidance in assessing their substance abuse or alcohol-related problem and choosing an appropriate course of treatment.

Current Employees will be referred to an EAP Representative as a result of a non-negative (positive) drug or alcohol test, a non-compliant event or upon an individual's own request. In either case, the content of the discussion with the EAP will be protected and confidential to the extent allowed by law. A Participant's use of and communications with the EAP are confidential and information regarding such confidential matters will not be released to BCRC or any of its subscribing organizations or participants without written release from the participant in accordance with the law. Employees who use the EAP as a consequence of a non-negative (positive) drug or alcohol test, or a non-compliant event, will be subject to the conditions established in the drug testing portion of this policy and as outlined by the EAP Counselor.

The EAP staff has knowledge of the level and types of benefits available to BCRC Employees. Employees can access the services of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year. Employees calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and who may meet with them to further assess the nature of the problem in order to provide a referral to the best and most appropriate level of care. The EAP is staffed by certified and Masters-level credentialed human services professionals who are sensitive to

the needs of the individual. Individuals who take the initiative to contact the EAP for assistance do so with the assurance that their calls will be treated respectfully and confidentially. The direct services provided by the EAP are sponsored by BCRC.

In compliance with Public Law 100-690 (The Drug-Free Workplace Act), which applies only to Employers who have federal grants or federal contracts of more than \$100,000, an Employee who is convicted of a workplace drug or alcohol violation and who is employed by a BCRC affiliated Employer must report this information to his/her immediate supervisor no later than five (5) days after such conviction. The Supervisor must report this information immediately to the Employer's Program Administrator.

DEFINITIONS

- **Addendums** (i.e., Attachment F) may be approved by the Board of Directors on an as-needed basis.
- **Adulterated Specimen** means a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- **Air Blank** means, in evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.
- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- **Alcohol Concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (BrAC).

- **Alcohol Confirmation Test** means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, which provides quantitative data about the alcohol concentration.
- **Alcohol Screening Device (ASD)** a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on the Office of Drug and Alcohol Policy and Compliance (ODAPC) web page for “Approved Screening Devices to Measure Alcohol in Bodily Fluids” because it conforms to the model specifications from NHTSA.
- **Alcohol Screening Test** means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- **Alcohol Testing Site** a place selected by the Employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.
- **Alcohol Use** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- **Aliquot** means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.
- **Applicant** means a person, Independent Contractor, or Employer, or person working for an Independent Contractor, or Employer who applies to become an Employee of a BCRC Contractor/Employer Participant, and includes a person who has received a job offer made contingent on the person passing a drug test.

- **Archived Status** means the status of a person who has been inactive, deactivated, working outside of the geographic area covered by BCRC or otherwise taken out of the BCRC random pool.
- **Authorized Test** means a drug and/or alcohol test performed in accordance with the provisions of this Policy and at the request (or direction) of BCRC.
- **BCRC** means Building and Construction Resource Center, Inc., which is a not-for-profit corporation formed by labor and management representatives of the building and construction industry for Indiana & Illinois, for the purpose of addressing problems of drugs and alcohol in the workplace.
- **BCRC Policy** means all of the policies, procedures, and other matters set forth in this document (i.e., the BCRC Drug & Alcohol Policy) and all amendments and addenda to this document.
- **Breath Alcohol Technician (BAT)** is a person who instructs and assists employees in the alcohol testing process and operates an Evidential Breath Testing device (EBT).
- **Canceled Test** means a drug or alcohol test that has a problem identified that cannot be or has not been corrected. A canceled test is neither a positive nor a negative test. An Employer is not permitted to take adverse job action based on a canceled test.
- **Card Manager** is the individual designated by each Employer who has the authority to access data information that will confirm the status of Employees by electronic mail.

- **CL or Clear** means that an Employee is “cleared”, available for work, and currently compliant with this Policy when used with respect to the BCRC status of an Employee.
- **Chain of Custody** the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.
- **Collection Container** means a container into which the Employee urinates to provide the specimen for a drug test.
- **Collection Site** means a place designated by BCRC where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of controlled substances or for purposes of providing a breath sample to be analyzed for alcohol concentration.
- **Collector** means a person who instructs and assists Employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes necessary forms.
- **Company** means an Employer/Contractor who is a member of BCRC.
- **Confirmation (or confirmatory) Drug Test** a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

- **Confirmation (or confirmatory) Validity Test** a second test performed on a different aliquot of the original urine specimen to further support a validity test result.
- **Confirmed Drug Tests** a confirmation test result received by an MRO from a laboratory.
- **Confirmatory Test**
 - a) For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15-30 minutes later, that provides quantitative data of alcohol concentration. This test is conducted on an Evidential Breath Testing Device (EBT).
 - b) For controlled substances testing, a confirmatory test is a second analytical procedure on the same specimen to identify the quantitation and presence of a specific drug or metabolite. This confirmatory test is independent of the initial test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, synthetic opiates, opioids, amphetamines and phencyclidine.
- **Contractor Participant** means an Employer who is a contributing member of BCRC.
- **Controlled Substance** means marijuana (THC), cocaine, synthetic opiates, opioids, oxycodones, MDA-analogues, phencyclidine (PCP), amphetamines (including methamphetamines), methaqualone, barbiturates, benzodiazepine, propoxyphene, methadone, 6-acetylmorphine and ecstasy.

- **Designated Employer Representative (DER)** an Employee authorized by the Employer to take immediate action(s) to remove Employees from safety-sensitive duties or cause Employees to be removed from these covered duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the Employer consistent with the requirements of this policy. Service agents cannot act as DERs.
- **Dilute Specimen** means a specimen with creatinine and specific gravity values that are not consistent with medical expectations for human urine.
- **DOT** these terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of this part, the United States Coast Guard (USCG) in the Department of Homeland Security is considered to be a DOT agency for drug testing purposes only since the USCG regulation does not incorporate Part 40 for its alcohol testing program. These terms include any designee of a DOT agency.
- **Drugs** mean the substances for which tests are required under this policy and include marijuana (THC), cocaine, amphetamines (including methamphetamines), methaqualone, phencyclidine (PCP), opioids, synthetic opiates, oxycodones, MDA-analogues, barbiturates, benzodiazepine, propoxyphene, methadone, 6-acetylmorphine and ecstasy.

- **Drug Test** means a test conducted for controlled substances.
- **Employee** means an Employee of a Company, or of a Contractor/Employer Participant, who is a member of BCRC.
- **Employee Assistance Program (EAP) Counselor** means a Masters-level professional with an education in psychology, social work, counseling, etc. with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance related disorders. The EAP will assess and make recommendations concerning education, treatment, Observed Follow-Up Testing and aftercare.
- **Employer** means a Company, or a Contractor/Employer Participant, who is a member of BCRC.
- **Evidential Breath Testing Device (EBT)** means a device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
- **First Occurrence Clause** means if an Employee does not report for a random test, and it is the first time the Employee has failed to report, the Third Party Administrator (TPA or BCRC) may allow the Employee to take the test without reporting to the EAP for further review. Employees may utilize this clause only one time.
- **Gas Chromatography/Mass Spectrometry Confirmation** (GC/MS) is a state-of-the-art drug testing technology, providing a fingerprint of the detected drug.

- **HHS** means the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
- **HHS-Approved Laboratory** any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
- **Initial Test (for drugs)** means an immunoassay screen to eliminate negative urine specimens from further consideration.
- **Initial Validity Test** means the first test used to determine if a specimen is adulterated, diluted or substituted.
- **Invalid Drug Test** the result reported by an HHS certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated or substituted result cannot be established for a specific drug or specimen validity test.
- **Laboratory** any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

- **Licensed Medical Practitioner** means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, Local, or Foreign laws and regulations to prescribe controlled substances and other drugs.
- **Medical Review Officer (MRO)** means a Licensed Physician, registered with the American Association of Medical Review Officers (www.aamro.com), responsible for receiving laboratory results generated by BCRC's drug testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- **N/A or Not Available** means that an Employee is not available for work and is not currently compliant with this Policy when used with respect to the BCRC status of an Employee. (NOTE: An Employee can be N/A for several reasons, which may or may not include failing a drug or alcohol test).
- **New Employee/Applicant** means a person who has not been previously tested by BCRC and includes a person referred for pre-employment testing.
- **Non-Compliant Event** means any of the following:
 - (a) a Positive Test for alcohol or drugs (which shall also include any Positive Tests that occur during any retesting),
 - (b) an-Insufficient Specimen if an appropriate medical professional determines that there is no legitimate medical reason for the Insufficient Specimen,
 - (c) a negative Dilute Specimen if the Employee fails to provide a second (2nd) testing sample within the applicable time period specified in this BCRC Policy

or a second (2nd) testing sample that is also a negative Dilute Specimen [provided, however, that a second (2nd) negative Dilute Specimen shall not constitute a Non-Compliant Event if: (1) the MRO determines that there is a valid medical reason for the second (2nd) Dilute Specimen, or (2) such treatment is prohibited by applicable law], (d) an Adulterated Specimen, (e) a Substituted Specimen, (f) an Out-of-Temperature Specimen, (g) any acts by an Employee that compromise the testing protocol (i.e., washes his/her hands, flushes the toilet, etc.) prior to being given direction from the collection professional, (h) a Refusal To Submit (to an alcohol or controlled substances test), (i) a failure to submit to Post-Accident/Incident Testing (which shall include a failure to test resulting from the Employee leaving the jobsite prior to such Post-Accident/Incident Testing), and (j) any other act or omission by an Employee that BCRC determines, in BCRC's sole discretion, to constitute a substantial or willful non-compliance with the policies and/or procedures set forth in this Policy. A Non-Compliant Event is also commonly referred to as a "strike."

- **Non-Negative** means a urine specimen that is reported as an Adulterated Specimen, a Substituted Specimen, a Positive Test [for drug(s) or drug metabolite(s)], a Non-Compliant Event and/or invalid.
- **Observed Follow-Up Testing** shall be required, based on an EAP evaluation for a Non-Negative or Positive Test result, missed random, incomplete test/walk outs and as provided in this BCRC Policy. All Follow-Up Testing will be administered by the TPA (BCRC) and must be observed.
- **Observed Return To Duty Test or Observed RTD Test** is an observed test required by this BCRC Policy that

must be taken before an Employee can be returned to “clear” status. Such test is scheduled by the counselor at such time as the counselor deems appropriate after the EAP evaluation has been completed. This BCRC Policy requires such test following a Non-Negative test, missed random, walkout, Refuse to Submit as described in the BCRC Policy, or other Non-Compliant Event. If the test is not taken as directed by the EAP, the Employee will be required to return to the EAP.

- **Out-of-Temperature Specimen** means a specimen that is below 90°F or above 100°F at the time the specimen is obtained at the collection site.
- **Owner** means a business or other entity (or individual) that hires a “Contractor Participant” to perform work at their facility, office, and/or property.
- **Owner Requested Job-Site Random Testing** means a Northwest Indiana Business Roundtable Owner, which has been approved by the Board of Directors, and may require a random drug test be done at their facility. The Employee will test within one hour of notification of the random test. The test may be performed at the Owner’s facility no more than monthly provided there is an approved BCRC Collection Site at the facility.
- **Positive Test (alcohol)** occurs when an Employee’s confirmatory test result reads 0.02 BrAC or higher.
- **Positive Test (drugs)** occurs when an HHS-certified laboratory reports a drug test as positive because a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- **Post-Accident/Incident Testing** means drug and alcohol tests requested by an Employer following the occurrence of an accident and/or incident.

- **Probable Cause Testing** may be required when a Supervisor observes and documents unusual behavior.
- **Program Administrator** means the individual who has administrative responsibilities for overseeing the drug and alcohol testing program for an Employer. The Program Administrator may serve as an Employer's DER.
- **Property** means all Employer-owned and/or leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, and Employer-owned and/or leased vehicles, lockers, tools, equipment and desks.
- **Random Selection** means a scientifically valid method for selection of Employees to be tested that result in an equal probability that any Employee from a group of Employees subject to the selection mechanism will be selected, and does not give an Employer discretion to waive the selection of any Employee under the mechanism.
- **Refuse To Submit (to an alcohol or controlled substances test)**

Means that an Employee:

1. Fails(ed) to appear for any test (except a pre-employment test) within a reasonable time, as determined by the BCRC Policy, after being directed to do so by the BCRC Policy;
2. Fails(ed) to remain at the testing site until the testing process is complete (a walk out);

3. Fails(ed) to provide a urine specimen for any drug test required by this BCRC Policy;
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the Employee's provision of a specimen;
 5. Fails(ed) to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no acceptable medical explanation for the failure;
 6. Fails(ed) or declines to take a second test the Employer or collector has directed the Employee to take;
 7. Fails(ed) to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the policy. In the case of a pre-employment drug test, the Employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
 8. Fails(ed) to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, provides incorrect or inaccurate information to the collection site or on necessary forms, or fails to complete all documents);
 9. Provides a second (2nd) specimen that is dilute.
- **Reinstatement Test** is the test allowed by BCRC, which must be consistent with the Policy, to reactivate an Employee who has been on "Vacation" or "Archived

Status” for twelve (12) months or more and has not tested under the BCRC Policy in the past twelve (12) months.

- **Rejected For Testing** the result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.
- **Reporting Employee** is an Employee who reports a work-related injury or illness that was caused by and/or relates to the accident and/or incident for which the post-accident/incident drug or alcohol testing is requested by the Employer.
- **Safe Site** means a URL beginning with “https” which is a secure site for data transmission.
- **SAMHSA** means Substance Abuse and Mental Health Services Administration is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation.
- **Screening Test (or initial test):**
 - In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
 - In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

- **Screening Test Technician (STT)** means a person who instructs and assists employees in the alcohol testing process and operates an Alcohol Screening Device (ASD).
- **Shipping Container** means a container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.
- **Specimen** means a sample of urine, used for analysis and/or diagnosis. For the purpose of this policy; specimen is defined as urine.
- **Specimen Bottle** means the bottle that, after being sealed and labeled according to the procedures in this policy, is used to hold the urine specimen during transportation to the laboratory.
- **Split Specimen** means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the Employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- **Substituted Specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
- **Testing Levels** means levels at or above when a specimen is determined to be positive, and below when a specimen is determined to be negative.

- **Third Party Administrator (TPA)** means an entity that provides or coordinates one or more drug and/or alcohol testing services to Employers. A TPA typically provides or coordinates the provision of a number of such services and performs administrative tasks concerning the operation of drug and alcohol testing programs for Employers. This term includes, but is not limited to, groups of Employers who join together to administer, as a single entity, the drug and alcohol testing programs of its Employees (e.g., having a combined random testing pool).
- **Traveler** means a craft person who: (a) is coming to work in the geographic area covered by BCRC, and (b) is a member of a local union whose jurisdiction is outside of the geographic area covered by BCRC.
- **Unauthorized Test** means a drug and/or alcohol test that is: (a) not performed in accordance with the provisions of this Policy, and/or (b) not performed at the request (or direction) of BCRC. Such tests include retests initiated by an Employer and/or an Employee that are not performed at the request (or direction) of BCRC.
- **Union** means a Labor Organization that represents Employee(s) who are employed by a Company, or of a Contractor/Employer participant, who is a member of Building and Construction Resource Center, Inc.
- **Vacation Status** means the status of an Employee who is temporarily removed from the BCRC random pool while on vacation or a non-work related absence.
- **Verified Test** means a drug test result or validity testing result from a HHS-certified laboratory that has undergone review and final determination by the MRO.

DRUG TESTING

BCRC will provide an identification card to each Participant which will reflect the results of the Drug & Alcohol Screen Test from the laboratory and/or as verified by the Medical Review Officer (MRO). To implement an appropriate and acceptable program, BCRC has adopted six (6) safeguards that reflect the standards established by the Drug and Alcohol Testing Industry Association (DATIA), U.S. Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) for testing mandated by the U.S. Department of Transportation. Those safeguards are as follows:

1. The integrity of collected urine specimens will be ensured by utilization of one collection procedure at all sites. Samples will be collected in accordance with federal standards that provide for a continuous Custody and Control Form and which recognize privacy concerns regarding the individuals being tested.
2. Testing will be conducted only by accredited labs that have obtained and retain HHS/SAMHSA certification.
3. All specimens that are positive in an initial screen must then be confirmed by gas chromatography/mass spectrometry (GC/MS).
4. A Medical Review Officer (MRO) will review all non-negative (positive) drug tests in order to verify positive test results. The MRO is a physician with specialty training and expertise in substance abuse and drug testing. The MRO will review lab-confirmed positive test results to ensure proper procedure, protocol and reporting. The MRO will make two (2) documented attempts, within twenty-four (24) hours of receiving the confirmed positive test result, to interview the individual who has a confirmed positive test result by

telephone to investigate whether a legal prescription (or other legitimate medical reason) has caused the specimen to test positive. If the individual does not consult with the MRO and provide the necessary information within forty-eight (48) hours of being contacted by the MRO (delays in responding caused by verifiable emergency or medical issues will be given consideration for exception) or he/she has no legal prescription, the MRO will take appropriate steps to report a verified positive to the BCRC Program Administrator, who will then invalidate the Employee's certification card. All persons who have tested positive must have their return to work cleared by the EAP.

5. All non-negative (positive) specimens will be retained frozen in a locked facility at the testing laboratory for one (1) year. The retained specimens will be available should the results of the initial test be disputed or should arbitration or litigation arise out of the actions taken because of the test results.

DRUG GROUP

The BCRC drug-testing program will test for the following drugs at these levels:

Drug Class	Initial Test Level	Confirmatory Test Level
AMPHETAMINES	500 ng/mL	
Amphetamine		250 ng/mL
Methamphetamine		250 ng/mL
BARBITURATES	300 ng/mL	
Amobarbital		200 ng/mL
Butalbital		200 ng/mL
Pentobarbital		200 ng/mL
Phenobarbital		200 ng/mL
Secobarbital		200 ng/mL
BENZODIAZEPINES	300 ng/mL	
Alprazolam Metabolite		200 ng/mL
Oxazepam		200 ng/mL
COCAINE METABOLITES	150 ng/mL	100 ng/mL
MARIJUANA METABOLITES	50 ng/mL	15 ng/mL
METHADONE	300 ng/mL	200 ng/mL
METHAQUALONE	300 ng/mL	200 ng/mL
MDA-ANALOGUES	500 ng/mL	
MDA		250 ng/mL
MDMA		250 ng/mL
OPIATES	2000 ng/mL	
Morphine		2000 ng/mL
Codeine		2000 ng/mL
OPIATES (SEMI-SYNTHETIC)	300 ng/mL	
Hydromorphone		100 ng/mL
Hydrocodone		100 ng/mL
6-ACETYLMORPHINE	10 ng/mL	10 ng/mL
OXYCODONES	100 ng/mL	
Oxycodone		100 ng/mL
Oxycodone		100 ng/mL
PHENCYCLIDINE	25 ng/mL	25 ng/mL
PROPOXYPHENE	300 ng/mL	200 ng/mL

ALCOHOL TESTING

1. Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and that meets the DOT's testing requirements.
2. When a specific time for an Employee's test has been scheduled, and the Employee does not appear at the collection site at the scheduled time, the Breath Alcohol Technician (BAT) will contact the Designated Employer Representative (DER), who may determine that the Employee has refused to be tested.
3. For an alcohol screening test, a breath sample will be collected and analyzed by the Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using an Alcohol Screening Device (ASD).
4. If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a Breath Alcohol Technician (BAT) will perform a confirmatory test, no less than fifteen (15) and no more than thirty (30) minutes after the completion of the screening test.
5. If the confirmatory test is positive (0.02 and above, BrAC), the Breath Alcohol Technician (BAT) shall immediately notify the BCRC/Employer's DER.
6. Results of additional tests arranged by an Employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

PAYMENT FOR TESTING

Costs related to an Authorized Test will be paid by BCRC, except for the following tests:

- A. Department of Transportation (DOT);
 - (1) Pre-Employment Testing,
 - (2) Return To Duty Testing,
 - (3) Follow-Up Testing.
- B. Industrial Cleaning;
 - (1) Pre-Employment Testing,
 - (2) Reinstatement Testing.
- C. Pre-Screening Testing of Applicants;
 - (1) Apprenticeship Pre-Screening.
- D. The following testing for a New Employee/Applicant/Traveler whose initial drug test is confirmed as a Positive Test;
 - (1) Any Observed Return To Duty Test,
 - (2) Any Observed Follow-Up Testing required by the EAP,
 - (3) Including any Dilute Retest Under Observation.
- E. Unauthorized/Unnecessary Tests;
 - (1) Late Random without calling BCRC first,
 - (2) Testing on a Clear Status,
 - (3) Crane Certifications,
 - (4) Testing for Employer Required Time Frame,
 - (5) Retest of Disputed Specimen.
- F. Any other types of testing that BCRC determines, in its sole discretion, should be paid in a different manner and/or by a person (or entity) other than BCRC.

Employees can only be moved to “Archived Status” by a Participating Local Union, a Contractor Participant or the BCRC.

When an Employee has been on “Archived Status” for twelve (12) months or more, has not tested under the BCRC Policy within the past twelve (12) months, and is returning to the active BCRC pool, the following will apply:

- A. The Employee will be required to submit to a BCRC Reinstatement Test, which will be paid for by BCRC.
- B. If the BCRC Reinstatement Test is a Non-Compliant Event (“strike”);
 - (1) The Employee shall report to the EAP.
 - (2) At the direction of the EAP, the Employee shall submit to an Observed Return to Duty Test at the Member’s expense.
 - (3) If the Observed Return to Duty Test is Negative, the Employee will not have to pay for any Observed Follow-Up Testing unless the Employee has a subsequent confirmed Non-Negative or Positive Test or a Non-Compliant Event (“strike”).
 - (4) If the Observed Return to Duty Test is confirmed Non-Negative or Positive or a Non-Compliant Event (“strike”), the Member must pay **BEFORE** taking any of the following;
 - a. Observed Return to Duty,
 - b. Observed Follow-Up Tests,
 - c. Including any Dilute Retest Under Observation.

Any subsequent testing required by the EAP; and any other types of testing that BCRC determines, in its sole discretion, should be paid in a different manner and/or by a person (or entity) other than BCRC. All tests described herein shall be administered pursuant to the observed collection protocol and procedures. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.

All costs related to an Unauthorized Test and all costs for re-testing of disputed test results by an Employee will be paid by the Employer or Employee who initiated such test. The costs to be paid by the Employer or Employee for such tests will be determined by BCRC, in BCRC’s sole discretion, and shall be subject to change.

BCRC shall also have the right to terminate and/or restrict the Card Manager privileges, e-mail status confirmation system access, and any other access to information contained in any BCRC database for any Employer who fails to comply with this Agreement, the BCRC Policy, or any payment obligations to BCRC.

If an Employee fails to pay for any testing costs and/or other costs for which the Employee is responsible under this BCRC Policy, the BCRC status of such Employee shall be listed as "N/A" unless and until the Employee fully pays all such costs for which the Employee is responsible under this BCRC Policy.

The policies for payment for the Employee's time for testing are:

1. For new or current union members, Employees seeking an initial test or the test is a condition of employment and Employees in the BCRC Policy will not be paid for their time in providing a specimen for the initial test.
2. All current Employees who are to test for any of the following reasons: late/missed random, probable cause, post-accident, diluted re-test, Observed Return To Duty, or Observed Follow-Up Testing, Reinstatement Test, or retest due to a flawed or rejected test, will not be paid for their time in providing a specimen for the test.
3. Employees will only be paid a stipend by BCRC for submitting to subsequent random testing: (a) required by the BCRC Policy (see Attachments A thru C) (b) in response to notification (by email, U.S. Mail or text message) from the BCRC Office (c) for which the Employee submits within seven (7) calendar days including the day BCRC gives notification for such random testing. It is understood that all testing will occur on the Employee's time. The Employee must submit for such testing within seven (7) calendar days including the day BCRC gives notification for such random testing. **NO EXCEPTIONS!**

4. All checks issued for such stipends must be cashed within ninety (90) calendar days from the date of the check. If an Employee does not cash a stipend check within ninety (90) calendar days from the date of the check, the Employee forfeits his/her right to such stipend, such stipend check shall be void and shall not be reissued under any circumstances or for any reason.
5. D.O.T., Non-Bargaining, Industrial Sector, Slag, and Pipe Fitter's Local #597 Employees are exempt from the stipend reimbursement.

INITIAL TESTING (PRE-EMPLOYMENT)

Prospective Employees and current Employees of BCRC affiliated Employers and Unions will be subject to the BCRC program. All persons who are eligible and who intend to obtain a BCRC card will complete an application (see Attachment E) that must be acknowledged by the applicable Local Union if submitted by a Contractor Participant. The individual will be directed by BCRC to report to an approved BCRC collection site for the purpose of providing a urine specimen for initial (pre-employment) test and a clear status before starting work for any Contractor Participant. These approved collection sites will have collection kits, Custody and Control Forms, and all other necessary supplies.

RANDOM TESTING

After the individual's completion of the initial drug test (with a negative result), he/she will be placed in the BCRC Random Pool after which he/she will be notified via U.S. mail to report to an approved collection site for a random drug test. The individuals chosen for a random drug test will be selected anonymously, from a computerized selection program. Fifty percent (50%) of the currently active BCRC individual cardholders will be selected annually for random testing. Then, on a monthly basis, one-twelfth (1/12) of the selected Employees will be notified to submit to a random test in order to update their BCRC identification cards and status.

Employees will be required to report to an approved collection site within seven (7) calendar days from the date of the Notice for Random Testing letter in order to maintain their BCRC identification card and status. No Employee will be required to submit to a random test more than twice (2) in a twelve (12) month period, unless chosen for an On-Site Random test. An Employee can be selected for an On-Site Random test every calendar month. All Employees will be selected for random testing at least once **in a rolling twelve (12) months**.

If an Employee does not provide a sample at an approved collection site within seven (7) calendar days of BCRC issuing the notification of a random selection, his/her status in the BCRC Substance Abuse Program will be deemed "Not Available." Employees who fail to report for a random test in the required time forfeit their stipend and should contact the BCRC office. If an Employee does not report for a random test, and it is the first (1st) time the Employee has failed to report, the TPA (BCRC) may allow the Employee to take the test without reporting to the EAP for further review. BCRC will invoke the "First Occurrence Clause" at this time. Utilization of this clause is limited to only one (1) time during an Employees entire participation in BCRC. However, once this "First Occurrence Clause" has been utilized, an Employee who fails to report for a random test at any time in the future will be required to contact the EAP for evaluation and to receive instructions on the required procedure(s) for removing the "Not Available" status from his/her card.

VACATION STATUS

Subject to the requirements and exceptions set forth in this BCRC Policy, an Employee who has a "clear" status and is not subject to taking an Observed RTD Test or Observed Follow-Up Testing can call or e-mail the BCRC office to inform BCRC that the Employee will be traveling for vacation or a non-work related absence. Upon receipt of such notification, BCRC will switch the Employee to Vacation Status, which will make the Employee "Not Available." If the Employee is placed on Vacation Status, it is the Employee's responsibility to call BCRC upon returning so that the Employee's status can be updated. The Employee will return to the BCRC

random pool and be given a “clear” status if all of the following are true; (1) the Employee was tested under the BCRC Policy within the past 12 months, (2) the Employee’s most recent test under the BCRC Policy resulted in the Employee being given a “clear” status and (3) the Employee has not been out of the BCRC random pool for more than 30 days. If any one (1) of the aforementioned criteria are not satisfied, the Employee will be required to take an immediate Reinstatement Test, the result of which will determine his/her status with the BCRC and potentially subject him/her to the protocol outlined herein for a non-compliant event.

The BCRC can deny the use of Vacation Status to any Employee, if the BCRC determines, in its sole discretion, that the Employee has abused, or the granting of a requested Vacation Status will result in the abuse of, the Vacation Status provisions of this BCRC Policy. Examples of such abuse, include, but are not limited to, an Employee providing false information to BCRC concerning the Employee’s request for Vacation Status, requesting or obtaining Vacation Status for any period of time when the Employee performs work in the geographic area covered by BCRC, failing to timely notify BCRC to terminate the Vacation Status when the reason for the Vacation Status (i.e., vacation, a non-work related absence) ends, requesting Vacation Status for the purpose of avoiding any testing under the BCRC Policy, and similar matters.

If an Employee goes on vacation or takes a leave of absence for a non-work related issue despite being denied access to the Vacation Status option, he/she can notify BCRC **before** he/she goes on vacation or a non work related absence that he/she will be on vacation or a non work related absence during a specified period of time at a specified location. If BCRC receives such notification **before** the Employee goes on vacation or a non work related absence and the Employee is selected for a test, BCRC will call the Employee to schedule him/her to test at a collection site near his/her location. If the Employee does not report to test or fails to report as scheduled, it will be considered a Non-Compliant Event and will subject the Employee to the applicable provisions of this BCRC Policy. Under such provisions, the Employee will be given a “Not Available” status and will be referred to the EAP.

If an Employee gives proper and timely notice to BCRC and the Employee is at a remote location where BCRC cannot schedule the Employee for testing, BCRC will verify with the local participating Union and Contractor Participant that the Employee is out of the area. The Employee will then be put on Vacation Status until he/she returns and he/she will be subject to an immediate Observed BCRC Test when reporting back to work in BCRC's geographic area. Said test will be in addition to any Observed Follow-Up Test already assigned by the EAP Counselor.

OWNER REQUESTED ON-SITE RANDOM TESTING

An Owner may request that an "On-Site Random Selection" be done at their facility. An Owner's request must be approved by the BCRC Board of Directors and an addendum must be executed by both parties before the Owner is eligible to do such testing. Each Contractor Participant or Owner will submit a list of Employees working on-site that day or has access to the Owners' facility to the BCRC "Safe Site". The BCRC will then generate a random selection of the submitted pool and return the selections to the appropriate party. This random may be done on a monthly basis. These On-Site Random Selections shall include only those Employees submitted.

Any confirmed Non-Negative Test at these facilities will require an EAP evaluation prior to returning to work. The testing will be consistent with the Addendum contained herein as Attachment F. Any Post-Accident/Incident Testing and Probable Cause Testing of an Employee must be ordered by the immediate Employer of such Employee at the time of the accident, incident and/or event upon which such testing is based. Under this BCRC Policy, the Owner and/or any security service personnel cannot order Post-Accident/Incident Testing and/or Probable Cause Testing of an Employee who is employed by a Contractor Participant or is not their direct employee. Any requests for such testing by the Owner and/or any security service personnel **must be directed to the immediate Employer** of such Employee at the time of the accident, incident and/or event upon which the requested testing is based.

PROBABLE CAUSE TESTING

An Employee may be subject to Probable Cause Testing based on a reasonable suspicion to believe that the Employee has violated the BCRC Policy regarding drug and/or alcohol use that is formed by specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Employee. Such reasonable suspicion shall be determined by the Contractor Participant Representative(s) who made the observations (e.g., an immediate supervisor, other company official of the Contractor Participant, etc.), and should be confirmed by one other supervisor whenever possible. At least one of the Contractor Participant Representatives who made the observations shall document, in writing, the incident and the probable cause basis for such testing. The documentation shall: (1) specifically detail the appearance, behavior, speech and body odors of the Employee, (2) state the location, date, time of observation, conversations, witnesses (if any), and (3) be signed by at least one of the Contractor Participant Representatives who made the observations, witnessed the incident and prepared the documentation. Such Employees may request that a Union Representative be available or present prior to any action taken by a Contractor Participant, if any, at any stage of the policy and its administration. There is no stipend for these tests. By referring an Employee for Probable Cause Testing, the Contractor Participant represents to BCRC that the Contractor Participant has complied with these policies and procedures and any other policies and procedures required by law. BCRC has no obligation to determine or confirm that the Contractor Participant has complied with such policies and procedures. In the instances of Probable Cause Testing, it is recommended, but not required, that two (2) Contractor Participants shall transport the Employee to the testing facility. The Contractor Participant must complete the BCRC Drug and Alcohol Testing Notification Form. The form must be sent to the BCRC Office via email to info@bcrcnet.com or facsimile to 219-764-9510. A copy of the notification form can be found as Attachment G at the back of this booklet. The form must be received prior to the release of any testing information.

POST-ACCIDENT / INCIDENT TESTING

A Contractor Participant may require an Employee to submit to Post-Accident/Incident Testing after the Employee's involvement in or cause of an accident/incident that causes injury to the Employee or another person. The Contractor Participant may also require an Employee to submit to Post-Accident/Incident Testing when the Employee is involved in or causes an accident and/or incident which results in damage or destruction to property.

Post-Accident/Incident Testing must be both a Breath Alcohol Test (BAT) and a Urine Drug Screen (UDS) and must be completed within two (2) hours of the recorded accident/incident if a BCRC testing facility is located on the job site or within four (4) hours of the recorded accident/incident if an Employee is required to go off the job site to a BCRC testing facility.

Any Employee suspected of unnecessarily delaying the testing process will be considered to have refused to submit to testing. If an Employee leaves the jobsite prior to submitting to Post-Accident/Incident Testing requested by the Contractor Participant, then the Employee will be considered to have refused to submit to testing; provided, however, this provision shall not apply if the Employee leaves the jobsite for the purpose of obtaining emergency medical treatment for the Employee or with the express authorization of the Contractor Participant and the Employee submits to such Post-Accident/Incident Testing as soon as reasonably possible under the circumstances.

In instances of Post-Accident/Incident Testing the Contractor Participant shall transport the Employee to the testing facility. It is recommended, but not required, that two (2) persons, each of whom is either a Contractor Participant Representative or a Union Representative, should accompany the Employee to the testing facility. At the option of the Contractor Participant, the Employee may be suspended pending the test result. In the event a negative test result is reported, the Employee shall be compensated for all lost time at the appropriate rate within the Collective Bargaining Agreement, straight or premium pay.

When an Employee is injured in an accident and/or incident, priority must be given to the Employee's medical treatment before any consideration is given to collecting a specimen for drug and alcohol testing. Such Employees may request that a Union Representative be available or present prior to any action taken by an Employer, if any, at any stage of the policy and its administration. If an Employee is aggrieved by any action taken under this BCRC Policy and his/her complaint cannot be resolved, the complaint may, if the Employee or Union requests, be referred as a grievance under the grievance and arbitration provisions of the Employee's Collective Bargaining Agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provision of this BCRC Policy. There is no stipend for these tests.

The following provisions apply to any Post-Accident/Incident Testing of a Reporting Employee (i.e., an Employee who reports the accident or incident), and shall limit and take precedence over any other provisions of this BCRC Policy relating to Post-Accident/Incident Testing. A Contractor Participant shall not refer a Reporting Employee for Post-Accident/Incident Testing unless the Employer has a reasonable basis for believing that drug or alcohol use by the Reporting Employee could have contributed to the injury or illness. The Contractor Participant shall consider the following factors in determining whether or not the Contractor Participant has a reasonable basis for believing that drug or alcohol use by the Reporting Employee could have contributed to the injury or illness:

- (1) Whether drug or alcohol use could have contributed to the injury or illness;
- (2) Whether the Employer is also requesting that other employees involved in the accident/incident be tested;
- (3) Whether the Employer has a heightened interest in determining if drug and/or alcohol use could have contributed to the injury or illness due to the hazardousness of the work being performed when the injury or illness occurred; and
- (4) All other relevant factors.

By referring an Employee for Post-Accident/Incident Testing, the Contractor Participant represents to BCRC that the Contractor Participant has complied with these policies and procedures and any other policies and procedures required by law. BCRC has no obligation to determine or confirm that the Contractor Participant has complied with such policies and procedures. The Contractor Participant must complete the BCRC Drug and Alcohol Testing Notification Form. The form must be sent to the BCRC Office via email to *info@bcrcnet.com* or facsimile to 219-764-9510.

A copy of the notification form can be found as Attachment G at the back of this booklet. The form must be received prior to the release of any testing information.

RAPID TEST PROHIBITED

A Rapid Test/Point of Collection Test shall not be used for any drug and alcohol testing performed for the BCRC Policy.

“EMERGENCY” WORK ASSIGNMENTS

To accommodate Owners with emergency work, craft personnel who have not previously held a BCRC identification card or taken an initial drug test, the following provisions will apply when starting for emergency work assignments:

1. Upon arrival at a job location for sign-up, the Designated Employer Representative or Card Manager shall request the Employee to present his/her BCRC identification card.
2. An individual who does not have a BCRC card at the time of hire will be requested to secure a card and submit to an initial drug test within one (1) day, in order to comply with the BCRC Policy.
3. An Employee without a BCRC identification card may work one (1) day. On the second (2nd) day, a Custody & Control Form (as proof of having submitted to a drug test) or a BCRC card must be presented.

4. An Employee who has provided a specimen for testing must bring to the job site his/her copy of the Custody & Control Form, given to him/her by the collection site, as proof that he/she has submitted to an initial test.
5. If the work assignments are consecutive, the Employee will be allowed to work for up to a maximum of four (4) days in order for the Employee to receive his/her BCRC identification card and have the Employers' Card Manager verify the Employee's status as "clear".
6. If the Employee's work assignment is terminated by his/her Contractor Participant before the Employee's status is verified within the allowable four (4) days for verification, and the individual is rehired, the Employee will have to provide the same Contractor Participant a BCRC identification card at the second (2nd) rehiring sign up, and a "clear" status. Except in the event that the rehire is less than four (4) days from the initial hire date. The Employee, the Local and the Home Local Union, shall accept and understand that should his/her initial drug test results be reported as positive, said Employee shall be obligated to pay all costs for any Observed RTD Test, any Dilute Retest Under Observation, all Observed Follow-Up Testing required by the EAP and any subsequent testing required by the EAP. All tests described herein shall be administered pursuant to the observed collection protocol and procedures. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee. Furthermore, the Employee whose initial drug or alcohol test is confirmed as a Positive Test will be subject to disciplinary action up to, and including, termination without obligation for further compensation by the Contractor Participant. Such termination shall also be subject to the individual's rights under his/her Collective Bargaining Agreement.

CARD SYSTEM

Employees will be required to give their BCRC Identification Card Number to their Contractor Participant's Card Manager in order for the Card Manager to access the e-mail confirmation system. Inquiries to the status confirmation system will provide the date of the Employee's last test and one (1) of the following BCRC status indicators:

- N/A meaning "Not Available"
- CL meaning "Clear"

Employees can also access their own status and update contact information through the membership portal under the "Member Utilities" tab on the *www.bcrcnet.com* homepage.

STATUS CONFIRMATION

A Contractor Participant may verify the status of all BCRC Employees who are current Employees of the Contractor Participant (or persons offered immediate employment by the Contractor Participant subject to BCRC employment eligibility verification). This includes any former Employees who have been recalled for immediate re-employment by the Contractor Participant and any persons who were referred to the Contractor Participant by a Participating Union for immediate employment, subject to BCRC employment eligibility verification. However, a Contractor Participant is not permitted to access any information from the BCRC database for any individual who is not a current Employee of the Contractor Participant or a person offered immediate employment by the Contractor Participant subject to BCRC employment eligibility verification.

The Contractor Participant is required to obtain appropriate written consent from its Employees to access any information about such Employees from the BCRC database and is required to comply with all provisions of this BCRC Policy regarding access to such information. Such access can be obtained by having

their card status verified on their job site in order to determine if the Employee is available or not available under the BCRC program. The Contractor Participant may also use the e-mail procedures for verification.

A Contractor Participant who accesses any information from the BCRC database concerning an individual who is not a current Employee of the Contractor Participant or a person offered immediate employment by the Contractor Participant subject to BCRC employment eligibility verification, violates the BCRC Policy and is subject to appropriate sanctions for such unauthorized use of the BCRC database. Such sanctions may include terminating, or at least limiting, the access of such Contractor Participants to information in the BCRC database.

When an Employee's status is Not Available (N/A), he/she will be advised to contact the BCRC office to resolve the N/A status. The Employee may be required to follow the protocol for a non-compliant event as prescribed in the BCRC Policy.

The Contractor Participant may verify the Employee's card after four (4) days to reconfirm the status. If the Employee's status is still N/A, the Contractor Participant may terminate the Employee. Said Employee will be referred to the Employee Assistance Program (EAP) for assessment. Said employee will be required to follow the recommendations of the EAP Counselor before being considered for further assignments. This procedure will protect the Employee's confidentiality and allow the Contractor Participant to audit the status of his/her Employees, which may be required by the Owner to be submitted monthly.

REPORTING OF TEST RESULTS

For all D.O.T. testing, all test results shall be reported to the Contractor Participant and to any other persons and/or entities required by applicable law and/or regulations. For all On-Site Random Testing performed pursuant to a BCRC On-Site Substance

Abuse Testing Addendum or other testing agreements with owners, BCRC shall report test results in accordance with the provisions of such Addenda and/or Agreements. For all Post-Accident/ Incident Testing and all Probable Cause Testing, BCRC has the right to provide all test results to the Contractor Participant that requested such testing. The Contractor Participant must complete the BCRC Drug and Alcohol Testing Notification Form. The form must be sent to the BCRC Office via email to *info@bcrcnet.com* or facsimile to 219-764-9510. A copy of the notification form can be found as Attachment G at the back of this booklet. The form must be received prior to the release of any testing information.

INSUFFICIENT SPECIMEN

An Employee who provides an insufficient specimen of urine or breath when required to do so shall be referred to an appropriate medical professional for evaluation at the Participant's expense. If the medical evaluation fails to reveal an acceptable medical explanation for the inability to provide a specimen, the donor shall be considered to have refused to test and shall be subject to the rules as outlined in this policy. If a legitimate medical reason is revealed, the Employee will be subject to hair follicle testing pursuant to this BCRC Policy.

DILUTE SPECIMEN

Any Employee providing a Negative Dilute Specimen will be required to return to a collection site within forty-eight (48) hours to provide a second (2nd) specimen, on his/her own time. This second specimen shall be given pursuant to observed collection protocol and procedures, unless prohibited by applicable law. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.

Employees should refrain from excessive consumption of fluids prior to the retest. No adverse action shall be taken against any

Employee based on a first (1st) Dilute Specimen, unless the first (1st) Dilute Specimen is confirmed to be a Positive Test or the Employee fails to provide the second (2nd) specimen in compliance with the applicable time period and procedures set forth herein. If the Employee timely provides the second (2nd) specimen in compliance with the applicable time period and procedures set forth herein, then the second test (and not the first test) shall be treated as the test result of record. A second (2nd) Negative Dilute Specimen will be treated as a refusal to submit to testing and a Non-Compliant Event, unless: (a) a Medical Professional determines that there is a valid medical reason for the second (2nd) Negative Dilute Specimen, or (b) such treatment is prohibited by applicable law.

If the first (1st) Dilute Specimen is confirmed to be a Positive Test, then the first (1st) test shall be treated as a Positive Test and no retest shall be performed. If the second (2nd) Dilute Specimen is confirmed to be a Positive Test, then the second (2nd) test shall be treated as a Positive Test, regardless of the results of the first (1st) Dilute Specimen.

ADULTERATED, SUBSTITUTED AND/OR OUT-OF-TEMPERATURE SPECIMEN

When a urine specimen is reported as an Adulterated Specimen, a Substituted Specimen, an Out-of-Temperature Specimen (meaning the specimen is below 90°F or above 100°F at the time the specimen is obtained at the collection site) or the Employee compromises the testing protocol (i.e., washes his/her hands, flushes the toilet, etc.) prior to being given direction from the collection professional, the Employee will be considered to have not cooperated with the testing process, the test will be considered a refusal to be tested, and the specimen/test will be treated as a Non-Compliant Event, unless such treatment is prohibited by applicable law. In all such cases, the Employee shall be referred to the TPA (BCRC) and he/she will be directed to contact the program's Employee Assistance Program (EAP) for consultation,

further review and evaluation. However, these procedures shall not prohibit the specimen collector from immediately conducting a new collection using direct observation procedures in those cases where required by law.

In those cases where the MRO is unable to determine whether a specimen is an Adulterated Specimen and/or a Substituted Specimen, the MRO directs a retest under direct observation because the creatinine concentration of the specimen was not consistent with medical expectations for human urine. The Employee shall be required to submit to immediate recollection pursuant to observed collection protocol and procedures without any prior notification to the Employee. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.

In addition, the Employee who has refused to be tested, or who uses or possesses a counterfeit drug card, shall be subject to Employer discipline up to and including discharge, subject to the grievance procedures set forth in the applicable Union's Collective Bargaining Agreements.

CONSEQUENCES FOR A NON-NEGATIVE OR POSITIVE TEST

1. An Employee who tests Non-Negative or Positive for drugs shall be contacted directly by the Medical Review Officer (MRO). If the MRO verifies the results of the Non-Negative or Positive Test, the MRO will notify the Employee that he or she is ineligible for work and he/she will be directed to contact the TPA (BCRC). The BCRC will refer the Employee to the program's Employee Assistance Program (EAP) for consultation and review. If the MRO contacts the Employee and finds that there is a reason for the Non-Negative or Positive Test (i.e., an authorized prescription medication)

the MRO will downgrade the result to a negative, and the Employee's card will be marked "CL".

2. In the case of a confirmed Non-Negative or Positive drug or alcohol test, the TPA (BCRC) will be notified that the Employee's status should be marked "N/A". The "N/A" status will be effective at the moment that a confirmed Non-Negative or Positive Test is received.
3. Before returning to work, an Employee must:
 - (1) Complete an evaluation with the program's Employee Assistance Program provided by the BCRC EAP Provider;
 - (2) Follow a treatment plan prescribed by the program's EAP;
 - (3) Obtain written documentation from the program's EAP verifying an Observed Return To Duty Test date; and
 - (4) Obtain a negative result on an Observed Return To Duty Test. The specimen for all Return To Duty Tests shall be given pursuant to observed collection protocol and procedures. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.
4. An "N/A" status will not be the sole basis for termination of employment. An Employee must contact the BCRC office to resolve an "N/A" status. Only Employees who are in non-compliance with this BCRC Policy may be discharged. For the purposes of this provision, "non-compliance" shall mean one or more of the following:
 - Failure to report to the program's Employee Assistance Program as directed,
 - Failure to follow and/or complete an EAP-prescribed treatment program,
 - Failure to take an Observed Return To Duty Test or

- any Observed Follow-Up Testing or any Observed Retests for a Diluted Specimen,
 - Failure to report for a random test request within seven (7) days, or
 - Failure to submit to a drug or alcohol test when requested to do so by the EAP.
5. If a New Employee/Applicant/Traveler has an initial drug or alcohol test that is confirmed as a Positive Test, BCRC shall notify the applicable Local Union or Contractor Participant of the test results and the applicable Local Union or Contractor Participant shall advise BCRC as to the Local Union's or Contractor Participant's intent and decision regarding such New Employee/Applicant/Traveler. If the Local Union or Contractor Participant decides to keep such New Employee/Applicant/Traveler, the New Employee/Applicant/Traveler shall pay all costs for:
- Any Observed Return To Duty Test(s),
 - Any Observed Follow-Up Testing required by the EAP,
 - Any subsequent testing required to be in compliance with the BCRC Policy.
 - Any costs associated with the Observed Return To Duty or the Observed Follow-Up tests including a retest for dilute will be the obligation of the employee.

ADDITIONAL CONSEQUENCES FOR MULTIPLE NON-COMPLIANT EVENTS

If any Employee has three (3) or more Non-Compliant Events within a twelve (12) consecutive month (rolling) period, the Employee shall not be permitted to take a Return To Duty Test until one (1) year after the most recent Non-Compliant Event within such twelve (12) consecutive month period and the Employee's BCRC Substance Abuse Card and status shall be N/A for the same time period. This policy and these procedures

are referred to in this BCRC Policy as the “3 Strike Rule.” In addition, such Employee must complete an EAP-prescribed treatment program before returning to work.

BCRC also performs On-Site Random Testing pursuant to the BCRC On-Site Substance Abuse Testing Addendum. The policies set forth in such Addendum (and/or other testing agreements with Owners) also impose additional consequences for Positive Tests and/or other Non-Compliant Events. Such additional consequences generally apply at the specific plants and locations covered by such Addenda (and/or other testing agreements with owners) and are in addition to any additional consequences set forth in this BCRC Policy.

After an Employee has been N/A for the one (1) year time period pursuant to the 3 Strike Rule, the Employee can request a change in status under the BCRC Policy. If such a request is made by the Employee, the following shall apply:

- The Employee shall report to the EAP and comply with all requirements of the EAP.
- At the direction of the EAP, the Employee shall submit to an Observed RTD Test at the Employee’s expense, which test shall be taken within the time periods and requirements established by the EAP. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.
- If the Observed RTD Test is negative, BCRC will pay for any Observed Follow-Up Testing, unless and until the Employee has a subsequent confirmed Non-Compliant Event. Any subsequent confirmed Non-Compliant Event following the negative Observed RTD Test shall constitute a “strike” for purposes of the 3 Strike Rule, shall require the Employee (and not BCRC) to

pay for all subsequent Observed Follow-Up Testing and any Observed RTD Test(s), and shall require the Employee to return to the EAP for further evaluation and treatment.

- If the Observed RTD Test is a confirmed Non-Negative Test, Positive Test, or Diluted Retest, it shall be a Non-Compliant Event, it shall constitute a “strike” for purposes of the 3 Strike Rule, it shall require the Employee to pay for all subsequent Observed Follow-Up Testing and any Observed RTD Test(s) in addition to the cost of the initial Observed RTD Test and shall require the Employee to return to the EAP for further evaluation and treatment.

These policies and procedures apply each time that an Employee has been N/A for the one (1) year time period pursuant to the 3 Strike Rule and thereafter, requests a change in status under the BCRC Policy. Therefore, if an Employee has a second one (1) year suspension pursuant to the 3 Strike Rule and thereafter requests a change in status under the BCRC Policy, BCRC will pay for any Observed Follow-Up Testing if the Observed RTD Test is negative, unless and until the Employee has a subsequent confirmed Non-Negative or Positive Test or other Non-Compliant Event.

In such case, the Employee shall pay all costs for:

- Any Observed Return To Duty Test(s),
- Any Dilute Retest Under Observation,
- Any Observed Follow-Up Testing required by the EAP,
- Any subsequent testing required by the EAP.

OBSERVED RETURN TO DUTY TESTING

Observed Return To Duty test is required for an Employee to be reinstated into the BCRC program following any Non-Compliant Event (e.g., missed random, walkout, refusal to submit, etc.) as described in the Definitions of this BCRC Policy. The Participant

must have a negative drug test before resuming performance of his/her job duties.

This test may not be taken until the Employee Assistance Program Counselor has set a date for the test. The specimen for all Return To Duty Tests shall be given pursuant to observed collection protocol and procedures. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.

OBSERVED FOLLOW-UP TESTING

Observed Follow-Up Testing for drugs and/or alcohol is a requirement in order for a returning Employee to stay in compliance with the BCRC Program. Testing shall be determined by the Employee Assistance Program Counselor, and will be implemented and monitored by the TPA (BCRC) when the Employee returns to work. Observed Follow-Up Tests must be taken within forty-eight (48) hours from the time when the TPA (BCRC) attempts to contact or contacts the Employee, or the Employee will be considered non-compliant, made "N/A", and referred back to the EAP for further evaluation.

A New Employee/Applicant/Traveler whose initial drug or alcohol test is confirmed as a Positive Test shall pay all costs for such Follow-Up Testing required by the EAP and any subsequent testing required by the EAP.

The specimen for all Follow-Up Testing shall be given pursuant to observed collection protocol and procedures. After the BCRC has scheduled the observed test, the obligation to inform the collection site of the requirement for an observed test shall lie solely with the Employee.

DISPUTED POSITIVE RESULTS

An Employee who disputes the results of a Positive Test or a Non-Negative Test for drugs shall have the right to have his/her initial sample independently re-tested by a Department of Health and Human Services (HHS) certified laboratory of his/her choice, at his/her own expense, but such re-testing will only be performed if BCRC receives a cashiers check, money order, travelers check, or cash for such re-testing within ten (10) business days after the Employee was notified of the test results that the Employee elects to dispute. If the Employee timely requests and pays for the retesting, a portion of the initial sample (or split specimen) shall be forwarded under a Custody and Control Form directly by BCRC's testing laboratory to the HHS laboratory selected by the Employee. Review of the drug test result must be performed by a qualified MRO who has been approved by BCRC. If the second lab report shows the presence of a drug or drug metabolite equal to or greater than the cutoff concentrations, the test result will be considered Positive. If the second lab report test indicates no presence of a drug or drug metabolite equal to or greater than the cutoff concentration, then both tests will be considered negative.

The following section only applies when the Employee tests due to Post-Accident/Incident Testing or Probable Cause Testing: If the test is negative, the affiliated Employer will reimburse the Employee for compensation lost at the appropriate rate within the Collective Bargaining Agreement, straight or premium pay, during the period of his/her disciplinary suspension or termination and will reimburse the Employee for the cost of the re-test.

An Employee, whose test results are verified Positive by the MRO, will be referred to the EAP by the TPA (BCRC). The Employee is expected to attend all appointments with the EAP Counselor, and to follow the EAP Counselor's recommendations and requirements. A Positive alcohol test conducted on a breath sample cannot be re-tested. All problem situations shall be resolved in accordance with current guidelines and standards established by the U.S. HHS/SAMHSA or U.S. Department of Transportation.

APPEALS AND PROTECTIONS/JUST CAUSE

Employees who are subject to this BCRC Policy continue to have access to the usual protections provided as a part of their Union membership and/or as members of bargaining units covered by Collective Bargaining Agreements. Such Employees may request that a Union Representative be available or present prior to any action taken by an Employer, if any, at any stage of the policy and its administration. If an Employee is aggrieved by any action taken under this BCRC Policy and his/her complaint cannot be resolved, the complaint may, if the Employee or Union requests, be referred as a grievance under the grievance and arbitration provisions of the Employee's Collective Bargaining Agreement. In the event the matter is referred to arbitration, the arbitrator shall be bound substantively by the provisions of this BCRC Policy.

Any Employee, Contractor Participant, or Union shall have the right to have any decision, action, or other matter relating to the implementation of this BCRC Policy reviewed by the Board of Directors of BCRC (or a committee appointed by said Board) (hereinafter "Review Board") in accordance with the following procedures. Within thirty (30) calendar days of the decision, action, or other matter for which such review is requested, any Employee, Contractor Participant, or Union may submit a written request for review to the Executive Director of BCRC. The written request shall describe: (1) the decision, action, or other matter to be reviewed, (2) the reason for the requested review, and (3) the requested relief.

The thirty (30) calendar day time period shall begin to run on the date of the occurrence of the decision, action, or other matter for which such review is requested, or if the decision, action, or other matter is continuing in nature, then the thirty (30) day time period shall begin to run on the first day of the decision, action, or other matter. If the thirtieth day is on a weekend or holiday, then the time period for requesting review shall be extended to the immediately following business day.

Upon receipt of a timely and proper written request for review, the Review Board shall perform the requested review. In performing the requested review, the Review Board (or any member or designated representative thereof) may, but is not required to, request additional information, obtain additional information, conduct interviews, hold hearings, and utilize any other procedures and/or methods that the Review Board deems appropriate. Any decisions of the Review Board shall be made by a majority vote of the members of the Review Board. Upon making any decision, the Review Board shall provide a written notice of such decision to the Employee, Contractor Participant, or Union that requested the review. Such written notice shall contain a description of the decision. The written notice may also contain a statement and/or summary of the reasons for the decision, but such a statement or summary is not required.

Any decisions of the Review Board that relate to the interpretation and/or implementation of the BCRC Policy shall be final and binding and not subject to further review. However, any decisions of the Review Board that relate to compliance with federal, state, or local statutes, ordinances, and other laws may be submitted to binding arbitration pursuant to the Labor Arbitration Rules and Procedures of the American Arbitration Association (hereinafter "AAA"). Any such submission must be initiated within thirty (30) calendar days after the decision of the Review Board by filing a Demand for Arbitration with the AAA, paying the appropriate filing fees to the AAA, serving a copy of the Demand for Arbitration upon the Executive Director of the BCRC, and serving a copy of the Demand for Arbitration upon any other interested parties who were named in and/or who directly participated in the review conducted by the Review Board. If the thirtieth day is on a weekend or holiday, then the time period for requesting review shall be extended to the immediately following business day.

In any such arbitration, the arbitrator (i.e., neutral) shall be bound substantively by the provisions of this BCRC Policy. All of the fees and expenses of the AAA and the arbitrator shall be paid by

the party filing the Demand for Arbitration, unless the arbitrator makes a different allocation in his/her award. Each party to the arbitration shall pay their own attorney fees and attorney expenses relating to the arbitration, and the arbitrator shall not have any authority: (1) to make any award for attorney fees and attorney expenses, or (2) to require any party to reimburse another party for attorney fees and attorney expenses.

ILLINOIS – “DRUG FREE WORKPLACE ACT” - 30 ILCS 580

When working on public projects in the State of Illinois, Employers must comply with the Illinois Drug Free Workplace Act. This Act requires Employers to certify that it provides a drug free workplace by complying with certain steps. First, the Employer must publish a statement to its Employees notifying them that as a condition of employment, drug possession, use, etc. is prohibited at work and specify the actions taken if this is violated. Second, Employers must provide each Employee working in Illinois a copy of this published statement. Third, Illinois requires Employers to provide a drug free awareness program to inform Employees about drug abuse, the Employer's drug free policy, the availability of drug assistance programs, and penalties for drug violations. If the Employer receives notice of an Employee's criminal drug conviction, the Employer must notify the Illinois agency in the contract within ten (10) days. Finally, if an Employee violates the drug free policy, an Employer has thirty (30) days to take action against the Employee, up to and including termination or requires the Employee to satisfactorily participate in an approved drug abuse assistance program.

If the Employer fails to follow the Drug Free Workplace Act provisions, the Illinois agency in the contract may suspend or terminate the contract. If the violation is serious, the Illinois agency may recommend debarment, which makes the Employer ineligible to be awarded any contract or grant by the State of Illinois for one to five (1-5) years.

For further reference, the Drug Free Workplace Act may be found at 30 ILCS 580; <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=551&ChapterID=7>.

ILLINOIS – “SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS PROJECTS ACTS” - 820 ILCS 265

Employers who work on public works projects in Illinois must have a written substance abuse prevention program that meets or exceeds the following requirements: (1) at least a 9 panel urine drug test plus a test for alcohol (NOTE: blood testing may only be used in post-accident tests); (2) a list of prohibited actions and conditions listed below; (3) Employees must submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing before the project begins, but not required for an Employee who has been participating in a random testing program during the 90 days preceding the date on which the Employee commenced work on the project; and (4) a procedure for notifying the Employee of any violations or refusal to submit to a drug test.

The prohibited Employee actions include using, possessing, distributing, delivering, or being under the influence of a drug and/or alcohol while performing work on a public works project.

Any Employee with a Blood Alcohol Content at or above 0.02 is considered to be under the influence.

This written program must be filed with the Illinois agency and made publicly available.

Any Employee who violates the drug policy, tests positive for drugs, or refuses to submit to a drug test may not work on a public works project until the Employee satisfies the following conditions: (1) the Employee has tested negative for presence of drugs and is not under the influence of alcohol; (2) the Employee has been approved to return to work in accordance with the Employer's written substance abuse prevention program; and (3) the testing for drugs and alcohol was conducted in accordance with laboratory testing and Chain of Custody procedures as required by the U.S. Department of Health and Human Services. Upon meeting these conditions, an Employee may return to work if work for which he or she is qualified exists.

For further reference, the Substance Abuse Prevention Program Requirements may be found at 820 ILCS 265/10, 820 ILCS 265/15, and 820 ILCS 265/20; available at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2950&ChapterID=68>

ILLINOIS – “CANNABIS REGULATION AND TAX ACT” **- 410 ILCS 705**

Employers who have offices in Illinois and/or perform work in Illinois may be subject to the Illinois Cannabis Regulation and Tax Act, which went into effect on January 1, 2020. However, the Illinois Cannabis Regulation and Tax Act does not apply to any work performed in Indiana. The Illinois Cannabis Regulation and Tax Act also expressly permits employers from adopting reasonable drug-free workplace policies, which can prohibit the smoking, consumption, storage, or use of cannabis at the workplace or while on call.

The BCRC Policy expressly prohibits use, possession, distribution, delivery, and being under the influence of a drug or alcohol while performing any work for the Employer. Such prohibitions apply to cannabis, all other drugs, and alcohol, and apply to all work subject to the BCRC Policy, including any such work in Illinois. The Illinois Cannabis Regulation and Tax Act does not affect this BCRC Policy.

INDIANA – DRUG TESTING FOR PUBLIC WORKS - **IND. CODE 4-13-18**

Employers working on public works projects in Indiana must comply with Indiana statutes requiring mandatory drug testing that are set forth in Indiana Code 4-13-18. The BCRC Policy is intended to comply with the requirements of such statutes. Many of the policies and procedures set forth in the BCRC Policy exceed the minimum requirements for drug testing set forth in such statutes. However, if any of the policies and procedures set forth in the BCRC Policy fail to meet the minimum requirements for drug testing set forth in such statutes, then the BCRC Policy shall be deemed to include the requirements for drug testing set forth in such statutes to the extent necessary to make the BCRC Policy comply with the minimum requirements for drug testing set forth in such statutes.

Attachment A – General Trades:
BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

You have been selected by BCRC's computer generated random selection to take a random drug test for BCRC. You must be tested no later than midnight (day) of (Month), 20__. Our computer program selects the names of BCRC cardholders for a random each month. You can be selected up to twice in a twelve month period.

In order to stay in compliance with BCRC and possess a clear (CL) BCRC card status you will be required to report to an approved collection site within seven (7) days from the date on this "Notice of Random Testing" letter (the date on this letter is included in the seven days). Please verify that the BCRC card number in the upper right hand corner of this notice matches your BCRC card number. If it does not match your BCRC card number, please notify our office immediately!

This random test is to be taken on your own time at any of the BCRC approved collection sites identified on the enclosed collection site list. You will be mailed a \$30.00 stipend for the time necessary to secure random testing only if your test is taken within the allotted seven (7) days of this notice. **NO EXCEPTIONS!** Failure to take your test by the date outlined above will result in your BCRC card status being deemed "Not Available" (N/A) and will require that you contact the BCRC office for instructions on the required procedure(s) for correcting the "N/A" status. In the event you are taking prescribed medication(s), **DO NOT** take them to the collection site. You will be contacted by our Medical Review Office (MRO), who will need your prescription information for the verification process. Please provide a legible and accurate telephone number on all forms at the collection site.

Remember, it is your responsibility to keep your contact information current with BCRC. You can do so through the "Members Utilities" secure portal on the BCRC website at www.bcrcnet.com or by calling the BCRC office at the numbers listed below.

Questions, contact the BCRC office @ 219-764-9500 or toll free @ 877-988-5400. Thank you for your cooperation.

Sincerely,

Tish Roach
Executive Director

As a member of BCRC, you and your family have access to Perspectives, a fully independent, professional Employee Assistance Program (EAP). Perspectives twenty-four (24) hour, seven (7) days a week hotline number is (800) 456-6327. All calls to Perspectives are confidential.

Attachment B – Non-Bargaining:
BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

You have been selected by BCRC's computer generated random selection to take a random drug test for BCRC. You must be tested no later than midnight (day) of (Month), 20__. Our computer program selects the names of BCRC cardholders for a random each month. You can be selected up to twice in a twelve month period.

In order to stay in compliance with BCRC and possess a clear (CL) BCRC card status you will be required to report to an approved collection site within seven (7) days from the date on this "Notice of Random Testing" letter (the date on this letter is included in the seven days). Please verify that the BCRC card number in the upper right hand corner of this notice matches your BCRC card number. If it does not match your BCRC card number, please notify our office immediately!

This random test is to be taken on your own time at any of the BCRC approved collection sites identified on the enclosed collection site list. Failure to take your test by the date outlined above will result in your BCRC card status being deemed "Not Available" (N/A) and will require that you contact the BCRC office for instructions on the required procedure(s) for correcting the "N/A" status. In the event you are taking prescribed medication(s), **DONOT** take them to the collection site. You will be contacted by our Medical Review Office (MRO), who will need your prescription information for the verification process. Please provide a legible and accurate telephone number on all forms at the collection site.

Remember, it is your responsibility to keep your contact information current with BCRC. You can do so through the "Members Utilities" secure portal on the BCRC website at www.bcrcnet.com or by calling the BCRC office at the numbers listed below.

Questions, contact the BCRC office @ 219-764-9500 or toll free @ 877-988-5400. Thank you for your cooperation.

Sincerely,

Tish Roach
Executive Director

As a member of BCRC, you and your family have access to Perspectives, a fully independent, professional Employee Assistance Program (EAP). Perspectives twenty-four (24) hour, seven (7) days a week hotline number is (800) 456-6327. All calls to Perspectives are confidential.

BCRC LETTER HEAD

Letter of Notice for Random Testing

Dear _____

You have been selected by BCRC's computer generated random selection to take a random drug test for BCRC. You must be tested no later than midnight (day) of (Month), 20__. Our computer program selects the names of BCRC cardholders for a random each month. You can be selected up to twice in a twelve month period.

In order to stay in compliance with BCRC and possess a clear (CL) BCRC card status you will be required to report to an approved collection site within seven (7) days from the date on this "Notice of Random Testing" letter (the date on this letter is included in the seven days). Please verify that the BCRC card number in the upper right hand corner of this notice matches your BCRC card number. If it does not match your BCRC card number, please notify our office immediately!

This random test can be taken on your own time/taken on your Employer/Contractor's time at any of the BCRC approved collection sites identified on the enclosed collection site list. Failure to take your test by the date outlined above will result in your BCRC card status being deemed "Not Available" (N/A) and will require that you contact the BCRC office for instructions on the required procedure(s) for correcting the "N/A" status. In the event you are taking prescribed medication(s), **DO NOT** take them to the collection site. You will be contacted by our Medical Review Office (MRO), who will need your prescription information for the verification process. Please provide a legible and accurate telephone number on all forms at the collection site.

Remember, it is your responsibility to keep your contact information current with BCRC. You can do so through the "Members Utilities" secure portal on the BCRC website at www.bcrcnet.com or by calling the BCRC office at the numbers listed below.

Questions, contact the BCRC office @ 219-764-9500 or toll free @ 877-988-5400. Thank you for your cooperation.

Sincerely,

Tish Roach
Executive Director

As a member of BCRC, you and your family have access to Perspectives, a fully independent, professional Employee Assistance Program (EAP). Perspectives twenty-four (24) hour, seven (7) days a week hotline number is (800) 456-6327. All calls to Perspectives are confidential.

Attachment D
**AUTHORIZATION TO RELEASE AND DISCLOSE
INFORMATION AND DOCUMENTS**

TO: BUILDING AND CONSTRUCTION RESOURCE CENTER, INC.,
BCRC ADMINISTRATORS, INC., AND THEIR OFFICERS,
EMPLOYEES, AGENTS, AND INDEPENDENT CONTRACTORS
6050 Southport Road, Suite B
Portage, Indiana 46368

I, _____, hereby authorize the entities and individuals referred to above (hereinafter referred to collectively as "BCRC") to release and disclose the following information and documents in their possession and/or control, concerning me and/or any drug and/or alcohol testing of me:

Drug and alcohol testing information and documents related thereto

Test results for drug and alcohol testing

Communications regarding drug and alcohol testing and test results

Referrals and follow-up reviews (e.g., to EAP, MRO, etc.)

Other (Must Specify): _____

[NOTE: If you do not authorize the release and disclosure of any of the items listed above, then you need to draw a line through any of the items listed above that you are not authorizing. If you want to authorize the release and disclosure of any other items, please list such items on the line listed above that follows "Other (Must Specify)."]

to the following entities and individuals (hereinafter referred to collectively as the "Receiving Parties") and to communicate with the Receiving Parties concerning such information and documents:

Terms and Conditions:

1. I understand and acknowledge that I am hereby authorizing BCRC to release and disclose information and documents, and to communicate with the Receiving Parties concerning such information and documents, even though such information, documents, and communications may be protected from disclosure by federal laws, state laws, and/or BCRC policies.

2. I also understand and acknowledge that I have read this Authorization to Release and Disclose Information and Documents (hereinafter "Authorization"), that I understand all of the provisions of this Authorization, and that I am signing this Authorization as my free and voluntary act.

3. I also understand and acknowledge that I have the right to revoke this Authorization at any time by providing a written notice of revocation to BCRC at the address listed above. Any such revocation shall not be effective until BCRC receives such written revocation and any such revocation shall not be effective as to any action taken by BCRC with respect to this Authorization prior to BCRC's receipt of such written revocation.

4. I also understand and acknowledge that BCRC has no obligations to exercise any control over the use by the Receiving Parties, including further disclosure by the Receiving Parties, of any information and/or documents that BCRC releases and/or discloses to the Receiving Parties pursuant to this Authorization. I hereby release and waive any claims that I may have against BCRC relating to the use by the Receiving Parties, including further disclosure by the Receiving Parties, of any information and/or documents that BCRC releases and/or discloses to the Receiving Parties pursuant to this Authorization.

5. I agree to defend, indemnify and hold harmless BCRC from any and all claims and liabilities relating and/or arising from BCRC's compliance with this Authorization.

Signature: _____ Date Signed: _____

Name (Printed): _____ BCRC ID No.: _____

Address of Signer: _____ Soc. Sec. No. _____

_____ Date of Birth: _____

Driver's License No: _____

Attachment E



Striving to be Drug Free
for a Safe Industry



BCRC ADMINISTRATOR INC.

BCRC MEMBER APPLICATION FORM
PHONE : (219)764-9500 FAX : (219)764-9505

****PLEASE MAKE COPIES AS NEEDED****

TRADE CODE _____ BCRC NUMBER _____
(OFFICE USE ONLY) (OFFICE USE ONLY)

****** PLEASE PRINT CLEARLY, BCRC IS NOT RESPONSIBLE FOR MISDIRECTED MAIL
BECAUSE YOUR HANDWRITING IS NOT CLEAR******

LOCAL UNION: _____ TRADE: _____

COMPANY NAME: _____

TODAY'S DATE: ____/____/____ DATE OF BIRTH: ____/____/____

SOCIAL SECURITY # ____ - ____ - ____ DRIVER'S LICENSE #: _____ STATE OF ISSUE _____

EMPLOYEE LAST NAME: _____

FIRST NAME: _____ MIDDLE INITIAL: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

CELL PHONE: (____) _____ - _____ ALTERNATE PHONE: (____) _____ - _____

CHECK THIS BOX TO RECEIVE TEXT / E-MAIL NOTIFICATION FOR BCRC RANDOMS.

CELL PHONE PROVIDER : _____ (AT&T, Sprint, T-Mobile, Verizon, Etc.)

E-MAIL ADDRESS: _____

**IMPORTANT! BE SURE TO CHECK THE APPROPRIATE BOX (ES) BELOW.
YOU NEED TO COMPLETE THIS FORM TO RECEIVE A BCRC CARD.**

- | | |
|---|--|
| <input type="checkbox"/> NEW APPLICANT | <input type="checkbox"/> CONSTRUCTION WORKER |
| <input type="checkbox"/> TRADE TRANSFER | <input type="checkbox"/> TRAVELER |
| <input type="checkbox"/> D.O.T. | <input type="checkbox"/> NON-BARGAINING |

THIS FORM IS CONFIDENTIAL AND MUST BE HELD IN A SECURED LOCATION AT ALL TIMES

Application Acknowledged by Applicable Local Union _____

Approved By: _____

Please Print

Please Sign

Attachment E
PERMISSION FORM TO OBTAIN
BCRC DRUG STATUS
BY BCRC ID NUMBER OR SOCIAL SECURITY NUMBER

Before an employee's BCRC status can be released to an employer verbally by BCRC, the employee must first sign for the release of his/her status by the use of his/her BCRC I.D. Number or Social Security Number.

Per BCRC Policy Revision January 1, 2020, Page 36, Card System & Status Confirmation Article:

The card manager shall maintain the strictest confidentiality of the BCRC membership.

The Employer is required to obtain appropriate written consent from its Employees to access any information about such Employees from the BCRC database, and is required to comply with all provisions of the BCRC Policy regarding access to such information. Such access can be obtained by having their card status verified on their job site in order to determine if the Employee is available or not available under the BCRC program.

I _____, give my permission for the following company to obtain
(please print your full name)
the information of my availability status from BCRC by using my BCRC I.D. Number or my Social Security Number.

Company Name: _____

Company Card Manager Name: _____

Card Manager Contact Phone Number: _____

Site Location: _____

Employee/Member Name: _____

Employee/Member BCRC I.D. #: _____

Driver's License #: _____ State of Issue: _____

Or Employee/Member Social Security Number: _____ - _____ - _____

Employee/Member Signature

Date

Please fax form back to BCRC at (219) 764-9505

THIS FORM IS CONFIDENTIAL AND MUST BE HELD IN A SECURED LOCATION AT ALL TIMES

Attachment E

**BCRC APPLICANT/CARDHOLDER DRUG TEST
INFORMATION AND INSTRUCTION SHEET**

BCRC is exercising extreme care to ensure that strict quality control measures are followed in the collection, handling, and analysis of your specimen. You play an important role in this process and should be certain that you have provided an unadulterated specimen to the laboratory. Remember, you are certifying that the specimen which you provide is yours and is unadulterated. Any adulteration or switching of specimen is a breach of BCRC's rules and, if you are employed, may subject you to discipline up to and including termination by your Employer.

For your own protection and peace of mind, we ask that you:

- Provide a picture identification to the collection site/technician at time of arrival;
- Be escorted to a collection room and asked to provide an unadulterated specimen in the collection bottle provided. The bottle should be filled to 45 ml;
- Return the specimen bottle to the medical technician and witness, initial and date the integrity seals placed on your specimen;
- Verify the proper spelling of your name as recorded on the log sheet;
- Verify that your social security number has been properly recorded;
- Verify that the social security number placed on your specimen bottle is the same as that recorded on the log sheet and the Custody and Control Form.

**I HAVE READ THE ABOVE AND HAVE HAD AN OPPORTUNITY
TO ASK QUESTIONS REGARDING THIS PROCEDURE.**

BCRC Applicant/Cardholder Signature

Date

BCRC On-Site Substance Abuse Testing Addendum

Effective _____, 20__

1) BCRC will cover all outside Contractors, non-bargaining personnel, and/or safety personnel working at heavy industrial facilities, light industrial facilities, health care facilities, and/or any public or private entity in Northwest Indiana for the purpose of substance testing, tracking and administration under the terms of this Addendum to the BCRC Policy. Testing will include Random On-Site Testing, Post-Accident/Incident Testing, Probable Cause Testing and Follow-Up Testing when required.

2) BCRC will identify to the Employer's and/or Owner's Designated Employer Representative (DER) anyone that has a non-negative (positive) test result, including walkouts or refusals to test, at the facilities where this amendment is adopted. Said participant would be "Not Available" (N/A) for employment at that facility until the participant has contacted the EAP for evaluation and to receive instructions on how to resolve their "N/A" status. If the result of the participant's Return To Duty Test is negative and he/she is and continues to comply with all the Follow-Up Testing protocol as outlined in the BCRC Policy the participant will be allowed to return to work. BCRC will identify anyone that has two confirmed non-negative (positive) tests, to include walkouts or refusal to test, at this facility to the Employer's/Owner's DER.

3) The Employer/Owner will provide BCRC with a list or "pool" from which random selections will be drawn. This list will consist only of Participants physically on the Owner's site on the day the random selection is requested. BCRC will notify the Employers/Owners DER or Card Manager of the random testing selections. Upon notification the selected participant has one hour plus travel time to report to an approved BCRC testing facility. Notification will be given during the same shift for which the pool was submitted and a minimum of two hours prior to the end of the participant's shift plus swipe time. Although no stipend will be paid, the test will count as a random test in the normal BCRC Policy.

4) Employers and Owners will be assigned a code number for access to the BCRC e-mail system for verification of availability of participants in their facility and internal auditing requirements.

5) Employers/Owners who require tests to be current within a specified time frame will be obligated for the administration, implementation and cost of these tests since these tests are not consistent with the BCRC Policy.

Example: Owner "A" requires that all Employees have a drug screen within the last one hundred eighty days (180). Any Employee that must test to be in compliance can do so provided it is not a violation of the applicable Collective Bargaining Agreement. This test will not be at the expense of BCRC.

Gary Kebert, President BCRC

Kevin Roach, Secretary BCRC

Owner Representative

Date

Attachment G



Striving to be Drug Free
for a Safe Industry



BCRC ADMINISTRATOR INC.

BCRC MEMBER APPLICATION FORM

PHONE : (219)764-9500 FAX : (219)764-9505

****PLEASE MAKE COPIES AS NEEDED****

DRUG/ALCOHOL TESTING NOTIFICATION

The following form is to be utilized when sending a Donor/Employee for Post-Accident/Incident Drug Test, Probable Cause Drug Test and Alcohol Test. The DER/Supervisor is to take the Donor/Employee along with this form and valid picture identification, and present the above items at the time of his/her arrival at the collection site.

Company _____

Company Telephone # _____

Requested by DER/Name _____

Location Accident Took Place: _____

Donor/Employee Name: _____

Driver's License # _____ or BCRC# _____

Date of Test: _____ Date of Injury: _____

Time of Test: _____

Test Reason: *(please check)*

_____ Post-Accident/Incident Testing

_____ Probable Cause Testing

Please Test for Both: *(please check)*

_____ Drug and Alcohol

Email to info@bcrcnet.com or Fax directly to BCRC @ (219) 764-9510

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Striving to be Drug Free
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**Building & Construction
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Tish Roach
Executive Director

Perspectives

(800) 456-6327

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Your Employee Assistance Program (EAP)