

# County OKs drug testing of construction workers

January 30, 2009 By Rusty Marks, Staff writer

CHARLESTON, W.Va. -- Kanawha County commissioners decided to stand behind a policy to randomly drug test construction workers working on county projects.

Commissioners Kent Carper, Dave Hardy and Hoppy Shores discussed the policy at a special meeting Thursday because work is about to begin to renovate the former American Electric Power building on Virginia Street. The \$10 million project will revamp the building for use by the Kanawha County Sheriff's Department and other county offices.

County officials had previously adopted a policy to drug test contractors working on county construction projects.

Last year, a state law went into effect requiring random drug testing for contractors working on state construction projects. Although the legislation apparently left a loophole for other governmental construction projects, Wayne Rebich of the Affiliated Construction Trades Foundation said officials in 15 counties, including Kanawha, have voluntarily agreed to require drug testing for private construction workers on county projects.

Rebich said trade union representatives will ask the Legislature to amend the law to include all governmental construction projects, including county, municipal and school construction.

He said the Affiliated Construction Trades Foundation supports drug testing of union workers, and even ran television ads in favor of drug testing. "Drug testing is a policy that union contractors have had in effect since 1991," Rebich told county commissioners.

Kanawha County officials require random drug testing for all employees at the Metro 911 center, and for other county employees in safety sensitive positions. That includes sheriff's deputies, county workers who routinely drive while on the job, those who operate potentially dangerous equipment and even janitors.

Carper, Hardy and Shores have repeatedly voted to uphold their drug policy, despite a court challenge to a similar drug testing policy passed by the Kanawha County Board of Education.

Both of West Virginia's two teachers unions have challenged the school board's drug testing policy, which would subject teachers and other school personnel to random drug tests. Lawyers for both unions argue that drug tests violate teachers' rights against unusual searches or seizures.

The case is being heard before U.S. District Judge Joseph R. Goodwin.

Carper finds it ironic that one union is supporting drug testing for its members and another union is fighting it. If taken to an extreme, Carper said, construction workers who build a school could be drug-tested, but teachers using the building could not.

"I find it odd that two well-respected unions have such a difference of opinion on such important public policy," Carper said. "I agree with the construction union."

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