

SOUTHERN ARIZONA NECA /IBEW LOCAL 570 DRUG FREE WORKPLACE
PROGRAM

Revised May 2020

5/1/2020

Amendments Effective



Employer & Employee Handbook

**SOUTHERN ARIZONA NECA AND IBEW LOCAL UNION 570
DRUG FREE WORKPLACE PROGRAM**

Employer/Employee Handbook Amendments

Effective May 1, 2020

PART ONE

S AZ NECA/IBEW 570 DRUG FREE WORKPLACE PROGRAM

DEFINITIONS AND PROCEDURES

X. Appeals Process

The appeals process for the S. AZ NECA/IBEW 570 DFWP shall be handled by the Appeals Committee established by the Southern Arizona Chapter of the National Electrical Contractors Association (NECA) and the IBEW Local 570.

The Appeals Committee shall consist of six (6) members, three (3) appointed by the IBEW Local 570 and three (3) appointed by Southern Arizona NECA. The Executive Director as appointed by the President and the Board of Directors of S. AZ NECA, will act as the document collection and delivery source to the Appeals Committee and will also be the secretary for the appeals process and shall only vote to break a tie of the Appeals Committee. The members of the Appeals Committee will be made up of the same members for both Southern Arizona NECA and the IBEW 570 as makes up the LMCC.

If an employee wishes to make an appeal, the appeal should be in written form as to why the employee is seeking an appeal. A certified letter with return receipt request or time-dated email or confirmed fax delivery needs to be addressed as follows:

Appeals Committee – DFWP
Southern Arizona NECA
2500 N. Tucson Blvd., Suite 132
Tucson, AZ 85716

Once the appeal has been received, the Executive Director of S. AZ NECA will securely distribute the information to the members of the Appeals Committee. The members of the Appeals Committee will be given 5 days to review the information before a meeting of the Appeals Committee shall be scheduled.

The Appeals Committee will meet on an as needed basis with 48 hours notice. The notice can be sent via email. The only information on the notice will be the date, time and location of the meeting.

The employee seeking the appeal shall have the opportunity to present their case before the Appeals Committee with the assistance of their Union representatives. **In the event, the IBEW 570 Business Manager is asked to appear on behalf of the Employee, an alternate LMCC labor representative will be assigned.** The Appeals Committee shall make their decision at the scheduled meeting, with the employee knowing the results before leaving the appeals meeting.

A written decision will be sent to the employee, the employer and the Program Administrator. This decision is only for compliance of the S. AZ NECA/IBEW 570 DFWP. In no way does this appeal process super cede or remove an employee's right to the grievance procedure outlined in the current collective bargaining agreement.

PART TWO

THE S AZ NECA/IBEW 570 DRUG FREE WORKPLACE PROGRAM DRUG AND ALCOHOL POLICY FOR THE ELECTRICAL CONSTRUCTION INDUSTRY

VIII. Employee Assistance Program and Progressive Discipline Rules

Any Employee found violating the possession, use, or presence sections of the DFWP whether identified by their behavior, work performance, a drug and alcohol testing result, and/or self-admission will be referred to the Employee Assistance Program (EAP) for further evaluation and appropriate counseling, **and progressively disciplined depending on the occurrence of the violation, as outlined below**. Per Company Policy, disciplinary action may be stayed pending active participation and successful completion of the EAP, **as outlined below**. Self-referral and ongoing participation in the EAP will be held confidential except under state or federal laws or mandatory disclosure.

Violations of the DFWP will sequentially follow the progressive discipline outline of violations below. For the purposes of counting violations and the progressive discipline outlined below, a seven (7) year period is to be applied at the onset of the first violation. If the Employee has no more than two (2) violations at the conclusion of the seven (7) years, the number of violations will reset to zero (0). If, however, the Employee has three (3) violations in the seven (7) year period, an additional three (3) years will be added to the period, requiring a total of ten (10) years before the violations will reset to zero (0).

EAP participation is a requirement under the DFWP but is not intended to replace appropriate progressive disciplinary actions. Refusal to accept an EAP referral or to actively participate in the EAP will eliminate employment opportunities under the DFWP. **The current Employer will be notified if this is the Employee's second violation and/or a subsequent violation thereafter.**

The process for addressing violations with progressive discipline and EAP referrals is as follows:

First Violation

- **Possible termination based on Employer's Company Policy, ineligible for dispatch from Local Union 570 until compliant status is reinstated with the NECA/IBEW Local 570 DFWP by completing the required EAP and successfully producing a Negative Return-To-Work (RTW) drug test.**
- **Referral to and completion of the EAP through the NECA/IBEW 570 DFWP, the cost of which is included under the NECA/IBEW LU 570 DFWP, up to six (6) sessions. Any additional sessions required for completion of EAP will be the Employee's responsibility.**
- **The EAP may require follow up drug tests for a period of up to two (2) years. The follow up tests will be done at no cost to the employee and will be done as a random test.**

Second Violation

- Possible termination based on Employer's Company Policy, ineligible for dispatch from Local Union 570 until compliant status is reinstated with the NECA/IBEW Local 570 DFWP by completing the required EAP and successfully producing a Negative Return-To-Work (RTW) drug test.
- Referral to and completion of the EAP through the NECA/IBEW 570 DFWP, the cost of which is covered under the NECA/IBEW LU 570 DFWP, up to six (6) sessions. Any additional sessions required for completion of EAP will be the Employee's responsibility.
- Employee must attend next scheduled Code of Excellence training.
- The EAP may require follow up drug tests for a period of up to two (2) years. The follow up tests will be done at no cost to the employee and will be done as a random test.

Third Violation

- Possible termination based on Employer's Company Policy, ineligible for dispatch from Local Union 570 until compliant status is reinstated with the NECA/IBEW Local 570 DFWP by completing the required EAP/recommended clinical rehabilitation process and successfully producing a Negative Return-To-Work (RTW) drug test. The cost of EAP/recommended clinical rehabilitation program is entirely the Employee's responsibility.
- Employee must attend next scheduled Code of Excellence training.
- Employee will be subject to Monthly Drug Testing for up to two (2) years, as determined by the Appeals Committee. The cost of Monthly Drug Testing will be the responsibility of the Employee. The results will be emailed to the DFWP administrator.

Fourth Violation

- Possible termination based on Employer's Company Policy, ineligible for dispatch from Local Union 570 until compliant status is reinstated with the NECA/IBEW Local 570 DFWP by completing the required EAP/recommended clinical rehabilitation process. The cost of EAP/recommended clinical rehabilitation program is entirely the Employee's responsibility.
- The Employee must obtain a Negative Return-To-Work (RTW) drug test upon completion of EAP/recommended clinical rehabilitation process.
- The Employee is ineligible for dispatch by IBEW Local 570 for a period of sixty (60) days from Negative Return-To-Work (RTW) drug test.
- The Employee must obtain another Negative Return-To-Work (RTW) drug test after period of ineligibility is fulfilled, prior to dispatch.
- Employee must complete Code of Excellence training prior to dispatch.
- Employee will be subject to Monthly Drug Testing for up to two (2) years, as determined by the Appeals Committee. The cost of Monthly Drug Testing will be the responsibility of the Employee. The results will be emailed to the DFWP administrator.

Fifth Violation

- **Immediate termination and ineligible for dispatch from Local Union 570 until compliant status is reinstated with the NECA/IBEW Local 570 DFWP by completing the required EAP/recommended clinical rehabilitation process. The cost of EAP/recommended clinical rehabilitation program is entirely the Employee's responsibility.**
- **Employee must obtain a Negative Return-To-Work (RTW) drug test upon completion of EAP/recommended clinical rehabilitation process.**
- **Employee is ineligible for dispatch for the remainder of the ten (10) year period from the date of becoming non-compliant (First Violation of current ten (10) year period) under the guidelines of the NECA/IBEW Local 570 DFWP. However, after twenty-four (24) months, the employee may present a petition to the Appeals Committee setting out such facts and considerations that the employee wishes to have taken into consideration. If the Appeals Committee, in its sole discretion, believes the employee has provided sufficient evidence of rehabilitation, the employee may be returned to eligibility for dispatch.**
- **The Employee must obtain a Negative Return-To-Work (RTW) drug test after period of ineligibility is fulfilled, prior to dispatch.**
- **Employee must complete Code of Excellence Training prior to dispatch.**
- **Employee will be subject to Monthly Drug Testing for up to two (2) years, as determined by the Appeals Committee. The cost of Monthly Drug Testing will be the responsibility of the Employee. The results will be emailed to the DFWP administrator.**

Upon a subsequent violation at any time thereafter, the Employee will be deemed permanently out of compliance with the NECA/IBEW Local 570 DFWP and shall have no further right to petition for eligibility.