

STATEMENT OF POLICY

(APPRENTICESHIP)

DAKOTAS AREA ELECTRICAL APPRENTICESHIP AND TRAINING FUND (JATC)

APPROVED: SEPTEMBER, 1973
REVISED: AUGUST 10, 1979
REVISED: AUGUST 6, 1982
REVISED: APRIL 23, 1986
REVISED: MAY 11, 1988
REVISED: AUGUST 17, 1988
REVISED: DECEMBER 1, 1991
REVISED: AUGUST 1, 1992
REVISED: JULY 15, 1996
REVISED: FEBRUARY 16, 1998
REVISED: AUGUST 3, 1999
REVISED: FEBRUARY 12, 2001
REVISED: JUNE 1, 2001
REVISED: JUNE 1, 2003
REVISED: JUNE 2005
REVISED: JUNE 1, 2010
REVISED: AUGUST 4, 2012
REVISED: FEBRUARY 4, 2013
REVISED: JUNE 2, 2016
REVISED: NOVEMBER 21, 2017
REVISED: AUGUST 1, 2019
REVISED: MAY 4, 2020
REVISED: _____

Table of Contents

I)	Committee Policies – General	3
	A. Drug Policy - See Drug Policy on Page 10	3
	B. Indenture	3
	C. Basic Standards.....	3
	D. Advancements	5
	E. Completion of the Program	5
II)	Related Instruction.....	5
	A. Attendance.....	5
	B. Conduct	6
	C. Completion of Coursework.....	6
	D. Grades.....	6
	E. Training Materials	6
	F. On-The-Job Training.....	7
	1. Tools.....	7
	2. Performance	7
	3. Work Experience	7
	4. Apprentices Who Quit an Employer	7
	5. Lack of Work.....	7
	6. Termination.....	7
	7. Transfers	8
	8. Job Assignments	8
	G. Placement Procedure	8
III)	Reports.....	9
	A. Work Record Report	9
IV)	General Policies	9
	A. Scheduled Absence	9
	B. Probationary Period	10
	C. Standards	10
	D. Appeals and Deadlocks	10
	E. Disciplinary Action.....	10
	F. Appearance Before Local Subcommittee	10
	G. Veterans	10
	H. Change of Status	11
V)	Drug Policy	11
	A. Preamble	11
	B. Confidentiality	13
	C. Testing.....	13
	D. Incumbent Apprentice Testing.....	13
	E. Testing Procedures.....	14
	F. Effect of a Positive Drug or Alcohol Test.....	17
VI)	Sexual Harassment Policy.....	17
	A. General.....	17
	B. What Constitutes Sexual Harassment?.....	17
	C. Filing and Investigating Complaints.....	18
	D. Resolving Complaints	18
	E. Retaliation Prohibited.....	18
	F. Contractor Responsibilities	19
VII)	Contact List	19

VIII) Signature Sheet.....21

APPRENTICESHIP POLICY STATEMENT

The following is the Policy Statement issued by the Trustees of the Dakotas Area Electrical Apprenticeship and Training Fund ("Trustees"). Nothing contained in this Statement of Policy will be contrary or conflicting with the JATC Standards. The Trustees of the Dakotas Area Electrical Apprenticeship and Training Fund may change this Statement of Policy at any time.

I) Committee Policies – General

A. Drug Policy - See Drug Policy on Page 10

B. Indenture

All Apprentices are indentured to the Dakotas Area Electrical Apprenticeship and Training Fund ("Apprenticeship Program") through the Local Subcommittee without discrimination because of race, color, age, religion, national origin or sex. The Board of Trustees of the Dakotas Area-wide Electrical Apprenticeship and Training Fund ("Trustees") will take affirmative action to provide equal opportunity in Apprenticeship and will operate the Apprenticeship Program as required under Title 29 of the Code of Federal Regulations, Part 30, and other applicable law and regulations issued under applicable law. An agreement, the indenture, which actually makes the Apprentice a party to the Standards, is signed by the Apprentice and a representative of the Trustees. Furthermore, each agreement (indenture) is registered with the certifying agency of the U.S. Department of Labor, Bureau of Apprenticeship and Training.

C. Basic Standards

The Standards governing the operation of the Apprenticeship Program require that each apprentice successfully complete 8,000 hours of relevant On-The-Job Training ("OJT"), complete a minimum of 900 hours of related instruction, and satisfactorily pass all examinations before being issued a certificate of completion by the Apprenticeship Program. The term of Apprenticeship may be changed by approval of the National IBEW and NECA and adoption of such change by Local NECA/IBEW negotiations. Apprentices indentured at the time of such change will continue under the terms in force at the time of their indenture to the Program, unless applicable law provides otherwise. The current term of Apprenticeship is five years. Note: All apprentices who at the time the basic standard was adopted have 6,500 hours of OJT, have completed the fourth year of school, and have acquired a state electrical license will be advanced to the tenth Step.

An individual who the Director of Education verifies has completed at least 4,000 hours of relevant work experience will be given direct entry into the Apprenticeship Program area-wide upon application. The Director of Education may, in his or her sole discretion, provide additional credit on the wage scale and training classes to a direct entry Apprentice who has demonstrated completion of in excess of 4,000 hours of relevant work experience and capability.

<u>Period</u>	<u>Percentage of Journey Level-Worker Rate</u>			<u>OJT Hours</u>	<u>Related Training Completed</u>
	1426	714 & 1250	426		
1	(47%)	(50%)	(50%)	0 – 1,000	
2	(52%)	(55%)	(55%)	1,000 – 2,000	
**3	(55%)	(55%)	(60%)	6 months & 2,000 – 2,750	Satisfactory Progress
4	(57%)	(60%)	(65%)	6 months & 2,750 – 3,500	
5	(62%)	(65%)	(67%)	6 months & 3,500 – 4,250	Satisfactory Progress
6	(67%)	(70%)	(69%)	6 months & 4,250 – 5,000	
7	(72%)	(75%)	(70%)	6 months & 5,000 – 5,750	Satisfactory Progress
8	(77%)	(80%)	(72%)	6 months & 5,750 – 6,500	
8	(83%)	(85%)	(75%)	6 months & 6,500 – 7,250	Satisfactory Progress
10	(88%)	(90%)	(85%)	6 months & 7,250 – 8,000	

** Vacation and Holiday and Pension benefits become effective.

All currently indentured Apprentices who have 6,500 hours of OJT, completed the fourth year of school and have acquired a state electrical license will be advanced to tenth step.

1. Problems

Any Apprentice who experiences issues, either on the job or in school, must contact the Director of Education by phone, letter, or in person. If the Director of Education cannot resolve the issue, the Director of Education will refer the issue to the Local Subcommittee for appropriate action.

Any Apprentice who wishes to appear before the Local Subcommittee may do so by making a written request through the Director of Education. The Director of Education will inform the Apprentice of the time and location to appear before the Local Subcommittee.

2. Complaints

Any Apprentice, Journey Level-Worker, Employer, or other person having a complaint against any other person regarding the violation of this Statement of Policy or the Standards must state their complaint in writing to the Director of Education. The Director of Education's written acknowledgement of the complaint will include the date and time that the complaint will be presented to the Local Subcommittee. This may be at the next regular meeting of the Local Subcommittee or at a special meeting called by the Chairman of the Local Subcommittee or the Director of Education. The Local Subcommittee will review the complaint and take appropriate action.

D. Advancements

Apprentices will be eligible for advancement after working a minimum of six months of OJT and timely submission of accurate Work Record reports to the Apprenticeship Program office. An Apprentice must submit all required reports to the Apprenticeship Program office no later than the tenth (10th) day of the month immediately following the month in which the OJT hours were worked to be considered for advancement. An Apprentice who is determined to be performing satisfactorily both on the job and in related training, AND is registered as an apprentice with his or her home state will be granted an advancement. Apprentices will not be advanced to the next period unless they have completed the prescribed number of On-The-Job Training hours, his/her Work Record reports are up-to-date, all training material fees are paid, and the Apprentice is maintaining satisfactory progress in related training.

E. Completion of the Program

The Training Program will issue a certificate of completion to each Apprentice who has successfully completed their required classroom instruction and OJT hours.

II) Related Instruction

A. Attendance

Apprentices are required to attend all scheduled related class sessions and timely complete all required training modules. This includes special sessions for CPR/First Aid, OSHA and other training that may be scheduled by the Local Subcommittee or Apprenticeship Program. There are no excuses for missed classes unless the Apprentice has requested a scheduled absence in advance consistent with Section V(A). **No other classes or activities will be counted towards make up.** Apprentices who cannot make it to class or will be late must notify their designated Regional Coordinator as soon as possible in advance. Questionable absences will require that the Apprentice appear before the Local Subcommittee. Excessive absence from or failure to complete classroom training instruction may result in removal from the Apprenticeship Program or other discipline. Excessive absence is defined as missing nine (9) or more hours of classroom related training credit.

An Apprentice who misses or fails to timely complete twelve (12) related classroom instruction hours per school year may, at the discretion of the Local Subcommittee, be required to repeat the school year at the same wage step or be removed from the Apprenticeship Program. An Apprentice who misses or fails to successfully complete twenty-four (24) hours of related training classes throughout the course of their Apprenticeship may be terminated from the Apprenticeship Program. A tardy will be assessed after an Apprentice is between one and fifteen (1-15) minutes late for a classroom instruction session. Three tardies will constitute one absence. An Apprentice who is fifteen (15) or more minutes tardy for an instruction session will be considered absent. Work is not an excuse for missing or failing to timely complete instruction sessions. An Apprentice may request permission from their designated Regional Coordinator to attend instruction at the Training Program site nearest to their OJT worksite.

An Apprentice working in an area where there are no scheduled related training classes may be required to travel in order to attend classes in another area or to complete virtual instruction. An Apprentice may be allowed to take related training virtually, at the discretion of the Director of Education if the distance to the related training classes is greater than one hundred miles.

B. Conduct

Apprentices are expected to be attentive during all Apprenticeship Program instruction and to conduct themselves in a manner that is not detrimental to the Apprenticeship Program. Issues and discussions that do not relate to the job or the related training portion of your Apprenticeship will not be taken up during class hours. Apprentices will obey all school regulations (parking, smoking, etc.). Any disrespect shown to the instructors, school officials, or other apprentices will result in disciplinary action. Apprentices found guilty of committing a gross misdemeanor or felony by the court system could face disciplinary action or possible discharge from the Apprenticeship Program because of the negative impact to the Industry.

C. Completion of Coursework

All Apprentices will come to class with all assignments completed. Apprentices that fail to come to class prepared will be sent home and counted absent. Apprentices are expected to maintain a passing grade of seventy-five percent (75%).

D. Grades

Grades will be based on: class participation and performance on quizzes and tests. A passing grade is seventy-five percent (75%). All Apprentices must maintain a passing average at all times. An Apprentice who fails a test will be required to meet with the Local Subcommittee. An Apprentice whose passing grade average falls below seventy-five percent (75%) will be placed on academic probation. The Apprentice will remain on academic probation and will not advance on the wage scale until the Apprentice achieves a passing grade average of seventy-five percent (75%). An Apprentice on academic probation who fails to show sufficient improvement may be terminated from the Apprenticeship Program. The Apprenticeship Program office will notify the Employer if an Apprentice is on academic probation. Training instructors will notify the Director of Education whenever an Apprentice fails a test or when an Apprentice's average falls below passing as well as the remediation plan.

E. Training Materials

An Apprentice is required to pay for and have access to Apprenticeship Program instructional materials prior to the scheduled start date for the applicable school year. These training materials are to be paid for when the Apprentice receives them. Failure to pay for training materials will result in that Apprentice not receiving the required instructional materials that correspond with the instructional year. No Apprentice will be allowed to begin classes without the required training materials.

F. On-The-Job Training

1. Tools

Each Apprentice, upon reporting for work, must possess the minimum tool requirements as contained in the local labor agreement. After one year, Apprentices must possess the same tools as a Journey Level-Worker.

2. Performance

Each Apprentice is expected to report for work every day (Monday-Friday), to be on time and to be ready to work, unless directed otherwise by the Employer or the Employer's representative. Apprentices who cannot report for work or will be delayed will contact their Employer one-half hour before starting time. Apprentices are expected to be dependable, to be willing to learn and to show initiative and good judgment. Apprentices must demonstrate a mechanical ability and a willingness to assume responsibility or face possible termination from the Program.

3. Work Experience

The Director of Education may rotate Apprentices to ensure that each Apprentice receives the training that is deemed necessary for that Apprentice to become a qualified Journey Level-Worker.

4. Apprentices Who Quit an Employer

Apprentices are not to quit an Employer. If the Apprentice feels that a problem exists, the Apprentice must contact the Director of Education, who will take appropriate action. Apprentices who quit an Employer are subject to termination from the Apprenticeship Program. An Apprentice who quits employment with an employer must appear before the Local Subcommittee at its next regularly scheduled meeting before being reassigned. The Director of Education will inform the Apprentice of the time and place of that meeting.

5. Lack of Work

Apprentices may, from time to time during their Apprenticeship, be laid off. Apprentices laid off because of lack of work will be placed as soon as possible. Apprentices must inform the Director of Education and the Local's Business Agent when being laid off.

6. Termination

Apprentices who are terminated from an Employer for a reason other than lack of work will be required to appear before the Local Subcommittee at its next regularly scheduled meeting, but not longer than one (1) month after termination. The Apprentice will be informed as to time and place of that meeting by the Director of

Education. Apprentices will not be placed until after the Local Subcommittee meets.

7. Transfers

Any Apprentice who wishes to transfer (shop to shop or Local Subcommittee to Local Subcommittee) must present a transfer request in writing to the Director of Education, who will present the request to the Local Subcommittee for its action. A request for transfer will not be considered unless made in writing to the Director of Education.

8. Job Assignments

- a. All requests for Apprentices must go directly to the Director of Education. Upon receiving the request, the Director of Education will review the contractor's Journey Level-Worker/Apprentice ratio to verify the eligibility for another Apprentice. The Director of Education will then review other contractor's ratios and consult with the Business Manager in the respective area.
- b. If a contractor's ratio is out of balance, the Director of Education will inform the contractor of the imbalance and identify an Apprentice for reassignment.
- c. If reassignment is required, the Director of Education will review the work reports of the Employer's Apprentices. If an Apprentice or Apprentices are accumulating work experience hours in work areas greater than required, that Apprentice or Apprentices may be subject to reassignment at the discretion of the Director of Education.
- d. If no Apprentices are available, indenturing another Apprentice will be at the discretion of the Local Subcommittee.

G. Placement Procedure

Employer requests for Apprentices must be submitted to the Apprenticeship Program office on an Apprentice request form. Eligibility to receive an Apprentice will be handled by the Director of Education. All indentured apprentices in the area must be employed prior to any new applicants being employed, except direct entry Apprentices. Employers cannot call for an Apprentice by name or specific period, nor have the right of refusal.

An Individual who the Director of Education has determined has 4,000 or more hours of verified relevant work experience will be placed with the program area-wide as a direct entry apprentice not as a direct interview applicant.

The Director of Education will do everything possible to maintain equality among the employers in regard to the average step of Apprentices employed. Unemployed Apprentices will be placed on an "out-of-work" list and reemployed in the order in which they were laid off. An exception to this may occur if an employer has a high step average among employed Apprentices. In such cases, the employer may request a lower step Apprentice and the reemployment in order of layoff provision may be waived.

III) Reports

Each Apprentice must timely submit a Work Record Report of OJT hours completed to the Apprenticeship Program office. Other records may be required from time to time. An Apprentice's failure to submit any required reports at the specific time will result in punitive action by the Local Subcommittee.

A. Work Record Report

Upon being indentured to the Apprenticeship Program and upon assignment to a particular employer, each Apprentice is required to fill out Work Record Reports for each day worked. Monthly Work Reports must be filled in for all hours worked during the month. It is important that hours be marked down in the proper category, as this information is used to determine if an Apprentice is receiving work experience in all aspects of the trade. An Apprentice must accurately complete all portions of the Work Record Report before it is submitted. Inaccurate and incomplete Work Record Reports will be identified and returned to the Apprentice for correction. Work Record Report must be submitted via the website at www.dakotasjatc.org.

The Apprentice must fill out and send in Work Record Reports even if he/she is unemployed.

IT IS IMPERATIVE THAT THESE WORK RECORD REPORTS BE SUBMITTED ON TIME AT THE END OF EACH MONTH. All reports must be submitted by the tenth (10th) of the month following the month in which the OTJ hours were worked. Any report received later than the tenth (10th) will be considered late. All late reports will result in a penalty of sixteen (16) working hours for each day the report is late. This penalty will also apply to reports that are identified as needing correction and not returned by the date given in the correction notice. Any Apprentice assessed penalty hours for a late report will have his/her next pay raise withheld for a period equal to the number of penalty hours assessed. Penalty hours will be held to the first hour of the Apprentice advancement; therefore, penalty hours will be assessed after both the requirements of hours and school have been met.

If the Apprentice does not update a late report by the tenth (10th) of the month following a late report, his/her employment may be suspended. The Apprentice will then be directed to appear before the Local Subcommittee at its next regularly scheduled meeting. The suspended Apprentice will not be allowed to work until the Local Subcommittee has acted upon the suspension.

IV) General Policies

A. Scheduled Absence

Each Apprentice must schedule his/her absences so that there is not a conflict with related training. This includes time off for hunting or fishing trips. The relevant Training Program Instructor must verify that an Apprentice who has requested a scheduled absence has completed all required Training Program instructional work prior to the first day of the schedule absence.

B. Probationary Period

Each Apprentice will serve a 2,000-hour probationary period. This is 2,000 hours of actual employment. During this period, the Local Subcommittee may terminate an Apprentice for cause. After the probationary period, the Local Subcommittee may still terminate an Apprentice, but the Apprentice is allowed a hearing before the Local Subcommittee.

C. Standards

Each Apprentice must read the Apprenticeship Program Standards and abide by the rules and regulations contained therein.

D. Appeals and Deadlocks

Apprentices may appeal any decision made by the Local Subcommittee. They must submit a written request for appeal to the Director of Education. The Trustees will resolve any Local Subcommittee deadlock on a decision.

E. Disciplinary Action

An Apprentice that does not adhere to the Apprenticeship Program Standards and to the Statement of Policy of the Apprenticeship Program is subject to disciplinary action. In some instances, the action is automatic and in other cases, the Local Subcommittee will take action. Possible courses of action include:

- Loss of pay by a forced lay-off;
- Withholding of advancement to next period; and/or
- Suspension or dismissal from the Program.

Instructors are directed to notify the Director of Education of all violations of Apprenticeship Program Standards or this Statement of Policy. The Director of Education will bring any violations to the attention of the Local Subcommittee for further action.

F. Appearance Before Local Subcommittee

Apprentices may be called before the Local Subcommittee at any time. Apprentices may, at any time, request to appear before the Local Subcommittee. The request must be made in writing through the Director of Education.

G. Veterans

Veterans will contact their local Veterans Administration Office to obtain a Certificate of Eligibility (Form #22-1993a). This form will then be submitted to the Training Office for certification. It will be forwarded to the Veterans Administration Office. All monthly certification of hour forms are to be submitted to the Office in Fargo. The hours will be verified and then forwarded to the appropriate VA Office.

H. Change of Status

Each Apprentice will be responsible for keeping the Apprenticeship Program office, the Local Union and the Vacation and Holiday and Health and Welfare Office (Benefit Plan Administrators) informed of any change of address and telephone number.

V) Drug Policy

A. Preamble

The Dakotas Area Electrical Apprenticeship and Training Fund (“Apprenticeship Program”) recognize that employment in the electrical contracting industry is potentially hazardous. Alcohol and substance abuse is an issue that concerns us all and efforts are being made on many levels to create an environment that discourages this destructive problem. Being under the influence of prohibited drugs or alcohol poses unnecessary and unacceptable safety and health risks not only to the user but to all those who work with him or her.

Other Substance Abuse Policies. While Employers bear the exclusive responsibility for the safety and health of employees at their work sites, including Apprentices, the Apprenticeship Program realizes that workplace safety is threatened by the use of illegal drugs and alcohol. Accordingly, the Apprenticeship Program has implemented the following Alcohol and Substance Abuse Policy. This Policy and Program is not intended to interfere with the rights of IBEW local unions to negotiate with Employers, the contents of whose substance abuse programs to which employees are subject. The Apprenticeship Program 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. While this Policy and Program is not intended to prevent electrical contractors from complying with those requirements, the Apprenticeship Program should not be understood as endorsing any independent substance abuse programs or policies which may be negotiated by local unions or established by owners, general contractors or electrical contractors. By implementation of the Program, the Apprenticeship Program does not assume responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any Apprentice or Applicant for Apprenticeship.

Purpose. The purpose of this Policy is to maintain the safety of all jobsite personnel, preserve the property belonging to the construction owner and Apprenticeship Program’s employees on the project, to enhance the jobsite learning experiences of Apprentices, and assure quality work performed by Apprentices on construction projects.

Fairness in Application. The Apprenticeship Program also stands for fair rules of employment, the dignity of workers, and the importance of providing an opportunity for rehabilitation for a substance-impaired worker who seeks help. Accordingly, this Substance Abuse Policy and Program 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.

Prohibitions Against Drug and Alcohol Use. All Apprentices must report to work for their Employer and report to Apprenticeship Training in a physical condition that will enable them to perform their jobs or training in a safe and efficient manner. Therefore, the Apprenticeship Program has adopted the following rules:

1. Apprentices will not use, possess, dispense or receive alcohol, illegal drugs or drug paraphernalia on Employer premises, job sites or Apprenticeship Training sites. Apprentices violating this rule will be immediately terminated from the Apprenticeship Program.
2. Apprentices will not report to work or Apprenticeship Training with any measurable amount of alcohol or illegal drugs in their system. Apprentices violating this rule are subject to the disciplinary measures set forth below in this Policy.

Conditions, for Applicability. The specific conditions under which testing may be performed are described in detail in this Policy and generally include two situations:

1. With respect to Applicants for an Apprenticeship Program, after a conditional offer of selection has been made to an individual by the Apprenticeship Program and prior to indenture; and
2. With respect to incumbent Apprentices.

For Apprentices performing work for an Employer:

1. Where an Employer to whom an Apprentice has been assigned informs the Apprenticeship Program that the Apprentice is or may currently be using illegal drugs, or is currently impaired by the use of alcohol, and the Apprenticeship Program, based on all the facts at its disposal, determines there is reasonable cause to believe such use of drugs or impairment from alcohol exists;
2. The Apprentice in question denies such use or impairment; and
3. There is no testing mechanism put in place by the Employer to resolve the dispute.

For Apprentices attending training provided by the Apprenticeship Program:

1. Where a training instructor, trustee or committee member has reasonable cause to believe the Apprentice is impaired by the use of alcohol or drugs, based on all the facts at his disposal; and
2. The Apprentice in question denies such use or impairment.

The Apprenticeship Program recognizes that drugs and alcohol present a serious health problem and encourage all employees to seek assistance for such problems.

Notice. The Apprenticeship Program will make this Policy available to all current and future Apprentices, as well as to Applicants for Apprenticeship, after a conditional offer of selection has been made to the individual by the Apprenticeship Program and prior to indenture. A copy of this Policy will be posted at the Apprenticeship Program office and copies will be made available for inspection at the Apprenticeship Program office during regular business hours.

B. Confidentiality

1. All information obtained by the Apprenticeship Program regarding drug and alcohol testing of Apprentices or Applicants for an Apprenticeship Program will be maintained in separate files and will be treated in all respects as a confidential medical record.
2. Information on test results will be communicated only to those who need to know to implement and enforce the Policy and ensure safety and proper treatment of tested Apprentices. Information regarding an Apprentice or Applicant's drug test results or rehabilitation 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; and
 - b. If the Medical Review Officer (MRO) believes that continued performance by the Apprentice or Applicant of his/her sensitive-safety function could pose a significant safety risk to the Apprentice or Applicant or to others.

C. 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.

1. Pre-Indenture Testing
 - a. All Applicants to the Apprenticeship Program, to whom a conditional offer of selection has been made, will, prior to being indentured in the Apprenticeship Program, be tested for illegal drug use. An Applicant testing "positive" for illegal drug use, pursuant to the provisions otherwise set forth in this Program, will be denied selection.
 - b. Applicants for an Apprenticeship Program will not be asked about drug dependence or use until a conditional offer of selection has been made.

D. Incumbent Apprentice Testing

1. Incumbent Apprentices will be tested under the following conditions:
 - a. Where an Employer to whom an Apprentice has been assigned informs the Apprenticeship Program that the Apprentice is or may currently be using illegal drugs or is currently impaired by the use of alcohol and the Apprenticeship Program, based on all the facts at its disposal, determines there is reasonable cause to believe such use of drugs or impairment from alcohol exists; the Apprentice in question denies such use or impairment; and there is no testing mechanism put in place by the Employer to resolve the dispute.

- b. For Apprentices attending training provided by the Apprenticeship Program, where a training instructor, trustee or committee member has reasonable cause to believe the Apprentice is impaired by the use of alcohol or drugs, based on all the facts at his disposal, and the Apprentice in question denies such use or impairment.

For purposes of this Program, "reasonable cause" may include but is not limited to: sudden changes in work or classroom performance, repeated failure to follow instructions or procedures, violation of safety practices, involvement in an injury, accident or near accident, odor of alcohol or residual odor peculiar to an illegal drug emanating from an Apprentice or near an Apprentice's work or study area, unexplained or frequent absenteeism, unexplained drowsiness, disorientation, erratic behavior or mood changes, or arrest or conviction for violation of criminal drug statutes.

2. When an Apprentice is found at work or at the 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 terminated from the Apprenticeship Program.
3. Testing of an injured Apprentice will take place only if it will not jeopardize necessary medical attention for the Apprentice.

ADDITIONAL PERMISSIBLE TESTING OPTIONS INCLUDE:

1. *Random testing for safety sensitive positions, which includes electrical work.*
2. *Treatment program testing, which allows for testing of an individual during the time a person is in a chemical dependency treatment program (if referred by the Employer or Apprenticeship Program) and for up to two years following completion of the program.*

E. Testing Procedures

The following sets forth the procedures to be followed when substance abuse testing is conducted:

No Apprentice or Applicant for an Apprenticeship Program will 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.

1. All drug testing will be conducted by a laboratory that is certified as required by the applicable state or federal law.

NOTE: In North and South Dakota, there is no requirement that a laboratory be used and there are products available that will provide drug test results on-site and without referral to a laboratory. If this was used, we recommend that positive tests still be sent to a laboratory for confirmation and review by an NIRO.

Minnesota, however, requires a licensed laboratory be used.

2. All drug testing will be by urinalysis or other method which may be recognized by the U.S. Government for validity and accuracy of drug testing results.
3. All chemical testing will come under the control and supervision of a physician, with Apprentice or Applicant confidentiality protected in accordance with the Medical Review Officer (MRO) Manual, as developed by the National Institute on Drug Abuse ("NIDA"). The MRO will be a licensed physician with knowledge of substance abuse disorders. The role of the MRO is as follows:

- a. Reporting and review of lab test results

All tests which show a "positive" result must be confirmed by a retest of the sample.

- i. A "positive" drug test result will mean test levels on both the screening test and the confirmatory test are recognized as "positive" by the U.S. Department of Health and Human Services' ("HHS") "Mandatory Guidelines for Federal Workplace Drug Testing Programs" or in a subsequently issued rule or regulation issued by that Agency, for any of the illegal drugs listed in such Guidelines.
- ii. A "positive" alcohol result will mean test levels on both the initial test and the confirmatory test or tests that are officially recognized as showing impairment by the applicable federal, state or local governmental authority.

Collection of specimens must be completed in a private setting and NIDA/HHS protocol regarding chain of custody and marking of samples must be followed. A copy of the chain of custody and labeling information will be made available to the Apprentice or Applicant upon request.

- b. Within three (3) working days after receipt of the test result from the laboratory, the Apprenticeship Program will notify the Applicant or Apprentice in writing of a negative test result on an initial test or a confirmatory test. Alternatively, the MRO may notify the Applicant or Apprentice of the negative test result within three (3) days of the initial test or the confirmatory test, as applicable.
- c. If a "positive" test is confirmed, the MRO will contact the Apprentice or Applicant as soon as possible but no later than three (3) days after completing the confirmatory test.
 - i. An Apprentice or Applicant whose test results are "positive" will be advised of the right to:
 - Within three (3) days of receiving the notice from the MRO, explain the positive test result and the right to indicate any over-the-counter or prescription medication that the person is taking or has recently taken and any other information relevant to the reliability of or explanation for the positive test result; and

- Within five (5) days of receiving the notice from the MRO, request to have a confirmatory retest of the original sample at the Applicant's or Apprentice's own expense; and for an Apprentice, any limitations on termination of the Apprentice or, for an Applicant, any limits on the rights of the Apprenticeship Program to withdraw the offer of Apprenticeship.

Upon request, the Apprentice or Applicant will also receive copies of the following:

- a. Test results; and
 - b. A copy of this Policy, which includes notice of the possible adverse actions the Apprenticeship Program may take.
- ii. If the MRO cannot contact the Apprentice or Applicant within three (3) days and after making three (3) attempts, the Apprenticeship Program representative will be notified to contact the Apprentice or Applicant and advise him or her to contact the MRO. The Apprenticeship Program will contact the Apprentice within three (3) days of receiving notice from the MRO. At this time, no test results will be given to the Apprenticeship Program.
 - iii. If, after twenty-four (24) hours of being notified by the Apprenticeship Program to do so, the Apprentice or Applicant does not contact the MRO, the MRO will verify the "positive" test result to the Apprenticeship Program. The MRO may notify the authorized Apprenticeship Program representative of results by telephone, computer interface, fax or in writing.
 - iv. If the Apprenticeship Program cannot contact the Apprentice or Applicant within three (3) working days, the Apprentice or Applicant may be subject to termination from the Apprenticeship Program.
- d. Results will be communicated by the MRO to the Apprenticeship Program's authorized representative within three (3) business days of receipt. All such communications will be kept confidential and will be communicated only to those persons who need to know. Special attention to confidentiality must be observed at the jobsite.
 - e. If, within the time frame stated above, the Apprentice or Applicant submits evidence satisfactory to the MRO, a "positive" test result will not result in adverse action.
 - f. No adverse action will be taken against any Apprentice or Applicant by the Apprenticeship Program on the basis of an unconfirmed "positive" result of a drug or alcohol test.

F. Effect of a Positive Drug or Alcohol Test

An Apprentice testing "positive" on any drug or alcohol test, a confirmatory test and, if applicable a confirmatory retest will, on first occurrence, be offered the opportunity to enter a rehabilitation or counseling program. The Apprenticeship Program will 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 Apprenticeship Program is aware. If the Apprentice enters such a program, his or her status as an Apprentice will not be affected. If the Apprentice refuses to enter such a program or fails to successfully complete the program, the Apprentice will be terminated from the Apprenticeship Program. The Apprenticeship Program will 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.

An Applicant testing "positive" on any drug test, confirmatory test and, if applicable, confirmatory retest will have the conditional offer of Apprenticeship withdrawn.

You must sign the last page of this document, the signature page, and return it to the office to signify that you have read and understand this policy.

VI) Sexual Harassment Policy

A. General

The Apprenticeship Program does not tolerate sexual harassment of any type. Sexual harassment is unlawful, and such prohibited conduct exposes not only the Committee, but individuals involved in such conduct to significant liability under the law. The Apprenticeship Program expects its employees, including instructors, employers who hire Apprentices, and Apprentices to treat each other with respect and dignity so as not to offend the sensibilities of the individual. Sexual harassment not only hurts the immediate victim, but other employees and apprentices. Incidents of harassment can result in a general atmosphere in which the purpose of the Apprenticeship Program is undermined. The Apprenticeship Program and Trustees, therefore, are committed to vigorously enforcing this policy against sexual harassment. Apprenticeship Program employees or Apprentices who engage in such conduct will be disciplined. Employers who engage in such conduct against Apprentices will be denied access to Apprentices.

B. What Constitutes Sexual Harassment?

Sexual harassment according to the Federal Equal Employment Opportunity Commission ("EEOC") consist of unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's training or employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for a training-related, or employment-related decision affecting such individual; and

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive or offensive working environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as touching, pinching, patting; sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience; and displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic.

C. Filing and Investigating Complaints

Any complaints of, or regarding, sexual harassment should be submitted to the Apprenticeship Program Director of Education or the Trustees if the complaint involves the Director of Education, and will be treated confidentially except to the extent necessary to investigate and resolve the complaint. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment, and indeed, anyone who observes sexual harassment is encouraged to report it. Complaints of sexual harassment will be fully investigated, and a determination of the facts will be made on a case-by-case basis. If the Employer has an established plan or policy that deals with sexual harassment, the Apprentice should follow such procedures as are set forth in the Employer's policy against sexual harassment, though they may elect to bring the matter to the Apprenticeship Program.

Apprenticeship Program instructors are responsible for reprimanding an Apprentice for engaging in an act of sexual harassment against another Apprentice that the instructor observes or of which the instructor becomes aware. If the conduct continues or recurs, the instructor must file an official complaint with the Apprenticeship Program Director of Education. If an employee wishes to pursue a sexual harassment complaint through a government agency or to seek outside help, he or she is entitled to do so. An individual may consult with the Apprenticeship Program for advice on how to proceed.

D. Resolving Complaints

After a thorough investigation, any Apprenticeship Program employee or Apprentice found to have committed an act of sexual harassment will be immediately disciplined. The discipline imposed will depend on the nature and severity of the misconduct found upon investigation and may include discharge for a first offense. The decision may be appealed back to the Trustees for review within thirty days of receiving the Apprenticeship Program's decision.

E. Retaliation Prohibited

The Apprenticeship Program will not tolerate any form of retaliation against an employee or apprentice who has made a complaint or cooperated in an investigation of alleged sexual harassment.

All persons contacted in the course of an investigation will be advised that they and other individuals involved in a complaint are entitled to be treated in a professional manner,

and that any retaliation or reprisal against an individual who is an alleged target of harassment or who has made a complaint, or has provided evidence in conjunction with a complaint, is prohibited and could result in discipline up to, and including, termination. Committee employees or Apprentices who are found to have engaged in retaliation or who fail to cooperate with an investigation of sexual harassment or retaliation will be subject to substantial discipline up to, and including, discharge or termination from the program.

F. Contractor Responsibilities

Employers who hire Apprentices from the Apprenticeship Program are expected to establish their own policies against sexual harassment and retaliation, including procedures for filing, investigating and resolving complaints as they elect. Contractors should understand that under EEOC's sex discrimination regulations, an employer is responsible for the acts of its agents, and of its supervisory employees when acting in an agency capacity, without regard to the employer's specific authorization or knowledge of such acts by them. Supervisors will be treated as acting in an agency capacity if the employer fails to establish an explicit policy against sexual harassment or fails to establish a reasonably accessible procedure by which victims of sexual harassment can make their complaints known to appropriate officials and have them rectified. With respect to sexually harassing conduct between non-supervisory employees, the employer is responsible where the employer (or its agent) knows or should have known of the conduct, unless the employer takes immediate and appropriate corrective action.

The failure of a contractor to take appropriate action regarding an Apprentice's complaint of sexual harassment on the job may result in the contractor being denied access to Apprentices in the program. It is expected that contractors will work cooperatively with the Apprenticeship Program on the matters concerning the Apprenticeship Program's policy against sexual harassment.

You must sign the last page of this document, the signature page, and return it to the office to signify that you have read and understand this policy.

VII) Contact List

Dakotas Electrical JATC 2901 1 st Avenue North Fargo, ND 58102-3001 701-297-5934 Fax: 701-293-1301 office@dakotasjatc.org www.dakotasjatc.org	IBEW Local 714 125 35 th Avenue NE PO Box 1906 Minot, ND 58703 701-852-3025 www.local714.com
North Dakota State Electrical Board PO Box 7335 Bismarck, ND 58507-7335 701-328-9522 www.ndseb.org	IBEW Local 714 1800 Commerce Drive Bismarck, ND 58501 701-258-6370 www.local714.com
South Dakota State Electrical Commission 308 South Pierre	IBEW Local 1426 1714 North Washington

<p>Pierre, SD 57501 605-773-3573 www.dlr.sd.gov/bdcomm/electric/</p>	<p>Grand Forks, ND 58203 701-775-7601 www.ibew1426.org</p>
<p>Minnesota Department of Labor and Industry 443 Lafayette Road North St. Paul, MN 55155 Phone: 651-284-5005 or 1-800-342-5354 TTY: 651-297-4198 dli.apprenticeship@state.mn.us www.doli.mn.gov</p>	<p>IBEW Local 1426 3002 1st Avenue North Fargo, ND 58102 701-232-1637 www.ibew1426.org</p>
<p><i>For questions on Health, Welfare, or Vacation:</i></p> <p>Benefit Plan Administrators PO Box 1951 Fargo, ND 58107 701-237-4787 or 1-800-995-4600</p>	<p>IBEW Local 1250 922 ½ East St. Patrick Rapid City, SD 57701 605-343-0954 www.ibewlocal1250.org</p>
	<p>IBEW Local 426 3725 N 4th Avenue Sioux Falls, SD 57104 605-336-0370 www.ibewsd.com</p>

VIII) Signature Sheet

I, _____,
have read and understand the Dakotas Area Electrical Apprenticeship and Training Fund Standards and the Statement of Policy of the Dakotas Area Electrical Apprenticeship and Training Fund (Apprenticeship Program) and its Local Subcommittees.

I have been given a copy of the Apprenticeship Program's Alcohol and Substance Abuse Policy ("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, blood test and/or other tests as will be determined by the Apprenticeship Program for the purposes of determining the presence of prohibited drugs or alcohol. I agree that any specimens collected for these may be forwarded by the Apprenticeship Program to an I-IFIS certified testing laboratory for analysis. I further agree to and hereby authorize the release of the results of said tests to the Apprenticeship Program, its authorized agents, servants and employees, as set forth in the Policy.

I hereby release any physician, addictionologist, counselor or other rehabilitation professional to discuss my compliance with the Policy with the Apprenticeship Program, its authorized agents, servants and employees.

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 this Policy.

I have carefully read this 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.

Signed: _____

Date: _____

**Return to: Director of Manpower Development and Training
Dakotas Electrical JATC
2901 1st Avenue North
Fargo, ND 58102-3001**

Return Only This Page.

Keep the Statement of Policy For Your Information and Reference.