

To: Members of I.B.E.W. #756 Employed by Giles Electric Company
From: The Management of Giles Electric Company
Subject: **DRUG-FREE WORKPLACE PROGRAM**

Giles Electric Company is a Drug-Free Workplace and all employees of Giles Electric are participants in its' Drug-Free Workplace Program effective **May 20, 1996**.

The following information is being provided to make sure you are aware of how this program effects Workers' Compensation injuries.

Attached hereto is the Substance Abuse Testing Policy currently in force for all the members of the I.B.E.W. Local #756. Giles Electric has incorporated this policy into its' Drug-Free Workplace Program and needs to make sure that you have received, read, and understand your policy as it effects you and your eligibility for all workers' compensation medical and indemnity benefits.

Giles Electric is required under F.S. #440.102 and the proposed rules of the Department of Labor and Employment Security, Division of Workers' Compensation, to submit each and every injured worker to a drug test in order to maintain our Drug-Free Workplace status.

Please be advised that Giles Electric will be consistent in its' assessment of reasonable suspicion as allowed in 'REASONABLE SUSPICION TESTING" of I.B.E.W. #756 policy. Giles Electric will view all injuries as suspicious and must require testing of every injured employee.

"CONSEQUENCES OF POSITIVE TEST OR TEST REFUSAL" states any individual who refuses to test or tests positive for alcohol or substance abuse shall be terminated. It also states that testing positive or refusing to take a substance abuse test, following an on the job accident will result in loss of Workers' Compensation benefits for said accident and termination of employment.

The ultimate goal of our Drug-Free Workplace Program is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free environment.

The intent of this notice is to educate you, as a participant in Giles Electric Company's Drug-Free Workplace Program. It is not intended to alter, revise or override the policy of the I.B.E.W. #756.

Signature, I.B.E.W. Member Employed by Giles Electric., Inc

Date

Witness

Date

Substance Abuse Testing Policy

LOCAL UNION NO. 756 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

STEPHEN R. WILLIAMS, BUSINESS MANAGER
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DAYTONA BEACH, FLORIDA 32128
(386) 756-2756

AND

NORTH FLORIDA CHAPTER, INC. DAYTONA BEACH DIVISION NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

KEVIN TIGHE, CHAPTER MANAGER
2200-A ROSSELLE STREET
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APPROVED BY:

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DRUG FREE WORK PLACE COMPANY POLICY

The North Florida Chapter, NECA, and Local Union 756, IBEW hereby establish an in-depth Drug Free Work Place program effective September 1, 2001. The program is a continued extension of our work safety and employment health programs. The program requires refraining from substance abuse as a condition of continued employment.

The date that this policy statement is distributed will serve as the first day of a one time 60 day notice to employees, before drug testing will be implemented.

WHAT IS SUBSTANCE ABUSE

Substance abuse includes, but is not limited to the consumption by any means of any legal or illegal substance that alters an individual's normal behavior and results in intoxication and/or renders the employee incapable of safe/efficient job performance. Substance abuse also includes over use of legally prescribed drugs, selling, trading, giving away, possession or offering for sale illegal or prescription drugs, to include alcohol, on company property, while operating a company vehicle on or off company property or operating a personal vehicle while on company business or any of the above at a designated work site.

An extended substance abuse testing program will be implemented to include the following:

1. Pre-employment testing.
2. Testing for reasonable suspicion of substance abuse.
(See "Reasonable Suspicion Testing").
3. Testing will be performed following on the job accidents.
4. Testing as part of fitness for duty medical examinations.
5. Random testing will be performed only when specified by a consumer client contract or rules including Department of Transportation, CFR Part 382 & Part 40. The random testing procedure will be conducted at an annualized rate of 50 percent for drugs and 10 percent for alcohol.
6. A one time follow-up test will be conducted within three months following completion of a drug/alcohol rehabilitation or counseling program.

When random substance abuse testing is required by contract or customer rules, the testing will be administered on an equitable basis without discrimination.

The names of employees that will be working on a contract or job site that requires random testing will be printed or typed on individual slips or paper. The name slips will be placed in a container large enough to allow thorough mixing and a designated number of names will be randomly drawn and will be witnessed by one additional union representative and one management representative.

Randomly selected names will be entered on the Random Test Report. The report will be dated and signed by the union and management representatives.

Randomly selected employees will be notified for testing to be performed on the same business day.

Testing will be performed by a laboratory that employs DHHS technology, is accredited by the College of American Pathologists and licensed by the State of Florida.

Test specimens will be collected at a Florida Agency for Health Care Administration certified facility and/or at an appropriate employer's facility by Florida Agency for Health Care Administration certified specimen collectors.

Testing results must be proven positive or negative at levels set forth in Department of Health and Human Services Guidelines, published in the Federal Register on April 11, 1988/53 F.R. 19970 or Florida Agency for Health Care Administration guidelines established in Florida Statute 440.102 and/or Florida Department of Labor Administrative Rules 59A-24.

The testing performed will analyze a urine or blood specimen for the presence of any of the following substances which may include:

1. Alcohol – Ethyl alcohol as a beverage or as part of a medication.
2. Marijuana – Cannabinoids, THC.
3. Cocaine.
4. Methadone – Dolophine, Methadose.
5. Barbiturates – Nembutal, Tuinal, Seconal, etc.
6. Amphetamines – Desoxyn, Biphedamine, Dexedrine, etc.
7. Methaqualine – Qualudes.
8. Opiates – Codeine, percodan, Paregoric, Morphine, etc.
9. Propoxyphene – Darvon, Dolene, etc.
10. Phencyclidine – PCP.
11. Benzodiazepines – Librium, Valium, Xanax Serax, Halcion, etc.

Testing may also include designer drugs or other abused substances that are added by Florida Statutes.

A list of the most common drugs or medication by brand name, common names, as well as chemical name, which may alter or affect a drug test is provided as part of this policy statement.

Applicants or employees testing positive for prescription drugs that are listed above as “abused substances”, must provide to the company's Medical Review Officer a current, valid prescription for the specific positive test substance(s) or a letter from their attending physician to justify treatment necessary for use of the drug(s).

Within 5 working days after receipt of a positive confirmed test result from the Medical Review Officer, the employer shall inform the employee or job applicant in writing of such positive test result, the consequences of such results and the options to the employee or job applicant.

The Health and Welfare Fund is responsible for testing costs, except for test costs that are involved with an employee or job applicant challenge of initial test results.

REASONABLE SUSPICION TESTING

Employees reporting to work or on the job that demonstrate impaired conduct will be interviewed by two (2) supervisors or managers to determine the cause of the irregular behavior.

If the supervisors both conclude that the irregular behavior is unsafe, the employee will not be allowed to continue working and will be transported home or to a medical facility. The employee will not be allowed to drive a motor vehicle. If this condition persists and a medical problem is not the cause, the employee may be tested for substance abuse. The employee may also be tested for substance abuse regardless of the cause of irregular behavior.

Reasonable suspicion testing shall also be conducted when there is:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestation of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his/her employment with the current employer.
5. Information that an employee has caused, contributed to, or been involved in an accident while at work.
6. Evidence that an employee has caused, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

Supervisors will complete an incident report for observed irregular conduct, documenting their observations and the results of the employee interview. Final dispositions of the incident will be documented with signatures and the dates listed by both supervisors.

A copy of the supervisors' report will be provided for the employee, with appropriate employee's signature of receipt.

This confidential Incident Report will be retained by the employer for a period of at least one (1) year.

CONSEQUENCES OF POSITIVE TEST OR TEST REFUSAL

1. Refusal or failure to submit to testing will eliminate applicants from employment consideration.

2. Testing positive for abused substances will eliminate applicants from employment consideration.
3. Testing positive or refusing to take a substance abuse test, following an on the job accident will result in loss of Workers' Compensation benefits for said accident.
4. An employee testing positive on any occasion will be subject to immediate suspension or termination.
5. If an employee violates these rules, they may seek counseling and treatment as an opportunity to recover from drug and/or alcohol dependency. A list of the names, addresses and telephone numbers of the employee assistance programs is attached. (*refer to "Getting Help".*) If the employee elects treatment, he or she may be suspended without pay prior to, during and after any rehabilitation or counseling program and must prove to be drug/alcohol free before returning to work.
6. Refusal or failure to submit to testing following an on the job accident will result in termination of employment.
7. Use of hemp products by employees represents prohibited conduct and is grounds for dismissal.
8. The use of hemp products will not be considered a legitimate medical explanation for positive marijuana drug test. (THC)
9. All substituted specimens as well as an adulterated test result for potassium nitrite, bleach, salt or other substances/chemicals will be considered a positive test result.
10. Alcohol use before reporting to work, during working hours or at mealtimes or break periods is prohibited.

No Employer shall discipline, discharge or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug related problem if the employee has not previously tested positive for drug use.

Any discipline, adverse or objectionable rules imposed by the employer, that are not part of the stated Drug Free Work Place Policy, shall be subject to the grievance and arbitration procedure as provided in the Collective Bargaining Agreement.

No employee/applicant shall be required to sign any waiver limiting the liability of any firm, laboratory or person involved in the decision to test, the testing program and procedures and/or consent forms that may be inconsistent with stated Drug Free Work Place Policy or the individuals personal rights.

OTHER GROUNDS FOR TERMINATION

An employee bringing onto the company's premises or job sites; having possession of; being under the influence of; possessing in the employee's body, blood or urine, using, consuming, transporting, selling or attempting to sell, giving away any illegal drugs (including prescription drugs illegally obtained or prescribed for the individual only), or alcohol, at any time is guilty of misconduct and is subject to discipline to include discharge, suspension without pay or other actions, even for a first offense.

CHALLENGING TEST RESULTS

An employee may challenge a confirmed positive test result by submitting an explanation in writing to the employer, concerning personal circumstances that might have affected the results. This challenge must be submitted within 5 working days following the employee notification of a confirmed positive test result. The donor of a tested specimen will be responsible for providing all necessary documentation. The documentation (i.e.), a doctor's report, signed prescription or current prescription container with relevant information and other related supporting documents.

The employer will within 15 days of receipt of the employee's written explanation or challenge of positive test results, provide a written explanation to the employee as to why the employee's explanation is unsatisfactory, along with a copy of the positive test results.

The employee or job applicant desiring to challenge a test result will be responsible for notifying the original testing laboratory of an alternate Agency for Health Care Administration licensed laboratory, for the purpose of transferring, under Chain of Custody, a portion of the employee's or job applicant's original specimen for re-testing. The employee may have a portion of their original specimen re-tested during a period of 180 days following written notice of a positive test result. When an employee undertakes a challenge to the result of a test it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

An employee may undertake an administrative challenge by filing a claim for benefits with a judge of Compensation Claims, concerning a workplace injury. Other challenges not involving workplace injuries must challenge a test result in a court of competent jurisdiction.

Employees or job applicants may call the Medical Review Officer for technical information regarding prescription or non-prescription medications that may affect test results. Job applicants or employees whose drug test results are confirmed positive shall not by virtue of the result alone, be defined as having a "handicap".

GOVERNMENTAL COMPLIANCE

This Drug Free Work Place Policy is implemented pursuant to requirements under F.S. 440.102 and Administrative Rules 59A-24 of the Department of Labor and Employment Security, Division of Workers' Compensation.

DRUGS WHICH MAY ALTER OR AFFECT A DRUG TEST

The following list are the most common medications by brand name or common name, and chemical name which may alter or affect a drug test. The Department of Health and Rehabilitative Services list of common medications are:

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example Vick' s Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES

Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex

CANNABINOIDS

Marinol (Dronabinol, THC)

COCAINE

Cocaine HCL topical solution (Roxanne)

PHENCYCLIDINE

Not legal by prescription

METHAQUALONE

Not legal by prescription

OPIATES

Paregoric, Parepectollin, Donnagel, PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Floricet, Esgic, Butisol, Mebaral, Butabartital, Butabital, Phrenillin, Triad, etc.

BENZODIAZEPINES

Ativan, Axene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE

Dolophine, Methadose

PROPOXYPHENE

Davocet, Darvon N, Dolene, ect.

GETTING HELP

The following are facilities offering rehabilitation as part of this Policy through the Health and Welfare Plan.

Please contact the Administrator to confirm this benefit.

Act Corporation
1150 Red John Drive
Daytona Beach, Florida 32124
800-539-4228

Act Corporation
1220 Willis Avenue
Daytona Beach, Florida 32114
800-539-4228

Act Corporation
1251 North Stone Street
Deland, Florida 32720
800-539-4228

Signed for the Union:

Signed for the Employer:

STEPHEN R. WILLIAMS
Business Manager
IBEW Local Union 756

KEVIN TIGHE
Chapter Manager
North Florida Chapter, NECA

Date: _____

Date: _____

I have received, read and understand the IBEW/NECA Substance Abuse Policy. I understand and agree to ALL testing outlined therein. I was provided the opportunity to ask any questions as relates to this policy. I further understand that any contractor to which I may be referred, is a Drug-Free Workplace.

Name (Please Print)

Signature

Date