

**WASHINGTON CONSTRUCTION INDUSTRY SUBSTANCE ABUSE PROGRAM
PARTICIPATING EMPLOYER MEETING
January 12, 2010**

Representing WCISAP:

Doug Peterson - Trust Chairman; Employer Trustee
David Letinich – Trust Secretary; Labor Trustee
Philo Hall - Employer Trustee
Tim Pearson – Labor Trustee
Ed Kommers – Employer Trustee
Stephen Seger – Employer Trustee
Robert P. Lyle, Jr. – Lyle & Associates
David Perlman – Lyle & Associates
Dennis Kirkpatrick - WPAS/CleanWorkForce
Gregg Giles - WPAS/CleanWorkForce
Angie Havens - WPAS/CleanWorkForce
Terri Smith - WPAS/CleanWorkForce

Representatives from the following WCISAP Participating Employers:

BMWC
Lease Crutcher Lewis
Foushee & Associates
Absher Construction
Goldfinch Bros.
PCL Construction
Holaday Parks
Apollo Inc.
Sound Glass

Others Present:

Tim Wettack – Washington Employers Association
Alan Clone – Laborers Local

Welcoming Remarks:

Mr. Kirkpatrick welcomed those in attendance. He introduced the WCISAP Board of Trustees, representatives of Welfare and Pension and CleanWorkForce, and requested the audience introduce themselves.

Mr. Kirkpatrick gave an overview of the program's history, noting it has been in operation for five years. He reported that the contribution rates, \$0.06 per working hour for bargaining unit employees and \$3.80 per month for non-bargaining employees, had remained in effective throughout the years despite the increase of all other program costs. He noted that the \$40.00 reimbursement for testing for the applicable trades had also remained the same.

Employee Assistance Program Professionals:

Mr. Kirkpatrick introduced Robert Lyle, the program's Employee Assistance Program (EAP) Professional, and his associate, David Perlman. Mr. Lyle summarized the role of the EAP and the process that takes place when an individual becomes out of compliance. He noted there is no distinction between a person who fails a test and one who refuses to test. Both are considered positive test results, and the individuals are subject to recommendations the EAP determines are appropriate.

Mr. Lyle advised that portions of a video he was about to show dealt with the issues of testing when reasonable suspicion circumstances occur and the potential liability an employer may face if the test is not performed. Following the video presentation, he emphasized the importance of documentation in these situations. Mr. Perlman noted that if the circumstances are not documented, it is considered as though they did not happen.

Employer Issues:

Mr. Kirkpatrick announced that some issues had been submitted by employers for discussion:

- A. Should "clean cards" not be issued because they mislead employers?: Mr. Kirkpatrick reminded the audience that the program participation cards are identification cards only and do not reflect compliance status which (he noted that this fact is stated on the card). He advised that it is the responsibility of each employer to train their employees to confirm compliance status of all new and returning employees and that the identification number on the card is necessary to accomplish this. Mr. Kirkpatrick explained that the process for checking compliance status via the program's website is quick, easy and provides the employer the opportunity to print a copy of an employee's status for their personnel file. He also advised that employers are welcome to call CleanWorkForce to obtain this information.
- B. Random Selections – Monthly versus Weekly: Mr. Kirkpatrick reported that previous polls regarding employers' random selection preference, had consistently shown that weekly selections are preferred. He noted that the number of selections an employer receives each month would be consistent whether the draw was made weekly or monthly. He commented that with monthly selections, some employees may feel secure in using a prohibited substance once they believe the selection notifications have been completed.
- C. Notify Union Locals of Employees' Compliance Status: Mr. Kirkpatrick noted that WCISAP is an employer program and it is the responsibility of the employer to check compliance status.

Administrative Issues:

- A. Verifying Compliance: Mr. Kirkpatrick referred to a handout that outlines the process of checking compliance status online or by phone, and emphasized that possession of a WCISAP card does not mean an employee is in compliance with the program. He also noted that if an employee does not have a card in their possession, it should not be assumed that they are not a participant. Under these circumstances, CleanWorkForce should be contacted to confirm their status.

He explained that compliance status can now be checked on line using an employee's last name and the last four numbers of their Social Security Number.

- B. Test Authorization Forms: Mr. Kirkpatrick advised that a test authorization must be completed for each employee sent to test. If an employee arrives at a collection site without one, the following may occur:
1. The billing and test result may be sent to the employer instead of WCISAP.
 2. The specimen may be sent to the wrong laboratory. Only test results from LabCorp can be accepted and a retest will be required.
 3. CleanWorkForce cannot process test results
- C. Random Selections: Mr. Kirkpatrick stated that random selection notices are to be delivered to employees as soon as possible, and that employees' status is changed to non-compliant if the test is not completed within five days of the issue date.

He advised that receipt of confirmation of the date and time an employee was served their notice is equally as important, and until that information is received, the employee remains out of compliance regardless of a negative test result.

General Information Available on the Program Website:

Mr. Kirkpatrick noted that the following information is available on the program's website:

- A. Plan Document
- B. Employer Manual
- C. Sample forms: Test Authorization, Employer and Employee Random Selections
- D. List of collection sites – There are now nearly 90 across Western and Central Washington.
- E. Financial Statements – The current month's unaudited and the most recent annual audited financial statements
- F. Test Statistics – The current month's

Program Successes:

Mr. Kirkpatrick reported that the program has experienced failure rates that are consistent with other programs and reviewed the annual failure percentages for pre-program and random tests for each year since program implementation.

He noted that nearly one third of the employees who fail drug tests, successfully complete their treatment and follow-up test recommendations.

Adjourn:

Mr. Kirkpatrick thanked everyone for taking the time to attend the meeting and for sharing their comments about the program.