



Flight Information File 2008-09

SUBJECT: Mandatory Substance Abuse and Alcohol Misuse Policy
DATE: September 15, 2008

The following pages contain the College of Aviation's revised *Mandatory Substance Abuse and Alcohol Misuse Policy*. While there are many changes which clarify and clean up the policy, the main change is that testing for drug use can now be performed using saliva, urine or hair samples.

Once you have reviewed the policy, acknowledge acceptance of the policy by confirming this Flight Information File in ETA/Talon.

Mandatory Substance Abuse and Alcohol Misuse Policy

Western Michigan University College of Aviation

Effective Date: January 1, 2001

Revised: September 9, 2008

I. Purpose and scope

- A. The Western Michigan University College of Aviation (hereafter referred to as WMU) seeks to maintain an environment with the highest standards for employee and student health and safety. This policy is intended to be a deterrent in preventing accidents, incidents, injuries, and property damage that may result from the misuse of alcohol and controlled substances.
- B. This policy applies to all College of Aviation employees and students and includes individuals performing safety sensitive activities, or those enrolled in course work which involves safety sensitive activities. These activities include, but are not limited to, the maintenance, operation or servicing of aircraft of any type.

II. Policy

- A. This policy prohibits the use of controlled substances without a written prescription from a licensed Medical Doctor (M.D.) or Doctor of Osteopathy (D.O.). This policy also prohibits alcohol misuse which affects job or University course related performance. The privacy/confidentiality of any individual subject to this plan shall be maintained at all times.
- B. WMU will test for the following controlled substances: marijuana, cocaine, amphetamines (including methamphetamine), opiates, and phencyclidine (PCP). WMU shall be responsible for the cost of pre-employment, post-accident/incident, random, reasonable cause/suspicion, return to duty and follow up testing. Prospective students are responsible for the cost of pre-enrollment testing.
- C. Types of testing conducted:
 - 1. Pre-employment/Pre-enrollment
 - 2. Post-accident/incident
 - 3. Random
 - 4. Reasonable cause/suspicion
 - 5. Return to duty
 - 6. Follow up testing
- D. Methods of testing for drugs:
 - 1. Urine drug screen
 - 2. Saliva test
 - 3. Hair test

E. Methods of testing for alcohol:

1. Breath alcohol test

III. Definitions.

A. The following definitions apply for the substance abuse and alcohol misuse policy:

1. Accident (as defined by NTSB part 830) – Means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.
2. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
3. Chain of custody - Procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
4. Confirmation tests
 - a. Confirmation test for drug screens - A second analytical procedure used to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for marijuana, cocaine, opiates, amphetamines, and phencyclidine.
 - b. Confirmation test for alcohol - A second test following a screening test with a result of 0.02 or greater, that provided quantitative data of alcohol concentration.
5. Evidential Breath Testing Device (EBT) - An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).
6. Incident (as defined by NTSB part 830) – Means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.
7. Medical Review Officer (MRO) - A licensed physician (M. D. or D.O.) responsible for receiving laboratory results, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate confirmed positive laboratory reports together with an employee's medical history and other relevant biomedical information

8. Prohibited drug – A substance identified as marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine).
9. Refusal to submit – Refusal by an individual to provide a specimen after receiving notice of the requirement to be tested in accordance with WMU's substance abuse and alcohol misuse policy. Refusal to submit includes, but is not limited to, failure to provide adequate breath for alcohol testing without a valid medical explanation or engaging in any activity which clearly obstructs the testing process.

IV. Drug and alcohol testing protocol

A. Compliance:

1. Compliance with the WMU substance abuse and alcohol misuse policy is a condition of employment/enrollment for safety sensitive activities.
2. Refusal to submit to a required drug and/or alcohol test will result in removal from the assigned safety sensitive duty.

B. Substances for which testing shall be conducted include, but are not limited to:

1. Marijuana
2. Cocaine
3. Opiates
4. Phencyclidine (PCP)
5. Amphetamines (including methamphetamine)
6. Alcohol

C. Tests required:

1. Pre-employment/Pre-enrollment testing - Pre-employment drug testing will be required of a qualified applicant as a condition for employment in a safety sensitive position. Applicants will not be considered for employment with a confirmed positive test result. Refusal to submit to a drug test is a disqualifying condition and will be deemed a voluntary withdrawal of a candidate's application for employment. Pre-enrollment drug testing is required of any student applying for enrollment in a curriculum involving safety sensitive activities. Participation in safety sensitive activities is prohibited until a negative drug result has been received by WMU.
2. Post accident/incident testing – Post accident/incident testing will be required of any employee or student who is involved in an accident or incident. As soon as possible following an accident or incident, WMU shall test the employee(s) or student(s) associated with the event for alcohol and controlled substances. A test for alcohol shall be accomplished within two (if practical) but not greater than eight hours, and a test for controlled substances shall be accomplished within 32 hours. In the event it is impossible or impractical to accomplish the aforementioned tests within the listed time frames, the reasons for delay shall be clearly documented.

3. Random testing - The primary purpose of random testing is to deter the use of controlled substances. Individuals engaged in safety sensitive activities shall be subject to testing on an unannounced and random basis. Upon notification of selection for a random test, the individual shall proceed to an approved testing facility as soon as possible to complete the specimen collection. Testing shall take place within four hours of notification. Failure to appear at the testing facility within this time frame will be considered a refusal to test. Government issued picture identification will be required at time of collection. Failure to provide picture identification will require a supervisor to accompany the individual to the collection site. WMU shall conduct a number of tests equal to at least 25 percent of all covered employees/students each calendar year; tests will be spread evenly and reasonably on a monthly basis over the 12-month period.
4. Reasonable cause/suspicion testing - Reasonable cause/suspicion testing is designed to provide WMU with a tool to identify individuals (performing safety sensitive activities) affected by the use of controlled substances or alcohol misuse. This testing shall be used in conjunction with appropriate supervisor training regarding the signs and symptoms of the use of controlled substances and/or alcohol misuse. Supervisors have the authority to require a test for controlled substances or alcohol if they believe there is reasonable cause to do so.
5. Return to duty testing - An individual who received a positive result on a test for controlled substances or who has refused to take a test shall be subject to return to duty testing. An employee who returns to duty shall be subject to a reasonable program of unannounced follow up testing as determined by WMU. Furthermore, if a substance abuse professional (e.g. an MRO) has made (or makes) a determination that additional evaluation and/or treatment is required, the evaluation/treatment shall be considered mandatory in order to continue performing safety sensitive activities.
6. Follow up testing – An individual shall be subject to follow up testing if it has been determined that they require assistance in resolving difficulties associated with the use of controlled substances and/or alcohol misuse. Follow up testing will be on an unannounced basis and may be conducted prior to, during or after the time an individual performs safety sensitive activities.

D. Method of testing:

1. The method of testing shall be at the discretion of WMU.

V. Disciplinary actions

- A. Failure to comply with any directive relating to testing for controlled substances or alcohol misuse or refusal to test shall result in removal from duty and may result in disciplinary action up to and including dismissal from the program or position at WMU.

- B. Discipline for students shall be in accordance with the current Student Code. Employees charged with violating this policy shall be entitled to a hearing to present any exonerating or mitigating evidence.

VI. Testing locations

- A. The alcohol testing site shall have all necessary personnel, materials, equipment, facilities, and supervision for the testing and processing of alcohol test results. Additionally, the testing site shall provide a suitable private location for the breath alcohol test and the associated recording procedures. At the discretion of WMU, an independent medical facility may be utilized as an alcohol testing facility.
- B. The drug testing collection site shall have all necessary 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 WMU. An independent medical facility may be utilized as a collection site. The designated collection site shall have an enclosure within which private specimen collection can occur. In the case of a urine drug screen, the enclosure must include a toilet for completion of urination, and a suitable clean surface for writing. The site must also have a source of water for washing hands, which if practicable, should be external to the enclosure where urination occurs.

VII. Alcohol testing equipment

- A. WMU shall use an EBT device as listed on the conforming products list for conducting the alcohol testing described in this plan. The EBT must be capable of distinguishing alcohol from acetone, testing an air blank prior to each collection of breath, and performing an external calibration.

VIII. Disclosure of information/records

A. General:

1. WMU shall maintain all related testing information including all test results and other appropriate records in a secure manner so as to prevent the disclosure of such information to unauthorized personnel.
2. The program administrator or their designee shall maintain a confidential locked file system which contains testing information and records. Individual case files shall be handled on a strict "need to know" basis.

B. Disclosure provisions:

1. WMU may disclose required information pertaining to a covered individual to the specific individual or the appropriate legal representative in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual.

2. WMU shall release information regarding a covered individual's records as directed by the specific, written consent of the individual. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's/student's consent.

IX. Use of an individual who fails or refuses a test

- A. Compliance with the substance abuse and alcohol misuse policy is a condition of employment/enrollment. Refusal to submit to a required test or a positive result on a required test shall result in removal from duty. Additional disciplinary action may result.

X. Review of drug testing results

A. General.

1. WMU shall utilize the services of a MRO who is a licensed physician with knowledge of drug abuse disorders. The MRO shall review all positive drug test results and interview individuals who tested positive to verify the laboratory report before WMU is notified.

B. Reporting and review of results.

1. An essential element of the testing program is the final review of confirmed positive results from the laboratory. A positive result does not automatically identify an individual as having used substances in violation of this policy. A MRO having detailed knowledge of possible alternate medical explanations is essential to the review of results. The final review shall be performed by the MRO prior to the transmission of results to WMU.

C. Qualifications and responsibilities.

1. The MRO shall be a licensed physician with knowledge of substance abuse disorders.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the substance abuse policy. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive result. This action could include conducting a medical interview with the individual and a review of the individual's medical history, or a review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.
3. The MRO may require the original specimen be reanalyzed to determine the accuracy of the test result.

D. Positive Test Results.

1. Prior to making a final decision regarding a positive test result, the MRO shall provide the individual an opportunity to discuss the test result with him/her.
2. The MRO shall contact the individual directly, on a confidential basis, to determine whether they wish to discuss the test result.
3. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact WMU who shall direct the individual to contact the MRO as soon as possible.
4. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO will report the findings to WMU as negative.

XI. Employee/student Assistance Program (EAP)

A. Scope of Program.

1. The EAP will provide education and training on substance abuse/alcohol misuse use to all employees/students and shall include:
 - a. Informational material displayed on bulletin boards, break rooms, common areas, locker rooms, etc., and distributed to employees/students.

B. Supervisor Training.

1. Supervisory personnel shall receive training under the substance abuse/alcohol misuse plan.

I have read and understand the WMU Mandatory Substance Abuse and Alcohol Misuse Policy, and agree to follow the policy.

Employee Signature: _____

Date: _____

Employee
Name (printed): _____

Date Received by WMU: _____