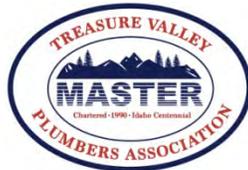


APPEAL - CEU Business Classes For Contractors



PO Box 8224
Boise, ID 83707
208-947-8096

February 14, 2014

To: Idaho Plumbing Board
Fr: Treasure Valley Master Plumbers Association
Teri Ottens, Executive Director
Re: Appeal of Decision

The TVMPA would like to respectfully appeal the decision of Plumbing Program Manager, John Nielsen concerning the industry related application entitled “Drugs, Sex and. . . Attitude – Tools to Manage Today’s Workforce. “

This application involves a class that provides owners and management an overview of the employee screening systems available to companies and the expected return on investment of such systems. It provides checklists to be used in selecting vendors to assist a company in the three types of employee screening, the necessity of such programs, and the advantage of obtaining an accurate risk footprint. Attendees receive information on what drugs in the workplace look like and how employees can beat drug tests. The modules of the class include:

- Hiring isn’t what it used to be – new considerations
- Benefits of employee screening – how the workforce has changed
- Negligent hiring – liability
- Drug testing
 - Cost of substance abuse in the workplace
 - Illicit drug and alcohol use by industry
 - Alcohol use by industry
 - Most common tests
 - Commonly abused medications
 - Best practices
 - Supervisor training
 - Reasonable suspicion
- Background Checks
 - Why background checks are a good business decision
 - Most common types background checks
- Executive / Employee Assessments
 - Identifying critical skills and individuals possessing such skills will make/break a business
 - Types of Assessment tools available
- Insurance coverage
- Vendor selection criteria

APPEAL - CEU Business Classes For Contractors

This class has been previously approved and offered for continuing education credits by the Federal Department of Transportation, the Professional Building Contractors Licensing Review Board and by the Idaho Association of Building Officials.

Mr. Nielsen denied the application indicating the class was not technical in nature or directly related to the plumbing industry. In a conversation with Mr. Nielsen on February 13, 2014 he indicated that the guide he uses for determining whether an industry related topic is directly related to the plumbing industry is the "Contractor's Business and Law Reference Manual" (State of Idaho, 4/11/12). He indicated that in order to be considered "industry related" the topic of the class must be addressed in this manual.

We submit that the issue of drug use in the workplace and related business liability specifically falls under several areas of the manual. We will review the sections we refer to:

Section 6 – Human Resources

This section addresses federal and state laws concerning employment. Human resources is one of the largest administrative functions of running a business as recognized by the inclusion of this section in the manual. Drug use has become a prevalent issue in managing human resources - particularly in the construction industry which unfortunately has one of the highest percentage of workers in any industry that use drugs *while on the job*. Drug use in the workplace involves the following at a minimum:

- Americans with Disabilities Act – Concerning accommodation of a former drug addict
- Contract Work Hours and Safety Standards Act – Requiring that an employer do all possible to ensure a safe work environment for all employees
- Family and Medical Leave Act – Concerning leave for employees involved in drugs for medical treatment

Section 7 – Insurance

This section discusses several insurance issues including liability of the owner in keeping the workplace safe and workers comp (the effect of drug use on the job). How a company deals with drug use can have a huge impact on its future viability, both on the liability side and how it affects its worker compensation rates and payments.

Section 11 – Safety

This section discusses safety in the workplace. Drug use on the job not only has the danger of harming the person who is using drugs but could and does have huge detrimental effects on fellow workers, job quality, safety, property owners and the plumbing contractor's current and future liabilities.

All of these topics are covered in the presentation for which we are asked for continuing education.

After receiving the denial, we performed a survey of our members as to 1) whether they considered this topic not only industry related but related directly to their plumbing business and 2) whether they would find this class valuable in operating their plumbing business. To date we have received 18 responses and all 18 have indicated yes to both questions. We hope to have formal survey results for you by the appeal hearing.

We hope the Plumbing Board will consider our formal appeal to the department denial of our proposed class.