

# Alaska Construction Academies

Effective Date:

OCTOBER 1, 2010



## **DRUG AND ALCOHOL POLICY AND PROCEDURES MANUAL**

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## **DRUG AND ALCOHOL POLICY**

### **SECTION I. INTRODUCTION AND GENERAL INFORMATION**

#### **A. Drug and Alcohol Prohibition Policy**

1. **Policy.** The Alaska Construction Academy has a commitment to maintain the highest standards possible for the health and safety of its students, adult participants, and the public at large. The use of or impairment by drugs and/or alcohol during class or work is contrary to these high standards and will not be tolerated.
2. **Purpose.** The purpose of this Drug and Alcohol Policy is to maintain the highest safety, health, and work performance standards possible, and to reduce work or classroom-related accidents, injuries, or any damage which may be caused by drug or alcohol use or impairment. This policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property.
3. **Prohibited Conduct.** The following conduct is prohibited, and may result in discipline, up to and including dismissal:
  - a. The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance or drug paraphernalia on or in Academy-owned property (including Academy-supplied vehicles) or while on Academy business.
  - b. Storing any illegal drug, drug paraphernalia, or any controlled substance whose use is unauthorized, in or on Academy-owned or supplied property (including vehicles).
  - c. Reporting to class, working, or acting or appearing on behalf of the Academy while under the influence of illegal drugs or a controlled substance whose use is unauthorized.
  - d. Failing to notify the Academy before class or beginning work that the student is taking medications or drugs which may interfere with the safe and effective performance of their studies or other duties associated with their training.
  - e. Refusing to immediately submit to a drug or alcohol test when requested, in accordance with this policy.
  - f. Failing to adhere to the requirements of any drug or alcohol treatment or rehabilitation program in which the student is participating, either: (1) as a condition of continued training, or (2) pursuant to a written agreement between the Academy and the Student.
  - g. Violating any criminal drug or alcohol law or statute while enrolled at the Academy.
  - h. During enrollment, failing to notify the Academy of any arrest or conviction under any criminal drug or alcohol law or statute by the next school day following the arrest or conviction.

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- i. Testing positive for drugs or alcohol in violation of this policy.
- j. Tampering with, adulterating, altering, substituting or otherwise obstructing any drug or alcohol testing process required under this policy.
- k. Reporting to class or remaining at school performing a safety sensitive function while having an alcohol concentration of .02 or greater, or if the student is otherwise impaired by or under the influence of alcohol.
- l. Consuming or using alcohol while on Academy property.
- m. Performing a safety sensitive function within eight hours of consuming or using alcohol.

### B. Effective Date of Policy

- 1. This policy will become effective on October 1, 2010<sup>1</sup>
- 2. The Academy will post this Policy in a prominent location readily accessible to all students.
- 3. A copy of this Policy will be distributed to each student, who will be required to sign a statement acknowledging receipt of said Policy and his/her agreement to comply with same.<sup>2</sup>

### C. Applicability

- 1. Individuals Subject to Drug and Alcohol Policy: Any student of the Alaska Construction Academy.
- 2. Substances Tested For and Positive Results. The Academy shall test for alcohol and the following drugs:

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<sup>1</sup> Must be at least 30 days from the date notice of the policy is given and distributed to employees.

<sup>2</sup> The statement should be dated

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Drug tested	Screening Level (Ng/ml) (EMIT)	Confirmation Level (Ng/ml) (GCMS)
Marijuana (THC)	50	15
Cocaine	150	100
Opiates	2000	2000
PCP	25	25
Amphetamines	500	250
Methamphetamine	500	250
Alcohol	.02%	.02%

Screening and Confirmation Levels:

- Screening test is by EMIT (Enzyme immunoassay)
- Confirmation test is by GC/MS (Gas Chromatography/Mass Spectrometry)
- Alcohol test is by an evidential Breath Testing (EBT) device
- Results at or above the confirmation level will be considered a positive test.
- These are SAMHSA specified thresholds
- Ng=1/1,000,000,000 gram

D. Circumstances Under Which Testing May be Conducted<sup>3</sup>

The Alaska Construction Academy will test students and prospective students for drugs and/or alcohol under the following conditions:

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<sup>3</sup> These policies are geared towards private employers and adopted by the Academy to test Course participants. Drug testing programs by government agencies are subject to more constitutionally-based legal restrictions than private employers. A public employer may generally test pre-employment, employees based on a reasonable, articulatable and individualized suspicion of on-duty use or impairment, and random testing of employees in safety or security-sensitive positions.

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### 1. Pre-Enrollment Testing (Drugs Only).

A pre-Enrollment drug test of all prospective students will be conducted. A positive test result is grounds for denying entrance into the Academy and a negative result is required prior to admittance into the Academy.

### 2. Post-Accident Testing

#### a. Persons Subject to Post-Accident Testing.

Students whom the Academy reasonably believes may have contributed to an accident while performing training activities, due to being under the influence of alcohol or controlled substances *may be* required to undergo drug and/or alcohol impairment testing. Such a test will be conducted as soon as practicable after the accident, but not later than 32 hours after the accident for drugs and not later than 8 hours for alcohol. The Alaska Construction Academy will make reasonable attempts to obtain a sample from a student after an accident, as defined below, but any injury should be treated first.

An accident may involve any of the following:

- \* Loss of human life,
- \* Issuance of a moving traffic citation under state or local law,
- \* Medical treatment other than first aid administered away from the scene, or
- \* Significant property damage

#### b. Obligations of Students Subject to Post-Accident Testing.

1. A student who is subject to post-accident testing *shall not* consume alcohol for 8 hours after the accident, or until s/he has taken an alcohol test, whichever occurs first.
2. A student who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with the testing or the results of testing.

Students who do not comply with the post-accident testing requirements, or who fail or refuse to provide a sample for testing, will be considered to have refused to submit to testing and will be subject to appropriate disciplinary action, including termination.

### 4. Reasonable Suspicion Testing<sup>4</sup>

Any student whom the Alaska Construction Academy reasonably suspects may be affected by the use of drugs or alcohol which may adversely affect their performance, safety or the academic environment may be required to submit to a drug and/or alcohol test. Reasonable suspicion testing is done to identify drug and alcohol affected students who may pose a danger to themselves or others.

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<sup>4</sup> Use in conjunction with training on the signs and symptoms of drug and alcohol use.

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Trained Administrators and instructors will make the decision whether there is reasonable suspicion to believe a student is impaired by or under the influence of a drug or alcohol in violation of this policy.

### a. When Reasonable Suspicion Exists

The decision to test must be based on a reasonable and articulable suspicion or belief that the student is under the influence of an unauthorized drug or alcohol.

Reasonable suspicion is a belief based on contemporaneous articulable observations concerning the student's appearance, behavior, speech or body odors, or other reliable evidence or information that the student is under the influence of or impaired by drugs or alcohol. For example, any of the following, either alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. Irregular or unusual speech patterns;
3. Impaired judgment;
4. Alcohol odor on breath;
5. Uncoordinated walking or movement;
6. Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness;
7. Possession of drugs or alcohol;
8. Observation of drug or alcohol use prior to reporting to work or during working hours.

Reasonable suspicion determinations will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

The observing supervisor shall document the events and record the behavioral signs and symptoms that support the reasonable suspicion. If possible, a second supervisor should also observe the employee to verify that there is a reasonable basis to believe that a drug or alcohol violation has occurred.

### b. Events After Determination Is Made

When a determination is made that reasonable suspicion exists that a student is under the influence of drugs or alcohol in violation of this policy, the student shall be immediately relieved of his/her duties, pending further action.

The observing supervisor shall immediately notify the department head or other appropriate supervisor if reasonable suspicion is found to exist. Upon review, the department head or other appropriate supervisor may direct or authorize that the student in question immediately submit to a drug and/or alcohol test. That student will be placed on administrative leave from the Academy until a confirmed negative drug test result is received from the MRO or for alcohol testing, a negative result from an Evidential Breath Testing (EBT) device.

<sup>5</sup> Kathleen Castle – (907) 222-0999

c. Reports of Possible Violation by Supervisory Personnel

If a student has reason to believe that an instructor or Administrator subject to this policy is under the influence of drugs or alcohol at work in violation of this policy, then s/he shall report such potential violation to the Academy Drug Program Manager<sup>5</sup> who will thereafter take appropriate action.

## **SECTION II. CONSEQUENCES OF VIOLATING POLICY**

Compliance with this policy is a condition of enrollment/continued enrollment with the Academy. Refusal to take a required drug or alcohol test, a positive drug or alcohol test, or engaging in an activity or behavior which otherwise violates this Policy shall result in disciplinary action up to and including dismissal from the Alaska Construction Academy. A student that refuses to take a pre-enrollment test or has a confirmed positive pre-enrollment test will be denied enrollment into the Academy.

## **SECTION III. SAMPLE COLLECTION AND SAMHSA TESTING PROCEDURES**

### **A. Collection of Samples**

1. Testing under this policy is a urinalysis (for drugs) and an evidential breath testing device (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs or alcohol. Other on-site methods to detect the presence of drugs and alcohol may also be used, including rapid and saliva tests .

The test will be conducted by an Alaska Construction Academy appointed medical laboratory and paid for by the Academy. Sample collection and testing will be performed under reasonable and sanitary conditions.

2. The collection site shall have all necessary trained personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a certified drug-testing laboratory designated by the Alaska Construction Academy. An independent medical facility may also be utilized as a collection site.
3. All drug test samples will be collected by the split sample collection method. However, if a split sample is not collected, the single sample will be collected and sent to the laboratory for testing.
4. The person collecting the drug sample will document the sample, including labeling the sample to preclude to the extent reasonable the possibility of misidentification of the person tested in relation to the test result provided.
5. The person collecting the sample shall provide the person to be tested with an opportunity to provide medical information that may be relevant to the test, including identifying current or recently used prescription and nonprescription drugs.
6. Sample collection, storage, and transportation to the testing place shall be performed in

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a manner reasonably designed to preclude the possibility of sample contamination, adulteration or misidentification.

7. A student designated for testing must provide reliable individual identification to the person collecting the sample.
8. Collection of samples will be performed in a manner which ensures the individual student's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or misidentified.
9. The Academy will pay the entire actual costs for drug and alcohol testing required of students and prospective students.

### B. Testing Procedures

1. Unless testing is conducted on-site, The Alaska Construction Academy shall use a drug-testing laboratory approved or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
2. For Reasonable Cause and Post Accident Testing the Academy may at times use a Point of Collection Test (POCT), sometimes referred as Rapid or Instant Tests. If the POCT is positive, the sample will be sent to the designated laboratory for confirmation.
3. If POCTs are used then the Collector must perform the on-site tests in the presence of the donor. The Academy may only use products approved by the Food and Drug Administration for employee testing and shall use the products in accordance with the manufacturer's instructions. All presumptive positive tests results must be sent to the SAMHSA Laboratory for confirmation. Only upon confirmation of the positive by the laboratory and the Medical Review Officer (MRO), may the student be dismissed from the Academy. If dismissed, the student will be eligible to reapply for future classes offered by the Academy.
4. The laboratory shall permit inspections by the Alaska Construction Academy Drug Program Manager.
5. Positive drug tests will be confirmed by a gas chromatography mass spectrometry. The Academy will not rely on a positive drug test unless the confirming drug test results have been reviewed by a licensed physician or doctor of osteopathy.
6. Alcohol testing will be performed by a breath alcohol technician (BAT). If the result of an alcohol screening test is an alcohol concentration of .02 or greater, a confirmation test will be performed. The confirmation test will generally be done within 15, but not more than 30, minutes of the screening test. The results of these tests will be reported directly to the Academy.

### C. Review of Drug Test Results

1. Medical Review Officer.

The Alaska Construction Academy shall contract the services of a Medical Review Officer (MRO). The MRO shall be a licensed physician or doctor of osteopathy. The MRO shall review all confirmed positive drug test results and telephonically interview individuals

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tested positive to verify the laboratory report.

### 2. Reporting and Review of Results.

- a. The MRO shall review confirmed positive test results. This review shall be performed by the MRO prior to the transmission of results to the Alaska Construction Academy's Drug Program Manager.
- b. The MRO shall contact the student within 48 hours and offer an opportunity to discuss the confirmed test result.
- c. The MRO will inform the student that s/he has 72 hours to request a re-test of the split or single sample. A re-test is an analysis of the second split sample bottle or an aliquot (portion) of the original sample. The re-test can be sent to a laboratory approved or certified by the Substance Abuse and Mental Health Services Administration. The student will be responsible for the costs of the re-test and will be reimbursed by the Academy only if the sample comes back negative.

### 3. Legal Drug Use.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test as negative. Test results that have been caused by prescription medication will be reported as negative.

### 4. Written Test Results.

A student may obtain a copy of the written test results only upon written request made within six months of the date of the test. The Academy will provide the written test results to the student pursuant to that request within five working days of its receipt.

### 5. Explanation of Positive Test by Employee.

A student who would like an opportunity to explain a positive test result to the Academy Program Manager in a confidential setting must make such a request in writing within 10 working days of being notified of the test result. A student who submits such a timely written request will be given the opportunity within 72 hours after its receipt or before taking adverse action to explain the positive test in a confidential setting.

## **SECTION IV. Training**

### A. Signs & Symptoms of Drug & Alcohol Training for Administrators & Instructors

Administrators and Instructors will receive training regarding the Drug and Alcohol Policy. The training shall include at least 60 minutes of training on the use of controlled substances, and at least 60 minutes of training on alcohol misuse. This training shall be for all Administrators and Instructors that may determine whether a student will be drug and alcohol tested for reasonable suspicion.

## **SECTION V. CONFIDENTIALITY OF RESULTS**

### A. General

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1. All records relating to drug and alcohol testing will be maintained in a confidential medical file in a secure location with controlled access, separate from personnel files.
2. Any communication received by the Alaska Construction Academy relevant to drug or alcohol test results and received through the Alaska Construction Academy's testing program is confidential and privileged, and will not be disclosed by the Academy except:
  - a. To the tested student, prospective student or another person designated in writing by the student or prospective student;
  - b. An individual designated by the Alaska Construction Academy to receive and evaluate test results or hear the explanation from the student or prospective student;
  - c. As ordered by a court or governmental agency; or
  - d. In any proceeding initiated by or on behalf of the individual and arising from a positive test.

## **SECTION VI. DRUG PERSONNEL AND SERVICES**

1. **SERVICE AGENT (SA)**  
WorkSafe/Beacon OHSS  
800 Cordova St.  
Anchorage, Alaska 99501
2. **MEDICAL REVIEW OFFICER (MRO)**  
Sara A. Rinck M.D.  
Central Drug System, Inc.  
16560 Harbor Blvd, Ste A  
Fountain Valley, CA 92708
3. **SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) LABORATORY**  
Pathology Associates Medical Laboratory  
110 West Cliff Avenue  
Spokane, WA 99220
4. **ACADEMY DRUG PROGRAM MANAGER**  
Kathleen Castle  
Executive Director  
(907) 222-0999  
[info@alaskaca.org](mailto:info@alaskaca.org)

**SECTION VII. DEFINITIONS.**

**Academy Drug Program Manager** is the primary administrator responsible for the Alaska Construction Academies drug and alcohol program.

**Accident** An accident is one that takes place during Academy hours or on Academy property and involves:

- \* Loss of human life, or
- \* Issuance of a moving traffic citation under state or local law, or
- \* Medical treatment other than first aid administered away from the scene, or
- \* Property damage

**Alcohol** means ethanol, isopropanol, or methanol.

**Alcohol concentration** means the alcohol in a volume of breath expressed in terms of grams of alcohol - per 210 liters of breath-as indicated by an evidential breath test.

**Alcohol Use** means the consumption of any beverage or mixture, including any medication or mouthwash containing alcohol.

**Breath Alcohol Technician (BAT)** means an individual who operates an EBT and instructs and assists individuals in the alcohol testing process.

**Collection Site Person** Is an individual authorized by the Alaska Construction Academy to collect samples in accordance with this policy and trained in procedures for such collections. The Alaska Construction Academy has chosen to follow the highest industry standards for work place collection, testing, and reporting of test results; therefore, the Alaska Construction Academy procedures will attempt to follow, as a guide only, the federal drug testing procedures.

**Drug(s)** means a substance considered unlawful under AS 11.71 or under federal law, or the metabolite of the substance.

**Drug Testing** means testing for evidence of the use of a drug.

**Evidential Breath Testing Device (EBT)** is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath, and is placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

**Employee Assistance Program (EAP)** means a confidential counseling/referral service for students and their dependents. EAP is designed to provide assistance to students and their families to deal with personal problems which may affect their productivity, health, training, or employment. All counseling, assessment, and referral services will be provided by qualified, experienced clinicians with special training in short-term counseling and in assessing and treating substance abuse problems.

**Failing A Drug Test** shall mean the test results show positive evidence of the presence of a drug or drug metabolite in a student's system in amounts that exceed cutoff levels established by this policy.

**Medical Review Officer (MRO)** is the licensed physician or doctor of osteopathy who is responsible for reviewing positive laboratory results generated by the Alaska Construction Academy testing program.

**Prospective Student** means a person who has made application to the Alaska Construction Academy,

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whether oral or written, to become a student.

**Point of Collection Test (POCT)** means an on-sight test such as a Rapid or Instant test

**Sample** means urine or breath from the person being tested.

**Screening Test or Initial Test** means an analytic procedure to determine whether a student may have a prohibited concentration of drugs or alcohol in a specimen.

**Rapid Test** means a test designed to provide an instant screened test result.

**Refusal to submit** means failure to cooperate and provide a drug or alcohol sample, after receiving notice of the test in accordance with the Alaska Construction Academy's Drug and Alcohol Policy. A refusal will be treated the same as a positive test result. A refusal to test for alcohol occurs when a student fails to provide an adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested in accordance with the provisions of the Alaska Construction Academy's alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.