

MAPLA Amendment No. 2 Regarding Substance Abuse Testing Policy

August 29, 2017

Chris Lytle
Executive Director
Port of Oakland
530 Water Street
Oakland, CA 94607

Re: MAPLA Amendment No. 2 Regarding Substance Abuse Testing Policy

Dear Mr. Lytle:

This letter clarifies the understanding of the Port of Oakland (“Port”) and the Building and Construction Trades Council of Alameda County (“Council”) regarding the Maritime and Aviation Project Labor Agreement effective February 1, 2016 (“MAPLA”). By letter dated February 23, 2016, the Parties made a clerical amendment to the duration clause in MAPLA Section 20.1.1, which was the first amendment to the MAPLA. Subsequently, the Parties determined that the previous version of the MAPLA contained a side letter (dated February 20, 2003) concerning substance abuse testing timelines whose contents were not reflected in the currently effective MAPLA.

This letter (“Amendment”) constitutes the second amendment to the MAPLA, and memorializes the mutually agreed upon amendment to Appendix E (MAPLA Uniform Substance Abuse Prevention Policy or “Policy”) regarding substance abuse testing timelines as set forth below.

1. **Amendment to Appendix E.** The Parties agree that they intend for Project workers who have previously undergone testing under the Policy and otherwise have a clean record need not be re-tested if they are laid off and recalled to the Project within thirty (30) days. The Parties agree that this clarification fulfills the health and safety goals of the Policy while promoting Project efficiency. Accordingly, a new item 6 is added to the “Policy” section of Appendix E, which shall read as follows:

- “6. A prospective or dispatched worker shall not be required to take a pre-employment test under this Policy if such worker meets all of the following conditions: (a) has previously passed a pre-employment test in accordance with this Policy; and (b) has not failed any employment-related drug test; and (c) has been dispatched to a contractor performing work covered by the MAPLA within thirty (30) days of being laid off from a project covered by the MAPLA.”

This amendment shall be deemed to be fully incorporated into Appendix E of the MAPLA.

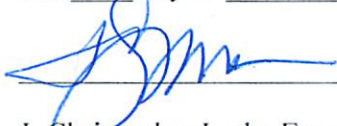
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2. **Council's Authority to Execute Amendment.** The undersigned party, Robert Stoker, warrants that he has full authority to execute this Amendment on behalf of the Council and that such execution will be binding upon the Council.
3. **Agreement Remains in Effect.** Except as modified by this Amendment, all other provisions of the MAPLA, as previously amended, shall continue in full force and effect.
4. **Counterparts.** This Amendment may be executed and delivered in counterparts (including by facsimile or email), each of which, when executed and delivered, shall be deemed to be an original, but which together shall constitute one and the same document.

 Sincerely,
8/30/17

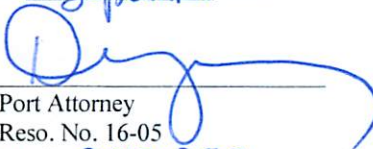
Robert Stoker, President
Alameda County Building and Construction Trades Council

Acknowledged and agreed to
this 11 day of Sept., 2017


J. Christopher Lytle, Executive Director
Port of Oakland

THIS AMENDMENT SHALL NOT
BE VALID OR EFFECTIVE FOR
ANY PURPOSE UNLESS AND
UNTIL IT IS SIGNED BY THE
PORT ATTORNEY.

Approved as to form and
legality this 12 day
of September, 2017


Port Attorney
Reso. No. 16-05
P.A.# 2017-353