

CISCO Joint Labor-Management Uniform Drug & Alcohol Abuse Program

The following labor union contract language was developed by a joint team of union contractors and building trade unions (AFL-CIO).

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I. POLICY STATEMENT

The policies recognize the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs.

(Company name) and the signatory unions have a commitment to protect people and property, and to provide a safe working environment. The purpose of the following program is to establish and maintain a drug-free, alcohol-free, safe, and healthy work environment for all of its employees.

II. DEFINITIONS

A. Company Premises

The term "Company Premises" as used in this policy includes all property, facilities, land, buildings, structures, automobiles, trucks, and other vehicles owned, leased or used by the company.

Construction job sites for which the company has responsibility are included.

B. Prohibited Items & Substances

Prohibited substances include illegal drugs (including controlled substances, look-alike drugs, and designer drugs), alcoholic beverages, and drug paraphernalia in the possession of, or being used by, an employee on the job.

C. Employee

Individuals, who perform work for (Company name), including, but not limited to, management, supervision, engineering, craft workers, and clerical personnel.

D. Accident

Any event resulting in injury to a person or property to which an employee or contractor employee, contributed as direct or indirect cause.

E. Incident

An event which has all the attributes of an accident, except that no harm was caused to person or property.

F. Reasonable Cause

Reasonable cause shall be defined as tardiness, excessive absenteeism, and erratic behavior such as noticeable imbalance, incoherence, and disorientation.

III. CONFIDENTIALITY

A. All parties to this policy and program have only the interests of employees in mind, therefore, encourage any employee with a substance abuse problem to come forward and voluntarily accept our assistance in dealing with the illness.

An employee assistance program will provide guidance and direction for you during your recovery period. If you volunteer for help, the company will make every reasonable effort to return you to work upon your recovery. The company will also take action to ensure that your illness is handled in a confidential manner.

B. All actions taken under this policy and program will be confidential and disclosed only to those with a “need to know”.

C. When a test is required, the specimen will be identified by a code number, and not by name, to ensure confidentiality of the donor. Each specimen container will be properly labeled and made tamper-proof. The donor must witness this procedure.

D. Unless an initial positive result is confirmed as positive, it shall be deemed negative and reported by the laboratory as such.

E. The handling and transportation of each specimen will be properly documented through the strict chain of custody procedures.

IV. RULES – DISCIPLINARY ACTIONS – GRIEVANCE PROCEDURES

A. Rules – all employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner.

Employees shall not:

1. Use, possess, dispense or receive substances on or at the job site; or
2. Report to work with any measurable amount of prohibited substances in their system.

B. Discipline – when the company has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended until test results are available. If no test results are received after three (3) working days, the employee, if available, shall be returned to work with back pay. If the test results prove negative, the employee shall be reinstated with back pay.

In all other cases:

1. Applicants testing positive for drug use will not be hired.
2. Employees who have not voluntarily come forward, and who test positive for drug use, will be terminated.
3. Employees who refuse to cooperate with testing procedures will be terminated.
4. Employees found in possession of drugs or drug paraphernalia will be terminated.
5. Employees found selling or distributing drugs will be terminated.
6. Employees found under the influence of alcohol while on duty, or while operating a company vehicle, will be subject to termination.

C. Prescription Drugs – employees using a prescribed medication that may impair the performance of job duties, either mental or motor functions, must immediately inform their supervisor of such prescription drug use. For the safety of all employees, the company will consult with you and your physician to determine if a re-assignment of duties is necessary. The company will attempt to accommodate your needs by making an appropriate re-assignment. However, if a re-assignment is not

possible, you will be placed on temporary medical leave until released as fit for duty by the prescribing physician.

D. Grievance – all aspects of this policy and program shall be subject to the grievance procedure of the applicable collective bargaining agreements.

V. DRUG/ALCOHOL TESTING

The parties to this policy and program agree that under certain circumstances, the company will find it necessary to conduct drug and alcohol testing. While “random” testing is not necessary for the proper operation of this policy and program, it may be necessary to require testing under the following conditions:

A. A pre-employment drug and alcohol test may be administered to all applicants for employment.

B. A test may be administered in the event a supervisor has a reasonable cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. During the process of establishing reasonable cause for testing, the employee has the right to request his on-site representative to be present;

C. Testing may be required if an employee is involved in a workplace accident/incident or if there is a workplace injury;

D. Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse, for up to a one (1) year period;

E. Employees may also be tested on a voluntary basis. Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, on going employment by the company will be terminated. Drug testing will be conducted by an independent accredited laboratory (National Institute on Drug Abuse and/or College of American Pathology), and may consist of either blood or urine tests, or both, as required. Blood tests will be utilized for post-accident investigations only. The company will bear the cost of all testing procedures.

VI. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAM

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the company will assist in locating a suitable employee assistance program for treatment and will counsel the employee regarding medical benefits available under the company or union health & welfare/insurance program.

If treatment necessitates time away from work, the company shall provide for the employee an unpaid leave of absence for purposes of participation in an agreed-upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status if work for which he/she is qualified exists. Employees returning to work after successfully completing the rehabilitation program will be subject to drug tests without prior notice for a period of up to one (1) year. A positive test will then result in disciplinary action as previously outlined in this policy and program.