

South Central MN Electrical JATC Policy Statement Effective August 17, 2022

Welcome to your apprenticeship with the International Brotherhood of Electrical Workers (IBEW) and National Electrical Contractors Association (NECA)!

As you well know, the electrical construction field is a rewarding one, with many opportunities for those who participate in it. A cornerstone of your career as an IBEW electrician is successful completion of the apprenticeship program.

Your apprenticeship program is administered by the South Central Minnesota Electrical Joint Apprenticeship and Training Committee (SCMNJATC/JATC). The following is the Policy Statement issued by the JATC. It is the duty of the Committee to establish or change such policies, as it deems necessary for the successful operation of the training program. Failure to comply with them shall constitute just cause for dismissal from the Apprenticeship Program.

All matters concerning apprentices shall be handled by the JATC. The Committee will adjudicate violations of the Policy Statement. Disciplinary action may include, but is not limited to, letters of reprimand, suspensions, mandatory participation in the IBEW's Employee Assistance Program (EAP) from Total Employee Assistance Management (TEAM), passing a drug test, or termination from the Program.

Please take the time to become acquainted with this Policy Statement, as the information contained in it is important to your success in the apprenticeship program. If you have any questions, please feel free to contact a member of the JATC staff or committee.

Best of luck to you in your classes and career as an IBEW electrician!



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Industry Contact Information

Each apprentice shall be responsible for keeping the Apprenticeship Office, the Union, the Credit Union and the Health and Welfare Office informed of any change of address or telephone number.

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Electrus Federal Credit Union, A Division of SPIRE
7100 Brooklyn Boulevard
Brooklyn Center, MN 55429
(800) 252-4239; (763) 569-4000 Phone
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Committee and Staff Members

NECA

Kristin Causby, Minneapolis Chapter NECA
Jordan Barnes, Accord Electric Inc
Kevin Hauschild, BLK Electric Inc
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IBEW

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Training Director

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The preceding Policy Statement is available to each apprentice so they will know in advance the rules established by the South Central MN Electrical JATC. These are subject to change without notice as the Committee deems necessary for the successful operation of the training program.

Class Placement

Credit for Previous Experience

Applicants with previous experience in the electrical construction trade may request for and have such experience reviewed for credit towards on-the-job training (OJT) hours. Hours worked as a summer helper, shop help, or working in the industry while not registered with the Minnesota Department of Labor as an Unlicensed Electrician cannot be considered towards credit for previous experience.

Applicants with a minimum of 4,000 hours previous experience in electrical construction may request in writing to the committee to be placed into the third year of school. If such placement is granted and the apprentice fails to successfully complete the third year of school on their first attempt, they will be placed into the first year of school and must complete all five years of classroom training.

Applicants are responsible for providing verification of previous experience to the Committee. The preferred method is the Minnesota Department of Labor and Industry's Work Verification form used for the State exam, properly filled out and signed. If this is unobtainable, a written statement by the applicant itemizing the total number of hours worked (supported by paycheck stubs), categorizing the types of experience gained, the names of employers, and dates employed may be accepted.

Requests for previous experience credit must be made at the time of the apprentice's indentureship, upon which it will be reviewed by the Committee and granted in whole or in part at the Committee's discretion. The Committee will review such requests at their next regularly scheduled meeting after the indenture date.

***All applicants are required to serve a minimum of 2,000 hours in the Program.**

Credit for Trade School Completion

An indentured apprentice who has graduated from an approved Electrical Construction course and has provided a copy of their diploma, will receive 2,000 hours of credit throughout their apprenticeship and be placed into 3rd year classes.

Online Training.

Upon indentureship, an apprentice must complete the online anti-harassment training within seven days and the online OSHA 10 training within thirty days. Failure to complete the trainings and provide completion certificates to the Training Director will result in the inability to return to work, an appearance before the committee and disciplinary action up to and including termination from the program.

First Year Test Out

Upon indentureship, an apprentice may opt to test out of the 1st year of school. All first-year apprentices will be notified of the date, time, and location of this exam prior to the start of the

school year. Any apprentice who passes this exam will be placed into the second year of school.

Veterans

Veteran apprentices who apply for GI benefits will make application through the Veterans Service Officer. All forms requiring signature by a certifying official are to be forwarded to the apprenticeship office for completion. No other signatures will be accepted. Such apprentices must turn in their monthly VA Hours Verification forms with their JATC timecards for completion. It will then be forwarded to the VA and a copy will be mailed back to the apprentice for their records. Note: timecards must be received by the 5th of the month. If an apprentice does not have their VA form, it can be submitted separately from the timecard whenever it is received. Timecards submitted to the JATC must match VA benefits to be counted. Any penalties assessed by the JATC will reflect on VA benefits.

Apprentice Responsibilities

Scholarship Loan Agreement Policy

(adopted 08/18/2021)

On an annual basis, prior to participating in any classroom instruction, each apprentice is required to:

1. Complete and sign a Scholarship Loan Agreement (SLA) document and promissory note
Or
2. Make payment in full to the SCMNJATC for the monetary value of one (1) year of classroom instruction as set forth in the SLA

Failure to abide by this policy will result in the termination of your apprenticeship agreement and employment through the JATC program.

Unlicensed Registration

Apprentices are responsible to maintain their unlicensed registration with the State Board of Electricity (SBOE).

Fees

Any required tuition, book fees, or state registration fees shall be the apprentice's responsibility and must be paid in full the first day of class. Class materials will be handed out the first day of class and all course fees must be paid for on that day. Payment options available for course fees are check, credit or debit card. We have established an account with Unionly to accommodate credit or debit card payments. Their fee for this service is a \$0.30 fee plus 4.9% service charge for each transaction.

Classroom Training and Attendance

All apprentices are required to participate in and successfully complete all classroom instructions required by the JATC. The JATC will not require fewer than 180 hours of classroom training per academic year and apprentices completing fewer than 180 hours will be required to repeat the school year with their wages frozen.

Apprentices must notify the Training Director, Instructor, or Administrator prior to the start of class of any absences, late starts, or early quits from class. All absences must be discussed with the JATC staff and are to occur only in the event of illness and/or emergency. Supporting documentation for all absences should be provided if available.

Makeup of absences is mandatory. Missed hours must be made up by attending Code classes. A day missed is equivalent to ONE (1) 8-hour Code class to be completed within 60-days of the absence. Failure to do so will result in an appearance before the Committee. Any partial day missed will be made-up. The first absence will be made up by attending a Saturday, in person class. The second absence will be made up by attending a Sunday, in person class. The third absence will be made up at the Rochester training center at a date to be determined in late June, after the conclusion of the school year. This will result in the delay of any pay raise until the makeup day is completed. If a 4th day is missed, the apprentice will be scheduled for an appearance before the Committee, which may lead to termination from the program. (adopted 8/17/2022)

Please note absences, late starts, or early quits are a violation of this policy statement, even if they are properly made up and discussed with the JATC staff. Apprentices who do not follow the attendance policy will be subject to disciplinary action.

Computer and Internet Usage Policy

(revised 3/23/2022)

Overview

The JATC provides the opportunity for each student to utilize a computer or compatible device¹ to access the JATC programs, internet, and curriculum. You must bring your computer, or device, to class and understand that the software and internet access from your personal computer or device is a privilege and comes with guidelines. You are to adhere to all guidelines in this policy, as well as all federal and state laws that may apply. You must agree to the following conditions.

Classroom Requirements

It is each student's responsibility to have a suitable computer or device¹ with audio, camera, and internet capabilities. A laptop computer running Windows 8, 8.1, or 10 or Mac OS X 10.7 Lion or newer is preferred and is best suited for the classroom. All devices must meet the software requirements needed by TradeSchool and Blended Learning software or any other

¹ A compatible device is defined as Chromebooks, iPads, Android tablets, iPhones, and Android Phones. These are not preferred devices and will have limited access.

software required to access the JATC curriculum. These requirements are subject to change at any time. Unsupported software will not be allowed under any circumstance.

1. Academic use of computing resources takes priority.
2. Commercial and unlawful use of the computing resources is prohibited. Violators may be subject to prosecution under state and federal law.
3. Student log-in required.
4. No personal emails.
5. Any passwords used for specific JATC applications must not be used for personal applications.
6. Students must keep their password private and immediately change their password at any suspicion that someone else knows their password.
7. Students must install and maintain anti-virus software on personal computers or devices that are used to access any JATC networks, software, or data.
8. The JATC is not responsible for any loss or theft of, damage to, or failure in a personal device that may result from use of third-party software or the use of the device under this policy.
9. The internet network must only be used for E-Mail, school-related projects, assignments, and research.

Examples of misuse/abuse are but are not limited to the following during class time on JATC or IBEW Local 343 Property.

1. Illegal copying of copyrighting software, music, or videos.
2. Unauthorized installation or removal of software or files.
3. Tampering with system configuration.
4. The unauthorized connection or disconnection of any computer or device to any network outlet, cable, or device other than those that are specifically designated as a student or public network access points.
5. Bypassing or attempting to circumvent security and software measure.

Computer Fraud

1. Use of computer resources for commercial purposes.
2. Activities that are not JATC or academic that unnecessarily use network bandwidth or storage, including but not limited to, audio or video broadcasts and the downloading or sharing of data, music, or video.
3. Playing games.
4. Establishing servers or file-sharing services including the downloading and sharing of music and videos.
5. Installation or use of unauthorized network or telecommunications devices, including but not limited to computers, wireless access devices, switches, routers, transceivers, media converters, modems, or telephones.
6. Installation or use of unauthorized network diagnostic, monitoring, or eavesdropping equipment, software, or tools including but not limited to, packet capturing software or devices, cable analyzers, traffic generators, or network management tools or software.

7. Using a computer account that you are not authorized to use.
8. Obtaining a password for a computer or account without the consent of the owner.
9. Violating terms of applicable software licensing agreements or copyright laws.

Enforcement

Computer abuse/misuse will not be tolerated. Individuals found abusing computer usage policy may be subject to immediate suspension of computing privileges by any JATC staff or committee members. Violation of this policy is a required appearance with the JATC Committee. Discipline may include suspension or termination from the Program at the sole discretion of the committee.

Cheating Policy

(adopted 8/17/22)

The JATC will not tolerate academic cheating of any kind. Cheating includes but is not limited to:

1. Using any unauthorized aid during a test
2. Giving or receiving answers during a test
3. Accessing a test before it is given
4. Copying assignments from other current or past apprentices
5. Submitting work as your own that is actually the work of others

Anyone suspected of cheating will be referred to the Committee for possible disciplinary action up to and including termination of your apprenticeship agreement.

Email Procedures Policy

(adopted 1/1/2010)

When possible, we are a paperless education system, which means everyone must access their email accounts. You will be required to access it once every scheduled class day. In the event you do not, you will be subject to disciplinary action.

Everyone has a JATC email account set as your first name initial and last name (ex: jstrike@scmnjatc.org). Everyone has the following password "SCMNJATC", and you may change it if you so choose. Unless you are receiving a certified letter your only correspondence from the JATC office will be through your JATC email.

Use the email to scan and send or forward such items as:

1. Timecards
2. SBOE progress documentation
3. VA Work Verification forms
4. Correspondence with the JATC office, the Committee, or the Instructors

You should only use this account to communicate between the JATC offices, instructors, or fellow apprentices with JATC related issues. These are not to be used for personal correspondence. This could also serve as your electronic personnel file.

It is a Gmail based account and easy to access at www.gmail.com. You must access and finish setting up your account.

Timecard Policy

(revised 08/17/2022)

The JATC shall keep and maintain records of progress as required by the Minnesota Department of Labor & Industry Apprenticeship Division. Progress records shall be accessible to all authorized personnel. It is the responsibility of each apprentice to help the JATC fulfill this requirement by filling out and promptly turning in monthly timecards. Timecards are required to monthly until one has been released from the Program regardless of work status. An apprentice who has reached 8,000 hours, completed the 4th year of school, and passed their SBOE Journeyworker license exam may request timecard exclusion from the Committee in writing.

Each apprentice timecard is for a one-month period. Apprentices are to indicate the number of hours worked each day in each category online in TradeSchool.

Timecards are due the 1st of the month and shall be completed online via TradeSchool by 5pm by the 5th of the month following the covered month. Falsifying timecard reports is a violation of this Policy Statement and will result in disciplinary action. Examples of falsification can include but are not limited to reporting hours not actually worked, etc. All hours will be verified from Health and Welfare payroll reports.

Apprentices who are unemployed, at home, or on a Leave of Absence (less than one (1) year) must continue to submit monthly timecards.

Apprentices who fail to submit timecards in a timely manner will be subject to the following:

First Late/Missing Timecard: The apprentice shall receive a notice requiring them to deliver a card prior to the end of the month. Credit for hours worked will be delayed by one (1) month which will accordingly delay wage increases by one (1) month.

Second Late/Missing Timecard: This timecard will not be credited toward the completion of the apprentice's required training program **and** the apprentice's already accumulated hours will be reduce by 160 hours. This will result in a delay of the apprentice's next pay raise and extend their apprenticeship by two (2) months.

Third Late/Missing Timecard: This timecard will not be credited toward the completion of the apprentice's required training program **and** the apprentice's already accumulated hours will be reduced by 160 hours. This will result in a delay of the apprentice's next pay raise and extend their apprenticeship by two (2) months. **In addition,** the apprentice will be required to attend a 16-hour Code class within two (2) months of notice.

Fourth Late/Missing Timecard: This timecard will not be credited toward the completion of the apprentice's required training program **and** the apprentice' already accumulated hours will be reduced by 160 hours. This will result in a delay of the apprentice's next pay raise and extend their apprenticeship by up to two months. The apprentice will also be required to appear before the Committee, which may result in disciplinary action up to and including termination from the Program.

Performance Reviews

1. All apprentices will have their on-the-job performance evaluated by their employer regularly. Evaluations shall be sent to the contractor on the second month after starting employment, every 6 months as defined by the schedule² and upon completion of the work assignment. It is the responsibility of the employer to distribute evaluations to the individual supervising the apprentice. Each employer is required to return the completed evaluation to the JATC office within 14 days after receiving the evaluation.
2. The individual who is directly supervising an apprentice shall fill out the evaluation. Before the evaluation form is electronically submitted, the apprentice shall be allowed to review the evaluation and be given the opportunity to make any comments or take any corrective action as may be needed.
3. Evaluations will be reviewed by JATC staff and committee members to make sure apprentices are making satisfactory progress. The committee may take disciplinary action against apprentices who receive problematic evaluations. Evaluations become part of each apprentice's JATC record. Their record may be reviewed and considered by the committee each time an apprentice appears before the committee based on policy infractions.
4. Any apprentice who believes they have received an unfair or inaccurate review may write an explanation or rebuttal or request to speak to the committee. Written explanations or rebuttals will be attached to the evaluation and included in the apprentice's JATC record.
5. Any contractor who continually, and willfully, violate the requirements of this policy may be denied having the ability to employ apprentices at the sole discretion of the Committee.

Apprentice Employment

Job Placement

Apprentices are not allowed to solicit their own jobs. All work assignments and terminations shall be made through the JATC office.

² All contractors employing apprentices will be divided into two (2) groups. Group 1 will receive evaluations the last week in January and July. Group 2 will receive evaluations the last week in June and December.

Traveling Outside the Jurisdiction

Job transfers of the apprentice by the employer into another jurisdiction must be approved in advance by both the apprentice's home JATC and the JATC into which the apprentice is traveling. The home JATC will obtain acknowledgement from both the home and traveling Local Unions and NECA offices.

Quitting an Employer, Discharge for Cause

Apprentices are not allowed to quit an employer. Apprentices who quit or are Discharged for Cause (DFC) by their employer may be classified as not available for work and will appear before the Committee at their next scheduled meeting for further action.

Unemployed Apprentices

Unemployed apprentices must verify that a copy of their termination slip is received at the JATC office in order to be placed on the out-of-work list and be eligible for reassignment.

Unemployed apprentices must be readily available for calls of employment in accordance with the Long/Short Call policies. If unreachable at home, unemployed apprentices must leave a number where they can be reached or check in daily as to the status of open calls.

Referral Policy

(revised 8/18/2021)

All contractor calls for an apprentice must be made to the JATC using the online Apprentice Request Form between business hours of 7:30 a.m. and 3:00 p.m. Calls will be filled in the order they are received. The time stamp on the request will be recognized as the date and time the request is made. Reasonable effort will be made to accommodate workforce participation goals, but such efforts shall not supersede or conflict with other JATC policies.

Each request for a Long call or Short call apprentice will be handled as follows:

1. All apprentices will be called for each job, starting at number one on the out-of-work list regardless of geographic location during normal business hours of 7:30 a.m. to 3:00 p.m. No response from an apprentice by 8:00 a.m. the following business day will result in the apprentice being passed over, moved to the bottom of the out-of-work list, and scheduled for an appearance before the Committee.
2. If the apprentice lives within 60-miles of the job, they will be required to accept the referral.
3. If the apprentice lives outside the 60-mile limit, they will have the option of accepting or refusing the referral. Acceptance entitles the apprentice to one (1) period pay raise. Refusal will not affect the apprentice's placement on the out-of-work list.
4. Long calls will take priority to short calls. Apprentices on short calls will be pulled to fill long calls and replaced if necessary.
5. If no apprentice is available, the eligibility list will be utilized according to geographic area.

Short Call Policy

(adopted 12/11/2002)

This policy requires all calls to be specified as either long call or short call. Short calls will be fourteen (14) calendar days. If an apprentice assigned to a short call reports for work Tuesday through Friday, the employer upon request may extend the call through the 3rd weekend.

When an apprentice completes the short call, their name is added to the bottom of the short call out-of-work list, making them available for another short call. All apprentices on a short call shall retain their place on the long call book. Long calls will take priority over short calls. An apprentice will be pulled from a short call to fill a long call and replaced if needed.

If an apprentice is laid off within three (3) business days by no fault of their own, the apprentice will retain their original placement on the out-of-work list.

The reasons the JATC established this policy are:

1. The apprentices will have a better opportunity to gain employment
2. The employer and the apprentice know this is a short-term job
3. Employers have the option of hiring apprentices as short-term help.

It is intended to reduce problems with apprentices jockeying for position on the book and the short call system has proven to be fair and beneficial to both the employer and the journeyworkers.

Commuting Policy

(adopted 8/17/2021)

No apprentice will be required to travel more than 60-miles to work from home. Apprentices shall reserve discretionary rights to accept work or placement outside the 60-mile range.

Mileage will be calculated by the Training Director utilizing Google Maps. If an apprentice's permanent residence is within the Local 343 jurisdiction, the 60-miles will be calculated from their home to the job. If their place of residence is outside the Local 343 jurisdiction, the apprentice must declare to the Training Director in writing the city closest to their residence that is within the Local 343 jurisdiction, and the 60-mile range will be calculated from that city's limits. This city may only be changed by written request and approval of the Training Director

Any apprentice in their 1st through 5th periods will be paid the wage package for the period directly above their own for only the hours worked outside of their 60-mile work area.

Rotation and Transfer of Apprentices

The Committee has full authority to authorize transfers and assignments for work. Committee transfer requests will follow the Rotation policy, to continue to provide diversity of training and work opportunities.

Transfer Policy

(adopted 10/1/1996)

Apprentices in their 1st through 4th periods are eligible for transfers. Apprentices in their 5th through 6th periods may request a transfer upon written notice to the JATC.

Each apprentice scheduled for a transfer will be contacted for their input regarding their past work experience.

Each contractor affected by a transfer will be contacted for their input regarding types of work available and experience needed.

The Training Director will recommend transfers to the Committee.

All transfers will follow and adhere to the Commuting Policy.

A 30-day notice will be given to all parties regarding pending transfers.

Contractors will be allowed to appeal to the JATC, in writing, those transfers they object to. The Committee will have final authority on all transfers.

Leave of Absence Policy

(revised 8/17/2021)

Apprentices who are out-of-work for any length of time due to injury, illness or other reason must notify the Training Director immediately of their work and classroom status. Those requiring a Leave of Absence (LOA) from work and/or classroom attendance must submit a written request for such to the Committee prior to taking a LOA.

Apprentices requesting a medical LOA due to a physical or psychological illness shall provide supporting documentation to substantiate the request. The medical or mental health professional who has been or will be providing treatment to the apprentice will, with the apprentice's written consent, confirm in writing that a medical LOA is warranted due to the apprentice's health concerns. This supporting medical documentation shall be dated within 30-days of the request for a LOA.

Apprentices granted a medical LOA may be required to demonstrate that the condition which created the need for the leave has been sufficiently resolved before being allowed to return to active participation in the Program. The JATC may require documentation from the healthcare provider regarding the apprentice's fitness for duty. In some instances, the JATC may require an independent medical or psychological evaluation prior to the apprentice's return to active participation in the Program.

The Training Director may recommend a LOA for other compelling reasons for apprentices who find it necessary to temporarily interrupt work and/or classroom attendance. The JATC will make the final determination in these cases.

The JATC will maintain the confidentiality of all information regarding LOA's in accordance with the federal, state, and local laws. All records concerning LOA's are confidential and shall be retained by the JATC with limited access as appropriate by federal, state, and local laws.

Timecards during the LOA will still be required.

Trade School LOA Policy

An apprentice who is currently enrolled in an accredited MN electrical construction program and has successfully completed their first year of schooling, can request a leave of absence of not more than 12 months to complete their education. The requirement to complete timecards during the LOA will not apply under these circumstances.

On-the-Job Conduct and Attendance

Apprentices are employed in a service oriented business and are expected to be conscious of their personal appearance and act accordingly.

Apprentices are required to comply with all safety rules implemented by their employer and employer's customers, including coming to work with proper footwear.

Apprentices are expected to work a full 40-hour week if work is available. Each apprentice shall notify their employer before the start of the workday if they are unable to attend work or start on-time. Regular attendance at work is required for satisfactory progression in the program. Excessive absenteeism and/or failure to communicate with an employer about an absence or tardiness are violations of this policy and may result in disciplinary action, up to and including termination from the Program.

Progressing in and Completing the Program

Passing Grade

The passing grade for each year is established as 75%. Apprentices who fail a year for academic and/or attendance related issues will be required to repeat the year and will not receive wage increases until successful completion of that year. An apprentice who fails twice to complete any year, academic or attendance, in the program will be terminated from the Program.

Wages and Progression

To qualify for progressive wage increases, the following on-the-job (OJT) training hours are established:

1. Traditional Occupation

Pay Period-% of JW Rate	Minimum Accumulative OJT Hours	+	Related Classroom Training
1 – 50%	0	+	N/A
2 – 55%	1,000	+	Satisfactory Progress
3 – 60%	2,000	+	1 st Year School Completed
4 – 65%	3,500	+	2 nd Year School Completed
5 – 70%	5,000	+	3 rd Year School Completed
6 – 75%	6,500	+	4 th Year School Completed
Completion – 100%	8,000	+	5 th Year School Completed

To be advanced, the apprentice must have satisfactorily completed both requirements. (Example: to advance to 3rd period, one must have satisfactorily completed the 1st year of related classroom training and must also have accumulated 2,000 hours of OJT with satisfactory performance)

2. Hybrid Occupation

Pay Period-% of JW Rate	Minimum Accumulative OJT Hours	+	Related Classroom Training
1 – 50%	0	+	N/A
2 – 55%	1,000	+	Complete 1 st Core Competency
3 – 60%	2,000	+	Complete 2 nd Core Competency
4 – 65%	3,500	+	Complete 3 rd & 4 th Core Competency
5 – 70%	5,000	+	Complete 5 th & 6 th Core Competency
6 – 75%	6,500	+	Complete 7 th Core Competency
Completion – 100%	8,000	+	Complete 8 th Core Competency

The JATC does not sanction wages greater than those identified in the collective bargaining agreement for apprentices at each level.

Each apprentice in the program is expected to make satisfactory progress, both in school and on-the-job.

A monthly report will be made available to the Committee and apprentices that identifies each apprentice's progress and hours worked. By request, this report is also available in a form that identifies the number of hours worked in each timecard category.

Program Completion

Requirements to be released from the program are 8,000 hours of OJT properly documented by the JATC, successful completion of five (5) years of school, a copy of the Minnesota State Board

of Electricity passing letter and a copy of your journeyworker's license on file, and any pending items from #1 of this Policy Statement.

Once an apprentice has completed 8,000 hours of OJT and 5th year of school, the apprentice will have 12-months to pass the State Licensing Exam or be terminated from the Program.

When qualified to do so, it will be the responsibility of each apprentice to complete and submit, including the fee, their application to the SBOE for their Journeyworker Electrical License Exam. The JATC will track the work verification forms and will require a copy of the application to keep on file. Apprentices will then take responsibility to keep the process going directly with the SBOE until they have passed, keeping the JATC updated on their status.

All apprentices will attend classes until licensed and successful completion and released from the Program.

The JATC shall authorize an apprentice to take the SBOE Journeyworker examination and will typically do so at 8,000 hours, 5th year school, and 48-months. Any violation of this policy will result in a delay of the apprentice's release from the Program by a minimum of 6-months.

State Board of Electricity (SBOE) Exam Policy

(adopted 9/6/2011)

The following procedure must be followed when qualified to take the SBOE Journeyworker Licensing Exam until one has successfully passed and a copy of your letter from the SBOE is on file with the JATC.

Once an apprentice has completed 8,000 hours of on-the-job training (OJT) and the 5th year of school, the apprentice will have 12-months to pass the Licensing Exam or be terminated from the Program.

Initial Exam Application:

Upon meeting the following qualifications set by the JATC which currently stands as:

1. Must have minimum of 8,000 hours logged
2. 48-months of verified work experience
3. Entering into 5th year classes

No apprentice shall be eligible to take the SBOE Journeyworker exam prior to the start of their 4th year of classes. A request to take the SBOE exam during the 4th year of classes must be made in writing to the committee after October 1 of said year. (revised 8/17/2022)

Once the apprentice meets the SBOE requirements (8,000 hours verified 48-months) the apprentice will forward their application and fee to the State with supporting documentation. A copy of such will be submitted to and kept on file with the JATC.

The following steps are mandatory and the JATC office must be kept updated throughout with supporting documentation:

1. The test must be taken within 90-days of State approval. Applications can be submitted every 30-days. You will receive an email confirmation of your test date. This email must be forwarded to the JATC office.
2. Upon receipt of your test results, you must notify the JATC immediately with a copy of your letter.
3. If failed, you must submit a new application with fee to the SBOE and repeat the above steps.

You must continue this procedure until you have successfully achieved your Minnesota State Journeyworker's License.

Anti-Discrimination & Anti-Harassment Policy

South Central MN Electrical JATC

Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure

(revised 4/1/2022)

Policy Statement

The South Central MN Electrical JATC (“JATC”) is committed to providing all its apprentices, journeyworkers, and employees with a learning environment and workplace free from discrimination and harassment. The JATC does not discriminate against or allow harassment of any apprentice, journeyworker, or employee because of their race, color, ethnicity, religion, creed, sex, pregnancy, age, marital status, familial status, national origin, genetic information, sexual orientation, disability, gender identity or expression, ancestry, status with regard to public assistance, or any other basis prohibited by law, or based on the employee’s protected activity under the antidiscrimination statutes (that is, opposition to prohibited discrimination or participation in the statutory complaint process).

The JATC reaffirms that it will not tolerate discrimination or harassment in any form. This prohibition covers any discrimination or harassment in the classroom, on school premises, in the parking lot, in the JATC’s workspace, or in the JATC’s admissions process or training program. This prohibition applies regardless of whether the apparent discrimination or harassment is committed by an apprentice, instructor, journeyworker trainee, training director, JATC board member, JATC co-worker or a non-employee, such as a guest speaker, vendor, consultant, or invitee to a JATC-sponsored activity, event, or meeting.

Definitions

A. Discrimination

It is discrimination to base any decision regarding the terms and conditions of employment with the JATC or the terms and conditions of the apprenticeship training program on a person’s race, color, ethnicity, religion, creed, sex, pregnancy, genetic information, age, marital status, familial status, national origin, sexual orientation, disability, gender identity or expression, ancestry, status with regard to public assistance, or any other characteristic protected by law.

B. Harassment

Harassment consists of unwelcome verbal, visual, or physical conduct that is based on another person’s race, color, ethnicity, religion, creed, sex, pregnancy, genetic information, age, marital status, familial status, national origin, sexual orientation, disability, gender identity or expression, ancestry, status with regard to public assistance, or any other characteristic protected by law. It may include, but is not limited to, actions such as use of epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to sex, race, ethnicity, age, disability, or other protected categories. Harassment may also include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, placed on walls, bulletin boards, computer screens or other devices, or elsewhere on the school premises or circulated in the JATC’s workspace.

Unwelcome conduct can constitute harassment if:

- It has the purpose or effect of unreasonably interfering with an individual's learning experience or, for JATC employees, their working conditions or work performance;
- Creates an intimidating, hostile, or offensive learning or working environment; or
- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's participation in the apprenticeship program or their employment with the JATC.

C. Sexual Harassment

Sexual harassment can involve unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. It can involve conduct by a person of any gender toward a person of the same or other gender.

The following is only a partial list of sexually harassing conduct:

- Explicit sexual propositions
- Offering benefits in employment with the JATC or in the training program in exchange for sexual favors
- Making threats or retaliating after a negative response to sexual advances
- Sexual innuendo or sexually suggestive or sexually degrading comments about a person's body, sex life, sexual prowess, or sexual deficiencies
- Sexually oriented jokes, derogatory comments, epithets, slurs, or catcalls
- Obscene language, letters, notes, or invitations (including by email)
- Physical contact such as touching or impeding movements
- Conduct such as leering or making sexual gestures
- Displaying or distributing pornography or other sexually suggestive objects, pictures, cartoons, or posters (including by email or viewed or shared on a work computer or other device)
- Sexual content in text messages

Unwelcome sexual conduct can constitute harassment if:

- It has the purpose or effect of unreasonably interfering with an individual's learning experience or, for JATC employees, their work performance or working conditions;
- Creates an intimidating, hostile, or offensive learning or working environment;
- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's participation in the apprenticeship program or their employment with the JATC; or
- Submission to or rejection of the conduct by an individual is used as the basis for tangible actions in employment with the JATC or the training program.

Complaint and Investigation Procedure

As a means of ensuring a learning environment and JATC workplace that are free from discrimination and harassment, the JATC has established a formal procedure for the handling of discrimination or harassment complaints. This procedure is intended to supplement – not to replace or supersede – the other procedures available to employees under any applicable collective bargaining agreement, Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or any other applicable federal, state, or municipal fair employment practices law, or otherwise.

A. General Principles

The JATC strongly encourages you to come forward with a complaint at the earliest possible point. You should not wait to report harassment until it becomes severe or pervasive. The JATC is committed to stopping discrimination and harassment even if the conduct has not risen to the level of a violation of law.

If you feel comfortable doing so, you should respond to the discriminatory or harassing conduct by objecting and making clear that the conduct is unwelcome. However, you are not required to complain directly to the offending individual.

Efforts will be made to investigate and resolve complaints promptly, thoroughly, and impartially, and in as confidential a manner as is possible consistent with proper investigation of the complaint.

If a person is accused of discrimination or harassment, they shall not play any role in administering or making decisions under this procedure.

If an individual is determined to have engaged in discrimination or harassment, appropriate corrective action will be taken promptly, and appropriate consequences will be imposed, up to and including termination of employment with the JATC or participation in the apprenticeship program.

There will be no retaliation or other adverse action taken against an individual who makes a complaint, reports an incident of apparent discrimination or harassment, or who provides information in the course of the investigation of such a complaint or report. Any such retaliation can also be the subject of a complaint under this procedure. If retaliation in fact occurred, prompt and appropriate corrective action will be taken and appropriate consequences imposed, up to and including termination of employment with the JATC or participation in the apprenticeship program.

B. Procedure

The procedure for dealing with complaints of discrimination or harassment is as follows:

1. If you believe that you have been the target of discrimination or harassment, the JATC encourages you to report the alleged incident(s) as soon after the incident occurs as

possible to the JATC's Training Director. If the person accused of discrimination or harassment is the Training Director, you may submit your complaint to any Board member of the JATC.

You are not required under this procedure to complain directly to the offending individual.

It is the responsibility of any instructor, JATC employee, apprentice, or journeyworker trainee who observes discrimination or harassment or receives a complaint of discrimination or harassment to inform the Training Director immediately so that a prompt investigation may be conducted.

2. Complaints shall be investigated by the Training Director, or the Training Director can delegate the investigation to another qualified and responsible individual or firm in their discretion. If the Training Director is the subject of the complaint, the JATC shall delegate the investigation to a qualified or responsible individual or firm, which may include a Board member of the JATC. The person conducting the investigation shall be referred to herein as "Investigator."
3. Complainant shall provide the Investigator a description of the alleged discrimination or harassment in as much detail as possible, including a description of what occurred and the dates, times, and places of the incident(s). Complainant also should provide the names of individuals believed to have information relevant to the investigation. Investigator may request that this information be provided in writing. Anonymous complaints generally cannot be properly investigated.
4. Where appropriate and possible, the Training Director or Investigator may attempt to resolve the matter informally. If informal efforts are not appropriate or successful, Investigator will conduct an investigation to determine whether or not discrimination or harassment has occurred.
5. During the course of the investigation, Investigator will inform the individual alleged to have engaged in discrimination or harassment of the complaint and will give them the opportunity to respond to the allegations and to submit the names of individuals believed to have information relevant to the investigation.
6. The investigation will include a meeting with the complainant and a meeting with the accused and may include interviewing other individuals who may have relevant information. Relevant documents and other evidence may also be reviewed. The investigation will be conducted promptly, thoroughly, impartially, and in as confidential a manner as is possible consistent with proper investigation of the complaint.

7. If necessary, the JATC will take steps to ensure that discrimination or harassment does not occur during the period of investigation.
8. At the conclusion of the investigation, Investigator shall make a determination of whether discrimination or harassment occurred and will provide a full report to the JATC.
9. If the investigation establishes that discrimination or harassment has occurred, the JATC will direct the accused to appear before the JATC and will decide on the appropriate corrective action. Corrective action will be taken promptly and may include action designed to end and to remedy the discrimination or harassment and to prevent it from recurring. Action may include imposition of discipline on the discriminator/harasser, ranging from reprimand to removal from the apprenticeship program for apprentices or discharge if that person is a JATC employee or instructor. If the discriminator/harasser is an employee of a vendor, consultant, or any other employing entity, the JATC may inform that employing entity of the investigation and findings and request further disciplinary actions be taken by that entity. JATC will take all reasonable steps to ensure that the complainant is no longer subject to the discrimination or harassment.
10. The JATC will inform both the complainant and the accused of the outcome of the investigation and in general terms of any measures taken to correct the discrimination or harassment.
11. If the investigation establishes that discrimination or harassment has occurred, the JATC and Training Director will ensure that the discrimination or harassment has not resumed and that neither the complainant nor any other individual has been subjected to any retaliation for having complained of the discrimination or harassment, reported an incident of apparent discrimination or harassment, or provided information during the investigation.
12. If the apparent discrimination or harassment has occurred on a participating employer's jobsite or in the course of employment with a participating employer, apprentices should report their complaint to their employer using the employer's reporting procedures for harassment and discrimination and seek the assistance of their Local Union in doing so. If the apprentice's complaint is not resolved through their employer's policies and procedures and/or the Local Union's collectively bargained procedures, the apprentice should report their complaint to the JATC using this procedure.

If you have any questions about this policy and procedure or if you want additional information concerning complaints of discrimination or harassment, the JATC encourages you to contact the Training Director.

Anti-Discrimination and Anti-Harassment ACKNOWLEDGMENT

I hereby acknowledge that the South Central MN Electrical JATC (“JATC”) has provided me with a copy of its Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure (“Policy”). By my signature below, I affirm that I have had an opportunity to read the Policy and ask questions about it and agree to comply with it in all respects at all times while I participate in the apprenticeship training program or while I am employed by or under contract with the JATC. I understand that **my compliance is mandatory** and that if I violate this Policy, I will be subject to disciplinary action, up to or including termination of my apprenticeship or employment with the JATC.

Dated: _____

Signature: _____

Printed Name: _____

Whistleblower

(revised 4/1/2022)

General

ERISA and the policies of the JATC require that its Trustees, committee members, employees, and apprentices observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and Trustees of the JATC must practice honesty and integrity in fulfilling their responsibilities in complying with all applicable laws and regulations.

Reporting Responsibility

It is the responsibility of all Trustees, committee members, employees, and apprentices of the JATC to comply with all policies governing the JATC and to report violations or suspected violations of policies or law in accordance with this Whistleblower Policy.

No Retaliation

No Trustees, committee members, employees, and apprentices, who in good faith, report a violation of the JATC's policies or applicable federal or state law, shall suffer harassment, retaliation, or adverse employment consequences. A Trustee, committee member, employee, or apprentices who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment with the JATC or termination of their position in the JATC. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the JATC prior to seeking resolution outside the JATC.

Reporting Violations

This Policy addresses the JATC open door policy and encourages Trustees, committee members, employees, and apprentices to share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, the Training Director is in the best position to address an area of concern. However, if you are not comfortable speaking with the Training Director or are not satisfied with their response, you are encouraged to speak with the Chairperson of the JATC Committee. All Trustees, committee members, employees, and apprentices are required to report suspected violations of any policy to the Training Director, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the Organization's open-door policy, individuals should contact the Chairperson of the JATC. Any suspected violations of policies or law are to be reported to the Organization's Compliance Officer, who is the Training Director of the JATC.

Compliance Officer

The Training Director of the JATC shall act as the Organization's Compliance Officer. The Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of JATC policies and, at their discretion, shall advise the JATC committee. If it is suspected that the JATC Compliance Officer has violated this Policy, a report of this shall be made to the Chairperson of the JATC Committee.

Accounting and Auditing Matters

The Chairperson of the Committee shall address all reported concerns or complaints regarding accounting practices, internal controls, or auditing. The Chairperson shall immediately notify the Committee of any such complaint and work with the Committee until the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of JATC policies must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violations within five (5) business days. All reports will be promptly investigated, and appropriate corrective action will be taken in warranted by the investigation.

Substance Abuse Policy and Program for Joint Apprenticeship and Training Committees

(adopted 10/16/2017)

The JATC has an ongoing commitment to promoting safety and productivity in the workplace. In recognition of the dangers and costs associated with substance abuse, the JATC hereby adopts the following Substance Abuse Policy governing apprentice applicants to the JATC Apprenticeship Program.

For purposes of this policy, “illegal drugs” means prohibited substances or controlled substances as defined by law and includes medications that contain a controlled substance which are used for a purpose, in an amount, or by a person for which they were not prescribed or intended.

The JATC recognizes that prescription medications may affect job performance, workplace safety, and classroom learning. The legal use of prescribed drugs generally is permitted on the job and in training provided that it does not impair an apprentice’s ability to perform the essential functions of the job and to participate in training effectively and in a safe manner that does not endanger the apprentice or other individuals. The JATC reserves the right to obtain a medical opinion regarding the effects of a prescription medication on an apprentice’s ability to safely and effectively perform their duties and participate in training while taking the medication.

The JATC will not withdraw an offer of selection for the program or discipline apprentices for their use of the prescribed medical marijuana, nor will the JATC withdraw an offer of selection or discipline an apprentice as the result of testing positive for prescribed medical marijuana on a confirmatory test. However, apprentices are still prohibited from using, possessing, or being impaired by medical marijuana at the jobsite, during work hours, while in the classroom or while participating in training at the apprenticeship training facility. (revised 8/17/2022)

Introduction

1. Purpose

The purposes of this Substance Abuse Policy and Program (Policy) are:

- a. To maintain the safety of all jobsite personnel
- b. To preserve property belonging to the construction owner, other employers, and employees on the jobsite
- c. To enhance the jobsite and classroom learning experiences of apprentices
- d. To assure that apprentices perform quality work on construction projects

2. Fairness of Application

The JATC also stands for fair rules of employment, the dignity of workers, and the importance of providing a substance-impaired worker, who seeks help, with an opportunity for rehabilitation. Accordingly, this Policy will be applied in full compliance with these principles, and with all laws, regulations and court decisions which secure these fundamental rights in connection with any chemical testing to which employees, including apprentices, may be subjected.

3. Conditions of Applicability

This Policy provides for drug and alcohol testing in two situations:

- a. With respect to applicants for the apprenticeship program – after notice of testing and after a conditional offer of selection has been made to an individual by the JATC, but prior to indenture
- b. With respect to incumbent apprentices, where:
 - i. The JATC, based on all the facts at its disposal, believes there is reasonable cause to believe that unlawful use of drugs, or impairment from alcohol, exists
 - ii. The apprentice in question denies such use or impairment

4. Notice

The JATC will make this Policy available to all current and future apprentices. The JATC will also make the Policy available to applicants for apprenticeship, after a conditional offer of selection has been made to the individual by the JATC, and prior to indenture.

5. Disclaimer

The JATC also recognizes that, frequently, construction owners and/or general contractors impose their own substance abuse policies and programs on electrical contractors working at their construction projects. In addition, electrical contractors may have their own substance abuse programs. While this Policy is not intended to prevent electrical contractors from complying with those policies and programs, the JATC is not endorsing any independent substance abuse programs or policies which may be negotiated by the Local Union(s) or established by owners, general contractors, or electrical contractors. Nor by implementation of this Policy does the JATC assume responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any apprentice or applicant for apprenticeship.

Confidentiality

1. Information Kept Confidential

All information obtained by the JATC regarding drug and alcohol testing of apprentices or applicants for the apprenticeship program shall be maintained in separate files and shall be treated in all respects as confidential medical records.

2. Communication on a Need-to-Know Basis Only

Information on test results shall be communicated only to those who need to know in order to implement the Policy and ensure safety and proper treatment of tested apprentices or applicants. Information regarding an apprentice's or applicant's drug test results or rehabilitation status may be released only upon written consent by the apprentice or applicant, except that, regardless of consent, such information may be released where permitted by law:

- a. To the representative of a State agency upon request as part of an accident investigation
- b. If the Medical Review Office (MRO) believes that continued performance by the apprentice or applicant of their safety-sensitive function could pose a significant safety risk to the apprentice or applicant or to others.

Testing

Refusal to submit to testing as required and/or permitted under this Policy, or falsification of a test, will be regarded as a positive test result, rendering the apprentice or applicant subject to the attendant consequences set forth herein. Failure to appear for testing without a deferral will be considered refusal to submit to testing.

1. Testing of Applicants

a. In General

Applicants for an apprenticeship program shall not be asked about drug or alcohol dependence or use until a conditional offer of selection has been made.

Once a conditional offer of selection has been made to an applicant, however, the applicant shall, prior to being indentured in the apprenticeship program, be tested for alcohol impairment and illegal drug use at the expense of the JATC. The JATC will require testing to be conducted within 48-hours of a conditional offer. The JATC will provide a list of approved clinics within the jurisdiction. An applicant testing positive for alcohol impairment or illegal drug use, pursuant to the provisions otherwise set forth in this Policy, shall be denied selection.

b. Alcohol dependence

If, however, an applicant for an apprenticeship program discloses in the course of the application process, and prior to being selected and subjected to alcohol impairment testing, that they suffer from alcohol dependence, the applicant shall be tested to determine whether they are presently alcohol-impaired.

- i. If the test result is “positive”, the applicant shall not be selected.
- ii. If the test result shows that the applicant was not then impaired, the applicant shall proceed with the application process, shall not be denied selection on the basis of their alcohol dependence, and shall be told that the use of alcohol at the workplace will subject the applicant to immediate discharge from the Program.
 1. Except as provided in paragraph (ii), if the applicant is selected, they shall be instructed to enroll in an appropriate alcohol treatment and counseling program as a condition for being indentured in the apprenticeship program. If the applicant is indentured on this basis, and is enrolled in such a program, then, until such time as the apprentice provides the JATC with a certified statement from the rehabilitation program that the apprentice has successfully completed the program, the apprentice may be tested for alcohol impairment, at no cost to the apprentice, prior to each new assignment by the JATC for on-the-job training. If such an apprentice tests “positive” for alcohol impairment prior to receiving such a certificate, the apprentice shall immediately be terminated from the apprenticeship program.
 2. If the applicant is selected and has already completed an alcohol treatment and counselling program, the applicant shall provide

3. the JATC with a certified statement from the rehabilitation program that they have successfully completed the program.

2. Testing of incumbent Apprentices

a. **Reasonable Cause Testing**

Incumbent apprentices shall be tested if the JATC, based on all the facts at its disposal, determines there is a reasonable cause to believe that unlawful use of drugs, or impairment from alcohol, exists; and the apprentice in question denies such use or impairment. For purposes of this Policy “reasonable cause” may be based on, among other things:

- i. Information provided by an employer to whom an apprentice has been assigned that the apprentice has been administered a test revealing the presence of alcohol or prohibited drugs, unless the apprentice provides the JATC with:
 1. Documentation from a physician stating that the positive result from the test may have been caused by the use of a properly prescribed medication; or
 2. “Negative” test results from a certified laboratory’s independent test of the secured portion of the same sample
- ii. Failure of an apprentice, when asked to do so by the JATC, to make a written request for, and use their best efforts to obtain, the results of an employer-administrated drug or alcohol test, and to provide a copy of the written request and any results obtained to the JATC or its authorized agents
- iii. Information provided by reliable and credible sources, or independently corroborated, that the apprentice is or may be using illegal drugs or is currently impaired by the use of alcohol
- iv. Newly discovered evidence that an apprentice has tampered with a previous drug or alcohol test
- v. Sudden changes in work or classroom performance
- vi. Repeated failure to follow instructions or procedures
- vii. Violation of safety practices
- viii. Involvement in a near accident
- ix. Odor of alcohol or residual odor peculiar to an illegal drug emanating from an apprentice or near an apprentices’ work or study area
- x. Unexplained or frequent absenteeism
- xi. Unexplained or frequent rejection for employment
- xii. Unexplained drowsiness, disorientation, erratic behavior, or mood changes
- xiii. Arrest or conviction for violation of criminal drug statues

b. **Possession is the equivalent of a positive test**

When an apprentice is found at the jobsite or classroom in possession of illegal drugs, drug paraphernalia, or alcohol, there is no need to engage in drug or

alcohol testing of the apprentice. The apprentice will be regarded as having tested positive for purposes of this Policy.

c. No testing if necessary medical attention is jeopardized

Testing of an injured apprentice will take place only if it will not jeopardize necessary medical attention for the apprentice.

3. Testing of Other Individuals

The JATC may also test other individuals who receive training from the JATC, but who are neither registered apprentices nor journeyworkers. Such persons will be given a copy of this Policy prior to JATC training, and the JATC will apply the standards set forth herein for incumbent apprentices to such individuals.

Testing Procedures for Drugs

The following procedures will be followed when substance abuse testing is conducted:

1. Methods of Testing

All drug testing shall be conducted in accordance with the U.S. Department of Health and Human Resource Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs", as set forth in the **Federal Register**.

All drug testing shall be by urinalysis or other method which may subsequently be recognized by the U.S. Government as state-of-the-art for validity and accuracy of drug testing results. Effective October 1, 2017, HHS will permit oral fluids testing instead of urinalysis, but only if the donor is unable to provide a urine sample.

Testing shall be performed only by laboratories certified by HHS and published monthly in the Federal Register.

In addition, testing samples shall be separated into two (2) containers at the time of donation of the sample (Bottle A and Bottle B). initial and confirmatory tests (if necessary) shall be performed on the sample in Bottle A. Bottle B of the original sample shall be kept secure and chemically stable and made available for verification of laboratory testing results as provided in paragraph 5.c. below.

2. Substance Tested For

HHS authorizes testing for a five-panel drug profile. The five (5) drugs are: marijuana, cocaine, opiates, phencyclidine, and amphetamines. Beginning on October 1, 2017, HHS also authorizes testing for: oxycodone, hydrocodone, oxymorphone, and hydromorphone.

3. Privacy and Chain of Custody

Collection of urine specimens must be completed in a private setting. For urine and oral fluids, HHS protocol regarding chain of custody and marking of samples must be followed. A copy of the chain of custody paperwork and labeling information will be made available to the apprentice or applicant upon request.

4. Positive Test Results

All initial tests which show a positive result for drugs must be confirmed by more rigorous standards, using HHS protocols.

A confirmed positive test result shall mean test levels on both the screening test and the confirmatory test that are recognized as positive by the HHS Mandatory Guidelines, in their current form or in any subsequent rule or regulation issued by that Agency, for any of the illegal drugs listed in such Guidelines.

5. Oversight by Medical Review Office (MRO)

All drug testing shall come under the control and supervision of a licensed physician, with knowledge of substance abuse disorders. This physician, called a Medical Review Officer (MRO), will protect apprentice or applicant confidentiality, and otherwise abide by the Medical Review Officer Manual, as published on the HHS/Substance Abuse and Mental Health Services Administration (SAMHSA) website:

<http://beta.samhsa.gov/workplace>.

The role of the MRO in drug testing includes the following:

a. Procedures for confirmed positive tests

If a positive test is confirmed, the MRO will contact the apprentice or applicant as soon as possible.

i. An apprentice or applicant whose test results are “positive” shall be advised of the right to provide an alternative explanation and/or to have a secured portion of their urine sample independently retested by a HHS Certified laboratory of their choice and at their expense, as provided in paragraphs b and c below.

ii. The apprentice or applicant shall also receive copies of the following:

1. Test results

2. A copy of this Policy, which includes notice of the possible adverse actions the JATC may take.

b. Right to provide alternative explanation

After submitting to a test, or after being notified of a positive test, an apprentice or applicant may voluntarily provide the MRO with evidence indicating that a positive result from the test may be caused by the apprentice or applicant’s use of properly prescribed medication. If the evidence is satisfactory to the MRO, a positive test result will not result in adverse action.

c. Right to have secured portion of split sample independently tested

An apprentice or applicant who tests positive shall have the right to have the secured portion of their urine (or oral fluids) sample independently tested by an HHS-certified laboratory of their choice and at their expense.

The apprentice or applicant must notify the JATC or the MRO within three (3) working days of notification of a positive test result that the apprentice or applicant wishes to have the secured portion of the split specimen tested.

The proper chain of custody and documentation must be adhered to by the second lab, which also must be a lab certified by HHS to perform urine drug testing.

If the independent test is “negative”, the apprentice or applicant shall be reassigned to on-the-job training immediately.

d. Reporting test results

If the MRO deems an alternative explanation satisfactory, or, if the test on the secured sample comes back negative, the MRO shall report a negative result to the JATC.

Otherwise, the MRO reports a positive result to the JATC. The MRO reports only that the sample was positive: they do not identify the drug, or the levels detected. The positive result report shall result in withdrawal of the conditional offer for an applicant, and an incumbent shall be subject to the procedures set forth in “Consequences of Testing Positive for Drug or Alcohol” section below.

e. Failure to respond to the MRO or JATC

If the MRO cannot contact the apprentice or applicant within three (3) days, and after making three (3) attempts, the JATC representative will be notified to contact the apprentice or applicant and advise them to contact the MRO. At this time, no test results will be given to the JATC.

6. No Waiver of Liability for Testing

No apprentice or applicant for an apprenticeship program shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the testing process.

Testing Procedures for Alcohol

1. Methods of Testing

Because HHS does not provide standards for alcohol testing, all alcohol testing shall be conducted in accordance with the protocols and procedures contained in the Nuclear Regulatory Commission’s (NRC’s) regulations for alcohol testing, which are part of the NRC’s rules governing fitness for duty (10 CFR Part26).

Initial testing shall be done by breathalyzer, or, in the alternative, by oral fluids testing. Such initial testing must be done, at a minimum, by alcohol screening devices (ASDs) approved by the National Highway Traffic Safety Administration

(NHTSA). No adverse action shall be taken against any apprentice or applicant by the JATC on the basis of an unconfirmed “positive” result of an initial alcohol test.

The confirmatory test must be done on a breath sample, regardless of whether the initial test was by breathalyzer or oral fluids screening. Such confirmatory testing must be done by “evidential-grade breath alcohol analysis devices” (EBTs).

2. Chain of Custody

Chain of custody must also be established for alcohol tests. As HHS has stated, the provisions of 29 CFR 26.91(c) regarding EBTs are “necessary to establish an unimpeachable chain of custody for confirmatory alcohol test results...” See 73 Fed. Reg. at 17059 (March 31, 2008).

3. Positive Test Results

A positive alcohol test result shall mean test levels on both the initial test and the confirmatory test that meet the levels set forth in the NRC’s regulations for alcohol testing, or other tests that are officially recognized as showing impairment by the applicable federal, state, or local governmental authority. If the results of the confirmatory tests are negative, no further action is taken. If the results are positive, adverse action may be taken.

4. No MRO Review or Independent Testing

No MRO review is required for a confirmed positive alcohol test result under the NRC regulations (10 CFR 26.5). The NRC has permitted the donor to provide a blood sample for independent testing at their own expense. This option is no longer available under the NRC regulations.

5. No Waiver of Liability for Testing

No apprentice or applicant for an apprenticeship program shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the testing process.

Consequences of Testing Positive for Drug or Alcohol

1. Applicants

An applicant for apprenticeship who tests positive on a drug or alcohol test shall have their conditional offer of selection withdrawn. Two (2) diluted test results will be considered a confirmed positive test. The applicant may reapply to the Program 6-months from the date of withdrawal of offer.

2. Incumbent Apprentices

An incumbent apprentice testing positive on any drug or alcohol test, shall on first occurrence, be offered the opportunity to enter a rehabilitation or counseling program. The JATC shall provide information to the apprentice concerning the existence of public and private drug counseling, assistance, rehabilitation, and other drug and alcohol

abuse treatment programs of which the JATC is aware. (Employee Assistance Plan or EAP).

If the apprentice enters such a program, their status as an apprentice will not be affected, except that pending certification of satisfactory completion of the program, the apprentice's OJT shall be suspended without pay. Apprentices shall not be eligible to return to work, or be assigned through the JATC for employment, until the apprentice has passed a post-treatment drug and alcohol test at the expense of the JATC, pursuant to the standards of this policy.

The JATC shall endeavor to accommodate the times during which the apprentice must be absent to participate in such program, in order to allow the apprentice to continue to receive classroom training. If the "program" feels it is permissible for the apprentice to be in school while completing the "program" then they shall be. If at the end of the "program" the apprentice cannot pass the post-treatment drug and alcohol test, then the JATC may not permit the apprentice to attend classes.

Effective Date/Amendments

The effective date of this Policy is December 1, 2017.

Changes in the law and technology governing substance abuse testing may require modification or revision of this Policy from time to time. Apprentices shall be provided with notice of such modifications or revisions, when adopted by the JATC, at least 30-days prior to their effective date.

Substance Abuse Consent Form

I have been given a copy of the JATC's Alcohol and Substance Abuse Policy and Program (Policy). I have read the Policy and understand its contents.

As a condition of participation in the apprenticeship program, I applicant – apprentice (circle one), hereby consent to submit to such urinalysis, oral fluids, breathalyzer and/or other tests as shall be determined by the JATC for the purposes of determining the presence of prohibited drugs or alcohol. I agree that any specimens collected for these purposes may be forward by the JATC to a certified testing laboratory for analysis. I further agree to and hereby authorize the release of the results of said tests to the JATC or its authorized agents.

I hereby authorize any physician, addictionologist, counselor, or other rehabilitation professional to discuss my compliance with the Policy with the JATC, or its authorized agents.

I understand that my refusal to submit to testing as required and/or permitted under the Policy, or falsification of a test, will be regarded as a positive test result, rendering me subject to the attendant consequences set forth in the Policy.

I further understand that OJT is a critical part of my apprenticeship, and that as a condition of receiving OJT I may be required by my employer to submit to urinalysis, oral fluids, breathalyzer and/or other tests for the purposes of determining the presence of prohibited drugs or alcohol. I agree to and hereby authorize the release of the results of any such tests and/or examinations to the JATC or its authorized agents.

If the JATC asks me to do so, I will make a written request for, and use my best efforts to obtain, the results of any such tests and/or examinations from my employers. I further agree to provide a copy of the written request and any results I obtain to the JATC or its authorized agents. I understand that my failure to take any of these actions will be regarded as reasonable cause for testing under the terms of the Policy.

I further understand that an employer-administered test revealing the presence of alcohol or prohibited drugs may be regarded as reasonable cause for testing under the terms of the Policy, unless I provide the JATC with: (1) documentation from a physician stating that the positive result from the test may have been caused by the use of a properly prescribed medication; or (2) "negative" test results from a certified laboratory's independent test of the second portion of the same sample.

I hereby authorize any employer, physician, addictionologist, counselor, other rehabilitation professional to discuss with the JATC or its authorized agents, the results of any employer-administrated urinalysis, oral fluids, breathalyzer and/or other tests administered for the purposes of determining the presence of prohibited drugs or alcohol.

I understand that changes in the law and technology governing substance abuse testing may require that the JATC modify or revise this Policy from time to time, and that I will be provided with notice of such modifications or revisions, when adopted by the JATC, at least 30-days prior to their effective date.

I have carefully read the foregoing Consent Form and fully understand its contents. I acknowledge that my signing this form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Printed Name

Social Security Number (last 4 digits only)

Signature

Date

Printed Name of Witness

Signature of Witness

Date

Policy Statement Acknowledgement

Please complete the following statement:

I have been given the opportunity to read and review the JATC's written Rules and Policies. A representative of the JATC has adequately reviewed this material with me and satisfactorily answered all questions. I understand my responsibilities, as outlined in these documents, agree to abide by them, and accept full responsibility for my actions while an apprentice in this program. I understand that my failure to abide by these regulations may result in termination of my apprenticeship registration.

1. Policy Statement
2. Scholarship Loan Agreement
3. Computer and Internet Usage Policy
4. Cheating Policy
5. Email Procedures Policy
6. Timecard Policy
7. Performance Review Policy
8. Referral Policy
9. Short Call Policy
10. Commuting Policy
11. Transfer Policy
12. Leave of Absence Policy
13. State Board of Electricity Exam Policy
14. Anti-Discrimination & Anti-Harassment Policy
15. Whistleblower Policy
16. Substance Abuse Policy & Program

My signature below certifies that I have been provided with a copy of the written Rules and Policies adopted by the JATC and in effect as of this date.

Date

Applicant/Apprentice's Full Name (Printed)

Applicant/Apprentice's Signature

SBOE – Apprentice's Full Name: _____