



IRONWORKER MANAGEMENT PROGRESSIVE ACTION COOPERATIVE TRUST

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# **I.M.P.A.C.T. National Drug Testing and Substance Abuse Program and Guidelines**

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The processes and procedures outlined may be used as a national standard for IMPACT participating members throughout the United States.



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## **Appendix A**

### *Appendix A – Definitions*

#### **Statement of the Program**

IMPACT, Industry Owners, Contractors and their affiliates are committed to provide a safe work environment for all parties working in the construction industry. IMPACT recognizes that a collaborative effort is needed to overcome the impact of substance abuse on safety, productivity, quality of work and morale. With this endeavor, the IMPACT National Drug Testing and Substance Abuse Program Guidelines was created to maintain a drug free workforce.

IMPACT and its affiliates recognize that substance abuse is an illness that creates serious problems for its workers, their families, the workplace and the community. When dealing with substance abuse, efforts must be made to focus on the substance abuse education and behavior modifications as well as reasonable sanctions in order to assist the individual to become a more productive person. Therefore, this Program focuses on the education, assistance to the employees and families, and encouraging the employees to receive treatment as needed.

#### **Section 1 – Overview**

The IMPACT Program establishes minimum testing guidelines for centralized reporting where results of substance abuse testing can be readily accessed by authorized IMPACT users, Owners and Contractor representatives. Confidentiality protection of a Participant is the primary interest of IMPACT, Owners, and Contractors. IMPACT has modified its Program and guidelines dated June 1, 2013 and revised January 1, 2015.

Testing will be administered by a Third Party Administrator (TPA). TPAs will report and monitor Participant status in the Safety Management Database System (SMDS) where IMPACT users, Contractors, and Owners may verify Participant status. Only Participant eligibility is available. Contractors will designate two or more Contractor Designated Representatives (DR) that will have access to view the status of a Participant. The DR form can be accessed on the IMPACT website at [www.impact-net.org](http://www.impact-net.org).

Only Participants who are participating in the Program and who are actively employed will be subject to Program requirements. Each time a Participant has a negative test result, this will become the Participant's new test date and is valid for a cycle period of twelve months. Random testing will be conducted approximately every 4 – 6 weeks only for those Participants who are part of the national random pool. Only Members participating in the Program and who are actively employed are part of the national random pool. Each Contractor will assign a DR that will work in conjunction with the TPA and the Participant.

#### **Section 2 – Online Verification System**

##### **[www.impact-net.org](http://www.impact-net.org)**

Approved Program users will have the ability to verify the status of a Participant in the SMDS at any time, 24 hours a day, 7 days a week via the Internet. The online verification system is accessible through the SMDS located on IMPACT's website at [www.impact-net.org](http://www.impact-net.org). Only Participant eligibility is available through the system. All



confidential participant information is contained within the database with restricted controlled access. The SMDS is a highly secured web-based system protected by secured access codes and passwords for online verification utilizing the most advanced encryption technology, industry leading firewalls and virus protection software. The SMDS is integrated with the existing IMPACT website for IMPACT user access. A database management firm maintains the online verification system and controls all user access.

The following codes identify the status of the Participant:

- **Call TPA** Participant needs to call TPA to resolve their status
- **Current -** Participants with a “Current” status are eligible to work
- **Ineligible -** Participants with the status “Ineligible” are not eligible to work
- **Need to Test -** Participants with the status “Need to Test” do not have a valid test within a 12 month cycle and requires a negative test to be eligible to work
- **Owner Controlled Program (OCP) –** A Participant with a “OCP” status indicates the Participant is under an approved Drug Testing Program required by the Owner or project guidelines and are exempted from the IMPACT Program.
- **Test Pending-** Participants with a “Test Pending” status indicates a test is under review. The Participant and/or DRs should call the TPA to confirm status

### **Section 3 - Methods of Testing**

TPAs are responsible for providing testing services, collection, facilities, Medical Review Officer, Substance Abuse Professional, Employee Assistance Program coordination, reporting and training services. All service providers, including collection site, and clinical testing laboratory personnel shall maintain confidentiality of drug test results and medical information except as authorized by a test subject’s consent or law. A urine drug test and/or alcohol test shall be administered by appropriately qualified personnel. The initial drug screen will test for the presence of illegal/controlled drugs and substances. This test will not include an alcohol test. An alcohol test may be administered based on reasonable suspicion and post-accident.

#### **3.1 The Primary Methods of Testing are:**

- 3.1.1 The preferred method of testing is urine Point of Collection Testing (POCT) testing also referred to as “instant test” (as permissible per State Law) - The instant test device must be FDA approved, made in the U.S.A., cover the required test panel as identified in Section 3.2, and test for adulterants.
- 3.1.2 The secondary method of testing is the split specimen urine laboratory test – Analysis of tests shall be performed only by certified SAMHSA laboratories listed by the U.S. Department of Health and Human Services in its most current list as set forth in the Federal Register.
- 3.1.3 Alcohol Tests – Initial testing will be administered using breath or saliva and confirmed using an approved breath testing device. In some instances, a blood sample may be used (ex. post-accident testing).





\*\* The presence of alcohol equivalent to 0.02% to 0.039% BAC level in any Participant test will result in that individual being removed from duty for at least eight (8) hours or one work shift, whichever is longer.

Testing levels for Laboratory Testing will include the POCT drug class and the following:

1. Testing for Adulteration.
  2. Includes testing for extended Opiates.
  - 3.6-AM: Initial Test Cut-off and Confirmation Test Cut-Off Concentration at 10ng/ml. Test for 6-AM when the confirmatory test shows a morphine concentration exceeding 2,000 ng/mL.
  4. AMP: Initial Test Cut-off at 500 ng/ml and Confirmation Test Cut-Off Concentration at 250 ng/ml
- \* THC, PCP, COC, Methamphetamine meet the DOT cutoff concentration.

\*\*Alcohol testing will be done, when requested, at the collection site using a testing device that conforms and is listed on the NHTSA Conforming Products List. It will be a breath test or saliva test as allowed by DOT. If the first test reads below 0.02%, it will be reported as a negative. If the first test reads 0.02% or higher, then a confirmation test will be done 15-30 minutes after the first. If the confirmation test reads below 0.02%, the test will be recorded as a negative; if it reads 0.04% or greater it will be ruled as a positive test.

### **3.3 Laboratory Analysis**

The urine drug screen shall be performed by an initial Enzyme Multiplied Immunoassay screening Test (EMIT). All non-negative results are confirmed by the laboratory using either Gas Chromatography/ Mass Spectrometry (GC/MS) or Liquid Chromatography LC-MS/MS. The screens are run at the pre-determined cut-off levels identified in Section 3.2.

### **3.4 Dilute Specimens**

A dilute specimen with a valid, negative laboratory result shall be treated as a negative Program test. A dilute specimen with a MRO confirmed positive laboratory result, shall be treated as a positive Program test. Recollection of a dilute specimen shall be deemed necessary only when Creatinine concentration of the original specimen is equal to or greater than 2 mg/dL, but less than or equal to 5mg/dL.

### **3.5 Adulterated Specimens**

During the analytical process specimens are checked for any chemicals that may have been added to the specimen to mask drugs or interfere with the analytical process. These specimens are adulterated specimens and are considered to be a positive testing. Any positive test will require the Participant to comply with rehabilitation requirements.



### 3.6 Safety-Sensitive Positions

A safety-sensitive position is any task, a direct or indirect task, which could affect job safety, performance, attendance, and security.

- 3.6.1 A Participant taking a Prescription Drug must, before reporting for duty, discuss with a physician the nature of the Participant's duties and the potential adverse effects of such Drug. The Participant must comply with all restrictions placed on him/her by the physician. It is always the Participant's responsibility not to be On-Duty while Under the Influence or unable to perform a safety-sensitive position, as defined above.
- 3.6.2 Any Over the Counter (OTC) Drug, if such Drug contains any warning about its use (for example: "may cause dizziness", "may cause drowsiness", "should not be used while operating machinery," etc.), the Participant should discuss with a physician or pharmacist the nature of the Participant's duties and the potential adverse effects of such Drug. It is always the Participant's responsibility not to be On-Duty while Under the Influence or unable to perform a safety-sensitive position, as defined above.
- 3.6.3 Participants taking any prescription medication(s) under a health care professional's orders must comply with the drug manufacturers, the pharmacist's, and the health care professional's recommendations as to any possible adverse effect of the medication(s) ability to safely perform the job. It is the Participants responsibility to notify the Contractor or Employer if medication(s) adversely affect the Participants ability to safely perform the job prior to starting work.
- 3.6.4 If a Participant is taking any valid prescription medication and the test results in a non-negative result, the Participant should immediately notify the MRO to request the interview, in order to initiate the MRO Process for non-negative test results as explained in Section 6. The "Test Pending" status in the SMDS indicates a Participant test is under review and is not a status for Participants who refuse to test or are ineligible to work. At the employer's sole discretion, when there is a "test pending" status due to a specimen that was sent to the laboratory for confirmation after a non-negative POCT test result, and with the employer assuming the entire risk, and holding IMPACT, the International Association and its affiliated District Councils and Local Union harmless, the employer may continue to retain an individual in employment until such time as a positive result is confirmed.

### 3.7 Observed Collections

Observed collections will not be required except in the following instances (unless prohibited by state law):



- The temperature of the urine specimen provided for testing is outside of the acceptable range.
- The collector observes evidence of an employee's attempt to tamper with the specimen or the specimen appears to have been tampered with (ex. smells like gasoline, excessively foaming like soap was added).
- The MRO has ordered another test under direct observation.

### **3.8 Collection Protocol**

Collection protocol follows the guidelines established by the Department of Health and Human Services and the Drug and Alcohol Testing Industry Administration (DATIA). Unless otherwise indicated in this policy.

Any procedural questions will be handled by the MRO who will use their discretion in deciding whether a procedural error has a significant adverse effect on the right of the participant to have a fair and accurate test.

### **3.9 Negative Results – P.O.C.T. & Laboratory Analysis:**

Participants with negative test results are coded in the SMDS as "Current" and are eligible to work.

- 3.9.1 P.O.C.T. Test Negative – Instant tests are read at the facility within 30 minutes after the Participants tests. The TPA will electronically enter Participant instant test results into the IMPACT SMDS as soon as results are complete and no later than 24 hours after the Participant tests.
- 3.9.2 Laboratory Test Negative – Negative laboratory test results will be sent electronically to the SMDS as soon as results are complete.

### **3.10 Non-Negative Results – P.O.C.T. Test & Laboratory Analysis:**

- 3.10.1 P.O.C.T. Test Non-Negative – Instant tests are read at the facility within 30 minutes after the Participants tests. Non-negative specimens are sent to a SAMHSA certified lab for confirmation testing. Once the specimen is confirmed, The TPA will update the SMDS immediately. If the specimen is confirmed positive by the MRO, the TPA must notify the DR immediately and the Participant status updated to "Ineligible."
- 3.10.2 Laboratory Test Non-Negative – If the initial laboratory screening is a non-negative result, confirmation testing will be performed. If confirmed positive, the MRO will contact the participant to review any possible legal reasons for the positive test and to inform the participant of the consequences and their rights under the drug testing program. If the participant wishes to challenge the accuracy of the laboratory test result the split specimen is sent to another SAHMSA certified lab for retesting. The TPA will notify the Contractor DR of the confirmed positive result and update the Participant's status in the SMDS immediately, as soon as the test results are complete.
- 3.10.3 The MRO will review all laboratory confirmed non-negative test results. If the specimen is confirmed non-negative by the lab, the MRO must determine if there is a legitimate medical





explanation for confirmed non-negative. The MRO will interview the Participant and must contact the Participant within 24 hours or by next business day from the confirmed non-negative test result. If the MRO confirms the test result is positive, the Participant will have to complete the rehabilitation requirements. The TPA will enter confirmed result information into the Participant's record to update the SMDS and the Participant will be ineligible to work until they comply with requirements to re-establish eligibility prior to testing. The TPA will monitor the Participant through the rehabilitation process and update the SMDS. Refer to Section 7 Rehabilitation Requirements.

### **3.11 Initial Non-Negative Test Result and Confirmed Negative – The initial screening test resulted in a non-negative result and confirmed negative by confirmation testing**

- 3.11.1 P.O.C.T testing: The initial P.O.C.T. test result is a non-negative. The initial non-negative specimen is sent to the laboratory and confirmed negative. The TPA will immediately update the Participant status in the SMDS.
- 3.11.2 If a Participant is taking any valid prescription medication and the test results in a non-negative result, the Participant should immediately notify the MRO to request the interview, in order to initiate the MRO Process for non-negative test results as explained in Section 6. At the employer's sole discretion, when there is a "test pending" status due to a specimen that was sent to the laboratory for confirmation after a non-negative POCT test result, and with the employer assuming the entire risk, and holding IMPACT, the International Association and its affiliated District Councils and Local Union harmless, the employer may continue to retain an individual in employment until such time as a positive result is confirmed.
- 3.11.3 During the laboratory confirmation testing for Participants taking valid prescription medication where the participant has initiated MRO contact to review prescribed medication, the TPA will code the Participant as "Test Pending" to indicate the non-negative specimen is undergoing confirmation testing. The "Test Pending" status is not a status for Participants who refuse to test or are ineligible to work. Refer to section 3.6, safety sensitive positions and section 6 for the MRO process.
- 3.11.4 In the event a Participant incurred lost wages and are required not to work until the confirmed negative test results are available, the Contractor DR can submit a reimbursement form to the TPA for approval and processing. The Program reimburses the Participant up to three (3) days (72 hours), working days, of lost wages. The Contractor reimburses the Participant directly and invoices IMPACT for the reimbursement. These steps ensure that the Participant's benefits are allocated properly. Refer to the IMPACT website to obtain the reimbursement form and additional information on the process. The Reimbursement program is for Participants under the IMPACT Drug Free Workforce Program and that are using an IMPACT Program TPA. Participants under a different program or OCP program do not qualify for the reimbursement.



### 3.12 Laboratory Certifications

The Laboratory shall be licensed or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the College of American Pathologists and shall participate in the proficiency testing programs required by each of those respective organizations. The laboratory shall store frozen all samples reported as positive for 365 days and all samples reported as negative for 5 days or as required by federal regulations.

### 3.13 Refusal to Test

Refusal to submit to a drug and/or an alcohol tests will have the same consequences as a positive test. A refusal to test would include any of the following situations:

1. Failing to appear for any test when directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If a participant cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician (MRO must approve the choice of physician). If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test.
6. Failure or decline to take an additional drug test the employer or collector has directed you to take.
7. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as part of a "shy bladder" or "insufficient breath" situation.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. For an observed collection, failure to follow the observer's instruction to raise and lower their clothing to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic, device, or material that could be used to interfere with the collection process.
11. Admission by the participant that he/she adulterated or substituted the specimen or declines to take a required test.
12. A report from the MRO that the participant has a verified adulterated or substituted test result.

### 3.14 Cancelled Test Results

A cancelled test occurs when a drug or alcohol test has a problem identified that cannot be or has not been corrected, or which this guideline otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. The MRO may, consistent with DOT guidelines, cancel a test and may require a participant to re-test.



## Section 4 - Types of Testing

Although all illegal substances are prohibited on a jobsite, the substances identified in Section 3 are of specific concern. The different types of testing are:

- Pre-employment
- Post-employment
- Random
- Reasonable Suspicion/For Cause
- Post-Accident/Incident
- Return-to-Duty
- Accelerated Random

### 4.1 Pre-Employment Testing – P.O.C.T Test and Laboratory Test

- 4.1.1 Authorized Local Union representatives will review a Participant's status prior to being dispatched. A Participant's status can be verified through IMPACT's online verification system at [www.impact-net.org](http://www.impact-net.org), 24 hours a day. If the Participant is "Current" they are eligible to work immediately
- 4.1.2 The Contractor DR verifies member's eligibility via IMPACT's online verification system at [www.impact-net.org](http://www.impact-net.org). If the Participant is "Current" they are eligible to work immediately.
- 4.1.3 If a Participant has a code status "Need to Test" in the SMDS, the Participant must take a Pre-Employment test. The "Need to Test" status indicates the Participant does not have a valid test within a 12-month cycle. The Contractor DR or jobsite representative, the Local Union Representative or TPA will initiate the test in the SMDS for the Participant and create the Ironworker Test Authorization Form. The Participant is required to take the Ironworker Test Authorization Form to the approved collection site for testing. The Contractor DR, Local Union Representative or TPA will instruct the Participant which collection facility is approved for testing.
  - 4.1.3.1 If a participant is not found in the SMDS, they must be added before a test can be initiated. Refer to the IMPACT website to obtain further information on this process.
- 4.1.4 The collection facility must have an Ironworker Test Authorization form at the time of Member testing. The Ironworker Test Authorization form can be submitted to the collection site as follows: The SMDS will automatically populate the Test Authorization form and the Contractor DR or its jobsite representative or Local Union representative will print out the form and provide it to the Participant, The Test Authorization form can be emailed to the TPA to be submitted to the collection site through the SMDS or the collection site will have the Ironworker Test Authorization forms at the facility. The Participant must notify the facility at the time of testing they are testing for the Ironworker IMPACT Program.



- 4.1.5 If a Participant is coded with a status of “Ineligible” the Participant is not eligible to work.
- 4.1.6 The Contractor DR, Local Union and IMPACT representatives responsible for instructing the Participant where to test and test site availability will be provided instructions by their TPA. In the event special circumstance arise or further instructions are necessary, the Contractor DR, Local Union and IMPACT representatives should directly call or email their TPA for further advice and instructions.
- 4.1.7 Authorized IMPACT users can verify testing facility locations and hours of availability accessing the IMPACT website 24 hours a day and 7 days week at [www.impact-net.org](http://www.impact-net.org). TPAs will also provide detailed instructions and collection facility locations.
- 4.1.8 TPAs will ensure that collection facilities have a current IMPACT Authorization form. The Authorization form instructs the collector on the proper collection protocol for testing.

## 4.2 Random Selection

At a minimum, random testing will occur approximately every 4 – 6 weeks, nationally. The national random pool will contain all Participants in the Program who are actively employed.

The SMDS will generate a random digit from 0 – 9. This number will be matched to the last digit of the actively employed participants and these participants will be notified to test. Each digit from 0 – 9 will be randomly generated at a minimum of once, throughout a 12 month cycle.

Contractors have two options for the generation of the random selection, 4.2.1 and 4.2.2:

### 4.2.1 Random Selection Notification with Contractor Identifying Participants through Payroll Records

- The SMDS will email the random digit to the Contractor DR, Local Union representative and their respective TPA. The DR will review payroll records to determine all Participants currently working for the Contractor. Participants with the random digit as the last digit of their social security number will be selected to random test.
- The IMPACT database administrator will work with Contractors and other IMPACT representatives to assist in identifying possible processes to automate the review of payroll records through an Excel process or other automated processes to quickly identify Participants with the selected random digit.
- The Contractor DR will initiate a test through the SMDS for participants selected for a random test.
- The Contractor DR or its jobsite representative will instruct the Participant selected to report to the designated collection site for random testing. The Participant must test the day they are notified by the Contractor DR or its jobsite representative. The Contractor DR or its jobsite representative will only inform the Participant of the selection to test when the



Contractor can provide reasonable accommodations to allow the Participant to test the day of the notification. The Participant must report by the end of the day they are notified to test. If the participant fails to test as directed, a refusal to test will be documented (see Section 3.13).

- In the event that the Contractor DR identifies special circumstances due to unavailability of reasonable testing facility locations, project constraints or remote locations, the Contractor DR must notify the TPA for further advice and instructions, immediately, upon receiving the random notification.
- The TPA is responsible for managing the drug testing program for the Contractor, Local Unions and the Participants. The Contractor DR should contact their TPA if they have any questions or need clarification on the process.

#### **4.2.2 Random Selection/Contractors Utilizing the General Readiness Report**

- The Contractor DR will link their currently employed participants in the SMDS to their company. The Contractor DR will remove the link, unlink the Participant, through the SMDS when the Participant is no longer employed by the Contractor. The Contractor DR will be responsible for linking all active Participants working for the Contractor to ensure the general readiness report includes all Participants working for that Contractor.
- Based on the general readiness report, the SMDS will generate a random selection report identifying Participants with the social security number ending in the random digit. The selected Participant names will be alphabetically summarized on the random selection report. The Random Selection Report will be automatically emailed to the Contractor DR and Local Union representative through the SMDS.
- The Contractor DR will notify their TPA two (2) weeks in advance prior to project start-up, of any new project location in order to pre-identify collection sites available for Participants. For project locations not set-up by the TPA with pre-identified sites, the Contractor DR has the ability to identify collection facility locations through the IMPACT website and notify the TPA of the collection site selected.
- The Contractor DR or its jobsite representative will instruct the Participant selected to random test where to test and provide reasonable accommodations. The Participant must test the day they are notified by the DR or its jobsite representative. If the participant fails to test as directed, a refusal to test will be documented (see Section 3.13).

*Local Union representatives will follow the same process for the random selection process where applicable. Your TPA will provide detailed instruction.*



### 4.2.3 TPA Random Selection Reporting and Updating Participant Status

- The TPA will monitor each random selection cycle to verify all Participants identified in the random selection tested or did not test. The TPA will enter each Participant test result status in the SMDS as noted in Section 3 and within the time frame identified.
- After the TPA updates each Participant status in the SMDS, and at 7 calendar days after the random selection was initiated, the SMDS will automatically generate an updated random selection report. The updated random selection report will identify the Participants selected to test and identify the Participants who tested and Participants who did not test.
- The updated random selection report will be automatically emailed to the Contractor DR, Local Union representative and their respective TPA to verify Participant status.
- The TPA is responsible for updating Participant status and ensuring the Contractor DR, Local Union or other IMPACT representatives responsible for monitoring Participant status are informed of final Participant results.
- The SMDS will generate required reports for the Contractor DR, Local Union and IMPACT representatives and the TPA as needed and as requested.

### 4.3 IMPACT Participants Subject to Owner Controlled Project Guidelines

- Participants subject to other criteria based on an Owner Controlled Projects (OCP) with defined guidelines will follow those project guidelines. Participants employed on an OCP will be exempted from IMPACT Program. These Participants will be coded "OCP" in the SMDS and will not be part of the national random pool or subject to IMPACT random testing.
- Once a Participant is no longer employed on an OCP project, the Participant will comply with IMPACT Program testing requirements and will require a pre-employment negative test when dispatched to a new Contractor or new project.

### 4.4 The Chain of Custody

- The Chain of Custody (COC) will be provided by the TPA to the collection sites, Contractor DR, and/or Local Unions as required.
- The TPA will monitor and track Participants to ensure they take the test as required. The TPA will code Participant drug test results in the SMDS as identified in Section 3.
- The TPA is responsible for the collection facility quality control at all times.

*\* Accelerated random testing for members who completed treatment does not apply. This type of random notification will be managed by the TPA directly with the Participant and Participants must test regardless of their employment status.*



## 4.5 Post-Accident Testing

A Participant may be tested “Post Accident” if they are a direct or indirect cause of accident or injury to persons or property. It is always first priority to treat a Participant’s injuries and then get a drug/alcohol test. A valid drug test can be collected up to 30 hours after the accident and up to 8 hours for a breath alcohol test. A member cannot return to work until a negative test result is received.

There are two ways to have a post-accident test collected.

### 4.5.1 Use a TPA approved collection site

- Follow standard procedure using TPA approved collection sites as established in the guidelines.

### 4.5.2 Use an out of network collection site

- If the jobsite where the accident / incident occurred is not near any of the TPA approved sites, the Participant must be taken to the nearest testing facility. The TPA must be notified immediately with the name of the Participant and the testing facility contact information. The Contractor may be billed by the testing facility for the test and receive the test result. The Contractor will forward the test result and invoice to the TPA for reimbursement. The TPA will enter the test result as long as it meets the program requirements and process the reimbursement through IMPACT.
- The out of network collection site may not have an approved IMPACT COC or Authorization Testing Form. In this event, the testing site must be advised to use a “ten panel urinalysis.” All test analysis must be conducted at a SAMHSA certified laboratory.

## 4.6 Reasonable Suspicion/Cause

A Participant may be tested for “Reasonable Suspicion” under certain circumstances. In order to request a Reasonable suspicion test on a Participant, the Contractor’s DR or jobsite representative conducting the test must have attended an approved Reasonable Suspicion Training class. The Reasonable Suspicion training class is available through IMPACT. The training provides instruction on the signs and symptoms of drugs and alcohol, how to observe and document specific behaviors, awareness of the consequences of ignoring warning signs, legal responsibilities and steps that should be taken when requesting a test.

After following the Reasonable Suspicion guidelines and it is determine that the Participant is required to submit to a drug test, the Participant will be taken to a collection facility for testing. If the test result is negative, the Participant can continue their current work status. If the test result is non-negative, the test will require confirmation. The Contractor must submit the IMPACT Reasonable Suspicion Form to the TPA within twenty-four (24) hours of the incident.



#### **4.7 Accelerated Random Testing**

After completing a treatment program, the Participant's EAP / SAP will prescribe a number of additional random tests, four or greater, for a period of one year as a condition of further employment, refer to Section 7, Rehabilitation Requirements. Accelerated random test notification will be provided to the Participant and the TPA will ensure by whatever means necessary the Participant is contacted and provided the information. The Participant must test regardless of their work status to stay eligible in the Program. If one accelerated random is missed or refused the Participant will be considered to have another violation and will need to complete all disciplinary procedures before returning to work.

#### **4.8 Return-to-Duty**

The return-to-duty test is required for a participant to reinstate into Program eligibility after a positive test. If the return to duty test is positive, it will not be considered another violation since the Participant is not working. The Participant will be referred back to their counselor who will determine when the Participant is ready to take another return to duty test.

#### **4.9 Alcohol Testing**

A participant may be asked to submit to an alcohol test if "Reasonable Suspicion" or if "cause" is prevalent which indicates that his health and safety or ability to perform work may be impaired. An alcohol test may also be included with a random test as required by an Owner. Alcohol testing is performed according to established federal guidelines.

- Alcohol tests will be administered using blood, breath, or saliva, and confirmed using an approved breath testing device.
- A Participant that has the presence of Alcohol in system, between .02% and .04%, will be removed from duty for at least eight (8) hours, or one work shift, whichever is longer.
- If a Participant test shows levels equal to or greater than .04%, the Participant's test will be treated as a positive and the Participant will be subject to the defined rehabilitation procedures.

#### **4.10 Owner Request**

An Owner may request that the Participants on a job site be tested. Participants that are on the selected job site will be selected for testing and verified by payroll records. The Owner must submit payroll records for random testing.

### **Section 5 - Collection Facilities and On-Site Group Collections**

There are two options for pre-employment and random testing collections. The primary collection testing is at the collection facility identified by the TPA. The second option, based on specific criteria, is a group collection at the jobsite or other approved site. Upon arrival at an approved collection facility or at a group collection the Participant must present a valid drivers license/photo I.D. or approved photo I.D for identification.





## 5.1 Collection Facility

- The TPA will provide the Contractor DR or its representative the list of collection facilities nearest the project and within 20 miles or 30 minutes or less from the project site.
- The Contractor DR will notify their TPA two (2) weeks in advance prior to project start-up, of any new project location in order to pre-identify collection sites available for Participants.
- The Contractor DR or its representative, Local Union representative or TPA will instruct the Participant where to test and provide the Ironworker Test Authorization form.
- The Contractor is obligated to provide reasonable accommodations to allow the Participant to test.
- The Participant will go to the authorized collection facility identified by the TPA, unless an on-site group collection is identified. Refer to Section 4 for additional collection site location processes.

## 5.2 Job-Site/Group Collection Testing

The Contractor or Local Union Representative can request a jobsite or group collection to be performed on-site. The following are criteria to request an on-site collection:

- The Contractor DR will request onsite collection through their TPA.
- The Contractor DR will provide the following information to the TPA:

*Jobsite location / physical address*

*Jobsite Participant list*

*Jobsite contact name and number*

*Logistics of the jobsite*

*Location available to test members privately*

*Special safety or security requirements*

*The time requested for testing, a.m. or p.m.*

- At completion of the testing, the test coordinator will review the job-site Participant list with the Contractor DR or Local Union representative to determine which Participants tested and which Participants did not test.
- The TPA and the Contractor DR or Local Union representative will review the Participants who did not test to ensure a Participant was not available on-site during the testing. If it was determined that a Participant was available to test and did not test, the Participant will be interviewed to determine a verifiable reason why the Participant did not test.
- A Participant who refused to test with no verifiable reason for the refusal will be



considered “Ineligible” and must complete disciplinary procedures before they can return to work. Refer to Section 3.13.

- If a Participant is unable to complete a test onsite, they can be escorted by a Contractor DR or Local Union representative to a collection site to complete the test.
- The TPA will update all test results electronically into the SMDS.

*Local Union representatives will follow the same process for the collection facility or group collections where applicable. Your TPA will provide detailed instruction.*

## **Section 6 - Medical Review Officer (MRO)**

A Medical Review Officer (MRO) is a licensed physician who has knowledge of substance abuse disorders. The MRO must be certified by either the American Association of Medical Review Officers (AAMRO) or the American College of Occupational and Environmental Medicine (ACOEM). The MRO shall:

- Review and verify a laboratory non-negative and positive test results.
- Contact the individual within 24 hours to discuss the reasons why their test result might be positive.
- Review the individual’s medical record as provided by or at the arrangement of the tested individual as appropriate.
- Confirm the laboratory result.
- Notify the TPA of all tests results, positive and negative.
- The MRO will follow DOT guidelines in reporting medical information to a Contractor DR or Local Union representative.

All records of tests reviewed by the MRO and supporting documentation will be forwarded to and maintained by the TPA.

### **6.1 Prescription Medication**

If the MRO finds the test is positive due to medication prescribed to the participant by a licensed physician, the MRO will report the test as negative.

### **6.2 Unauthorized Substance**

If the MRO finds no medical reason for a test to be positive, the MRO informs the Participant that the test will be reported as positive. The TPA will then inform the Participant and provide the Participant the



requirements to reestablish eligibility in the program and will refer the participant to an Employee Assistance Program (EAP).

## **Section 7 - Rehabilitation Requirements**

A Participant who has a confirmed positive test result will not be eligible to participate in the Program until the Participant is evaluated by the Employee Assistance Program (EAP) and complete the Program rehabilitation requirements. The Participant can only regain their active status in the Program once they have completed the rehabilitation requirements. The Participant will receive notification from the TPA, which will contain instructions and a Reinstatement Form to be completed after an evaluation by an EAP.

Step #1: Evaluation by Substance Coordinator

The Participant must complete the substance abuse evaluation

Step #2: Rehabilitation Program

The Participant must complete the rehabilitation program as prescribed

Step #3: Return-to-Duty Test

The Participant must submit a negative Return-to-Duty drug screen

### **7.1 Suspension Period**

- 7.1.1 First Violation: The individual will be ineligible from working for any IMPACT signatory Contractor for a minimum of 30 days. To be eligible to return to work, the participant must be evaluated by a Substance Abuse Professional (SAP), provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty test. The participant will be subject to a minimum of four (4) accelerated random tests for a period of one year as a condition of further employment. Frequency of the accelerated random testing is to be determined by the SAP.\*
- 7.1.2 Second Violation: The individual will be ineligible from working for any IMPACT signatory Contractor for a minimum of 90 days. To be eligible to return to work, the participant must be evaluated by a substance abuse professional, provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty testing. The participant will be subject to a minimum of four (4) accelerated random tests for a period of one year as a condition of further employment. Frequency of the accelerated random testing is to be determined by the SAP.\*
- 7.1.3 Third Violation: The individual will be ineligible from working for any IMPACT signatory Contractor for a minimum of one year. To be eligible to return to work, the participant must be evaluated by a substance abuse professional, provide written proof of successfully completing a medically recognized rehabilitation program and submit a negative return to duty testing. The participant will be subject to a minimum of four (4) accelerated random tests



for a period of one year as a condition of further employment. Frequency of the accelerated random testing is to be determined by the SAP. \*

For any occurrence greater than a third occurrence, there is an additional 1-year suspension per violation in addition to sanctions listed above. The Participant's violation status will revert back to first violation following 36 consecutive months with a negative drug screen, providing the employee is continually participating in the Program. Any sale and or distribution of a prohibited substance on company or job site premises or property is grounds for immediate termination.

\*In the event treatment exceeds the suspension period a donor may (on a case by case basis) be approved by their SAP to return to work while continuing specified treatment and continuing to submit negative drug screens.

## **7.2 Volunteer Rehabilitation**

Any Participant with a substance abuse problem can voluntarily accept assistance. The Participant will comply with rehabilitation requirements and will not be eligible to work until released by the SAP. To seek voluntary assistance, the Participant will call 800-985-0200. An IMPACT representative will locate and refer the Participant to a qualified substance abuse professional. The Participant will be required to be evaluated by the SAP and will be required to complete the recommended treatment program. The Participant will be required to take a return to duty test and will be subject to a minimum of four (4) accelerated random tests as described in Section 4.7.

This provision is not available to a Participant who requests protection after being asked to submit to a test required by this guideline. (See Section 3.13 Refusal to test)

## **7.3 How to Request Specimen Re-Analysis**

- 7.3.1 A Participant has the right to dispute their result and have the original split sample independently re-analyzed by a laboratory of their choice. The Participant must contact the program coordinator within 72 hours of the MRO finding the specimen positive. The laboratory must meet specifications (SAMHSA approved laboratory) stated in the policy. The Participant will be responsible for the cost of the re-analysis (not to exceed \$250.00).  
\* If a donor did not provide specimen quantities required for a split specimen (45-60ml) the donor will waive their right to have the "B" sample reanalyzed but may use the original "A" sample if quantity is sufficient.
- 7.3.2 If the independent reanalysis is "negative", the Participant will be reimbursed for the cost of the independent test and any lost wages by IMPACT. If the independent reanalysis is "positive," the Participant will be notified by the MRO, and will be required to comply with the rehabilitation requirements. All expenses related to the reanalysis of the original sample and any lost wages will be forfeited.



## Section 8 - Enrollment and Training

Once approved by IMPACT, Contractor DRs, Local Union and IMPACT representatives will be contacted from the TPA to schedule enrollment and training. The approved TPA will provide training in a classroom setting, webinar, video, PowerPoint or other format and will include:

- Enroll and setup new Participants, Contractors, DRs, Local Unions and projects in the SMDS.
- Review Program guidelines and requirements.
- Review Program testing requirements, procedures, and the random selection process.
- Review rehabilitation procedures.
- Provide samples of all forms and letters used in the Program.
- Review current testing facility list and identify new facility locations needed for future testing
- Provide TPA contact and information.
- Assist in coordinating SMDS training as needed.

## Reciprocal Status

Reciprocal status is granted by IMPACT to regional or national drug and alcohol testing programs that meet the minimum standards set forth in these guidelines. A program that has been granted reciprocal status will exchange testing data with IMPACT to keep both databases current.

## Revisions or Amendments

*The IMPACT Drug Free Workforce Guidelines are a living document. The IMPACT Trustees shall meet periodically to review the Program and shall have the authority to make changes in the Program to improve and assure that it is up to date with new regulations and current practices.*

## Appendix A

### Definitions

**Adulterated specimen** - 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.

**Alcohol confirmation test** - A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

**Authorization Form** - The TPA will issue an "Authorization Form" to Participants who are selected to take a drug test at a collection site. This form is taken to the testing facility and instructs the collector on the type, the account, laboratory and the TPA.

**Breath and Alcohol Content (BAC)** - Breath alcohol concentration expressed as grams of alcohol per 210 liters of breath.

**Chain of Custody** - The procedures established by SAMHSA and DOT to track specimen handling and storage from point of collection to final disposition. Stringent chain-of-custody procedures ensure the integrity of each specimen collected.

**Collection Facility/Sites** - An approved location where participants can provide specimen for testing:

- Collects specimens following DHHS guidelines
- Administers quick test at the facility or on site
- Ships specimens to SAMHSA certified laboratory
- Ensures Chain of Custody or testing documents are adhered to

**Confirmation Testing** - All non-negative screening tests will be confirmed using either GC/MS or LC-MS/MS performed by a SAMHSA certified laboratory. Both confirmation methods identify and quantitate the presence of a drug metabolite and meet or exceed forensic testing requirements under SAMHSA.

**Confirmed Positive Result** - The final result of a specimen, which has been first screen tested, to detect the presence of a substance above the established cut-off limit. It is then confirmed by a more precise quantitative method, which specifically identifies the substance and the amount. Tampering with a specimen will also be considered as a positive test result.

**Contractor** - A Contractor company that has accepted IMPACT's Program for drug testing and:

- Required to comply with testing
- Assigns DRs for each project
- Enforces Program requirements
- Promotes Program to customers

**Current Status** - The Current status associated with a Participant as noted in the SMDS, indicates that the Participant is current with the Program requirements and is eligible to work.

**Cut off Limit** - The lowest level at which a detected substance will be reported as positive.

**Department of Health and Human Services (DHHS)** - The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

**Designated Representative(s) (DR)** - main point of contact for the Contractor company that works directly with the TPA, receives results, enforces program requirements and:

- Receives Participant confidential and eligibility information
- Coordinates Participant testing with assigned TPA
- The DR plays a primary role in the effectiveness of the Program

**Drug Class** - The type of drugs included in the test panel.

**Electronic Chain-of-Custody (E-Chain)** - is a web based paperless system that provides enhanced applicant status information, improved testing window enforcement and test type compliance.

**Employee Assistance Program (EAP)** - The EAP evaluates participant and prescribes rehabilitation program. An EAP is intended to prevent or address substance abuse problems as well as assist employees and their eligible family Participants with interpersonal conflicts, family problems, workplace crises, eldercare stresses, psychological problem and financial management. The EAP is able to provide voluntary and confidential counseling services.

**IMPACT National Random Selection Pool** - The national random selection pool is comprised of all Participants participating in the IMPACT Substance Abuse Program and who are actively working. All Participants in the random pool will be subject to random testing approximately every four to six weeks.

**Ineligible Status** - An Ineligible status associated with a Participant as coded in the SMDS, indicates that the Participant is not current with the Program requirements and is not eligible to work until Program requirements are fulfilled. The Ineligible status is not an indication of the use of drugs.

**Initial Screening Test** - A quick immunoassay test, which proves or disproves the presence of substances in excess of the established cut-off limit. Positive results of an initial screen are considered presumptive until confirmed by GC/MS.

**Laboratory** - A licensed, accredited facility that analyzes participant specimens:

- Analyzes specimens
- Provides results within 24-48 hours to authorized TPAs, Medical Review Officers (MRO) and other authorized parties

**Medical Review Officer (MRO)** - A licensed physician certified by either the American Association of Medical Review Officers (AAMRO) or the American College of Occupational and Environmental Medicine (ACOEM) and has knowledge of substance abuse disorders. The MRO is responsible to receive and review the laboratory results generated by a drug testing program to evaluate laboratory drug test results to assure proper interpretation of those results.

**National Association of Alcoholism and Drug Abuse Counselors (NAADAC)**

**Certification Commission** - a national organization that imposes qualification standards for treatment of alcohol and/or drug related disorders. All must have knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders.

**Negative Test Result** - Test result that qualifies a Participant for employment.

**Owner Controlled Program (OCP)**- OCP is a Drug Testing Program that an Iron Worker Member must comply with while working on a specific project or for a specific Contractor or Owner. Contractors must submit OCP guidelines to the IMPACT office for review to qualify Members as OCP. Members that are fully complying with an OCP will not be required to participate in the IMPACT program. Members on an OCP do not qualify for the Reimbursement program.

**Participant** – A Member who is working and complies with the Program testing requirements:

- Participates in random selection testing pool
- Reports for testing when selected
- Remains drug free

**Participating Owner** – Entity requiring substance abuse testing on projects and as accepted IMPACT's Program:

- Requires substance abuse testing on projects
- Enforces Contractor compliance to Program

**Point of Collection Testing (P.O.C.T)** – P.O.C.T is also known as the instant or rapid drug test. A P.O.C.T. is a urine drug screen that immediately tests specimen for illicit and prescription drugs. The P.O.C.T is FDA approved and includes an adulterant screen. Results are usually available within 30 minutes.

**Pre-Employment Test** - If Participant does not have a current test in the IMPACT system they must test. The pre-employment test is an instant/rapid test with lab confirmation on all non-negative results. Participant will receive a copy of the instant test result for entrance to jobsite.

**Random Test** - An unannounced drug screen.

**Refusal to Test** - A Participant who refuses to test, at any time, with no verifiable reason for the refusal will be considered "Ineligible" and must complete disciplinary procedures before they can return to work.

**Reimbursement Program** – Members fully participating in the IMPACT Drug Free Workforce Program and are under an IMPACT Program TPA can be reimbursed for lost wages, of not more than three (3) days (72 hours), working days, for waiting time due to an initial non-negative result confirmed negative. The IMPACT Program TPA must confirm and approve through collection site and lab documentation that the Member was not responsible for the waiting time. The Contractor DR must complete the reimbursement form on behalf of the Member, pay the Member for the lost wages and IMPACT will directly reimburse the Contractor. The Contractor DR must submit the reimbursement form to their TPA for approval and processing.

**Safety Management Database System (SMDS)** – The SMDS is IMPACT's national database of all individuals tested pursuant to the IMPACT guidelines.

**Substance Abuse Mental Health Services Administration (SAMHSA)** - A federal organization which recommends substance abuse testing procedures and which certified substance abuse testing laboratories.

**Substance Abuse Professional (SAP)** - A licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or licensed or certified employee assistance professional, a state-licensed or certified marriage and family therapist, or an alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug



Abuse Counselors (NAADAC) Certification Commission, or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board for Certified Counselors Inc. and Affiliates/Master Addictions Counselor (NBCC). All must have knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders.

**Third Party Administrators (TPA), Drug Testing Vendor or “Vendor”**- The approved TPA is the primary contact for the IMPACT administrator and users, Local Unions, Contractors, Designated Representatives and Participants. The TPA is responsible for all of the following administrative duties:

- Responsible for the collection and testing of Participants in the Program
- Responsible for collection/testing sites, processes, procedures and quality control
- Train Participating parties on Program requirements
- Works closely with assigned DRs and IMPACT administrator and users
- Monitors Participant testing and assist Participant through disciplinary procedures
- Administers the Program in conjunction with a database management firm and IMPACT
- Ensures Program requirements comply and are current with federal and state regulations
- Compiles Program reports through the use of the IMPACT databases
- Approve data changes/corrections under IMPACT’s direction and communicate changes/corrections to the database management firm.