



Associated General Contractors of Greater Milwaukee
Leading the Construction Industry Forward

Construction Trades Substance Abuse Testing & Assistance Program

FREQUENTLY ASKED QUESTIONS

Q. Why has this Program been developed?

A. The main objective of this Program is **Safety** – Safety with respect to each AGC Construction Trades members, co-workers, customers, vendors and supply personnel. In this very competitive market, a drug-free work force will also assure greater productivity, quality job performance and a reduction in work-related injuries. The Program assures consistent, objective, fair and manageable procedures for drug testing of workers.

Q. Who will be participating?

A. All contractors who are signatory to AGC of Greater Milwaukee negotiated Labor Agreements with the Bricklayers, Carpenters, Cement Masons, Laborers and Operating Engineers must participate.

Q. When does the Program begin?

A. Random testing of Carpenters and Operating Engineers started June 1, 2018; testing of Bricklayers, Cement Masons and Laborers starts January 1, 2019.

Q. As a contractor, what are my liabilities if I do not observe the requirements of the Program?

A. First, we hope all contractors will recognize the importance of full participation in order for us to have a credible program. However, a contractor who does not implement the program is bound to attract alcohol and other drug abusers to its employment. All of this will damage the contractor's reputation and increase the company's potential for greater liabilities. Those liabilities may include safety violation penalties under the Worker's Compensation Act and possible damages for negligence or recklessness if third parties are injured as a result of an employee's conduct while under the influence of alcohol or another drug. Additionally, the AGC or Unions can fine a contractor the equivalent of two hours pay, including benefits, for failing to send an employee(s) for random testing.

Q. How long will this program last?

A. The details of this Program will be reviewed from time to time but it is the intent of all parties that this Program continue beyond the terms of any labor agreements.

Q. Who wrote the policy and why?

A. The Policy was drafted by a Substance Abuse Committee comprised of union business agents and contractors. This committee was appointed by the AGC of Wisconsin, AGC of Greater Milwaukee and ACEA and the building trades unions. Upon approval by legal counsel the policy was reviewed and approved by all parties involved. The Policy was written in order to accomplish the common goal of the construction trades to establish and maintain a drug-testing program that increases on-the-job safety performance and productivity and provides a consistent, fair and objective procedure for drug testing workers.

Q. I'm just a small contractor. Why should my company participate?

A. Your participation as a contractor/employer is critical for the success of the Program whether you have one employee or one thousand employees. There are just as many reasons for the small contractors to participate as the larger ones. Safety impacts everyone. If you are a small contractor and gain a reputation as a non-testing company, you will inevitably attract workers who abuse drugs or alcohol and your company will face the consequences.

Q. What are the steps taken to protect members' privacy and reputation?

A. CDS maintains the confidential drug-testing database for this Program in one, central location. Only designated, registered communicators, who have been assigned a private access number and password can enter the database to check on the status of the worker. No drug testing history is available--the worker is simply classified as ACTIVE or INACTIVE.

Q. What's involved in random testing?

A. CDS uses a computer generated random selection system for selecting workers for a random drug/alcohol test. The policy requires CDS to select 20% of the construction trades population annually for random testing. Workers must report for testing within 24 hours after notification by the company communicator.

Q. Who pays for the testing?

A. The cost of testing is being paid through contractor contributions into a Labor Management Fund. The contributions are separated from other funds and forwarded to an account earmarked for drug testing.

Q. Who is CDS/What is a TPA?

A. CDS (Construction Data Services) is an international provider of drug testing, safety and first-aid services who specializes in the construction trades industry. CDS has been selected as this Program's Third Party Administrator (TPA). They are responsible for the administration of the testing procedures and policy, including maintenance of the confidential drug testing database, specimen collections, random selections, collection locations and delivery of samples to the testing lab. CDS is located at 2348 Hampton Avenue, St. Louis, MO 63139; phone: (314) 645-5577; fax: (314) 645-6767.

Q. What is a "Communicator"?

A. To assure that absolute confidentiality is preserved, CDS has created the concept of company "communicator". Each contractor is required to designate a primary and an alternate communicator from within the company. Communicators should be accessible, dependable, and capable of maintaining confidential drug testing information. CDS provides extensive training for communicators to guide and assist them in the administration of their responsibilities.

Q. What is an "MRO"?

A. The Medical Review Officer (MRO) is a physician who has knowledge of substance abuse disorders and is able to interpret and to evaluate an individual's positive test result as it relates to the employee's medical history and other biomedical conditions.

Q. Where does drug testing take place?

A. Drug-testing can take place at various locations including union halls, job sites, contractors' facilities, or at specified clinics or hospital locations approved by CDS for testing, (Call CDS at (314) 645-5577 for a listing of approved testing locations).

Q. Who should I contact if I have further questions regarding this Program?

A. You are encouraged to discuss any questions or concerns you may have regarding this Program and the Policy terms and conditions with your company communicator, with CDS at (314) 645-5577, with your Local Business Representative, or with the AGC office at (414) 778-4100.

FREQUENTLY ASKED QUESTIONS – MEMBERS

Q. What happens if the laboratory confirms that a drug in my sample may constitute a violation of the drug policy?

A. First of all, your communicator will provide you with a toll free number and instruct you to contact the MRO in private. During this conversation, the MRO will ask you about any recent hospitalization, prescription medications, or other medical reasons which may have an impact on the result. The presence of legitimate medications in your sample, with verifiable proof, will not result in a positive test. If the MRO can find no legitimate reason for the drug to be in your urine sample, you will be ruled as positive, and be required to participate in the "reinstatement" process. This involves calling the Employee Assistance Program (EAP) through your local health fund for an evaluation and possible treatment, then arranging for a return-to-work drug test through CDS. This test is at your own personal expense. You must test negative before you can return to work.

Q. Will I lose my job if my test result is positive?

A. After a first positive test result you are eligible to return to the contractor for whom you were working at the time you tested positive provided that (1) the contractor has available work covered by the Agreement (2) you continue in any EAP or recommended after-care program, and (3) you take and pass a drug screen test at personal cost through CDS. After a second violation of the Program, you can be terminated by your employer.

Q. Will everyone in our company be tested?

A. Everyone in your company who is employed under a Construction Trades Labor Agreement negotiated by AGC of Greater Milwaukee will be subject to the drug testing terms and policies of the program. In addition, every effort will be made to have non-union, staff employees of each contractor participate in testing as part of a company policy based on the Construction Trades program.

Q. What happens if I move to another contractor?

A. If you have an ACTIVE status (negative drug test) in this consortium program, your status will follow you to another signatory contractor and you will not have to take and pass another drug test to work for that new employer. Your communicator can verify the status of workers in the AGC consortium program.

Q. What happens if I contact the Employee Assistance Program?

A. If you contact the EAP on your own accord, you will be provided the same service as if you were directed by your communicator to contact the EAP. An appointment will be scheduled and, if it is determined that you use or abuse drugs, you will undergo an assessment. A determination will then be made as to what type of rehabilitation program would be best for you. All of this will be handled with strict confidentiality.

Q. Will I test positive on Monday if I have five beers on Sunday?

A. Highly unlikely. Alcohol testing is only conducted for random, post-accident and reasonable suspicion testing incidents.

Q. Will I test positive if I spend the evening inhaling my buddy's second-hand marijuana smoke?

A. No.

Q. What happens if I'm on vacation when the testing is scheduled?

A. If you are selected for testing but are unable to report due to scheduled time off, your company communicator can make arrangements for you to complete your testing requirement at a local clinic location.

Q. If I am tested post-accident, can I return directly to the job?

A. Any person required to undergo a drug/alcohol test as the result of a work-related incident will not be eligible to return to work until the Contractor receives notice of the test result.

Q. Can I choose where I will be tested?

A. Generally, the location for testing will be arranged by your company communicator with convenience and efficiency in mind.

Q. How frequently will I have to be tested?

A. The number of times you could be selected for random testing is unknown--the computer makes the selections from the pool of workers in your trade, if you are involved in a property or an injury accident or you appear to be unfit for duty (reasonable suspicion) they you can expect to take a drug and alcohol test. Workers who have a positive drug test face double jeopardy for random testing--they are placed in a positive pool in addition to the ACTIVE pool for a period of two years.

Q. What happens if I refuse to be tested?

A. Refusal to test is the same as having a confirmed, positive drug test. You will remain on suspension for 30 days. Continued refusal to submit to a test will result in Inactive Status and subject you to disciplinary action, including termination.

Q. What is the procedure at the time of testing?

A. You will be asked to provide photo identification and complete a testing consent and release form. The collector will then complete a chain of custody form and ask you to provide a urine specimen. After providing the specimen, the collector will seal your specimen with a security tape and place it in a tamper proof bag for courier shipment to the laboratory. The collector will then provide you with a copy of the chain of custody for your records. The entire testing process takes approximately 5-7 minutes per person.

Q. How long does it take to get the results?

A. Negative test results are generally reported by the laboratory to the CDS office via teleprint within 24 hours of the collection. Non-negative results are reported in 48-72 hours.

Q. Can I work before the test results have been returned?

A. In the case of Random testing workers tested will in almost all circumstances continue to work immediately following the drug screen collection.

Q. Will someone advise me if my test results are negative?

A. If you are not contacted by the company communicator or the MRO within three days following your test, you can be fairly certain your test result is negative.

Q. Who pays for the time it takes for testing?

A. When testing takes place during the course of the worker's normal workday, pay and benefits are maintained. If testing must take place during the worker's "off-hours" then the worker will be paid two hours straight time pay by the contractor/employer.

Q. Who pays for treatment if I must go through rehabilitation?

A. Rehabilitation costs are usually covered through the union member's health plan.

Q. What happens if I refuse to see an EAP following a positive test?

A. Refusal to comply with the reinstatement requirements following a confirmed positive drug test will result in the worker's reclassification to INACTIVE status and may result in that worker's termination. Prompt contact with the EAP will assure a quick return to work and prevent loss of income.

Q. If I am off of work for an extended period of time due to illness, must I re-test when I return to work?

A. Only if your name has been drawn for random testing during your absence will you be required to test at the time or before you return to work.

Q. What happens if I'm on a prescription medication?

A. If you are tested during a time when you are taking a prescription drug authorized for you by your physician and this information is properly conveyed to the MRO upon request, your test will not be considered positive. If, however, you choose to take a legal drug prescribed for someone else, then the test result will be ruled by the MRO as positive and a violation of the Policy.

Q. What happens if I challenge a positive test?

A. You have the right to challenge a confirmed positive test by sending a written request to the MRO within five working days of receipt of notice of the positive result. A portion of the original specimen will have been preserved for such testing, which will be conducted at YOUR expense either by the same lab or by a different Department of Health and Human Services (DHHS) certified laboratory of YOUR choice consistent with the standards and procedures prescribed by DHHS.

Q. What is my cost if I request review of a positive test?

A. The current charge for a re-test rate is approximately \$150.00 and is set by the MRO. It includes the cost of transferring the sample from one location where it is stored to the lab, plus the additional urinalysis.



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