

Re: Drug Testing

Dear

The Company has recently announced the implementation of an “Alcohol and Drug Control Policy” (use appropriate name here). The Union request the Company to submit the following information regarding this policy in order that it may properly carry out its representational responsibilities under the collective bargaining agreement:

1. Describe the testing procedures to be used, their scientific basis, and any supporting data and/or documentation upon which the Company relies to justify its policy.
  - a. What sensitivity level (or cut-off level) is being used in urine screening to indicate “positive” for all substances, i.e.; how many nanograms/milliliter (ng/ml). Provide this information for each substance for which the Company is testing.
  - b. Does the Company rely on any published or unpublished documentation, articles and/or reports for the above conclusion?
  - c. If so, please provide copies of same, identify where they appeared, any citations, and the authors.
2. Has the Company relied on any consulting firm(s) or experts in the field of drug and alcohol abuse for purposes of developing the program?
  - a. If so, please identify such firms and/or experts and provide the details of any contracts or working agreements with such firms and/or experts.
3. Has the Company contracted for or performed internally any research regarding drug levels in the body as those levels impair a person’s ability to function on the job(s)?
  - a. If so, please identify such firms and/or experts and provide the details of any contracts or working agreements with such firms and/or experts.
  - b. State which drugs were involved and the findings.
4. Has the Company contracted with a laboratory and/or other experts to perform sample analyses, or will sample analyses be performed by the company’s Medical Department?
  - a. Please provide specifics on how samples will be taken; who will be responsible for ensuring proper sample taking, preparation and storage.
  - b. Provide a copy of all protocols involved.
  - c. How will the Company ensure that “false positive” results will not occur?

d. If the Company is using an outside laboratory and/or other expert for sample analyses, identify same and provide the details of any contracts or working agreements with such firm and/or expert. (This information is required to determine the reasonableness of the purposes, requirements and enforcement provisions of the policy.)

(1) Does the laboratory hold a license from the federal and/or state government; such as required for clinical laboratories by the clinical laboratories Improvement Act (issued by the Health Care Financial Administration)? If so, indicate licensing agency and license number.

(2) Does the laboratory participate in any proficiency testing programs such as provided by the Center for Disease Control (CDC), the College of American Pathologists (CAP), or other accredited proficiency testing program?

5. Due to the uncertainty of the technology available, does the Company have an alternative method selected for confirmation of positive results, especially where trace amounts may be from passive exposure?

6. Provide all data in the company's possession regarding the extent of alcohol and substance abuse among the workforce.

a. If the Company suspects illegal use of drugs (as defined in the company's policy) on company property involving employees represented by the Union, state whom and the basis upon which the suspicions exist?

b. Describe any incidents involving employee "on-the-job" use, possession or attempts to sell or purchase drugs, involving employees represented by the Union.

7. Provide all available documentation, data, etc., including relevant accident and/or safety data, and any attempts to correlate substances abuse and safety and/or accident statistics.

8. Describe how the "Alcohol and Drug Control Policy", with its emphasis on punishment, interacts and/or relates with the company's "Employee Assistance Program" which is supposed to be non-punitive and rehabilitative in nature.

a. Is the same individual or department responsible for both?

9. How does the Company intend to prevent violation of an individual's right to privacy during his non-work hours?

10. What specific steps have been taken by the Company to ensure that employees' rights against self-incrimination will be preserved? This refers to possible notification of local law enforcement agencies.

11. Has this program, or the implementation of the program, been discussed in any way with law enforcement officials? if so, please describe.

Please be assured that the Union requests the above information for the sole purpose of pursuing its representational responsibilities under the collective bargaining agreement. This information is required to determine the reasonableness of the purposes, requirements and enforcement provisions of the policy.

We would appreciate receiving this information, or any part thereof which is readily available, as quickly as possible, as we may desire to propose steps to be instituted in order to protect the health and safety, as well as human rights, of the bargaining unit personnel. Partial response to this request in no way relieves the obligation to provide all information requested herein.

You should understand that the Union has no fundamental objection to the general principles that (1) use of controlled substances is improper while an employee is engaged in company business or on company property, and (2) an employee should not work while under the influence of drugs or alcohol.

However, the Union is concerned that any drug and/or alcohol program must be reasonably limited to obtaining its objectives, while protecting the legitimate interests of the employees.

Accordingly, testing should be conducted only if there is some objective reasonable cause to believe an employee is under the influence of drugs or alcohol at work or that his/her work is being adversely effected by such substances.

Testing procedures must be as foolproof as possible. Initial urine screens must utilize a reasonable cut-off level, with all positive results being confirmed by a second quantitative test, using a different test method.

Finally, any employee with a drug or alcohol problem should be offered rehabilitation through an Employee Assistance Program (or similar program) on a first offense.

Sincerely,