

Western Pennsylvania
Construction Industry
Drug Free Partnership Program
Substance Abuse Policy
Revised March 27, 2025



1. Statement of Policy

The SIGNATORY PARTIES OF THIS PROGRAM recognize that the use of illegal drugs, unauthorized drugs, and alcohol abuse are serious problems that may endanger our participants and others in the workplace. The parties also recognize that to eradicate the problem, efforts must include a focus on treatment and restoring participants with substance abuse problems to productive lives.

As a commitment to safeguarding the health of workers, providing a safe workplace, and supplying the customer with the highest quality of service possible, the parties have established a Substance Abuse Testing Program to prevent the use and/or presence of drugs and alcohol in the workplace.

In implementing the program, the parties agree that all union members will be encouraged to become eligible in the program by voluntarily participating in the terms and conditions of the Substance Abuse Testing Program. To encourage participation, all contractors will designate their firms and all their projects as free of illegal drugs or alcohol and employ only participants that possess “current” status within the program’s eligibility pool.

Program testing will be administered by an independent Third-Party Administrator (TPA) determined by member organizations of the Western Pennsylvania Construction Industry Drug Free Partnership (WPACIDFP). Records of such tests shall be maintained by the TPA. For all participants covered by appropriate collective bargaining agreements, all costs for collection, analysis, reporting, maintenance of records, and notifications shall be borne by union/contractor associations unless otherwise noted in this program. Securing the drug screen test shall be the applicant’s responsibility and shall be performed on their time. The primary testing methodology for the WPACIDFP is urinalysis; alternative collection methods can be utilized when required by providing official medical documentation via Medical Review Officer evaluation. Alternative methods such as oral fluid testing or hair testing may be permitted. The frequency of program testing may be increased based on requirements mandated by owners.

2. General

This program may be superseded or supplemented by an individual owner's program, which may be in effect where program participants are working or visiting. Additionally, this policy may be superseded or supplemented by specific owner contractual stipulations and owner site specific programs. This program is also superseded when required by applicable governmental regulations which mandate, as a condition of an employee's eligibility to work on a particular job, a drug testing program which differs from the program outlined in this policy, including, by way of example and not of limitation, persons designated in federal Department of Transportation (DOT) regulations as safety-sensitive subject to DOT drug and alcohol testing such as positions for which a Commercial Driver's License (CDL) is required, persons performing safety sensitive functions in aviation as required in applicable Federal Aviation Administration (FAA) regulations, persons performing operation, maintenance, or emergency response functions on Pipeline and Hazardous Materials Safety Administration (PHMSA) regulated pipelines or liquefied natural gas facilities as required by applicable PHMSA regulations, persons performing duties related to railroads as required by applicable Federal Railroad Administration (FRA) regulations, persons working in public transit as required by applicable Federal Transportation Administration (FTA) regulations, persons working for Department of Defense (DOD) contractors with access to sensitive, classified information as required by applicable DOD regulations, and persons with access to nuclear facilities or who work with nuclear materials as required by applicable Nuclear Regulatory Commission (NRC) regulations. Determinations as to when this program is to be superseded or supplemented shall be made by the owner or contractor, considering applicable government regulations and job duties. Testing beyond that described in this program is the sole financial and legal responsibility of the owner or contractor requiring such testing.

All testing results included in the program shall be considered medical records and shall be held confidential except to the extent necessary to administer this program or where compelled by law. However, this information may be divulged pursuant to an enforceable subpoena for grievances, arbitration, litigation with respect to these matters, and/or other parties with a need to know.

It is understood that the union, whose members are covered by these procedures, shall not be responsible for ascertaining or monitoring the drug-free or alcohol-free status of any participant in this program.

The parties agree to establish a committee comprised of representatives from labor and management whose function will be to periodically review the program and, when necessary, recommend changes.

The parties reserve the right to change, alter, and amend the content and provisions of this policy at any time with mutual agreement.

3. Glossary of Terms

- A. Accident –For the purpose of the WPACIDFP policy, an accident is considered to be an unplanned or unintended event that occurs on company or owner property during the conduct of company business or during scheduled work hours, or which involves company-supplied motor vehicles that are used in conducting business or is within the scope of employment, and which results in any of the following seven (7) situations:
- 1) A fatality of anyone involved in the accident.
 - 2) Bodily injury to the employee and/or another person that requires off-site medical attention away from the company's designated place of employment/worksites.
 - 3) Any accident in which the driver is cited and there is disabling damage to the vehicle(s) requiring tow-away.
 - 4) Any accident in which the driver is cited, and off-site medical attention is required.
 - 5) Vehicular damage in apparent excess of \$1,000.
 - 6) Non-vehicular damage to any company property (i.e. – tools, materials, etc.) in apparent excess of \$750.
 - 7) Any event resulting in injury to a person or property to which an employee or contractor's employees contributed as a direct or indirect cause.
- B. Accelerated Random – A test reason where the frequency of testing is determined by the approved Substance Abuse Professional (SAP) following a positive drug test result or a program violation.
- C. Adulterated or Substituted Specimen – A urine screening which has been substituted or tampered with to cover the true results. This will be considered a positive test.
- D. Anniversary Date – The calendar date of the most recent negative drug test result in the WPACIDFP. This date is independent of test reason (Annual, Random, For-Cause, Post-Accident, Reasonable Suspicion).
- E. Bargaining Unit Participants – All participants who are members of local unions that are signatory or not signatory to the WPACIDFP Program.
- F. Breath Alcohol Content (BAC): Breath alcohol concentration expressed as grams of alcohol per 210 liters of breath.
- G. Breath Alcohol Test (BAT): A test which determines how much alcohol is in the participant's blood by measuring the amount of alcohol in the air exhaled during the test.
- H. Chain of Custody: The procedures established by the Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Transportation (DOT) to track specimen handling and storage from point of collection to final disposition. Stringent chain-of-custody procedures ensure the integrity of each specimen collected.

- I. Collection Facility/Site – Approved location where participants can provide a specimen for testing with authorization from a TPA.
- J. Cut Off Limit - The lowest level at which a substance can be detected and reported as positive.
- K. Designated Representatives (DRs) - Contact persons appointed by employers and unions to work cooperatively and directly with the program's TPA. The TPA will also maintain an up-to-date list of all primary and secondary contacts for reporting and or communication needs.
- L. Dilute Specimen - A dilute specimen, by definition, is a urine specimen that has a creatinine of greater than 5 mg/dl or less than 20 g/dl and a specific gravity is less than 1.0010 (or greater than 1.0200). A dilute specimen with a valid, negative laboratory result shall be treated as a negative program test. A dilute specimen with an MRO confirmed positive laboratory result shall be treated as a positive program test. Recollection of a dilute specimen shall be deemed necessary only when the creatinine concentration of the original specimen is equal to or greater than 2mg/dl but less than or equal to 5mg/dl.
- M. Eligible - Database system status referring to an employee who is validated as a participant in the WPACIDFP.
- N. Employee – Individuals, who perform work including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.
- O. Employee Assistance Program / Member Assistance Program (EAP/MAP) A program intended to prevent or address substance abuse problems, and which may assist employees/union members and their eligible family members with interpersonal conflicts, family problems, workplace crises, eldercare stress, psychological problems, and financial management. The EAP/MAP can provide voluntary and confidential counseling services.
- P. For Cause / Reasonable Suspicion – A test may be administered in the event a trained supervisor has reasonable suspicion or cause to believe that an employee has reported to work under the influence or is or has been under the influence of an intoxicant while on the job or has violated this drug policy.

- Q. Gas Chromatography/Mass Spectrometry (GC/MS) – A sensitive, specific, and accurate analytical procedure used to quantitatively confirm the presence and amount of an identified drug/metabolite in a urine specimen.
- R. Incident – An event which has all the attributes of an accident except that no harm was caused to person or property.
- S. Ineligible - Database system status referring to an employee who is not validated as a participant in the WPACIDFP.
- T. Initial Screening Test - A quick immunoassay test, which proves or disproves the presence of substances more than the established cut-off limit.
- U. Intoxicant – A substance that alters a person’s mental and/or physical acuity.
- V. Medical Review Officer (MRO) – A licensed physician, qualified by either the American Association of Medical Review Officers (AAMRO) or the Medical Review Officer Certification Council (MROCC), who is responsible for receiving laboratory results and determining if there is a medical explanation for the presence of drugs/metabolites in the donor’s urine. This physician must have knowledge of substance use disorders and appropriate medical training to interpret an individual’s confirmed positive test result, together with their medical history and any other relevant medical information.
- W. Near Miss – An unplanned event that did not result in injury, illness, or damage – but had the potential to do so.
- X. Negative Drug Test – The final result of a tested specimen in which no substance has been detected or a confirmed positive test that the MRO determines to be legitimate.
- Y. Non-Bargaining Unit Participants – All participants who are not members of local unions that are subject to the WPACIDFP Program.
- Z. Owner/Customer – The person, firm, or corporation with which a contract has been made for the payment of the work performed under that contract.
- AA. Participants – Bargaining unit, non-bargaining unit and any other individuals who work on a drug free workplace project and are subject to the WPACIDFP Program.
- BB. Positive Drug Test – A test which exceeds the cut-off limits within the established guidelines as defined under section 5 or a test that has been tampered with in any way (adulterated specimen).
- CC. Re-analysis – A process, in which a challenge of a positive drug test can be requested, provided the employee pays for the reanalysis. The original split specimen “B” sample can be independently analyzed by a SAMHSA certified laboratory of the employee’s choice based on an MRO provided list of qualified laboratories.

- DD. Refusal – A result that will be issued for a testing event when a participant attempts to adulterate a test, fails to show for a required test in a timely manner or a required time window, fails to cooperate in any part of the testing process, provides an insufficient sample and or leaves the testing facility before the test is completed.
- EE. Return-to-Duty Test – Testing required to reinstate eligibility in the program after a positive test.
- II. Split Specimen – Specimen taken at the collection site that is separated into two samples. Both samples will be appropriately marked with the employee's identification.
- JJ. Substance Abuse and Mental Health Services Administration (SAMHSA) - A federal organization which recommends substance abuse testing procedures, and which certifies substance abuse testing laboratories.
- KK. Substance Abuse Professional (SAP) – A qualified professional including licensed physicians, licensed/certified psychologists, social workers, employee assistance professionals and certified addiction counselors with knowledge of and clinical experience in the diagnosis and treatment of alcohol/drug-related disorders.
- LL. Synthetic / Designer Drugs - Synthetic substances that mimic marijuana, cocaine and other illegal drugs that can cause seizures, hallucinations, and death.
- MM. Third Party Administrator (TPA) - An independent entity that administers the WPACIDFP's collections, analysis, reporting, maintenance of records and all confidential information for each participating group.
- NN. Under the Influence of a Prohibited Substance – Under the influence of a prohibited substance as used by this policy means the following:
- 1) Alcohol – Blood or Breath Alcohol level of .04 or as determined by the owner.
 - 2) Other Prohibited Substance – Positive results based on Section 5 of this policy.

4. Program Testing

To the greatest extent possible, the privacy of the participant will be preserved while the sample(s) to be tested are taken. However, some precautions will help to ensure that pure specimens are obtained.

The substance abuse program will be conducted within the established guidelines developed by the United States Department of Health and Human Services Scientific and Technical Guidelines dated April 11, 1988, and any subsequent amendments thereto, as modified herein. The laboratory shall be licensed or certified by the SAMHSA and/or the College of American Pathologists and shall participate in the proficiency testing programs required by each of those respective organizations.

All samples for testing will be taken by appropriately qualified personnel. All samples for testing can be collected at various authorized collection sites under this program, such as jobsites, Labor Organization meeting or training facilities, Contractor office facilities, third party collection sites and TPA sites. Urine specimens taken will be split into two samples. Each sample will be appropriately marked with the employee's identification. The initial screening will be by immunoassay and require gas chromatography/mass spectrometry for confirmation.

Adulteration or substitution of a specimen shall be treated as a positive test. If a specimen is found to be out-of-temperature range during the collection, proper collection protocol dictates that a second collection should be performed immediately under direct observation protocol. If a sample is unable to be analyzed by the laboratory (inadequate, diluted, lack of sample, etc.) employee will have the option of having one additional test within 72 hours. A second sample unable to be analyzed by the laboratory may require another type of test; valid medical documentation must be provided by a medical professional in advance to proceed with an alternative test method. The TPA, in coordination with the MRO will determine the best alternative test method for each specific case and this decision will be communicated to the WPACIDFP point of contact for the participant (i.e., Union Representation/Contractor Association Representation).

Reports shall be made in writing and sent to the single person (DR) designated by the employer and designated by the union after review by the MRO. The secondary DR will be notified if primary DR is unavailable.

5. Program Test Panel

PREMIER: 10 Panel with expanded opiates and expanded amphetamines

Drug Name	Initial Screening Cut-Off Limit	Confirmation Cut-Off Limit
AMPHETAMINES • AMPHETAMINE • METHAMPHETAMINE • MDMA • MDA	500 NG/ML	250 NG/ML 250 NG/ML 250 NG/ML 250 NG/ML
BENZODIAZEPINES	300 NG/ML	300 NG/ML
BARBITURATES	300 NG/ML	300 NG/ML
COCAINE METABOLITE	150 NG/ML	100 NG/ML
OPIATES • CODEINE • MORPHINE • HYDROCODONE • HYDROMORPHONE • OXYMORPHONE	300 NG/ML	300 NG/ML 300 NG/ML 300 NG/ML 300 NG/ML 300 NG/ML
6-MAM	10 NG/ML	10 NG/ML
OXYCODONE	100 NG/ML	100 NG/ML
PHENCYCLIDINE	25 NG/ML	25 NG/ML
METHADONE	300 NG/ML	300 NG/ML
PROPOXYPHENE	300 NG/ML	300 NG/ML
Additions for Post-Accident Reasonable Suspicion Only:		
ALCOHOL	.04%	.08%
MARIJUANA METABOLITE (THCA)	50 NG/ML	15 NG/ML

6. Program Test Types

A. Annual Testing

All individuals who wish to become a participant shall submit to a substance abuse test at least once every year. To remain an eligible participant and have current or eligible status within the eligibility pool, each participant must continue to submit to a test each year, during the anniversary period of their last test to maintain eligibility. See B. Random Testing, paragraph 4 that can change the anniversary date for future testing. Status within the eligibility pool will be issued to a participant testing negative. A participant who does not submit a negative test before their expiration date will not have status within the eligibility pool. Participants will be notified between 45 days prior to their testing anniversary date and their anniversary date that they must renew their certification. It is the responsibility of the participant to comply with testing requirements. No follow-up notices will be provided beyond the initial notification.

B. Random Testing

All participants will be subject to unannounced screening for illegal drugs and controlled substances based on random selection. The TPA will evaluate one hundred percent (100%) of the worksite / Labor Organization / Contractor facility visited, including both bargained and non-bargained employees, to assure a minimum of twenty-five percent (25%) of total participants on eligible worksites are tested randomly per year. A person can be randomly picked more than once or not at all during each annual period.

To ensure that the selection process is random, all participating contractors will have their projects placed into a random pool. Furthermore, owners/customers wishing to subject their project(s) to random drug testing may do so by notifying the TPA. At the time of notification an owner/customer will provide the TPA with a list of all participating project employees. Testing will be performed on-site during normal working hours. For any difference by craft to this policy, please refer to the WPACIDFP Addendum 1.

Any participant/employee on the project site on the day of testing who does not report/submit for random testing will be considered positive, except for those participants with legitimate verifiable excuses. A legitimate verifiable excuse will be determined by the TPA, Contractor Association or Union Representative.

If the participant's random test is negative, the TPA will update the participant's eligible status within the program's eligibility pool with a new testing anniversary date.

If the participant's test result is positive, the participant will become inactive in the program. The participant's current employer and/or the apprenticeship coordinator will be notified immediately that the participant is no longer active in the program. To establish eligibility, the participant must comply with all requirements of the program listed in Section 7 of this policy. For any difference by craft, please refer to WPACIDFP Addendum 1.

C. For Cause/Reasonable Suspicion/Post-Accident Testing

Any participant may be asked to submit to a drug and alcohol test if an appropriate cause exists under this policy as set forth herein. Post-accident drug and/or alcohol testing will only be conducted when it is reasonable to believe that drug and/or alcohol use could have contributed to the injury/illness or damage. The general principle here is that drug testing will not be used by the employer as a form of discipline against employees who report an injury or illness but may be used as a tool to evaluate the root causes of workplace injuries and illness in appropriate circumstances. A participant may be tested for cause under any of the following circumstances:

- a. Involvement in, or cause of, an incident, accident, or near miss, which causes or could have caused injury to the participant or another individual.
- b. Involvement in, or cause of, an incident, accident, or near miss, which causes or could have caused damage or destruction to the contractor and/or owner property.
- c. Observable behaviors or credible information that may indicate that

a participant may be under the influence of prohibited substances or intoxicants or may be using or have used prohibited substances. Without in any way limiting the breadth of the definition in the previous sentence, such observable behaviors include, but are not limited to, observations by a supervisor, including instructor or other Labor Organization representative and/or customer representative, that the participant's health, safety, or ability to perform work appears impaired, erratic behavior, changes in physical or mental acuity, imbalance, incoherence and or disorientation, patterns of tardiness, excessive absenteeism, or other observable behaviors that indicate that participant may have used or be under the influence of prohibited substances or be under the influence of intoxicants.

For-cause testing shall be performed at the time when the incident is reported, and the cost shall be the responsibility of the program. Any for-cause urine drug screen or BAT for a non- bargaining unit worker is the responsibility of the contractor. The bargaining unit worker has the right to have union representation present during this process so long as the union representation's ability to be present does not unnecessarily delay the testing beyond the end of a shift or outside of the required testing time limits.

If the test result is positive, the participant will become inactive in the program and removed from the jobsite immediately. To reestablish eligibility, the participant must comply with all requirements of the program prior to re-testing and obtaining new eligible status within the program's eligibility pool to remain current.

If the test result is negative, the participant will receive his normal compensation for the time spent away from the job.

7. Eligibility Requirements

Contractors may require status within the program's eligibility pool as a condition of employment. Status within the program's eligibility pool may be checked using the TPA online verification program or a participating craft regional or national database if a data export is established with the TPA (refer to the "Verifying Eligibility" section of the Procedure Manual).

When the results of the testing have been determined to be negative, the individual will be designated as an eligible participant in the program. The participant will maintain their eligibility in the program provided they comply and successfully pass all future tests in accordance with the previously defined testing provisions of this program.

Should an individual test positive for substances as listed in this program, the individual will not be issued status within the program's eligibility pool. Testing positive for substances, adulterating a specimen, or refusing a required test will constitute a program violation.

Participants who have a program violation will not be eligible to participate in the program until they complete their required disciplinary actions. Disciplinary action steps are required for all participants but conditions to re-establish eligibility in the program may be different depending on craft. For these differences refer to WPACIDFP Addendum 1. The TPA will communicate, to each participant, the required steps to

reestablish eligibility, the following outlines consistent minimum protocol for all participants:

- A. A period of thirty (30) calendar days has elapsed since the drug screen results were received.
- B. The participant has utilized their EAP/MAP if available to them and has been evaluated by an approved SAP, and completed an approved and certified rehabilitation program with documentation submitted to the program coordinator; and
- C. The participant passes a subsequent return-to-duty drug screen in accordance with this program. The return-to-duty test is taken at the expense of the employee. For exception to this refer to WPACIDFP Addendum 1.

After meeting the conditions specified above, the participant will be subject to unannounced accelerated random testing for a period of one (1) year commencing on the date of their negative re-test. The SAP will determine the accelerated random testing required for the participant.

A journeyman participant testing positive two (2) times will be excluded from the program for a period of one (1) year and must reestablish eligibility as outlined above.

A journeyman participant testing positive three (3) times will be excluded from the program permanently.

An apprentice testing positive will be subject to the requirements of their individual apprenticeship program.

8. Medical Review Officer (MRO)

All test results shall be treated in a confidential manner. Accordingly, the certified laboratory will disclose results only to the participant via the MRO.

The laboratory sends confirmed positive results to the MRO for processing. The MRO will then notify the participant.

It is the responsibility of the participant to provide an accurate contact phone number on the custody and control form so that the MRO can reach the participant in the event of a positive laboratory result.

If the MRO determines that there is a legitimate medical explanation for the confirmed positive result, the MRO will take no further action and report the test as negative.

In the case of urine testing, only those specimens which show positive results on both the initial screening and the confirmatory test shall be reported as positive, pending MRO review and verification. The completed chain of custody forms shall accompany any positive report, and copies of analytical reports shall be available to the employee.

If the MRO verifies that a confirmed positive test is scientifically sufficient and there is no legitimate medical explanation, the MRO shall immediately contact the program

coordinator and report the test as positive.

The MRO shall notify the TPA of all positive tests results. All records of test reviewed by the MRO and supporting documentation will be forwarded to and maintained by the TPA.

9. Specimens: Adulterated, Substituted, Dilute and Miscellaneous

If a specimen is reported as “Adulterated or Substituted” by a SAMHSA certified laboratory, it shall be treated as a positive test.

A specimen reported as a “dilute specimen” by a SAMHSA certified laboratory, with a valid, negative laboratory result shall be treated as a negative program test. A specimen reported as a “dilute specimen” by a SAMHSA certified laboratory, with a valid, positive laboratory result and an MRO confirmed positive result shall be treated as a positive program test.

Recollection of a diluted specimen shall be deemed necessary only when the creatinine concentration of the original specimen is equal to or greater than 2mg/dl but less than or equal to 5 mg/dl.

If a sample is unable to be analyzed by the laboratory due to an insufficient quantity, participant will have the option of having one additional test within 72 hours. A second sample unable to be analyzed by the laboratory may require a secondary test method; this will be at the employee’s expense unless a valid medical reason for the inadequate sample is provided.

If a participant has a medical reason why they cannot provide a urine specimen, an alternative test method utilizing oral saliva/or hair analysis may be provided. A letter from the participant’s physician must be provided prior to an alternate method being approved.

10. Request for reanalysis

In the case of a confirmed positive test result, the participant, within 72 hours of notification of the positive result and at their own expense and paid for in advance, shall have the right to request the original Split Specimen “B” sample independently reanalyzed by a SAMHSA certified laboratory. The laboratory must meet the qualifications as stated in the policy. The MRO will provide a list of approved laboratories for the participant. If a donor did not provide specimen quantities required for a split specimen (45-60ml), the donor will waive their right to have the “B” sample reanalyzed but may use the original “A” sample if the quantity remaining is sufficient.

If the independent reanalysis is negative, the participant will be reimbursed for the cost of the independent test and shipping, and the original positive test result will be canceled and not reflected in the eligibility status.

If the independent reanalysis is positive, the participant will be notified by the MRO and will be required to comply with the rehabilitation requirements. All expenses related to the reanalysis of the original sample and any lost wages will be forfeited.

The participant shall have the right to secure a copy of all data relating to the test procedures and results, providing the costs are paid in advance to the initial testing laboratory by the participant.

There is no appeal procedure for alcohol collected by a BAT.

WPACIDFP Program Addendum 1

1. Alternative Test Methods
2. Random Test Notifications
 1. Heat & Frost Insulators Local Union 2 members participate in job-site random testing events as well as their own random selection pool with individual notifications by email or text.
 2. IBEW Local Union 5 members participate in a random selection pool with individual notifications by email or text; IBEW Local Union 5 members do not participate in random testing on any WPACIDFP jobsite.
3. Program Violation – Suspension
 1. Heat & Frost Insulators Local Union 2
 - 1st Violation = 30-day suspension
 - 2nd Violation = 45-day suspension
 - 3rd Violation = 60-day suspension
 2. Iron Workers Local Union 3
 - 1st Violation = 30-day suspension
 - 2nd Violation = 90-day suspension
 - 3rd Violation = 1 year suspension
 3. IBEW Local Union 5
 - 1st Violation = 30-day suspension with SAP evaluation or 365-day suspension with no SAP evaluation
 - 2nd Violation = 30-day suspension with SAP evaluation or 365-day suspension with no SAP evaluation
4. Return To Duty Test
 1. Iron Workers Local Union 3 members are not responsible for the cost of their Return to Duty Test
 2. Roofers Local Union 37 members are not responsible for the cost of their Return to Duty Test

*2/4/25 – Marijuana metabolites were eliminated from the WPA CIDPP policy.

However, any participant with a confirmed positive prior to 2/4/25 will:

- Remain ineligible. The marijuana metabolite positive will not be expunged.
- Participant must still complete treatment program. Rehabilitation is not waived.
- Participant must complete unannounced accelerated random testing for a period of one year.

Exceptions to the above three bullet points will be considered, and the positive test may be expunged, if (a) the participant is able to demonstrate that, at the time of the confirmed positive for marijuana, the participant possessed then-valid documentation issued by the Commonwealth of Pennsylvania that the participant had been certified for medical use for marijuana; (b) the participant's positive result for marijuana metabolites resulted from either an annual or random test; and (c) other circumstances warranting expungement, to be assessed on a case-by-case basis in the discretion of the program.