

# The Builder

A Builders Association Publication



## *Jeffrey A. Risch of SmithAmundsen LLC Highlights the Necessities of Drug Policies and Programs*

- ✓ Types of Testing (random, reasonable, post accident)
- ✓ Substances examined
- ✓ Methodologies (urine, blood, breath, hair)
- ✓ Preserve through a Chain of Custody
- ✓ Involvement of Medical Review Officer
- ✓ Define "Positive Test"
- ✓ Specify consequences of Positive Tests or Refusals
- ✓ Defer to Legal Mandates
- ✓ Train Supervisors re: Reasonable Suspicion
- ✓ Partner with Labor Organizations to Raise Awareness

## **"Under The Influence"**

*Presentation Highlights Ways To Successfully  
Target Drug and Alcohol Use In The Workplace*

**BY ANDY COLE**

A walk around Wrigleyville one afternoon as a Cubs game is about to let out may give you the experience of seeing a mass of inebriated fans, but that doesn't mean you're qualified to say they're drunk. The same goes for noticing someone "under the influence" on a jobsite. While it may be obvious to you, a Collective Bargaining Agreement or an arbitrator may not see it the same way.

Among the many pitfalls and things to be careful of when trying to improve a company's drug testing program, the ideas of "reasonable suspicion" and who is "trained" to recognize intoxication are among the

most frequently misunderstood, according to SmithAmundsen LLC Partner Jeffrey Risch.

"The best thing for employers to do is make certain designated management receives the appropriate level of instruction on detecting reasonable suspicion," Risch stated. "The number one area for labor grievances in this area is an assessment conducted by 'untrained' personnel."

Risch stated that "qualified" in the eyes of an arbitrator usually indicates anyone among management personnel who:

- Has received instruction on the

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Olympic Games Falls Short*  
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Trouble For Contractors*  
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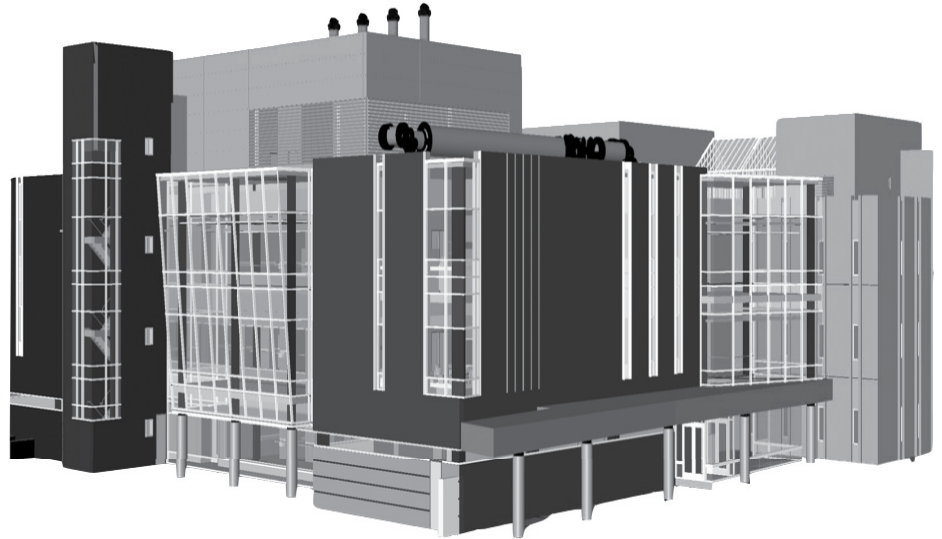
# Back To BIM School

The AGC of America's Building Information Modeling (BIM) Education Program was developed in conjunction with leading BIM practitioners, technology firms and educators to provide contractors and others with essential information and skills needed to successfully implement BIM.

The Program takes place in six units, the first of which - BIM 101 - was scheduled as a Builders Association event in November. Building developers, owners, managers, supervisors, architects, engineers and construction product manufacturers alike benefit BIM 101, which uses case studies to help participants comprehend the learning objectives of each session. Concepts covered in BIM 101 are key for individuals who wish to pursue further knowledge in future BIM courses.

The course is broken up into four sections:

- What Is BIM?
- BIM Visualization Uses and Spatial Coordination
- BIM Scheduling, Estimating and Facility Management
- Getting Started With BIM



A BIM Technology course will follow, scheduled for the first quarter of 2010. BIM Technology is designed with technology managers in mind, in addition to company BIM champions and proponents of Building Information Modeling on individual projects.

Other courses in the AGC's Program include:

- Legal Issues and Risk Management
- BIM Case Studies and Lessons Learned
- BIM Process and Integration
- Advanced BIM

For more on the AGC's BIM Education Program, contact Mike Schultze at 847-318-8585.

## INFLUENCE, from page 1

effects of drugs and alcohol in the workplace

- Has received instruction from a credible authority on specific conduct, behavior and mannerisms that would give rise to "reasonable suspicion"
- Has a record of proof of the above instruction

The presentation stressed the importance of knowing what the contract for different unions says about the issue. In addition to knowing the different union deals, it doesn't hurt to know a bit of history on the subject from the unions themselves.

"Not all unions are created equal when it comes to drug testing," Risch said. "Some have an excellent history of dealing with the issue and some just have woeful track records. What you can do as a contractor is communicate clearly with the union. If the Hall provides you with someone who you have to deny or reject, be clear about why and the basis you used to determine they were unfit."

Not unlike jurisdictional disputes, one of the keys to a company

controlling its own drug-testing destiny is consistency: Properly trained management with a standard definition within the company for what constitutes a reasonable basis for a drug test.

Even contractors in the middle of a contract have options. Risch suggests you begin discussions with unions to raise awareness of the issue and highlight the importance of adopting clearer language. Establish fair, business-based reasons for the changes you wish to make and allow labor officials to have input before implementing the new aspects of your program.

"The phrase 'under the influence' is tricky in a lot of ways," Risch added. "Where we, as management, need to get on the ball is getting some of these issues covered clearly when negotiating contracts."

"Mandatory random drug-testing would be great, but is extremely uncommon and almost unheard of in the construction market. What contractors are left with is the ability to change things within the existing contracts. Improving your program can be difficult, but it can be done with the right attention to detail."