



## **Program Overview**

The Mo-Kan Construction Industry Substance Abuse Program (CISAP) is a comprehensive construction-industry drug and alcohol testing program. CISAP's intention is to reduce substance abuse throughout the construction industry. Unions, employees, contractors and management associations are firmly committed to the safe and efficient performance of work in the building and construction industry. The safety and health of the employees covered under this program, the safety of the public at large, and the quality of the workmanship of your industry are the driving factors behind the implementation of CISAP.

This information sheet is designed to inform you about the processes associated with CISAP, discuss methods provided through CISAP and communicate steps you can experience while participating in the Construction Industry Substance Abuse Program. Any additional information may be requested for and obtained through your union representative or through the CISAP office.

One important note to address in relation to CISAP drug testing, a refusal to provide a CISAP drug screen will result in treatment the same as a positive and the Participant or Potential Participant Employee will suffer the consequences based on where they are in the program.

### **Initial Testing of Current Participant Employees**

The first step in the CISAP process is the initial drug screen. This is a drug screen collection that will take place at the time a union adopts CISAP to its agreement. The initial drug screens will be performed on specified collection dates selected by the union and CISAP at the beginning of the CISAP implementation. This initial drug screen can be performed at a designated collection site in the CISAP network or at a specifically designated collection site selected by the union, CISAP offices and the collector.

A negative drug screen result will result in notification to current employer of test result and "Compliant" status in CISAP. This will also initiate the beginning of the ability to be selected for random drug testing. The Participating Member who tests negative will also receive a CISAP Drug Card that may be required to produce for proof of compliance in the program.

In the event an initial drug screen is confirmed positive, the employer will be notified, the participating employee will be placed in the CISAP "Watch Block" program, follow the requirements of being in Watch Block and be required to provide negative drug screen result

before he / she is able to return to work. This “Return to Work” test will be at the expense of the Participant Employee regardless if the result is positive or negative.

### **Pre-Employment Testing**

Prospective Employees may be required to provide a CISAP specimen on his / her own time.

A negative drug screen result will result in a “Compliant” status in CISAP and such report to the prospective employer. This will also initiate inclusion in the random drug testing pool. The Participating Member who tests negative will also receive a CISAP Drug Card that he/she may be required to produce for proof of compliance in the program.

A positive drug screen result from a Pre-Employment test may result in an employment relationship not arising.

### **Post-Incident Drug and Alcohol Testing**

Members covered under the CISAP Program Agreement are subject to post-incident drug and alcohol testing in the following situations:

- **Fatal Incident** - Drug and Alcohol testing will be done as soon as reasonably possible following an incident that involves loss of life.
- **Non-Fatal Reportable Incident** - Drug and Alcohol testing will be done as soon as reasonably possible (not to exceed twenty-four (24) hours) following any non-fatal incident reportable under applicable state’s Workers Compensation Law.
- **Property Damager Incident** - Drug and Alcohol testing will be done as soon as reasonably possible (not to exceed twenty-four (24) hours) following any incidents that causes property damage in excess of one thousand dollars (\$1000) fair market value as estimated by employer.
- **Safety Rule Violation** - Drug and Alcohol testing will be done as soon as reasonably possible (not to exceed twenty-four (24) hours) following the violation of a safety rule or practice which could have resulted in death, injury, property damage, or a citation or criminal charge under federal, state, or local law.
- **Access to Medical Records of Injured Participant Employees** - A Participant Employee who is seriously injured and cannot provide a specimen at the time of the incident will provide the necessary authorization for obtaining medical records that would indicate the existence and/or level of alcohol or drugs in the Participant Employee’s body. If the medical records are silent to this issue, a drug test will be required prior to returning to work.

Drug and Alcohol tests results can result in administrative actions taken under CISAP Program Agreement guidelines as well as Employer’s disciplinary actions.

## **Reasonable Suspicion Drug and Alcohol Testing**

Members covered under the CISAP Program Agreement are subject to Reasonable Suspicion drug and alcohol testing if those individual displays any of the actions covered under the definitions of Reasonable Suspicion in this section. Testing will be done as soon as reasonably possible (not to exceed twenty-four (24) hours) following an Employer's reasonable cause to suspect the Participant Employee is under the influence of drugs or alcohol.

Reasonable Suspicion exists if certain objective facts and circumstances warrant rational inference that a person maybe under the influence of alcohol or drugs. "Objective Facts" are typically based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or odor. Illustrative, but not all-inclusive of reasonable suspicion, are:

- A pattern of abnormal conduct or erratic behavior: a dramatic decline in work performance; or excessive absenteeism.
- Information provided by reliable and credible sources which is independently corroborated.
- Observation, such as direct observation of use and/or physical symptoms of being under the influence of drugs or alcohol.
- Difficulty walking, slurred speech, needle marks, glazed stare, etc.
- Possession of drugs or alcohol.

Drug and Alcohol tests results can result in administrative actions taken under CISAP Program Agreement guidelines as well as Employer's designated disciplinary actions.

## **Random Drug Screen Testing**

Individuals who have provided a Negative Initial or Pre-Employment drug test and are in the compliant member category are placed in the CISAP random pool and eligible for random drug screen testing up to but no more than twice (2) per calendar year. (*Note, Post Accident, Reasonable Suspension or Return to Work tests will not count towards random drug screens*)

A negative drug screen result will result in a "Compliant" status in CISAP and such report to the current employer. The Participating Member who tests negative will also receive an updated CISAP Drug Card that may he/she be required to produce for proof of compliance in the program.

In the event a random drug screen is confirmed positive, the employer will be notified, the participating employee will placed in the CISAP "Watch Block" program, follow the requirements of being in Watch Block and be required to provide negative drug screen result before he / she is able to return to work. This "Return to Work" test will be at the expense of the Participant Employee regardless if the result is positive or negative.

## **Watch Block Program**

The Watch Block program is a sub-category of CISAP for individuals required to provide additional testing as part of the program agreement. Participants placed in the Watch Block program, will remain in this category of a period of twenty-four (24) months from commencing from that date of entering Watch Block. During this time a Participant Employee is subject to six (6) Random Watch Block drug screens.

A negative drug screen will result in notification to the current employer of the test result and “Compliant” status in CISAP. The Participating Member who tests negative will also receive an updated CISAP Drug Card that he/she may be required to produce for proof of compliance in the program.

When the Participant Employee has completed the twenty-four (24) month period with no additional positive drug screens, they will be placed back in the general compliant CISAP testing pool.

Positive test results during the Watch Block period will have the following outcomes for the Participant Employee:

- First Positive Test Result During Watch Block - The Participant Employee will be ineligible for testing for ninety (90) days, his / her drug card will be suspended and the current employer or potential participating employer applied to in the 90 day period notified.
- Second Positive Test Result During Watch Block – The Participant Employee will be permanently expelled from the CISAP program, his / her card will be permanently revoked and current or any future participating employers will be made aware.
- In the event a Participant Employee has a positive test result while in the Watch Block, the employer may discipline the Participant Employee up to and including termination.

## **Appeals**

In the event a Participant Employee would like to appeal the decisions or actions taken through the CISAP program, they are eligible to file an appeal to the CISAP Fund Appeals Committee. The appeals committee shall be made up one (1) Labor Trustee and one (1) Employer Trustee. The Participant Employee will have a time for filing a written appeal of thirty (30) days from date of action. A review and/or hearing may be requested and a decision in writing will be made within ten (10) days after the review and/or hearing.

The Participant Employee has the following rights:

- Upon request to receive access to records, information and documents forming basis for the Fund’s actions.
- Submit documents, records, comments and other information to the Appeal Committee.

- A full and fair review of all comments, documents, records and other information relevant to the issues.
- Representation by Counsel at hearing.
- To present testimonial and documentary evidence.
- To question witnesses of the Fund.
- Obtain copy or recording of hearing and all evidence provided at hearing.

Matters involving employers and the union and/or union members follow the ordinary course of grievance actions in accordance with the bargaining agreement of the applicable craft.