



Construction Data Services

An International On-Site Drug Testing, Safety and Medical Management Company

Frequently Asked Questions

GENERAL QUESTIONS

WHO IS CDS AND WHAT IS A TPA?

Construction Data Services (CDS) was founded in 1991 and has grown to become an international provider of a variety of on-site drug testing, safety, security and medical management services specifically designed for the construction industry. CDS is headquartered in St. Louis (MO), and has regional offices in Appleton (WI) and Joliet (IL) and satellite offices in Chicago (IL), Milwaukee (WI) and San Antonio (TX). CDS performs in excess of 65,000 drug and/or alcohol tests a year for approximately 6,500 contractors/unions across the United States.

CDS also provides first aid and drug testing services on-site at major construction sites. In addition, CDS offers background screening services, employee assistance program administration, safety training and consulting and substance abuse training products for safety managers and supervisors.

CDS has been selected as your Substance Abuse Testing Program's Third Party Administrator or TPA. CDS is responsible for the administration of the substance abuse testing procedures and policy, including maintenance of the confidential drug testing database, specimen collections, MRO services, random selections, collection locations and delivery of samples to the testing laboratory. CDS is presently the TPA for several MCA, AGC, Sheet Metal, Ironworker, etc. consortium programs throughout the United States.

WHAT IS A COMMUNICATOR?

CDS has created the concept of "**Communicator**" to assure that absolute confidentiality of worker drug testing information and records are preserved. Each contractor is required to designate a primary and an alternate communicator from within the company. Communicators should be accessible, dependable, and capable of maintaining confidential drug testing information. CDS provides extensive training workshops for communicators to guide and assist them in their responsibilities in the administration of their Substance Abuse Testing Program. To meet the needs of our customers and clients CDS has created on-line and DVD versions of communicator training. To obtain additional information on these training products and services, please log in to the CDS website at www.cdsonsite.com and from the main menu select "Training Products and Documentation".

WHAT IS AN MRO?

The Medical Review Officer (MRO) is a physician who is licensed by the American Association of Medical Review Officers to interpret and evaluate an individual's non-negative test result from the laboratory as it relates to the employee's medical history and other biomedical conditions. The MRO confirms whether the non-negative test result is positive or negative based on the individual's valid medication/drug prescription.

WHAT IS HIPAA?

HIPAA is an acronym for the Health Insurance Portability and Accountability Act which was passed into legislation by the U.S. Congress in 1996 and subsequently amended on April 14, 2003. The basic principle of the Act is to allow a covered entity (hospital, doctor, etc.) to provide and disclose an employee's "protected health information" (medical records) only when the individual, who is the subject of the information, provides written consent and authorization for release of the information.

DOES HIPAA PROTECT THE RESULTS OF A DRUG TEST WHEN AN EMPLOYEE TAKES A DRUG TEST FOR EMPLOYMENT PURPOSES?

No, those records are considered employment records and are not subject to or protected by HIPAA. HIPAA specifically excludes drug testing records for employment purposes. However, if an individual takes a drug test that is not for employment purposes, the release of information relative to that drug test is covered under the HIPAA rules and regulations.

WHAT IS SAMHSA?

The federal Substance Abuse and Mental Health Services Administration (SAMHSA) regulates federally mandated testing such as DOT testing. Rules and regulations established by this Administration are designed to improve the quality and availability of substance abuse prevention, alcohol and drug addiction treatment, and mental health services for companies and people as a whole.

CDS maintains compliance with SAMHSA rules and regulations even though the non-federally mandated testing programs CDS administers are not regulated by this Administration.

WHAT DOES 'STATUS' MEAN?

A worker's eligibility status indicates whether the individual is in compliance with the drug testing program. Based on the program, a worker can have one of the following statuses:

Compliant: Employees who have been subject to a drug test and/or are in compliance with the Policy's terms and are therefore eligible for immediate placement without having to take a drug test. This includes Employees that are subject to periodic and/or random drug testing, but have not yet been selected to perform a drug test.

Non-Compliant: Employees who are not in compliance with the PFCGC UA Local 597 Policy for any reason as set forth in Section X-(A).

WHY DOES THE PROGRAM TEST BASED ON A LABORATORY URINALYSIS TEST INSTEAD OF AN INSTANT URINE TEST, WHICH IS LOWER IN COST FOR THE CONTRACTOR AND FUND?

The primary reason is the inaccuracy of the instant urine test screening results. For example, in 2006, CDS performed in excess of 5,500 drug screens of individuals at a major project with each specimen being analyzed by both an instant test and a laboratory test. The result was an overwhelming 37% of the positive laboratory results were negative with the instant test. The result of false non-negative tests with the instant test was less than 2%.

The laboratory urinalysis test is considered the “gold standard” for any drug testing program. Due to the scientific accuracy of laboratory testing, CDS has never had a confirmed positive laboratory test result overturned to a negative test result when contested by the donor.

I UNDERSTAND THAT THERE ARE MASKING AGENTS TO PREVENT A POSITIVE TEST RESULT, IS THIS TRUE?

There are several products available that purport to disguise illegal substances in a urine specimen. If you perform a search on the internet, “Beat a Drug Test”, you will be provided with thousands of hits on ways to cheat or beat a positive drug test result. Quest Diagnostics keeps abreast of these masking agents and is always working on ways of detecting new products that are available to those who try to cheat on their drug test. Normally, these masking agents require an enormous amount of fluids to be taken resulting in a diluted test result.

WHAT IS A DILUTED TEST RESULT?

A diluted test result means that the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl. There are medical reasons for a diluted test result, but normally the individual is consuming a large volume of liquids to flush out their system prior to their test. An individual with a diluted test result needs to be sent for another drug test as soon as possible. Depending on

the creatinine level of the result, the individual may have to provide another sample under direct observation.

WHAT IS AN UNSUITABLE TEST RESULT?

A specimen is reported as “unsuitable” when the laboratory determines that the specimen contains a foreign contaminate or the individual has ingested masking agents in an attempt to disguise the illegal/unauthorized drug but the levels are not in the range to legally determine if the specimen is adulterated or substituted. An unsuitable test result will require the individual to provide another sample under observation.

WHAT IS AN ADULTERATED TEST RESULT?

An adulterated test result indicates that the donor tainted the specimen with bleach or some type of masking agent and the result is considered an administrative positive with the same consequences as a positive test result.

CONTRACTOR FAQs

WHY ARE SOME OF MY EMPLOYEES BEING RANDOMLY SELECTED SEVERAL TIMES IN ONE YEAR AND OTHERS ARE NOT SELECTED?

A true random selection is just that, a random selection of a pool of workers that is performed by a computer generated numerical program designed to ensure that no employee can be singled out. When a worker is selected for random testing, and provides a negative test result, the worker is placed into the three (3) percent random selection pool for the next selection.

WHAT ARE MY OPTIONS WHERE I CAN SEND AN EMPLOYEE FOR A DRUG TEST?

Certified Collection Specialists and Breath Alcohol Technicians will collect all urine and breath samples, utilizing Substance Abuse & Mental Health Services Administration (SAMHSA) procedures to ensure that both proper chain of

custody protocols and employee confidentiality are satisfied. All samples will be collected with concern for each employee's personal privacy, dignity, and confidentiality. CDS provides the following three (3) options for drug and alcohol screening collections:

- 1. Mobile On-Site Collections:** Certified collectors may be available in your area to conduct the substance abuse collections at the job site or the employer's office.
- 2. Clinical Collections:** CDS has available approximately 7,500 clinical collection sites throughout the United States to meet the testing needs of the contractors, unions and employees/members.
- 3. TPA Office Collections:** Substance abuse collections may be available when the TPA has an office in the area.

HOW DO I FIND COLLECTION SITES?

The CDS website, www.cdsonsite.com, has a list of approximately 15,000 approved collection sites by name, city, state and/or zip code and whether a drug and/or alcohol test collection is available. Upon entering the required information and selecting "Search," a list of collection sites by name and address will appear. To obtain the phone number, hours of operation, testing type and directions to the site, click on the applicable collection site name. To obtain directions to the collection site, select "Map", and you will be redirected to Google Map for entering your address. Due to collection sites changing their hours of operation, we recommend that you call them in advance to confirm their hours before sending an individual for testing. It would be also be beneficial to make an appointment with the collection site before sending an individual for testing, especially if you have several employees to be tested.

HOW DO I KNOW WHETHER MY EMPLOYEES HAVE BEEN SELECTED FOR A RANDOM TEST?

When CDS generates the random selections of workers to be tested from the Compliant Pool in our Substance Abuse Testing Information System (SATIS), Communicators will automatically be notified via email that their random selections are available on-line.

The Communicator will login to the CDS website, www.cdsonsite.com, using their secure access code and password, to obtain their random selections from the main menu “**Random Selection List**”. Once the Communicator has selected the proper Program, a list of employees selected for random testing will be available.

I'M JUST A SMALL CONTRACTOR, WHY SHOULD MY COMPANY PARTICIPATE?

Your participation as a contractor/employer is critical for the success of the Program whether you have one employee or one thousand employees. There are just as many reasons for the small contractors to participate as the larger ones. Safety impacts everyone. Substance abuse contributes to absenteeism, poor quality workmanship, low productivity, work related injuries/accidents and increased medical insurance costs which all negatively impact an employer's bottom line.

Contractors who don't participate gain a reputation as a non-testing company, and will inevitably attract workers who abuse drugs and/or alcohol. This can create an unsafe work environment resulting in exposure to liability for that contractor, other contractors, their employees and the customer.

WHAT ARE THE STEPS TAKEN TO PROTECT MEMBERS' PRIVACY AND REPUTATION?

CDS maintains the confidential drug-testing database for this Program in one, central location. Only designated, registered communicators who have been assigned a private and secure access number and password can enter the

database to check on the status of the worker. No drug testing history of workers is available or released by CDS. The program database only provides the worker's name, last four (4) digits of their Social Security Number, their Union book number, if available, their eligibility status and last date of test.

CAN I CHOOSE WHERE MY EMPLOYEES WILL BE TESTED?

As a Communicator, you can choose the most convenient and efficient location to have your employees tested.

HOW LONG DOES IT TAKE TO GET THE TEST RESULTS?

Negative test results are generally reported by the laboratory to the CDS on-line the next business day after the collection. Positive test results are normally reported to CDS within 72 hours after the collection.

ARE EMPLOYEES REQUIRED TO GIVE THEIR SOCIAL SECURITY NUMBER (SSN) WHEN TAKING A TEST?

Due to the prevalence of identity theft, we understand why individuals are reluctant to provide their SSN, however the SSN is the only means of uniquely identifying an individual across the United States. Consequently, in order for CDS to maintain database integrity, we must ask for the SSN only for the worker's initial drug test record or input into the database, plus another means of identification (i.e. driver's license number preceded by the state two alpha characters or union book number). Once we have this information, the CDS database can cross reference to the other forms of identity when providing a subsequent drug test. The CDS database is protected by some of the most secure and reliable technology available including firewall and virus protection software.

WHY AM I NOT ABLE TO VIEW THE STATUS OF CERTAIN SUB-CONTRACTORS' EMPLOYEES?

A Communicator of a General Contractor can only obtain the eligibility status of a sub-contractors' employees if that communicator is signatory and registered in

the Program in which the sub-contractors' employee is a member. Thus, General Contractors cannot view the status of a sub-contractors' employees in pipefitter and plumber, electrician, sheet metal and boilermaker programs.

AS A GENERAL CONTRACTOR, HOW DO I OBTAIN THE STATUS OF A SUB-CONTRACTOR'S EMPLOYEE IN A PROGRAM THAT I AM NOT SIGNATORY TO?

The General Contractor will need to contact the employee's sub-contractor communicator and request a compliance report containing the employee's current status.

This compliance report is available from the main menu of CDS' website, www.cdsonsite.com, under "**Check Pool Status**", which allows for sub-contractor to print a report of the sub-contractors' employees' eligibility status along with their first and last name, the last four (4) digits of their SSN, their union book number, the date of their last drug test and number of days since their last drug test.

HOW CAN I CHECK THE STATUS OF ALL MY EMPLOYEES WITHOUT HAVING TO ENTER EACH ONE SEPARATELY?

The CDS website, www.cdsonsite.com, gives you the option from the main menu to "**Check Pool Status**" which allows you to inquire on one employee at a time.

Another option from the main menu is "**Current Workers**" which allows you to select "ALL" to view all of your employees. You can also select the first initial of their last name to obtain their current eligibility status along with their first and last name, the last four (4) digits of their Social Security Number, their union book number and the date of their last drug test.

HOW DO I GET MY PEOPLE TRAINED TO AS A COMMUNICATOR?

Communicator training is available on-line or by DVD. Information on obtaining the on-line and DVD Communicator Training is available from the CDS website, www.cdsonsite.com, from the main menu "**Training Products and**

Documents”. These training products allow the potential Communicator to be trained at their own pace. There is a nominal charge for the DVD training products.

THE PROGRAM POLICY STATES THAT MY SUPERVISORS MUST BE TRAINED IN THE DETECTION OF POSSIBLE SYMPTOMS OF DRUGS AND ALCOHOL USE FOR REASONABLE SUSPICION TESTING. HOW DO I PROVIDE THIS TRAINING TO MY SUPERVISORS?

CDS produced, “*Reasonable Suspicion Testing - Supervisory Training for the Signs and Symptoms of Substance Abuse*”, which is the only reasonable suspicion course specific to the construction industry and includes a 45 minute DVD which trains supervisors on how to detect the signs and symptoms of substance abuse in the workplace and how to Observe, Document, Confront and Refer suspected employees for testing. Potential real-life situations are enacted to demonstrate various reasonable suspicion situations, and how to effectively respond to those situations.

The training package includes one (1) DVD, five (5) training booklets which support the DVD and five (5) certificates of completion, all for a reasonable cost. The training booklet includes a fifteen (15) question and answer test “DO’s and DON’Ts When Confronting an Employee, “Facts on Alcohol and Drug Abuse” and a “Description and Effects of Alcohol and Illegal Drugs.” Information on this training package can be obtained from the main menu of our website, www.cdsonsite.com, under the main menu item “**Training Products and Documents**”.

EMPLOYEE/MEMBER FAQs

WHAT HAPPENS IF I'M ON VACATION AND I GET SELECTED FOR A RANDOM TEST?

If you are required to take a drug and/or alcohol test but are unable to report due to scheduled time off, your company communicator will notify you to complete your random test requirement as soon as you return to work.

WHAT HAPPENS IF THE LABORATORY REPORTS THAT A DRUG IS IN MY SPECIMEN?

First of all, your company communicator will provide you with a toll free number and instruct you to contact the MRO in a private and confidential setting. During this conversation, the MRO may ask you about any recent hospitalization, prescription medications, or other medical information which may have an impact on the test result. The presence of legitimate prescription medications prescribed to you by a medical professional, with verifiable proof, will not result in a positive test. If the MRO can verify that you are on a legal prescription drug, the MRO will rule your test result as negative with no consequences. If you are taking someone else's prescription, your result will be ruled positive and you will be in violation of the program.

If the MRO can find no legitimate reason for the illegal drug to be present in your urine sample, and the MRO declares the test positive, you will be required to participate in the "reinstatement" process. This involves calling the Employee Assistance Program (EAP) through your local health fund to arrange for a drug and alcohol assessment. Following that, you will be required to take a return-to-work drug test through CDS upon providing CDS with a written release from the counselor to return to work. This test may be at your own personal expense. You must provide a negative drug and alcohol test before you are allowed to return to work.

WILL I LOSE MY JOB IF MY TEST RESULT IS POSITIVE?

If you have a positive test result, you will be in violation of the program and will not be allowed to work for your current contractor or other contractors until you complete the “reinstatement” process as described above. Depending on the substance abuse testing program, you may or may not be able to immediately return to work for that contractor or another signatory contractor.

WHAT HAPPENS IF I MOVE TO ANOTHER CONTRACTOR?

Generally, you can move from one contractor to another and from one job site to another without requiring a drug test as long as your eligibility status is “Compliant”. However, there are exceptions to this, as follows:

1. The job site does not recognize the drug testing program to which your contractor is signatory.
2. The customer requires a drug test within a certain time period from entering the job site (i.e. 30, 90, 120, etc. days)

HOW FREQUENTLY WILL I HAVE TO BE TESTED?

The frequency of testing depends on the specific Program to which your contractor is signatory or the specific testing requirements of the job site you are working on, as stated above. Generally, testing frequency depends on the following:

1. The frequency of random selections as established for the particular program (i.e. 20%, 25%, 33%, 50%, etc. annual random selection rate). Individuals are subject to selection for random testing with each selection performed by CDS twelve (12) times a year. This does not mean monthly selections (a random selection may be performed by CDS at the beginning of the month and again at the end of the same month). This is to ensure that no individual is singled out to provide a random test;
2. The period of time that an individual needs to provide a periodic test. Most Programs require a periodic test, drug and/or alcohol test, within a specific period of time (1, 2 or 3 years) from your last test;

3. Individuals, who have provided a confirmed positive test result, will be subject to additional random testing, which is referred to as Probationary Status Testing, in addition to the normal random selection process.

WHAT HAPPENS IF I REFUSE TO BE TESTED?

A refusal to test will result in the same consequences as having a confirmed, positive drug test result.

WILL SOMEONE ADVISE ME IF MY TEST RESULTS ARE NEGATIVE?

CDS will not notify an employee of a negative test result if the Company or the Union is paying for the test. If you paid for your own test, you will be asked to provide a password at the time of your specimen collection and will be instructed to call CDS within 24 to 72 hours after the test to get your results using your password for identity purposes.

WHAT HAPPENS IF I REFUSE TO SEE AN EAP FOLLOWING A POSITIVE TEST?

Refusal to comply with the “Reinstatement Requirements” following a confirmed positive drug test will result in the worker's status remaining as “Non Compliant” until the reinstate process is completed. No Contractor can hire a member that is in “Non Compliant” status.

IF I AM OFF OF WORK FOR AN EXTENDED PERIOD OF TIME DUE TO ILLNESS, MUST I RE-TEST WHEN I RETURN TO WORK?

This depends on whether you were selected for a random test while you were unable to work and the length of time you were off work due to illness. If you were selected for a random test during the period you were off work or the time off extends beyond the periodic testing requirements of the program, the Contractor will schedule a test when you return to work.

CAN I PROVIDE THE SPECIMEN COLLECTOR WITH THE PRESCRIPTION MEDICATIONS I AM TAKING?

Yes, you can provide this information but it will only be documented on your copy of the Chain of Custody Form. If you are taking prescription medications at the time of the test and the laboratory results are reported as non-negative indicating the possible presence of prescription medication, you will be given the opportunity to discuss those prescribed medications with the MRO. If the MRO can verify that you are taking your own legal prescription drug, your test result will be ruled as negative.

WHAT IS THE DIFFERENCE BETWEEN NON-NEGATIVE AND POSITIVE?

Non-negative is a term used until the MRO confirms that the sample is either negative or positive. Non-negative simply means that the laboratory result is awaiting final confirmation by the MRO to determine if the individual is on a legitimate prescription.

CAN I CHALLENGE A POSITIVE TEST?

You are allowed the opportunity to request, in writing, to the MRO a retest of the original sample from a SAMHSA certified laboratory of your choice. There are time limits associated with this notification process, (refer to your substance abuse program). The retest result will be communicated to you in writing. The current cost of the retest is \$150.00 which must be paid by you in advance to the MRO.

For your information, CDS, who currently performs approximately 65,000 drug and alcohol test a year, has never had a laboratory positive test result turned around as negative with a retest.

WHAT IF I CAN'T PROVIDE A URINE SAMPLE WHEN I GO FOR MY DRUG TEST?

If your first attempt does not provide the minimum amount of specimen, (45ml for a split sample), you will be given the opportunity to drink fluids to help your system produce an acceptable specimen amount. Once a drug screen collection process has begun, it must be completed while the person is present at the collection site.

WHAT IF I FORGET MY PHOTO I.D., CAN I LEAVE THE COLLECTION SITE TO GO GET IT AND COME BACK?

No. You are not permitted to leave the collection site once you report for testing. If your I.D. is in your vehicle, you can be escorted to your vehicle by someone who works at the collection site but if it is off premise, your communicator will be notified and asked to have your supervisor sent to the collection site to sign the chain of custody as verification of your identity.

IF I DO NOT HAVE A PHOTO I.D., CAN I STILL TAKE THE TEST?

Only if your supervisor comes to the collection site to verify your identity and signs the Chain of Custody Form as “Employer Representative”.

IF I AM AT A PARTY WHERE SEVERAL PEOPLE ARE SMOKING DOPE, WILL I TEST POSITIVE FOR MARIJUANA EVEN THOUGH I AM NOT SMOKING?

No. The threshold (cut-off) level for Marijuana is set to rule out the possibility of testing positive due to second hand smoke.

IS IT LEGAL FOR ME TO SMOKE MARIJUANA IN THE STATES THAT HAVE LEGALIZED MARIJUANA FOR MEDICINAL USE?

There is no legal prescription for marijuana. However, some states have enacted into law the use of marijuana for medical use. , Medical marijuana has never stood up in court when used while the individual is on the job.

HOW DO I KNOW THAT MY SPECIMEN WILL NOT BE MIXED UP WITH SOMEONE ELSE’S SPECIMEN WHO IS POTENTIALLY POSITIVE?

The certified collector only performs one collection at a time to ensure that specimens do not get mixed. You will be required to stay in the presence of the specimen until the collection process has been completed. As the donor, you are required to sign the Chain of Custody form stating that each specimen bottle used was sealed with a tamper-evident seal in your presence and that the information

and numbers provided on the form and on the label affixed to each specimen bottle is correct. The bar code on the specimen seals will match the bar code on the chain of custody form which is sent to the laboratory along with the specimen.

WILL I BE REIMBURSED FOR THE TIME IT TAKES TO PROVIDE A DRUG OR DRUG AND ALCOHOL TEST?

Yes, in most cases you will be reimbursed for up to two hours for taking a drug or drug and alcohol test. In the case where you are taking a return to work test due to a previous positive drug test result, you are normally required to pay for the return to work test and there is no reimbursement for the time it takes to get tested.

Another situation is when you have had two diluted tests in a row. It is recommended to you that you see a physician to determine if there is a medical reason for the diluted tests. If you refuse to see a physician or the physician cannot determine any reason for the diluted tests, you will be responsible for the third test and no reimbursement will be provided for the time it takes to get tested. Refer to your policy for additional information.