

STA-ILA DRUG & ALCOHOL ABUSE PROGRAM COMMITTEE

*947 Fell Street, 2nd Floor
Baltimore, Maryland 21231-3505
(410) 563-7314 Fax (410) 563-7318*

January 24, 2005

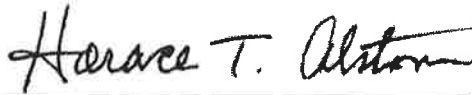
ANNOUNCEMENT OF A REVISED DRUG AND ALCOHOL PROGRAM FOR THE PORT OF BALTIMORE

To all Locals at the Port of Baltimore and their members:

The ILA/STA Drug and Alcohol Abuse Program Committee is pleased to announce that, effective March 1, 2005, a revised Drug and Alcohol Program will become effective at the Port of Baltimore.

The revised program has been authorized and rendered compliant by the Master Contract Drug and Alcohol Abuse Program's Labor and Management Co-Counsel.

The revised Program is the result of careful consultation and consideration of the various drug and alcohol programs in effect at other ports. It is designed to ensure a drug and alcohol free workplace and to provide effective treatment for individuals subject to its sanctions. This Program is fully detailed and available in booklet form.



Horace Alston
Co-Chair ILA/STA Drug
and Alcohol Abuse Committee



Michael P. Angelos
Co-Chair ILA/STA Drug
and Alcohol Abuse Committee

AMENDED 2005
STA-ILA PROGRAM
FOR DRUG AND ALCOHOL ABUSE
FOR THE PORT OF BALTIMORE

The following is the amended STA-ILA Program for Drug and Alcohol Abuse for the Port of Baltimore. The Drug and Alcohol Abuse Program Committee has decided to distribute this new statement so that employees and management in the Port of Baltimore will achieve a better understanding of how the Program works. This Program is applicable to all activities at the Port of Baltimore under the Master and all Local Agreements.

1. The purpose of this Plan is to assure a drug-and-alcohol-free workplace in order to protect the safety and health of employees working under the STA-ILA Collective Bargaining Agreements while, at the same time, protecting rights of privacy, representation and the right to grieve actions taken under the Program.
2. Effective testing and rehabilitation are an integral part of the overall Program.
3. Possession, use, sale, purchase, or distribution of alcohol, narcotics, or other prohibited substances (including: marijuana, cocaine, opiates, phencyclidines, amphetamines, barbiturates, benzodiazepines, methadone and methaqualone) are prohibited on the work-site or while working under STA-ILA contracts. Legally prescribed drugs, to the extent that they affect your job performance or the safety of others, are also prohibited.
4. ***WARNING – Do not take any prescribed drug which has not been prescribed for you. Taking someone else’s prescribed drug may cause you to test positive and result***

in your suspension or termination from employment. Whenever you are taking any such prohibited substances or other drug prescribed by a doctor or dentist, you must report this information to your employer.

5. All employees in all crafts are subject to random drug testing under the Program. In addition, whenever your **behavior** or **appearance** while working or on the work-site indicates that you may be under the influence of alcohol or a prohibited drug, you are subject to being tested at your employer's direction. You and any other employee who may have been involved in a work-related **accident** will be tested. Also, if you are operating equipment which has been classified as "**safety-critical**" under the Program, and any and all drivers and operators of equipment or vehicles are considered safety-critical employees, or if you are engaging in work-site activities in conjunction with the operation of such safety-critical equipment where your use of alcohol or drugs could make its operation unsafe, you can be tested **at any time**, without notice, on a non-discriminatory basis.
6. A union representative will immediately be notified, or a good faith attempt to make such notification will be made, if you are to be tested (other than a routine random drug test). If the representative is available, he or she will have the right to represent you during any investigation, interview, testing, and all subsequent proceedings. Management will make the final determination concerning whether you will be tested.
7. Before you are tested, you will be provided a consent form. You will be expected to sign this form. If you do not sign it or if you do sign it but fail to take the test, then you will be immediately suspended from employment with any and all STA employers and STA/ILA Hiring

Centers for a period of sixty (60) days and you will not be permitted to return to work unless you complete an available drug and alcohol rehabilitation program and test negative upon your return to work.

8. The procedures followed for collecting urine or blood samples (called “specimens”) are designed to protect your right of privacy and to assure the security of the specimens and the validity of the test results. The procedures comply with Maryland law. Each specimen will be divided into two parts. One of these parts will be initially tested for prohibited substances. If the test indicates the presence of a prohibited substance in your specimen, it will be further tested to confirm the results. You also will be required to consent to a breathalyzer test, which will be subject to the same confidentiality.
9. A qualified laboratory has been selected to analyze all specimens. It will use the guidelines provided by the Substance Abuse and Mental Health Services Administration (SAMHSA). The reporting of specimens also will be done in a manner to assure your privacy as well as the confidentiality of the test results.
10. An independent Medical Review Officer (“MRO”) will review and interpret all test results received from the laboratory. The MRO is the only person entitled to make the determination of a positive or negative test result under the Program.
11. In the event that you test positive after review by the MRO or you are found to have submitted an adulterated specimen you will be immediately suspended for a minimum of 60 days and ineligible for employment through any and all STA employers and ILA Hiring Centers during your suspension. You will be counseled and must enter into an

available drug and alcohol rehabilitation program, which is acceptable under the Program. If you do not qualify for coverage under the industry health and welfare program, you will be required to pay for the rehabilitation program at your own expense and successfully complete it before being reinstated to employment. Upon completing the rehabilitation program, you will be required to sign another form in which you consent to be tested at any time over the next 36 months.

12. Your second failure to sign a consent form or to take a test, or if you test positive for a prohibited substance, or are found to have submitted an adulterated specimen or any combination of a refusal to consent to take a test, or testing positive or submitting an adulterated specimen will result in your losing your job and in your being terminated and ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program. However, the Master Contract Program gives you one final opportunity to apply for reinstatement to industry employment provided that you give written notice within sixty (60) days of your notice of termination of your intention to apply for reinstatement and you subsequently complete a year-long certified rehabilitation program, which includes continuously testing negative on a random basis. If you do not qualify for coverage under the industry health and welfare program, you will be required to pay for the rehabilitation program at your own expense and successfully complete it before being reinstated to employment. You may then apply for reinstatement as a new employee if you successfully pass an alcohol and drug test. Upon return to the industry you must consent to being tested on a random basis and remain entirely drug and alcohol free. If your application is approved,

you will be required to sign another form agreeing to be tested for drugs or alcohol at any time. If you again test positive or fail to take a test or fail to sign a consent form or if you submit an adulterated specimen, whether during that period or at any subsequent time, you will be permanently barred from working through any and all STA employers and all ILA Hiring Centers, i.e., you cannot return to employment in the industry.

13. You will have the right to grieve any testing or findings under this Program and any action taken affecting you personally as a result of such testing or findings. The Committee will investigate and consider your grievance and will make a final and binding determination. If the Committee cannot agree, that matter will be referred to final arbitration on a “North Atlantic” basis.
14. The Committee is responsible for administering this Program. All records of the results of testing will be kept on a confidential, need-to-know basis for three years and subsequent thereto will be destroyed.
15. The updated Program is effective March 1, 2005. If you have any questions concerning the operation of this industry Drug & Alcohol Abuse Program, you should write to:

STA-ILA Committee on Drug and Alcohol Abuse
c/o Steamship Trade Association of Baltimore, Inc.
Ridgely’s Choice Drive, Suite 202
Baltimore, Maryland 21236-3026

Please make sure to read and become familiar with this updated Program. It is a part of your contract and working conditions. Violations of the Program can result in your

suspension from or the permanent loss of your right to work in the industry.

**STA-ILA COMMITTEE ON
DRUG AND ALCOHOL ABUSE PROGRAM**

**STA-ILA
PROGRAM FOR
DRUG AND ALCOHOL ABUSE**

I. PURPOSE OF PROGRAM

This historic Drug and Alcohol Abuse Program has been established for the following purposes:

- A. To assure a drug and alcohol free workplace in order that cargo-handling work can be performed safely and productively, while safeguarding long-shoremen's rights of privacy, due process and equal employment opportunities at the Port of Baltimore for all activities under the Master and all Local Agreements;
- B. To provide for education, counseling, and effective testing controls; and
- C. To provide for rehabilitation and appropriate discipline.

Early recognition and treatment of alcohol and chemical dependency problems are critically important for an individual's successful rehabilitation and economic return to the industry. While constructive disciplinary measures may be utilized to provide motivation to seek assistance, the parties to this Program support sound drug and alcohol abuse treatment and rehabilitation efforts.

II. SUMMARY OF PROGRAM

The following summarizes generally some of the highlights of the Program.

- The Program is administered by a Committee consisting of an equal number of representatives from labor and management.
- The Program prohibits the sale, purchase, transfer, use of or possession, of alcohol and/or illegal drugs, or legally obtained drugs to the extent that they affect an individual's job performance and safety of others, by employees and supervisors on the property of the employer or while on employer business. "Possession" of alcohol or drugs means in your clothing, vehicles, lockers, storage areas, etc.
- The Program provides for an administration of tests for drugs and alcohol, which must be conducted on a non-discriminatory basis and pursuant to a strict testing procedure.
- Test results are communicated on a "need to know" basis, and all test results are reviewed to confirm initial laboratory results.
- The Program provides for discipline, including the possibility of discharge, for violators.
- The Program outlines a program for rehabilitation.
- All records with regard to testing are confidential and will be maintained in separate files.
- A grievance procedure is established for resolving disputes regarding the general interpretation and implementation of the Program as well as any individual disputes which may arise thereunder.

III. ADMINISTRATION OF PROGRAM

The Program is administered by the STA-ILA Committee on Drug and Alcohol Abuse, which consists of an equal number of labor and management representatives. The Committee is assisted by a Medical Review Officer in the evaluation of testing standards and procedures and in technical areas of the Program.

IV. PROHIBITED SUBSTANCES

The terms alcohol or alcoholic beverage, drug, prescribed drug, and illegal drug, have precise definitions under the Program.

- Alcohol or Alcoholic Beverage means beverages that may be legally sold and consumed, including beer, ale, stout, whiskey, bourbon, vodka, gin, cognac, cordials, or any alcoholic substance of like nature which individually or in combination are capable of affecting an individual's ability to function properly and safely.
- Drug means substances other than alcohol, including Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Cannabinoids, Ethanol, Methadone, Methaqualone, Opiates, Phencyclidine, and Propoxyphene.
- Prescribed Drug means any substance prescribed for any individual by a licensed medical practitioner.
- Illegal Drug means any drug or controlled substance, the consumption of which is illegal, including a drug which is not legally obtainable and a drug which is legally obtainable, but has been obtained illegally.

V. TESTING

Testing for prohibited drugs and alcohol is permitted in the following circumstances:

A. Employees

1. A drug and alcohol test may be required upon reasonable notice whenever workplace factors (i.e., unusual physical appearance, erratic behavior, poor and unsafe coordination) give good faith reason to question the ability of an employee to perform his job adequately and/or safely.
2. Management representatives/supervisors are responsible for directing the employee to cease working and to take a test.
3. Good faiths efforts will be made to immediately notify a union representative, and if possible, the union representative shall be given the opportunity to observe the employee's erratic behavior. If the union representative cannot observe the employee, the management representative's determination prevails.
4. The union representative will be given access to and, if available, will represent the employee during the investigation, interviews and all subsequent proceedings.

B. Supervisory Personnel (i.e., all immediate or operational supervisors of rank and file employees) may be tested when the employer receives a complaint (oral or written) from an employee or management representative. The complaint must be filed with

the immediate supervisor, if on-site, or any other supervisor. Investigation of such complaint must be prompt and action must be taken “as indicated”. Management determination of whether to test a supervisory employee prevails.

- C. New Employees must successfully pass an alcohol and drug test in order to be considered for employment. During pre-employment testing, a positive result or the submission of an adulterated specimen (as defined in the STA-ILA Drug and Alcohol Abuse Program) automatically will result in the individual being permanently banned from consideration for employment under any STA-ILA Collective Bargaining Agreement covered by the STA-ILA Drug and Alcohol Abuse Program. This permanent bar also applies to any individual who has previously failed a pre-employment test administered under the STA-ILA Drug and Alcohol Abuse Program.
- D. All Employees from all crafts and supervisors shall be subject to mandatory random testing and will be placed in a computer pool for selection. Individuals who have been selected for random testing must report immediately to an approved collection facility after they have been notified.
- E. Employees With “Safety-Critical Jobs,” including without limitation, any and all drivers and operators of equipment or vehicles, may be tested at any time, without notice, on a non-discriminatory basis. In addition, employees engaging in work-site activities in conjunction with the operation of such safety-critical equipment, where use of alcohol or drugs could make its operation unsafe, are considered safety-critical employees and may

be tested at any time, without notice, on a non-discriminatory basis.

- F. Job Accidents Testing will occur after all on-the-job accidents. All individuals whose conduct, including decision-making processes, could reasonably have caused the accident will be tested.

VI. STANDARD FOR “POSITIVE” AND “NEGATIVE” TESTS

The following cutoff levels are used when screening specimens to determine whether they are “positive” or “negative” for the following nine (9) drugs:

<u>Drug</u>	<u>Initial Testing EMIT (Ng/MI)</u>	<u>Confirmatory Testing Level (Ng/MI)</u>
Marijuana	50	15
Cocaine	300	150
Opiates	2,000	2,000 (six acetyl morphine)
Phencyclidine	25	25
Amphetamines	1000	500
Barbiturates	300	300
Benzodiazepines	300	300
Methadone	300	300
Methaqualone	300	300

For Alcohol, testing at 0.08 blood alcohol level establishes presumptive abuse and/or intoxication. A positive Methadone result will not be deemed to constitute an offense under this Program provided the employee

has given prior written notice to the Director that he is a participant in a recognized rehabilitation program requiring his use of Methadone. Employees participating in Methadone programs may be prohibited from certain operations at the Port, including operating equipment and driving vehicles at the sole discretion of the Employer. The employee will thereupon cooperate with the Director in monitoring the employee's participation in (including testing under) a recognized rehabilitation program. Should the Director be informed that the employee tested positive for prohibited drugs, the employee will be found to have committed an offense under the Plan. Records of positive tests and/or documentation of refusals to consent to testing for drugs and alcohol will be retained for a period of three (3) years. No employee who tests positive or refuses to consent to drug testing will be permitted to return to work until he or she has successfully completed an approved drug and alcohol rehabilitation program and is drug and alcohol free upon return to work. Any second positive test or refusal to consent to testing within this thirty-six (36) month period will result in immediate termination. Upon termination the "third strike rule" will take effect (see page 13 & 14 of the Master Contract paragraph 10).

VII. PROCEDURE FOR COLLECTING SAMPLES

- A. All individuals who are referred for testing must sign a consent form agreeing to be tested under the policies and procedures of this Program. Any individual referred for testing will then and there be informed that failure or refusal to sign the consent form when requested can lead to immediate suspension or discharge and will be treated as a positive test.

- B. All samples obtained from individuals shall be taken under the supervision and control of a collection site person. The collection site person is an individual trained on proper sample collection techniques and is to instruct and assist with sample collection and initial examination of the specimen.
- C. All test results will remain confidential except on a “need to know” basis.

VIII. SPECIMEN COLLECTION

- A. The Committee has established secure collection sites where testing is performed with reasonable privacy. No unauthorized personnel are permitted in any part of the collection site where the sample specimen is collected or stored.
- B. Proper safeguards (i.e., initialing of containers by employee and collector) are followed to assure unadulterated specimen and accurate account in record book.

IX. TESTING FACILITY

- A. The Committee has selected a qualified medical laboratory to evaluate all samples. Applicable standards based on Substance Abuse and Mental Health Services Administration Reporting Guidelines of Procedures are utilized on all testing and reporting of specimens.
- B. Confirmatory tests are performed on all positive results on initial tests in accordance with the

standards of the U.S. Department of Health & Human Services.

- C. The laboratory has a quality assurance program which maintains the security of the testing process.
- D. The laboratory is required to maintain and make available for at least three (3) years all relevant documentation.
- E. The laboratory conforms to the requirements of Maryland law.

X. REPORTING TESTING RESULTS

- A. The laboratory must report test results (including the results of the initial test, confirmatory tests or quality control data) in writing approximately five (5) working days after it receives the specimen. The test results must be reviewed and certified as accurate by a responsible individual. Both positive and negative results must be reported; confirmed positive results must be reported for a specific drug or alcohol.
- B. The Committee's medical consultants may report only whether the test was positive or negative and may not quantify test results.
- C. Confidentiality of information must be ensured when the laboratory transmits results of tests. To this end, results may not be provided verbally by telephone. The laboratory must ensure the security of the data transmission and limit access to any data transmission.

XI. REVIEW OF TEST RESULTS

- A. The Medical Review Officer or a designee reviews and interprets positive test results received from the laboratory. The MRO or a designee is the only person authorized to order a re-analysis. The MRO or a designee must reasonably explore alternate medical explanations for a positive test.
- B. The Medical Review Officer or a designee must provide the employee an opportunity to discuss the matter after the determination of a positive test result before the employee is suspended. The MRO will seek to ascertain the availability of the employee (i.e., that he/she is not on vacation, is hospitalized, etc.) and will then make three (3) timely attempts by telephone within a 72-hour period to discuss a positive test finding with an employee before the employee is suspended. Within 72 hours following his/her interview by the MRO, the suspended employee may request a retest utilizing the split specimen taken at the time of the testing.
- C. After verifying a positive test result, the Medical Review Officer or a designee shall refer the case to the Employee Assistance Program (EAP) and to the management officer with power to take action.
- D. If a positive test result is related to legal drug use, the MRO or the Director of the Drug and Alcohol Program must assure the concerned parties whether the tested individual can be safely employed.
- E. Results of an individual's positive drug tests must be kept for three (3) years in a confidential file and then be destroyed.

XII. GRIEVANCE PROCEDURE

- A. Disputes regarding general interpretation and implementation of the Program or about “criteria applicable to two or more ports” are subject to the grievance procedure specified in the Master Contract.
- B. Any specific or individual disputes regarding application of Program or local administration are subject to the following two-step procedure: (1) such disputes shall be resolved under the local grievance procedure, to wit: by the Port’s Alcohol and Drug Abuse Committee; (2) if such disputes cannot be resolved under the local grievance procedure, they shall be referred to final arbitration on a “North Atlantic basis” before an arbitrator appointed under the Master Contract Program.
- C. Back pay and fringe benefits may be awarded.
- D. Time limits of processing the grievance are strict. No grievant may be kept unemployed for more than twenty-one (21) days (or more than fifteen (15) days after the local hearing time) because of the failure to meet time restrictions.

XIII. SANCTIONS

- A. Any temporary employee, or any employee not holding seniority with the seniority board under the Collective Bargaining Agreement or any employee within the first year of possessing seniority, who commits a first offense as defined below will be immediately terminated and permanently

barred from the industry, including without limitation employment under any STA-ILA Collective Bargaining Agreement.

- B. During pre-employment testing, a positive result or the submission of an adulterated specimen (as defined in the STA-ILA Drug and Alcohol Abuse Program) will automatically result in the individual being permanently banned from consideration for employment under any STA-ILA Collective Bargaining Agreement covered by the STA-ILA Drug and Alcohol Abuse Program. This permanent bar also applies to any individual who has previously failed a pre-employment test administered under the STA-ILA Drug and Alcohol Abuse Program.
- C. Anyone who possesses, uses, or who deals in illegal drugs and/or alcohol during the course of his or her employment will be immediately suspended and ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program for a period of sixty (60) days. For any second offense, the employee will be suspended permanently.
- D. Adulteration is the intention by an individual to alter their specimen to avoid detection of illegally used drugs or alcohol. Adulteration is a refusal to test and is treated as an automatic positive result. Assisting an individual in the alteration of a specimen or to otherwise help that person avoid detection of illegally used drugs or alcohol will result in the participating employee's suspension for sixty (60) days. For a second offense, the individual will be permanently barred and

ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program and cannot return to employment in the industry.

- E. Anyone who tests positive for any prohibited substance or alcohol will be immediately suspended and ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program for a period of sixty (60) days. For any second offense, the employee will be suspended permanently.
- F. Anyone who refuses to submit to a timely test or refuses to sign a consent form shall be immediately suspended and ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program for sixty (60) days. For a second refusal, the employee will be suspended permanently.
- G. Taking someone else's prescribed drug may cause one to test positive and will result in a sixty (60) day suspension for a first offense or termination from employment for a second offense. Whenever an employee takes any substances or other drugs prohibited under this Program but prescribed by a doctor or dentist, he/she must report this information to his/her employer when such substances or drugs are first prescribed.
- H. The sixty (60) day penalty period of a suspension for a first offense shall not take effect during – or include – any period during which the employee is collecting workers' compensation payments.

The overall policy of the Program is to assist workers with their drug/alcohol problem and to obtain counseling.

FIRST OFFENSE: Before returning to work, any employee who is suspended under any of the above criteria for sixty (60) days for a first offense is required to (1) successfully complete an approved drug and alcohol rehabilitation program and (2) notify the STA to schedule a drug and alcohol test seven days in advance of the employee's return date. The results of the drug and alcohol test must be negative and the results must be received by the STA prior to the employee's return to work. Once an ILA employee is reinstated after a first offense, that individual will be subject to selective follow up testing for eighteen (18) months thereafter. Records of positive tests and/or documentation of refusals to consent to testing for drugs and alcohol will be retained for a period of three (3) years. No employee who tests positive or refuses to consent to drug testing will be permitted to return to work until he or she has successfully completed an approved drug and alcohol rehabilitation program and is drug and alcohol free upon return to work. Any second positive test or refusal to consent to testing within this thirty-six (36) month period will result in immediate termination. Upon termination the "third strike rule" will take effect (see page 13 & 14 of the Master Contract paragraph 10).

If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.

SECOND OFFENSE: A second offense under the Program shall result in a one (1) year bar from employment

in the industry under any STA-ILA Collective Bargaining Agreement. The individual will have one final opportunity to apply for reinstatement to the industry.

First, the individual must provide written notice within sixty (60) days of his or her notification of termination of his or her interest in returning to the industry. This written notice must be submitted to the Committee and/or the Program Director. Failure to make application for reinstatement within the sixty (60) day period will result in forfeiture of any further consideration.

Second, within the first fifteen (15) months following his or her termination notice, the individual must complete a year-long certified drug and alcohol rehabilitation program, during which the individual must remain entirely drug and alcohol free. The individual then may apply for reinstatement. The application for reinstatement is subject to approval by the Committee and must be made through their Local representative in writing so that it may be presented to the Committee. If the application for reinstatement is approved, the individual will be re-employed as a new employee and will be required to sign an additional consent form agreeing to be tested at any time. If the individual again tests positive, or fails to submit to a timely test, or refuses to sign a consent form, then the individual will be permanently barred from working under any STA/ILA Collective Bargaining Agreement and cannot return to employment in the industry.

1. In order to be considered for reinstatement, the individual shall be required to submit to a “return to duty” drug and alcohol test.
2. The criteria for providing documented proof of a one (1) year drug free status will consist of:

- (a) Three (3) notarized letters of recommendation from supports in the community other than family members. (i.e., AA/NA, Sponsor, Pastor).
- (b) Notarized letter from a substance abuse professional outlining treatment recommendations and compliance with documentation. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.
- (c) Twelve (12) or more negative random drug screening/breathalyzer tests consecutive monthly drug screen/breathalyzer tests collected under direct observation at the SAMHSA approved lab.
- (d) Documentation of employment history if any since termination from the industry.

Following a reinstatement after a second offense, the individual will be subject to random testing for an indefinite period. Any further violation shall ban the employee and/or supervisor for life from the industry.

There are circumstances where an employee may test positive as a result of post accident testing. In these instances, a person could already be under a doctor's care and receiving workmen's compensation when the results of the drug and alcohol tests are returned. In these circumstances the sixty day penalty does not begin until the workmen's compensation payments are stopped. This penalty would be assessed only for individuals who have tested positive as a result of the following types of testing: reasonable cause,

post-accident, random and follow-up. Individuals who have voluntarily submitted to testing or rehabilitation through the STA-ILA Program would not be affected by this penalty, unless the individual is working and tests positive as a result of the above types of testing. In these cases the penalty would then be assessed according to our program.

PROTOCOL FOR EMPLOYEES WITH A POSITIVE SUBSTANCE ABUSE TEST

Your test has been reported as positive by the MRO. You are now subject to the following conditions pursuant to the STA-ILA Drug and Alcohol Abuse Program that will govern your return to work in the industry.

CONTACT PROCEDURE

The Medical Review Officer (MRO) has attempted to contact you regarding your substance abuse test. Please contact the MRO. The MRO is your initial contact and if there are any extenuating circumstances that could have contributed to your positive test it is your responsibility to provide the MRO with documentation to substantiate this claim. The following will assist you in making your contacts:

TEST RESULTS

You may request a re-test of the original positive specimen at your own expense within seventy-two (72) hours after notification by the MRO. This request had to be made through the MRO at the location and telephone number noted above.

SIXTY-DAY PENALTY FOR FIRST POSITIVE TEST

A sixty-day (60) penalty will be assessed and you will be ineligible for employment through any and all STA employers and ILA Hiring Centers under the STA-ILA Drug and Alcohol Abuse Program. If there is a worker's compensation claim, the sixty-day (60) penalty will not go into effect until the compensation claim has been satisfied and compensation payments have been stopped.

RETURN TO WORK REQUIREMENTS

Prior to completion for the sixty-day (60) penalty it is your responsibility (1) to successfully complete a recognized alcohol and drug rehabilitation program and (2) to notify the STA to schedule a substance abuse test so that you will be eligible to return to work after the suspension has been completed. This should be done seven days in advance. The results of this test must be negative and the results must be received by the STA prior to your return to work. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.

You are also required to sign a DRUG FREE AGREEMENT before you are eligible for employment. Under this agreement, you will be subject to frequent, unannounced, follow-up testing indefinitely. Failure to take a follow-up test when directed will be considered a Refused Test under the Drug and Alcohol Policy.

MEMORANDUM STATEMENT

Any substance abuse testing required by the STA-ILA will be reported to the Drug & Alcohol Committee and the following criteria established under the Drug & Alcohol Program will be enforced:

1. 1ST POSITIVE TEST: SIXTY-DAY NO WORK PENALTY AND MANDATORY COMPLETION OF A RECOGNIZED DRUG AND ALCOHOL REHABILITATION PROGRAM. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.
2. 2ND POSITIVE TEST FOLLOWING RETURN TO WORK FROM 1ST POSITIVE TEST: REMOVAL FROM THE INDUSTRY FOR TWELVE (12) MONTHS UNDER THE STA-ILA DRUG AND ALCOHOL POLICY AND DRUG FREE AGREEMENT. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.
3. 3RD POSITIVE TEST FOLLOWING RETURN TO WORK FROM 2ND POSITIVE TEST: PERMANENT REMOVAL FROM THE INDUSTRY UNDER THE STA-ILA DRUG AND ALCOHOL POLICY AND THE DRUG FREE AGREEMENT.

REQUIREMENTS OF CONSIDERATION **FOR REINSTATEMENT**

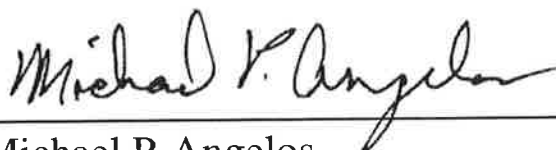
When an individual has been terminated from the industry following a 2nd positive test in accordance with the STA-ILA Drug & Alcohol Abuse Program, such individual shall be eligible for a second and final chance for reinstatement subject to the following terms and conditions provided he/she remains drug free for one (1) year from the date he/she makes application:

1. Application for reinstatement after the second offense must be made within sixty (60) days from the date the individual's name is placed on the STA-ILA Ineligible to Work List for the second offense.
2. The application must be made through the application local union representative in writing so that it may be presented to the Drug and Alcohol Committee.
3. Criteria for providing documented proof of a one (1) year drug free status will consist of:
 - A. Three (3) notarized letters of recommendation from supports in the community other than family members, (i.e. AA/NA, Sponsor, Pastor).
 - B. Notarized letter from a Substance Abuse Professional outlining treatment recommendations and compliance/non-compliance with documentation.
 - C. Twelve (12) consecutive monthly negative drug screen/breathalyzer tests collected under direct observation at an approved lab.
 - D. Documentation of employment history, if any, since expulsion from the industry.

Once the employee is reinstated, that individual will be subject to follow-up testing indefinitely. Any further violation shall ban the employee for life from the industry.

FAILURE TO MAKE APPLICATION FOR REINSTATEMENT WITHIN THE 60-DAY PERIOD WILL RESULT IN FORFEITURE OF ANY FURTHER CONSIDERATION.

The Steamship Trade Association of Baltimore, Inc.



Michael P. Angelos
President

The International Longshoremen's Association, AFL-CIO



Horace T. Alston
International Vice-President

CO-CHAIRS OF THE STA/ILA COMMITTEE ON DRUG AND ALCOHOL ABUSE PROGRAM

Addendum 1

ALCOHOL/DRUG FREE AGREEMENT

As a condition of my continued employment by STA member employers, I agree to become and remain drug free. I agree to submit, when requested, urine, blood and/or saliva sample for any analysis of any substance abuse. This includes illegal drugs, alcohol, and abuse of legal substances.

I understand that I will be asked to provide a urine, blood and/or saliva specimen at irregular intervals as determined by the MRO (Medical Review Officer). I understand that I will be required to go to the testing facility on my own time and that follow-up testing will be at my expense. I acknowledge that failure to take a follow-up test when directed will be considered a **“refusal to test”**.

I further understand that this agreement is not an employment contract. I am still subject to all rules and regulations of the STA-ILA and may be disciplined and/or discharged at any time according to policy.

Print Name

Employee Signature

Date

Social Security Number

Port Number

Witness Signature

Date

Addendum 2

REASONABLE CAUSE TESTING

The STA/ILA Program on Drug and Alcohol Abuse allows for the testing of any employees whenever workplace factors give good faith reason to question the ability of an employee to perform his job adequately and/or safely.

Step One – Circumstances.

Workplace factors could include erratic behavior, fighting, unusual physical appearance, poor coordination, incoherent speech, etc. Upon observing these conditions, supervisors are to direct the employee to cease working and to take a test. A union representative of the employee's local shall be contacted immediately and given the opportunity to observe the employee. If such a representative is unavailable, ask a senior member of the employee's local working at the job site to observe the employee. Requiring a test without observation from a union member should be avoided whenever possible.

The supervisor's specific observations and justification for initiating a test should be documented and forwarded to the STA in sealed envelope.

Step Two – Consent Form.

Upon final determination that an employee has shown reasonable cause to be tested, he is to be given a consent form to sign. Verify that the person to be tested is in possession of a valid photo identification such as port card or drivers license.

In the event that the individual to be tested refuses or cannot sign the consent form, all of the following are to be attempted:

In the event that the employee cannot understand the consent form, the supervisor will read the form to the individual before he signs it. The supervisor will then, in the space for "Remarks," state that he read the entire consent form to the individual and the latter acknowledged his understanding and consented to the taking of his specimen(s). The supervisor will sign and date his notation.

In the event that the individual to be tested is unable, for whatever reason, to sign the consent form, even with an "X," the supervisor will note this under "Remarks" then sign and date his notation.

In the event the individual to be tested is unable to understand and consent (e.g., inebriation, stupor, etc.) the supervisor shall note the reason(s) then sign and date his notation.

The original copy of the consent form shall be kept by the employer. Two copies of the form will accompany the individual to the testing facility – one for the facility and one for the individual.

In the event the individual refuses or does not sign the consent form, then the refusal and/or failure to sign shall be deemed and determined to be a positive test result and the individual shall be subject the following sanctions, as appropriate:

1. 1ST POSITIVE TEST: SIXTY-DAY NO WORK PENALTY AND MANDATORY COMPLETION OF A RECOGNIZED DRUG AND ALCOHOL REHABILITATION PROGRAM. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her

own expense and successfully complete it before being reinstated to employment.

2. 2ND POSITIVE TEST FOLLOWING RETURN TO WORK FROM 1ST POSITIVE TEST: REMOVAL FROM THE INDUSTRY FOR TWELVE (12) MONTHS UNDER THE STA-ILA DRUG AND ALCOHOL POLICY AND DRUG FREE AGREEMENT. If the individual requiring rehabilitation does not qualify for such coverage under the industry health and welfare program, then the member must seek a rehabilitation program at his/her own expense and successfully complete it before being reinstated to employment.
3. 3RD POSITIVE TEST FOLLOWING RETURN TO WORK FROM 2ND POSITIVE TEST: PERMANENT REMOVAL FROM THE INDUSTRY UNDER THE STA-ILA DRUG AND ALCOHOL POLICY AND THE DRUG FREE AGREEMENT.

OBSERVED BEHAVIOR
REASONABLE SUSPICION RECORD

Employee Name:

Location:

Incident Site:

Date Observed:

Time Observed:

**CALL 911 IF SYMPTOMS ARE
SEVERE OR LIFE-THREATENING**

Circle items that apply and describe specifics.

REASONABLE SUSPICION FOR: Alcohol, drugs, or both

APPEARANCE: Normal, sleepy, tremors, cleanliness,
clothing

Describe: _____

BEHAVIOR: Normal, erratic, irritable, angry, gaiety, mood
swings.

Describe: _____

SPEECH: Shouting, slow, slurred, silent, rambling/
incoherent, whispering

Describe: _____

GAIT: Stumbling, swaying, unable to stand or walk,
stagging, holding on
Describe: _____

ODOR: Alcohol, Marijuana
Describe: _____

OTHER OBSERVATIONS: _____

Form completed by:

Signature _____

Print Name _____

Title _____

Date/Time _____

Signature _____

Print Name _____

Title _____

Date/Time _____

RETAIN FORM IN EMPLOYEE'S MEDICAL FILE