

LETTER OF UNDERSTANDING

BY AND BETWEEN: CONSTRUCTION LABOUR RELATIONS ASSOCIATION
OF BRITISH COLUMBIA

AND: INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 115

**Re: Alcohol & Drug Testing Program for Crane Companies Signatory to the
Operating Engineers Local 115 Crane Rental Addendum and Heavy
Construction Collective Agreement**

This policy is a result of an Arbitration Award arising from the 2000 - 2004 Heavy Construction Agreement. It is the intent of the parties to educate and recognize the potential use of drugs and alcohol in the workplace. The parties agree that safety, respect and confidentiality are fundamental to the intent of this policy. Further, the parties recognize the detrimental effect substance abuse can cause to the employers, employees and the Union membership in the workplace. This policy is intended to help, assist, provide treatment and support people who may have drug and alcohol problems and recognize that substance abuse is a disease. This policy is not intended to be used as a disciplinary treatment.

1. The program will be applicable to all employees working for crane rental companies who are signatory to the Crane Rental Addendum or the Heavy Construction Agreement. Further, employees as defined in this policy shall include helper pre-apprentice, apprentice and journeyman.
2. The likelihood for success of a drug and alcohol testing program will depend on the level of education provided to the worker, supervisor, employer and union involved. It is clearly understood and agreed that education will be the driving principle in this program.
3. Pre-employment testing will take place for all initial hires that are potential employees who have not worked previously under the Crane Rental Addendum or the Heavy Construction Agreement.

4. Pre-employment testing will also take place for employees who have not worked for the crane company in the last six (6) months. (Note: An employee who changes employment from one crane company to another may be required to test if a test has not been completed for that company within the previous six (6) month period.)
5. All tests will be performed by a recognized company in this field to determine the presence of alcohol or drugs in an employee. Testing shall be by urine sample only.

A test will be deemed positive if it detects:

- (i) an alcohol level that exceeds forty milligrams of alcohol in one hundred millilitres of blood or the equivalent concentration of urine.
- (ii) the drug level for the drugs set out below in excess of the concentrations set out below:

Drugs or Classes of Drugs	Screening Concentration (in excess of ng/mL)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000

- (iii) all tests below screening concentrations will be considered negative. Concentration levels of all test results will not be released to any party(s).
6. In the event of a "near miss" or potentially dangerous incident in which the employee is directly involved, a test may be requested at the crane company's discretion. A "near miss" is defined as an incident that had the potential to cause a severe personal injury or the potential to cause significant damage.
7. When an employee is involved in an incident causing injury or damage to property or equipment, testing will also take place at a crane company's discretion.
8. If an employee is tested, he/she will continue to be paid while the testing takes place during his/her regular shift. If testing takes place outside his/her regular shift, two (2) hours wages and benefits will be paid to the employee. Confidentiality of test results will be maintained throughout this process.
9. If the results of the alcohol/drug urine test are positive, there will be an assessment as to whether the employee requires counselling or more extensive treatment. An employee whose test results are positive shall be temporarily suspended from employment until an assessment is completed by a qualified rehabilitation counsellor. The assessment will determine a counselling or treatment program that will include

recommendations on an employee's ability to return to work. An employee who tests positive and who undergoes treatment may be requested to submit to further testing within 90 days of returning to work with the company under the terms of the program. The company shall comply with all applicable employment laws when an employee undergoes counselling and/or treatment. The company will assist wherever possible to ensure the assessment occurs in a timely fashion.

10. The employee who undergoes counselling and/or treatment will be reinstated once he/she produces confirmation that he/she has successfully completed the counselling and/or treatment and is ready to return to work. Employees returning to work shall comply with post treatment care recommendations provided by their rehabilitation counsellor. Failure to comply may result in further disciplinary action including suspension or termination of employment.
11. An employee returning to work under these provisions shall return to his/her duties.
12. Maintenance of Chain of Custody Documents for Specimen Collection Transportation and Storage: Clinical Standards: Specimen collection should either be directly supervised or safeguards should be implemented to minimize substitution or contamination. Laboratories used for urine testing analysis shall be certified and follow the guidelines issued by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services which ensure custody and accuracy issues.
13. This policy shall apply to only crane rental companies and shall form part of the Heavy Construction Agreement and Crane Rental Addendum as negotiated by and between the Construction Labour Relations Association of BC and the International Union of Operating Engineers Local 115. Mr. Brian Foley has retained jurisdiction until this policy has been agreed to and put into effect. Any differences that may arise after the policy has been agreed to and put into effect may be referred to the grievance procedure or the Joint Conference Board for resolution.

Signed this _____ day of _____, 2003.

CONSTRUCTION LABOUR RELATIONS
ASSOCIATION OF BC

INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 115
