

SOUND TRANSIT

Drug-Free Card Program

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Administrative Guide



SOUND TRANSIT
DRUG-FREE CARD PROGRAM

Administrative Guide

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Table of Content

Overview	1	<i>Follow-up Testing</i>	13
<i>Drug-Free Card Concept</i>	1	Policy on Drug and Alcohol Abuse	14
<i>Advantages of the Drug-Free Card Program</i>	2	<i>Basis for the Policy</i>	14
<i>Drug-Free Card Program has many safeguards</i>	3	<i>Drug and Alcohol Prohibitions</i>	14
<i>What happens when someone tests positive?</i>	4	<i>Drug and Alcohol Testing</i>	15
<i>The drug and alcohol testing policy applies to all work covered under the Sound Transit PLA.</i>	4	<i>New Hires</i>	15
Administrative Rules	5	<i>Types of Testing Allowed</i>	15
<i>Program Administration</i>	5	<i>Transportation to Collection/Testing Site and Home</i>	17
<i>Covered Employees</i>	5	<i>Supervisors' Training</i>	17
<i>Prohibited Substances</i>	5	<i>Employee Education Required</i>	17
<i>Drug Testing Uses Certified Laboratories</i>	6	<i>Notification of Criminal Convictions</i>	18
<i>Drugs Tested and Drug Testing Cutoff Levels</i>	7	<i>Employee Assistance</i>	18
<i>All Non-negative Drug Test Results are Reviewed by a Medical Review Officer</i>	7	<i>General Responsibility and Applicability</i>	18
<i>Split Specimens from Postitive or Substitued Drug Test Results May Be Tested at the Employee's Expense</i>	7	<i>Consequences of Positive/Refusal Test Results</i>	19
<i>Urine Collection Follows Federal Protocols</i>	8	<i>Confidentiality</i>	19
<i>Alcohol Testing Cutoff Levels</i>	8	<i>Effective Date</i>	20
<i>Alcohol Testing Follows Federal Protocols</i>	8	<i>Cost of drug or alcohol tests</i>	20
<i>Types of Testing</i>	8	<i>Compensation for Time being Drug & Alcohol Tested</i>	21
<i>Initial Test or Pre-employment Test</i>	9	Appendix 1 - Drug Testing Cutoff Levels	22
<i>Current Employees May be Tested at Start of this Program</i>	9	Appendix 2 - Sound Transit Drug-Free Card Program Forms	23
<i>Random Selections Performed by Computer</i>	9		
<i>Notification of Testing</i>	10		
<i>Random Selections made when Employee Not Working will Require Testing upon Return to Work</i>	10		
<i>A Refusal to Test is Treated Like a Positive Test</i>	10		
<i>Positive Test Will Result in "Ineligible" Status</i>	12		
<i>Returning to Work on the Project After Being "Ineligible"</i>	12		

Sound Transit Drug-Free Card Program

Overview

Sound Transit is committed to protecting the safety, health, and well-being of all Project employees and all people who come into contact with our workplaces and/or use our services or the products we produce.

Drug and alcohol testing of applicants and employees has become common in the building and construction industry. Because our industry often has a high turnover of employees and there are many contractors performing work for Sound Transit, many unnecessary pre-employment drug and alcohol tests have been performed on the Project. For example, over the course of a year a union worker may be dispatched to multiple Sound Transit project sites or apply to many different employers contracted to work on the Project and may be given a pre-employment drug and alcohol test on each occasion. This is inconvenient to the worker to be tested so many times each year and costly to Sound Transit and the employers in time and expense of repeated negative drug and alcohol tests.

Safety is a primary concern of Sound Transit and both the unions and employers in our industry. A drug or alcohol related accident may result in the loss of human life — or simply be very costly to both employers and workers. A comprehensive substance abuse prevention program will help us preserve the health and dignity of all workers while reducing the possibility of tragic accidents.

Drug-Free Card Concept

1. All workers are required to take a pre-employment drug and alcohol test when he/she applies for employment or is dispatched to the first job on the Sound Transit Project.

DRUG-FREE
CARD CONCEPT

2. If the drug and alcohol tests are negative, the worker will be listed as “*Eligible*” to work by the program administrator. These negative pre-employment test results will allow a worker to work at any Sound Transit project site for as long as they stay “*Eligible*” in the program. When the worker goes to a different employer, the new employer checks the worker’s status online to avoid the requirement of another pre-employment test for this program.
3. When an employer enters into the program website that they have hired a worker, the program administrator tracks where each participating worker is currently employed.
4. The program administrator periodically uses a computer program to randomly select a percentage of workers for testing. Selected workers are matched to the company where they are registered as currently working.
5. The program administrator notifies the designated employer representative(s) (DER) at each employer of any workers selected for testing.
6. Each worker must then go for a drug and alcohol test as instructed by their employer.
7. All test results are tracked by the program administrator to insure compliance with program rules.

Advantages of the Drug-Free Card Program

ADVANTAGES

Every worker knows that on any given workday, he/she could be randomly selected by the computer for a test. This is a powerful deterrent to avoid drug use and alcohol misuse.

Employers don’t have to wait for the results of the pre-employment test—new employees can start working immediately if they are Eligible participants of the program.

Costs are minimized by avoiding multiple unneeded pre-employment drug and alcohol tests. Employers are still assured that an applicant has recently passed a test and since that test, has been subject to a random selection testing program.

Drug-Free Card Program has many safeguards

The Drug-Free Card program has instituted many safeguards to insure fairness, accuracy and efficiency, thus protecting both the employee (worker) and the employer.

- The program is setup and administered by Drug Free Business, an independent, non-profit third-party administrator (TPA).
- All collections are performed by trained personnel following the U.S. Dept. of Transportation's (DOT) rule, 49 CFR Part 40 protocols and guidelines for workplace drug and alcohol testing.
- All positive drug test samples are confirmed positive in laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
- All alcohol testing performed and confirmed by evidentiary breath testing (EBTs) devices approved by the National Highway Traffic Safety Administration.
- All drug tests are reviewed by a certified Medical Review Officer (MRO) before verified results are determined and worker's eligibility status reported to the designated employer representative (DER). This gives the employee a chance to explain any valid reason for a confirmed positive laboratory drug test (e.g. prescription drugs). The MRO will act as a vital screen to assure that employers are not notified of a positive result on a drug test until the MRO is satisfied that it resulted from illegal or unauthorized drug use.
- Each employer has a designated employer representative(s) (DER) to coordinate Drug-Free Card Program testing. Positive tests will be treated confidentially and only eligibility status is reported to the employer.

- All workers are issued a unique identifier using their first name, last name, and date of birth. The workers first and last name must match what is printed on the government issued picture identification the worker used as part of proving employment eligibility and match the name entered into Certified Payroll.

What happens when someone tests positive?

POSITIVE
TESTS

If the test has been verified as positive, the Medical Review Officer will notify the designated employer representative(s), Sound Transit Labor Compliance, and the program administrator. The worker’s status in the Drug-Free Card program is changed to “*Ineligible.*” The worker is notified and suspended from working on the Project for at least 90 days.

The worker must complete an assessment by a professional with expertise in substance use disorders and have proof of the assessment (“Proof of Assessment” form available through program administrator) submitted on their behalf to the program administrator before being authorized to move forward with the return to work process. Payment for the assessment is the responsibility of the worker; they may use any employee assistance program or medical insurance benefits available to them through their union or otherwise.

Workers will not be allowed to return to work on the Project until authorized by the program administrator. After being authorized to move forward with the return to work process, the worker must pass a return-to-work drug and alcohol test. If Eligible to return to work after completing this testing, the worker will be subject to six (6) follow-up drug and alcohol tests to be completed during the worker’s first year of continuous employment on the Project after their return date.

The drug and alcohol testing policy applies to all work covered under the Sound Transit Project Labor Agreement (PLA).

ALL PLA
WORKERS ARE
COVERED

All employers contracted for work on the Project shall require the participation in the Sound Transit Drug-Free Card program of all workers performing work covered under the Sound Transit Project Labor Agreement.

Sound Transit Drug-Free Card Program

Administrative Rules

Program Administration

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Covered Employees

All employers contracted for work on the Sound Transit Project shall require the participation in the Sound Transit Drug-Free Card program of all craft workers performing work covered under the Sound Transit Project Labor Agreement.

Prohibited Substances

Workers are strictly prohibited from the use, purchase, possession, sale, conveyance, distribution, or manufacture of drugs, intoxicants, or controlled substances in any amount or in any manner, including having a detectable presence of prohibited substances or their metabolites in their body. In addition, workers are strictly prohibited from using or being under any influence of alcohol during working hours.

Prescription or nonprescription medications are not prohibited when:

- 1) The prescription is written by a licensed health care provider for current use by the worker in its possession and the medication is in its original container and in the worker's name.

P O L I C Y
A P P L I E S T O
P L A W O R K E R S

P R O H I B I T I O N S

- 2) Workers must not consume prescribed or over-the-counter medications more often or in greater dosages than as prescribed by the worker's health care provider or in accordance with the instructions provided with the medication, and they must not allow any other person to consume the prescribed medication.
- 3) The medication label does not advise that the medication may affect motor function or mental capacity, and does not advise against operating cars, other motor vehicles or machinery while taking the medication.

When a worker has been informed that a medication could cause adverse side effects while working or where the medication, either prescribed or over-the-counter, includes a written warning, they must inform their employer prior to using such substances on the job.

The use of marijuana, which is a Schedule I controlled substance under federal law (Controlled Substances Act, 21 USC § 812), is expressly prohibited under this policy even if its medical use is authorized under state law. Passage of I-502, which went into effect on December 6, 2012, does not affect this drug testing program in any way. The use of marijuana is still prohibited by the Sound Transit Drug-Free Card Program. If you test positive for THC (marijuana) you will be immediately reported as “Ineligible” to work on the Project and suspended from working on the Project for at least 90 days.

If you have questions, please contact Drug Free Business, your employer, union representative or Sound Transit Labor Compliance.

Drug Testing Uses Certified Laboratories

The Drug-Free Card program will use SAMHSA certified laboratories through Drug Free Business Drug Testing Services. All laboratory testing, both screening and confirmation is performed at certified laboratories. Screening tests will be performed using enzyme

multiplied immunoassay technique (EMIT) and confirmation testing, if needed, will be performed by Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS).

**DRUG TEST
CUTOFF
LEVELS**

Drugs Tested and Drug Testing Cutoff Levels

The Drug-Free Card program at a minimum will include the drugs listed in the U.S. Department of Transportation’s rule, 49 CFR Part 40, using the published cutoff concentrations to determine a positive laboratory drug test result. Additional controlled substances may be included in the drug test panel using cutoff concentrations set by the SAMHSA certified laboratory performing the drug tests in accordance with drug testing industry standards. A listing of all drugs included on the drug test panel, including cutoff concentrations, can be found in the appendix of this document.

**MEDICAL
REVIEW
OFFICER**

All Non-Negative Drug Test Results are Reviewed by a Medical Review Officer

All non-negative drug tests will be reviewed by a certified Medical Review Officer (MRO) before verified results may be reported to the designated employer representative (DER). This gives the employee a chance to explain the reason for a positive test (e.g. prescription drugs).

**RIGHT TO
REQUEST
SECONDARY
TEST**

Split Specimen from Ineligible Laboratory Drug Tests May Be Tested at the Employee’s Expense

The split specimen from all positive and substituted test samples remain sealed, frozen and maintained by the laboratory for at least one year. An employee may request, within 15 days of being notified of a positive or substituted test result, that the MRO arrange to have the split specimen from the original sample be tested (at the employee’s expense). Split samples from positive drug test results will be shipped to a different SAMHSA certified laboratory for testing. Split samples from substituted drug test results will be tested at the SAMHSA certified laboratory that conducted the primary testing. If the split specimen test does not reconfirm the positive or substituted result, the MRO shall revise the test results to canceled and the employee will be reimbursed for the cost of the split testing.

**DRUG TEST
COLLECTIONS**

Urine Collection Follows Federal Protocols

Urine collection procedures for drug testing will follow the protocols and guidelines for workplace drug testing found in the U.S. Dept. of Transportation's (DOT) rule, 49 CFR Part 40.

**ALCOHOL
TEST CUTOFF
LEVELS**

Alcohol Test Cutoff Levels

Alcohol cutoff levels indicating a positive test will follow the U.S. Dept. of Transportation's (DOT) rule, 49 CFR Part 40. A blood alcohol concentration (BAC) between 0.02 to 0.039 requires removal of a worker from work on the Project for a minimum of 8 hours and the worker must pass a new test before returning. A worker with a BAC of 0.04 will be reported "Ineligible" for work on the Project and will be suspended from working on the Project for at least 90 days.

**ALCOHOL
TESTING**

Alcohol Testing Follows Federal Protocols

Alcohol testing will follow the protocols and guidelines for workplace drug testing found in the U.S. Dept. of Transportation's (DOT) rule, 49 CFR Part 40. Testing will be performed by trained Breath Alcohol Technicians (BATs) with an evidentiary breath testing (EBT) device approved by the National Highway Traffic Safety Administration.

**TESTING
SITUATIONS**

Types of Testing

Drug testing shall be permitted in accordance with this written policy in these situations:

1. Pre-employment
2. Post-accident
3. Reasonable Suspicion
4. Return-to-work
5. Follow-up
6. Random
7. Periodic: Any worker who has not been tested in the Drug-Free Card Program (e.g. Pre-employment, Random,

etc.) in the past twelve (12) months is required to complete a drug and alcohol test.

Initial Test or Pre-employment Test

To join the Drug-Free Card Program each worker must pass a drug and alcohol test. This is the equivalent of a pre-employment test. The program administrator will then place the employee's name in the secure database as "Eligible."

Current Employees May be Tested at Start of this Program

All workers actively employed on the Project at the start of this program will be grandfathered into the program without having to complete new Pre-employment testing. Any of these workers who have not had a drug and alcohol test within the past 9 months as part of the former Sound Transit Substance Abuse Prevention Program will be selected for a drug and alcohol test during the first six (6) months of the new Drug-Free Card Program.

Random Selections Performed by Computer

The program administrator shall maintain a computer random selection program containing names of all workers participating in the Drug-Free Card program. The computer program will randomly select workers each month so that each year the number of selections will equal at least 50% of the total number of workers registered in the Drug-Free Card Program. The random selection process will not allow a worker with a current outstanding drug and alcohol test to be selected for an additional test while the first test is still outstanding.

For example

If 600 workers names were in the Drug-Free Card Program, at least 300 selections would be made for Random testing during the calendar year. Over 12 months, approximately 25 employees would be selected each month. Since all workers who don't already have an outstanding test are returned to the pool for each selection, there is a chance that some workers may be tested more than once per year.

INITIAL
TESTING

CURRENT
EMPLOYEES

RANDOM TEST
SELECTIONS

Being randomly selected for drug and alcohol testing is not an accusation of suspected drug or alcohol use and should not stigmatize an employee.

Notification of Testing

NOTIFICATION

The program administrator shall prepare a confidential selection list each month for each designated employer representative (DER). The designated employer representatives shall receive this list and in turn ensure each randomly selected worker is tested.

Because our industry often involves deadlines and complicated scheduling, the designated employer representative (DER) is given the flexibility to choose which day during the selection period to notify the selected worker and require testing. All notifications for testing must be unanticipated and unannounced. All workers must be tested within sixty (60) days of selection of a test or they will become listed as “Action Required” in the Drug-Free Card Program, necessitating they complete the test and receive a negative result before again being “Eligible” to work on the Project.

Workers shall immediately proceed to the designated collection site once notice has been given that they have a required test. The Testing Administrator will complete most drug and alcohol test collections at the worksite. If the Testing Administrator is unable to complete a test at the worksite, workers must be given directions to a convenient collection site identified by the Testing Administrator and a specific instructions including timeframe in which they must complete their testing.

Random Selections made when Employee Not Working will Require Testing upon Return to Work

**IF SELECTED
WHEN NOT
WORKING**

If a worker is randomly selected for testing while they are not working on the Project, they shall be required to take the test upon returning to work for an employer performing contracted work for Sound Transit. The worker will not be Eligible to work on the Project until after test results are received.

A Refusal to Test is Treated Like a Positive Test

Workers who refuse to take a drug or alcohol test, or do not appear for testing as directed will be treated as if the test was positive and will be reported as “Ineligible” to work on the Project. The following is considered a refusal to test:

- Failure to appear for any test as directed by the employer, Sound Transit, Testing Administrator, or Program Administrator.
- Failure to remain at the testing/collection site until released by the Testing Administrator.
- Refusal to sign the chain-of-custody drug test form or breath alcohol testing form when asked by the Testing Administrator.
- Failure to permit an observed collection as instructed in circumstances where the Medical Review Officer (MRO) directs one to take place or as a requirement based on suspected tampering with a drug test, such as when a worker provides a specimen that is not within 90 and 100 degrees.
- Failure to cooperate with any part of the testing process or behaving in a disruptive or confrontational manner towards the Testing Administrator.
- Failure to submit to an additional drug test when directed by the employer, Sound Transit, Testing Administrator, or Program Administrator.
- A MRO verified adulterated or substituted drug test result or admitting to the MRO or Testing Administrator that the test was adulterated or substituted.
- Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process or when directed after failing to provide an adequate breath or urine sample for testing.

- Failure to provide an adequate urine sample or an adequate breath sample without a valid medical explanation.

Collectors will follow the “shy bladder” collection procedures outlined in the U.S. Dept. of Transportation (DOT) rule, 49 CFR Part 40, protocols and guidelines for workplace drug testing, which provides for the donor to drink fluid up to a maximum of 40 ounces distributed reasonably through a period of up to three hours, or until the donor has provided a sufficient urine specimen, whichever occurs first.

Positive Test Will Result in “*Ineligible*” Status

If a worker refuses to test or receives a verified positive test, they will be reported as “Ineligible” in the Drug-Free Card Program and be suspended from work on the Project for at least 90 days. If the worker attempts to obtain employment at another participating employer contracted to perform work for Sound Transit, the employer’s designated representative (DER) will be notified that the applicant is “Ineligible” to work on the Project.

Returning to Work on the Project After Being “*Ineligible*”

Workers who have been reported “Ineligible” in the Drug-Free Card Program are required to complete an assessment by a professional with expertise in substance use disorders before they will be authorized to complete steps to become “Eligible” to return to work on the Project. Workers will not be allowed to return to “Eligible” status in the Drug-Free Card program until:

- Ninety (90) or more days has passed since the date of the worker’s adverse test result
- The worker has had a substance use disorder assessment by a professional with expertise in that area and the professional who performed the assessment has submitted a Drug-Free Card Program “Proof of Assessment” form (provided by program administrator) with supporting documentation to the Program Administrator.
- The worker passes return-to-work drug and alcohol testing.

LOSS OF
DRUG-FREE
CARD

RETURN TO
WORK AFTER
“INELIGIBLE”

Follow-up Testing

Workers who have been previously reported “Ineligible” and complete the necessary requirements to become “Eligible” in the Drug-Free Card Program are subject to six (6) follow-up drug and alcohol tests to be completed during the worker’s first year of continuous employment on the Project after their return date. These follow-up tests are in addition to any other testing (e.g. random, post accident, etc.) that may be required.

Sound Transit Drug-Free Card Program

Policy on Drug and Alcohol Abuse

Basis for the Policy

Sound Transit and their contractors are committed to protecting the safety, health, and well-being of all workers and all people who come into contact with our workplace(s) and property, and/or use our products and services.

Recognizing that drug and alcohol abuse pose a direct and significant threat to this goal, and to the goal of a productive and efficient working environment in which all workers have an opportunity to reach their full potential, we are committed to assuring a drug-free and alcohol-free environment for all workers.

Drug and Alcohol Prohibitions

Workers are strictly prohibited from the use, purchase, possession, sale, conveyance, distribution, or manufacture of drugs, intoxicants, or controlled substances in any amount or in any manner, including having a detectable presence of drugs or drug metabolites in the body.

In addition, we strictly prohibit the use or being under any influence of alcohol during working hours.

Prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations. When a worker has been informed that a medication could cause adverse side effects while working or where the medication, either prescribed or over-the-

counter, indicates such a warning, they must inform their employer prior to using such substances on the job.

Drug and Alcohol Testing

All workers on the Project are subject to tests for substance abuse. Workers may be asked to submit only to a urine test for drugs and a breath test for alcohol.

A worker's acceptance of testing, when requested in accordance with this policy, is a mandatory condition of working on the Project. Refusal to sign the testing consent form, the Alcohol Testing Form (ATF) or Custody and Control Form (CCF) or to submit to a test, constitutes a violation of policy and will be treated as a positive test.

New Hires

Employers shall make available a copy of the Sound Transit Drug-Free Card Program Policy in addition to any employer's policy during the onboarding process of all workers seeking work on the Project under the Central Puget Sound Regional Transit Authority Project Labor Agreement. Workers are required to submit to pre-employment drug and alcohol tests. Failure to pass these tests shall result in denial of employment and the worker will be reported as "Ineligible" in the Drug-Free Card Program for a minimum of 90 calendar days.

Types of Testing

1. Pre-employment: All offers of employment for Project positions will be conditional and Contractors shall not allow a worker to perform work on the Project until the worker has satisfactorily completed a Pre-Employment drug and alcohol test and the program administrator has received negative test results and has reported the worker as "Eligible."

2. Post-Accident: Workers will be drug and alcohol tested if involved in an accident in the course of job duties or while on a project site which involved use of vehicles, heavy equipment, power tools or other dangerous instrumentalities or working conditions and which resulted in injury to the worker or others, or property damage, and the Contractor's designated safety representative, their designee, or Sound Transit concludes that the

accident may have been caused by human error or could have been avoided by reasonably alert action, and the worker to be tested was an active participant in the accident circumstances. No post-accident test will be attempted until after first-aid and/or other appropriate medical care has been provided (if needed).

The Reasonable Cause / Post-Accident Form for documenting the circumstances around requiring these types of tests must be completed by the Contractor as part of the process of Post-Accident testing. This form can be obtained from the Drug-Free Card Program website at www.drugfreebusiness.org/sound-transit.html.

3. Return-to-Work and Follow-Up: If the conditions in the consequences section of this policy have been met and authorized by the program administrator, workers who have been reported “Ineligible” because of a positive drug or alcohol test result or reported “refusal to test” will be required to pass Return-to-Work drug and alcohol testing before being “Eligible” to return to the Project. If returned to the Project, workers will be required to submit to Follow-up drug and alcohol testing, which will occur without advance notice six (6) times during the worker’s first year of continuous employment from the date of the worker’s return.

4. Reasonable Cause: Workers will be required to submit to drug and alcohol testing if specific, articulable, facts exist that would lead a reasonable person to believe that an employee may be impaired by drugs and/or alcohol. The decision to test will be based on specific contemporaneous physical, behavioral, speech, body odors, or performance indicators of possible drug or alcohol use. These facts may include, but are not limited to:

- a. A worker showing signs of impairment such as difficulty maintaining balance, slurred speech or otherwise appearing unable to perform assigned work in a safe and satisfactory manner.
- b. A worker exhibiting abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A worker who is exhibiting the odor of alcohol and/or drugs or who is found to be in the possession of alcohol and/or drugs.

The Reasonable Cause / Post-Accident Form for documenting the circumstances around requiring these types of tests must be completed by the Contractor as part of the process of Post-Accident testing. This form can be obtained from the Drug-Free Card Program website at www.drugfreebusiness.org/sound-transit.html.

5. Random testing: Workers will be randomly selected and required to submit to drug and alcohol testing. A number equal to at least fifty percent (50%) of workers participating in the program will be randomly selected annually.

6. Periodic testing: Workers who have not completed drug and alcohol testing (e.g. Random, Post-Accident, Reasonable Cause, etc.) in the program for a period of twelve (12) months shall be required to have a drug and alcohol test.

Transportation to Collection/Testing Site and Home

In situations requiring Reasonable Cause or Post-Accident testing and where the Testing Administrator is unable to complete testing at the project site, the Contractor shall arrange for transportation and accompany the employee to the collection site. Upon completion of the drug test/collection and alcohol testing process the employee shall be transported back to his/her residence unless both tests are known to be negative (i.e. an instant drug test kit was used for Post-Accident testing).

Supervisors' Training

The program administrator will periodically conduct a supervisor training program. All Contractor employees listed as an *Employer's Designated Representative* (DER) or supervisory personnel authorized by a participating employer to make reasonable cause and post-accident testing determinations are highly encouraged to complete this training.

Employee Education Required

All Contractors must make a copy of this policy available to workers during in-processing.

Notification of Criminal Convictions

Any worker convicted in any court of law for selling, using, manufacturing or possessing a controlled substance shall notify their employer in writing within one (1) working day of the conviction. The conviction will be treated as a positive test result and the worker will be considered “Ineligible” and held to the same requirements set for this violation.

Employee Assistance

Any worker with a substance abuse problem is urged to seek professional help, before their health and safety or the safety of others are put at risk. We consider drug addiction and alcoholism to be treatable diseases. The goal of our policy on drug and alcohol abuse is not only deterrence; it also is detection and the promotion of treatment.

Most workers have an employee assistance program (EAP) and/or health care coverage available to them through their union or employer that may cover substance abuse disorder assessment and treatment. Any costs of treatment services, whether covered by the worker’s medical plan or not, are the ultimate responsibility of the worker.

If an assessment for substance abuse is required of a worker because of this policy during a period when no EAP or health care coverage is available to them, the worker should discuss the situation with their union representative and have them contact Sound Transit Labor Compliance to discuss options.

General Responsibility and Applicability

Substance abuse prevention is everyone’s responsibility. We expect all employees to recognize and accept this responsibility, and to do their part in assuring that, working together, we can achieve and maintain a drug-free working environment for all employees.

This policy applies equally to all applicants and workers on the Project covered by and within the jurisdiction of the Sound Transit Project Labor Agreement. The only exception for workers on the Project are drivers holding a commercial driver’s license (CDL) who are already covered under a Department of Transportation Federal Motor Carrier Safety Administration compliant drug and alcohol testing program and

whose work on the Project is isolated to driving a commercial motor vehicle (e.g. dump truck driver, cement truck driver, etc.). These CDL drivers are exempt from the Pre-Employment and Random testing requirements of the Sound Transit Drug-Free Card Program. CDL drivers who also perform other work on the Project outside of driving a truck must participate in the program in its entirety.

Consequences of Positive/Refusal Test Results

Any worker who has a positive or refusal drug or alcohol test result will be reported as “Ineligible” in the Drug-Free Card Program and will not be eligible to work on the Project for any Contractor/Subcontractor until a period of not less than ninety (90) calendar days from the date of the test has passed. Workers who desire to return to work for a Contractor/Subcontractor on the Project after previously being reported as “Ineligible” shall complete an assessment by a professional with expertise in substance use disorders and have that professional submit a “Proof of Assessment” form on the worker’s behalf. The “Proof of Assessment Form” is available on the Drug-Free Card Program website www.drugfreebusiness.org/sound-transit.html. Once the program administrator has verified the assessment was completed, the worker must also pass a Return to Work drug and alcohol test before becoming “Eligible” in the Drug-Free Card Program and authorized to return to work for a Contractor/Subcontractor on the Project. If returned, the worker shall also participate in ongoing Follow-up drug and alcohol testing which will occur without advance notice six (6) times during the worker’s first year of continuous employment from the date of the worker’s return.

Confidentiality

The program administrator shall keep detailed test results in confidence.

- 1. Reports to the Contractor:** The program Administrator will only provide to the Contractor information that the worker is eligible or ineligible to work on the Project. The Contractor shall keep the information in confidence and only share on a need to know basis.

- 2. Reports to Sound Transit:** The program administrator will provide testing information, including “Eligible” and “Ineligible” status, to the Sound Transit Office of Business and Labor Compliance (BLC). Under certain circumstances the program administrator may need to provide BLC additional information specific to the drug or alcohol testing situation, but no personal medical information provided by the worker during the testing process or MRO review will be shared unless specifically necessary to make a determination about the test and directly related to the testing situation. BLC will keep this information in confidence.
- 3. Reports to Union Representatives:** If a worker is reported by the program administrator as “Ineligible” to work on the Project, the Contractor shall notify the affected union within 48 business hours of notification of the ineligible result.
- 4. Reports to Other Interested Parties With a Legitimate Need to Know:** If there is any other interested party with a legitimate need to know employment information about a worker, the Contractor is to only provide notification stating that the employee is "Ineligible" for employment on the Sound Transit Project as they were “in violation of the Sound Transit Link Light Rail and Sounder Commuter Rail Project PLA Policy / Labor Compliance Manual.”

Effective Date

The Sound Transit Drug-Free Card Program is effective April 1, 2020. As all workers performing work on the Project are already covered under the current Sound Transit Substance Abuse Prevention Program, and the Drug-Free Card Program does not provide any new test reasons or types of tests not covered in the previous program, the new policy is effective immediately.

Cost of drug or alcohol tests

The cost of all drug and/or alcohol tests required by the Sound Transit Drug-Free Card Program will be paid for by Sound Transit except for the cost of testing split specimens completed upon request of a worker.

If a worker requests that their split specimen drug test be tested, the worker will be reimbursed for the costs only if the test of the split specimen fails to reconfirm the positive or substituted result.

Compensation for time being drug and alcohol tested

Applicants will be on the clock for all time spent in-processing, including Pre-Employment testing collection, with a minimum of four (4) hours paid show-up time. Workers performing work on the project will be paid for actual time spent during the drug test collection and alcohol testing process.

Appendix 1 – Drug Testing Cutoff Levels

Test Analyte	Initial Test Cutoff₁	Confirmatory Test Cutoff₂
6-Acetylmorphine (6-MAM)	10 ng/mL	10 ng/mL
Amphetamine/ Methamphetamine	500 ng/mL	250 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine Metabolite (Benzoylecgonine)	150 ng/mL	100 ng/mL
Codeine/ Morphine	2000 ng/mL	2000 ng/mL
Hydrocodone/ Hydromorphone	300 ng/mL	100 ng/mL
Marijuana Metabolite (THCA)	50 ng/mL	15 ng/mL
MDMA / MDA	500 ng/mL	250 ng/mL
Methadone	300 ng/mL	100 ng/mL
Oxycodone / Oxymorphone	100 ng/mL	100 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	100 ng/mL

1. Initial laboratory test is performed using enzyme multiplied immunoassay technique (EMIT).
2. Confirmatory laboratory test is performed using Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS).

Appendix 2 - Sound Transit Drug-Free Card Program Forms

All forms used in conjunction with the Sound Transit Drug-Free Card Program may be obtained through the Program Administrator on the program website:

www.drugfreebusiness.org/sound-transit.html