

Drug and Alcohol Procedures for VIMS (Marine Operations):

The College of William and Mary and the Virginia Institute of Marine Science (“College”) are firmly committed to ensuring a safe and healthy work environment for all employees, students, customers and the public in general by maintaining a workplace that is free of drug and alcohol abuse.

POLICY

In compliance with the federal Drug-Free Workplace Act, the U.S. Coast Guard (“USCG”) regulations, 46 CFR Part 16; 46 CFR Part 4, and the Department of Transportation’s (DOT) drug and alcohol testing regulations (49 CFR part 40) the College has established these Drug and Alcohol procedures for individuals serving in safety sensitive positions on certain vessels within the College’s research fleet. Under the College’s independent authority, the Institute’s marine superintendent shall determine which of the Institute’s research vessels require that the Operator in Charge must possess appropriate USCG licensure.¹ Drug and alcohol testing is an integral part of our policy and program. Job applicants applying for a position that has been identified as a safety sensitive position are required to comply with these procedures as a condition of employment and by employees as a condition of continued employment. Employees subject to the Commonwealth’s Department of Human Resource Management Policy 1.05, Alcohol and Other Drugs are also subject to all conditions of employment with the College.

It is the College’s intention to comply fully with the USCG’s and DOT’s regulations governing drugs and alcohol use and testing. In the event the USCG’s or DOT’s regulations are amended, the applicable term(s), condition(s), and or requirement(s) of these procedures shall be deemed to have been amended automatically at the time, without the need for redrafting in order to reflect, and be consistent with, the USCG’s and DOT’s regulations. In such case, the College reserves the right to apply the amended requirements immediately, and without giving prior notice to employees subject to the Regulations, unless such notice is required by the USCG or DOT.

To insure full compliance with USCG and DOT’s regulations governing drug and alcohol testing for marine operations, the College will secure consultation and program management assistance from nationally recognized providers of drug and alcohol testing programs.

DEFINITIONS

Crewmember As defined by 46 CFR 16.105, and includes an individual who is engaged or employed in a safety sensitive position on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner’s document issued under 46 CFR.

¹ VIMS Vessels Operation, Training, and Safety Policy, page 5,
http://www.vims.edu/admin/vessels/policies_forms/vessels_ots_policy_9jan2006.pdf.

Designated Employee Representative	(DER) An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part.
Embarked Personnel	Those individuals, including scientific personnel, who are aboard a vessel and are not designated as crewmembers. Embarked personnel are only required to be drug tested in the cases of reasonable cause or post accident.
Marine Casualty or Accident	Any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the U.S., its territories or possessions or any casualty or accident wherever such casualty or accident may occur involving any U.S. vessel which is not a public vessel; includes any accidental grounding, or any occurrence involving a vessel which results in damage by or to the vessel, its apparel, gear, or cargo, or injury or loss of life of any person; and includes among other things, collisions, strandings, groundings, foundering, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect or impair the seaworthiness of the vessel; and includes occurrences of loss of life or injury to any person while diving from a vessel and using underwater breathing apparatus.
Medical Review Officer (MRO)	A licensed physician (medical doctor or doctor of osteopathy), with toxicology and substance abuse expertise who functions independently of the testing laboratory and meets the qualifications established in 49 CFR Part 40, of the US DOT regulations. The MRO is responsible for receiving laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
Operation	Operation means to navigate, steer, direct, manage or sail a vessel, or to control, monitor or maintain the vessel's main or auxiliary equipment or systems. As defined in 46CFR Part 16.105 "operation" includes a long list of activities and include but not limited to: determining the vessel's position, piloting, directing the vessel along a desired trackline, maintaining a lookout; operating deck machinery including winches, windlasses, and lifting equipment; lifesaving equipment and appliances; firefighting systems and equipment; and navigation and communication equipment; and also mooring, anchoring, and line handling; assembling or disassembling of tows.
Safety Sensitive Positions	Positions where an individual engaged or employed on a vessel operated by a USCG licensed operator, is required to perform one or more safety sensitive duties on either a routine or emergency only basis. Any person filling a safety sensitive position is subject to U.S.Coast Guard drug and alcohol testing. Vessel crewmembers are considered to serve in safety sensitive positions.

Scientific Personnel: As defined by 33 CFR 188.10-71, an individual who is aboard a vessel “solely for the purpose of engaging in scientific research, or in instructing or receiving instruction”.

Serious Marine Incident

Any marine casualty or accident as defined in 46 CFR 4.03-1 and 46 CFR 4.05-1, which is required to be reported to the Coast Guard which results in any of the following:

- one or more deaths;
- an injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- damage to property in excess of \$100,000;
- actual or constructive total loss of any vessel subject to inspection under 46 U.S.C. 3301;
- actual or constructive total loss of any self-propelled vessel, not subject to inspections under 46 U.S.C. 3301, of 100 gross tons or more;
- a discharge of oil of 10,000 gallons or more into navigable waters;
- a discharge of reportable quantity of hazardous substance into navigable waters or the environment, whether or not resulting from a marine accident.

PROHIBITED CONDUCT

Prohibited Conduct Concerning Employee’s Use Of Drugs and Alcohol:

- Employees are prohibited from reporting for duty or remaining on duty when using any controlled substances or drugs, except when the use is pursuant to the instructions of a medical doctor who has advised the employee that the substance will not adversely affect the employee’s ability to safely perform his/her duties.
- Employees are prohibited from reporting for duty, or remaining on duty, with an alcohol concentration of 0.02 or greater.
- Employees are prohibited from performing safety-sensitive functions within 4 hours after consuming any alcohol. On-call employees who are not at work, but could be called to perform safety-sensitive functions, are subject to this pre-duty prohibition.
- Employees may not “refuse to submit” to any drug or alcohol test required under the USCG’s and DOT’s drug and alcohol rules
- Employees are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for controlled substances or alcohol, or refused to provide a specimen.
- During an employee’s workday, an employee is prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of controlled substances or alcohol. This prohibition does not include the authorized distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of alcoholic beverages in connection with College-sponsored functions or events or service to our customers.
- Employees are prohibited from failing to stay in contact with the College or its medical review officer while awaiting the results of a drug test.

Refusal to Submit To Testing: The following employee conduct will be considered as a refusal to submit to a test:

- Refusing to complete the chain-of-custody form or any other required drug or alcohol testing form(s);
- Refusing to provide a urine sample, or breath or saliva specimen for testing;
- Failing to provide an adequate amount of urine or breath for testing, without a valid medical explanation;
- Failing to promptly notify the College that the employee was involved in a serious marine incident or not being readily available for testing after an incident (except as necessary to obtain assistance or medical care);
- Refusing or failing to report directly to the collection site after being notified of the need to submit to a test;
- Failure to co-operate with the collection process or delaying the collection, testing, or verification process;
- Adulterating or substituting a urine sample or attempting to adulterate or substitute a urine sample; or
- Otherwise engaging in conduct that clearly obstructs the testing process.

Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp (for example, “Seedy Sweeties” and hemp oil) may cause an employee to test positive for marijuana. A test result that is positive as a result of an employee’s consumption of food or food-products containing hemp will be reported as a positive test.

Prohibition On Supervisor Or Manager Permitting An Employee To Work: No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in prohibited conduct shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.

Prohibition Against Working While Using Any Drug Medications Which Can Affect Safety Or Performance:

- Except as otherwise provided in this section, the lawful use of any medication (therapeutic drugs) while performing a safety-sensitive function is prohibited to the extent such use may affect the employee’s ability to perform his/her job duties safely.
- A employee who will use, or who is using, any medication that contains a controlled substance has an obligation to inquire and determine whether the medication the employee is using, or may use, could affect the employee’s ability to perform his/her job duties safely.
- If the employee is or will be using any such drug medication, the employee is required to obtain from the employee’s licensed medical practitioner a written statement which provides that the medication will not interfere with the employee’s ability to safely and efficiently perform the employee’s job duties or provides the work restrictions, if any, which the employee is subject to for the period of time the employee is taking the medication.

- In the event an employee is using or will be using drug medication which will interfere with or adversely affect the employee's ability to do his or her job duties, such information must be reported to the employee's immediate supervisor prior to commencing any safety-sensitive functions, without disclosing the identity of the substance. The employee must also have the medication available for review by the College's MRO in its original container, which must identify the medication dosage and other pertinent information about the medication.
- An employee may continue to work, if the College's MRO and the licensed medical practitioner have determined that the medication will not adversely affect the employee's ability to safely and efficiently perform the employee's safety-sensitive functions, or they have determined that a reasonable accommodation can be made concerning the employee's medication. An employee will not be permitted to perform his or her safety-sensitive functions unless such a determination or reasonable accommodation has been made.
- An employee may consume a legal non-prescription drug provided the drug does not cause the individual to be intoxicated. (33CFR 95.045) If there is any doubt the non-prescription drug may cause intoxication the individual shall contact their immediate supervisor prior to assuming any safety sensitive functions. The employee must also have the medication available for review by the College's MRO in its original container, which identifies the dosage and other pertinent information about the medication.

REQUIRED TESTS TO ADDRESS USCG AND DOT REGULATIONS

As required by the USCG's and DOT's regulations, the College will conduct drug and alcohol tests under the conditions and circumstances described below.

- Prior to employment or re-employment, promotion, demotion, reallocation, or transfer into a safety sensitive position.
- Random drug and alcohol testing..
- Reasonable cause/suspicion of alcohol or drug use.
- Post Accident or Incident
- Return to Duty
- Follow Up testing

Pre-Employment Drug Testing and Past Test Results Information:

All applicants who have received a conditional offer of employment, and all existing employees whose transfer to a "safety sensitive" position has been conditionally approved, are required to submit to a pre-employment drug test and must receive a negative test result as a condition of employment. Such tests will be conducted prior to the time the applicant is hired or transferred.

In addition to a pre-employment drug test, United States Department of Transportation and USCG's regulations require the College to obtain the following specific information concerning an applicant's past drug and alcohol tests from an applicant's former employer/s during the previous two years:

- Alcohol tests with results of 0.04 or greater;
- Drug tests whose results were verified positive;
- Refusals to be tested (including adulterated or substituted samples);
- Other violations of DOT drug and alcohol testing regulations;
- Information obtained from previous DOT employers of a drug and alcohol rule violation;
- Documentation, if any, of completion of the return-to-duty process following a rule violation.

All such information will be obtained in a confidential manner and the College will maintain a written confidential record with respect to each former employer contacted. If the College learns from the employee's previous employer that the employee had an alcohol test result of 0.04 or greater, a verified positive drug test, or refused to be tested, the employee either will be ineligible to perform a safety sensitive function for the College, or if hired, the employee will be terminated, unless the College obtains evidence that the employee has complied with the referral and rehabilitation requirements set forth in 49 CFR part 40 of the regulations.

Random Drug And Alcohol Testing:

- Each year the College will administer random drug tests. These tests may be conducted at any time, will be unannounced and will be spread reasonably through the year.
- Employees will be selected for testing by using a computer-based random number generator that is matched with the employees' social security numbers, or other comparable identification numbers that will ensure that each employee has an equal chance of being tested each time selections are made.
- Each employee who is notified of selection for random drug testing *must proceed to the collection-testing site immediately*. Employees who do not proceed to the test site immediately upon notification of the test shall be considered to have refused to submit to the test. An annual testing rate of 50 percent of marine operations safety sensitive personnel will be performed.

Reasonable Cause Drug and/or Alcohol Testing: Any crewmember or embarked personnel must submit to a reasonable suspicion drug and/or alcohol test whenever a manager or supervisor has reasonable suspicion to believe that the individual has violated the drug or alcohol prohibitions. The determination of a need for reasonable suspicion testing is based on the reasonable, specific observations by at least one trained supervisor.¹

Examples of behaviors that alone or in combination may create a reasonable suspicion of alcohol or drug use include but are not limited to:

- Unexplained inability to perform normal job functions
- Slurred speech
- Smell of alcohol or drugs on breath
- Unusual lack of physical coordination or loss of equilibrium

¹ Federal regulations require training on alcohol misuse and controlled substances use before a person can be designated to determine whether reasonable suspicion exists to require an employee to undergo alcohol or controlled substances testing. (USCG - 46 CFR Part 16.401)

Unexplained inability to think or reason at the employee's normal level, unexplained hyperactivity, depression, or withdrawal
Bizarre behavior or ideation
Possession of alcohol or illegal drugs
Presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.

Whenever possible, the physical, behavioral, or performance indicators should be based on the observation of the individual by two persons in supervisory positions. The individual's behavior is documented by the supervisor who first observed the behavior and, when possible, by a second supervisor.

An employee who is directed to take a reasonable suspicion drug and/or alcohol test must submit to the test as directed. The supervisor or manager may accompany the employee to the collection/test site, preferably in a state owned vehicle.

Should the crewmember refuse to submit to reasonable cause testing, this refusal should be thoroughly documented and reported to the Coast Guard as appropriate. Any crewmember suspected of being under the influence of a dangerous drug or alcohol should be removed from safety sensitive operations.

Post Accident or Incident Testing: At the time of occurrence of a marine casualty or accident the College shall make a timely, good faith determination as to whether the occurrence currently is, or is likely to become, a serious marine incident. When the College determines that a casualty or incident is, or is likely to become a serious marine incident, crewmembers and embarked personnel directly involved in the incident shall be tested for drugs and alcohol. This determination should be based on the operation being performed at the time of the accident, and what personnel could have or should have had a role in that operation. The identified individuals shall provide urine, blood, saliva, and/or breath specimens as required by the College or law enforcement officers. A law enforcement officer has the authority to further name personnel as being directly involved in the incident and as such, direct them to submit to drug and alcohol testing. The College shall complete Form CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident).

Post Accident Testing Procedures: Crewmembers and embarked personnel subject to post-accident testing must remain readily available for such testing or else will be deemed to have refused to submit to such testing. However, this "readily available" requirement does not require the delay of necessary medical attention for injured people, or prohibit an individual from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care. Once emergency concerns have been met Federal law requires: (46CFR Part 4.06-10)

Alcohol Test:

- Must be conducted within 2 hours of the serious marine incident.
- The only acceptable test methods are a breath test, saliva, or blood test. Only qualified medical personnel may collect blood specimens. A urine test for alcohol is not acceptable.

- Crewmembers or embarked personnel directly involved in a serious marine accident are prohibited from consuming alcohol for a period of 8 hours following the accident.

Drug Test:

- Must be conducted as soon as practicable but not more than 32 hours following a serious marine incident.
- Only a DOT 5 – panel test of a mariner’s urine specimen is acceptable. A blood test for drugs is not acceptable.

Return to Duty Testing: An employee who tests positive on a Drug or Alcohol test may be terminated by the College, or alternatively, if directed to counseling or rehabilitation, as a condition of continued employment, must submit to unannounced follow-up tests for a minimum of six tests in year one and thereafter as determined by the Substance Abuse Professional

DRUG AND ALCOHOL TESTING PROCEDURES

As required by the United States Department of Transportation and the USCG rules, the College’s drug and alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct employee. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests. The following provides a summary of the federal procedures.

Drug Testing Procedures:

All urine specimens are analyzed for the following drugs:

- Phencyclidine (PCP)
- Amphetamines
- Marijuana
- Cocaine
- Opiates

Chain-of-custody and laboratory: All drug tests conducted shall be performed by laboratories certified by the Department of Health and Human Services (“DHHS”). The College will only use collection sites that adhere to DOT collection and handling procedures as outlined in 49CFR Part 40. The most current Federal Chain of Custody documentation will be required.

Confirmation and review of drug test results: All positive drug test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a Medical Review Officer (MRO) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant’s or employee’s medical history, or review of any other relevant biomedical factors and all medical records made available by the tested individuals.

Individuals testing positive will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If, after speaking with the employee, the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as “negative” to the Program Administrator or a designated representative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be reported as a “verified positive test result” by the MRO.

Right to have split-sample analyzed: All applicants and employees whose primary urine sample is verified positive have the right to request that their split-sample be analyzed in a different DHHS/SAMSHA certified laboratory for the presence of the drug(s) for which a positive result was obtained. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive test result. All split specimen tests are performed using “Level of Detection (LOD)” testing procedures as required by the regulations. The purpose of the split specimen test is to determine any presence of the drug without regard to the “cut-off” levels used during routine testing. If the split-sample fails to reconfirm the presence of the drug(s) found in the primary sample, or if the split-sample is unavailable, or inadequate for testing, or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator or a designated representative and the tested individual. However, if the split-sample reconfirms the presence of the drug(s) or drug metabolite(s), or adulterant, the MRO will notify the Program Administrator or a designated representative and the tested individual of the test results.

Inability to provide adequate amount of urine sample: Applicants and employees must provide a urine sample of at least 45 milliliters of urine for a drug test. If the tested individual is unable to provide such a quantity of urine, then the tested individual will be urged to drink up to 40 ounces of fluids for a maximum of three (3) hours. If an applicant refuses to co-operate with the collection procedures or refuses to provide a new urine sample, within the three (3) hour time limit, this will constitute a refusal to submit to a test.

Altered or substituted urine samples: Procedures for collecting urine samples allow an individual privacy unless there is a reason to believe that a particular individual has altered or substituted, or attempted to alter or substitute, the sample, as defined in the Federal Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40. In such cases, a second sample shall be obtained as soon as possible under the direct observation of a same gender observer.

Alcohol Testing Procedures:

How test will be performed: Individuals trained in the use of either Saliva Alcohol Screening Devices (ASD) or other non-evidential screening tests (“STT”) or evidential breath testing (“EBT”) devices will perform alcohol testing. The College shall ensure that persons performing the tests have received appropriate training and are proficient in operation of the testing device utilized. All testing devices must be approved and listed with the National Highway Transportation Safety Administration “Conforming Product List” for Alcohol Testing.

Inability to provide adequate amount of specimen for alcohol testing: If an employee fails to provide or claims that he or she is unable to provide a sufficient amount of breath to permit a valid breath test because of a medical condition, the College will require the employee to be evaluated by a physician selected by the College. If the College selected physician and the program’s MRO determine that the employee’s alleged medical condition could not preclude the employee from

providing an adequate amount of breath, this will constitute a refusal to test and the employee will be terminated.

Return to Duty Procedures

The College is not obligated, and by inclusion of this provision in this procedure does not undertake to any obligation to reinstate or rehire any employee who violates any USCG, DOT or College prohibition or requirement concerning drugs or alcohol. Following a positive drug test, or an alcohol violation an employee must complete the following steps prior to being returned to a safety sensitive position with the College:

- At the employees' expense, must submit to an evaluation by a qualified Substance Abuse Professional (SAP), as defined by 49 CFR Part 40.
- At the employees' expense, attend and complete any and all treatment as required by the SAP.
- At the employees' expense, submit to a return to duty evaluation by the same SAP.
- Provide a negative Return to Duty drug and/or alcohol test as required by the SAP.

Following any return to duty, in addition to the above requirements, the employee must also:

- Comply with any and all "follow-up" care as required by the SAP.
- Submit to any, and all, "follow-up" testing as required by the SAP. Follow-up testing shall be prescribed by the SAP and shall be unannounced tests to the employee. At the time the employee is notified of the request for a "follow-up" test, the employee must immediately proceed to the collection site and provide the specimen/s required. Any delay in proceeding directly to the collection site shall be deemed a "refusal to test."

CONSEQUENCES FOR POLICY VIOLATIONS

The consequences discussed below apply to applicants, employees, or embarked personnel:

Automatic Removal from Safety-Sensitive Functions: USCG and DOT regulations require employees who violate the Commonwealth's policy on Alcohol and Other Drugs in any way to be immediately removed from their safety-sensitive functions. Such employees are prohibited from performing, or being permitted to perform, a safety-sensitive function.

Refusal to Submit: Employees who refuse to submit to testing and who meet the definition of crewmember will be reported to the U.S. Coast Guard in accordance with 46CFR part 16.

In the case of a Serious Marine Incident, embarked personnel employed by the College, who refuse to submit to testing will be documented in the vessel's daily log and reported, in writing, to the U.S. Coast Guard, the Institute's Dean/Director, and the College's Human Resource Department. In addition, the individual will not be allowed back aboard the vessel on subsequent cruises, unless cleared by the College.

In the case of a Serious Marine Incident, embarked personnel not employed by the College, who refuse to submit to testing, will be documented in the vessel's daily log and will be reported to the U.S. Coast Guard, the Institute's Dean/Director, and the individual's employer will also be notified in

writing. In addition, the individual will not be allowed back aboard the vessel on subsequent cruises, unless cleared by the College. Applicants who refuse to submit to a test will be ineligible for employment with the College.

Positive Test Results:

Applicants: All applicants who receive a verified confirmed positive drug test result will be ineligible for employment with the College.

Employees:

- **Temporary suspension:** Any employee who is required to submit to a reasonable suspicion drug or alcohol test will be temporarily suspended.
- **Positive alcohol test results of 0.02 or greater but less than 0.04:**
An employee who receives an alcohol test result of 0.02 or greater, but less than 0.04, **for the first time**, will be placed on LWOP for a minimum of 24 hours. A second result in this range will result in immediate suspension from work and possible further discipline.
- **Confirmed positive drug test and alcohol test results of 0.04 or greater:**
If an employee receives a confirmed positive drug test or an alcohol test result of 0.04 or greater, **for the first time**, the employee will be charged with a Group III violation of the State's Standards of conduct, which alone may warrant termination. Any crewmember holding a USCG license or document and who tests positive for dangerous drugs will be reported to the USCG Officer in Charge, Marine Inspections, Portsmouth, VA.

Embarked Personnel:

- Embarked personnel who receive a positive drug test result will not be allowed aboard the College's research vessels for future cruises, unless cleared by the Institute's Dean/Director and/or College.

Other Policy Violations:

Employees who commit violations other than consequences addressed under Refusal to Submit for Testing, or conditions stipulated under Positive Test Results, will be charged with a Group III violation of the State's Standards of Conduct, which alone may warrant termination. Applicants who violate these procedures will be ineligible for employment with the College.

Potential Forfeiture of Workers' Compensation and/or Unemployment Compensation

Benefits: Violations of USCG's or DOT regulations and/or the requirements of these procedures constitute gross and willful misconduct. In addition to the discipline and other consequences imposed by USCG and the College, such gross and willful misconduct may also result in the denial of unemployment compensation under the applicable state law. In addition, employees who are injured as a result of a violation of USCG's or DOT regulations and/or the College's safety rules (including but not limited to the conduct prohibited under these procedures) may also forfeit workers' compensation benefits under the applicable state law.

NOTIFICATION OF TEST RESULTS

Applicants will be notified of the results of a pre-employment drug test, if the applicant requests his/her test results within 60 days of being notified of the disposition of the employment application. Employees will be advised of drug test results that are verified positive and the drug or drug(s) for which a positive result was verified. Employees will be notified of the results of their alcohol tests immediately after the administration of the screening test and, if necessary, the confirmatory test.

EXPENSES AND COMPENSATION FOR TESTS

The College will pay for drug and alcohol tests and related expenses as follows:

- The College will pay for all drug and alcohol tests required to be taken by employees or applicants including confirmation tests.
- Any requested confirmation test by other than the College's contracted testing laboratory must be by a certified laboratory approved by the MRO and paid for by the employee or applicant requesting it. The College will reimburse the individual if the original testing result is unable to be confirmed.
- All time spent by employees providing a specimen, including travel time to and from the collection site, will be considered as on-duty time. The employee will receive his or her regular compensation.

RECORDKEEPING, ACCESS TO RECORDS AND CONFIDENTIALITY OF TEST RESULTS

The College will maintain records related to its drug and alcohol testing program as required by the USCG and DOT regulations. These records will be maintained in a secure location with controlled access and will not be released to any person except as required by law or expressly authorized by the employee.

The laboratory may disclose drug test results only to the MRO. The MRO, STT and BAT may disclose test results only to the individual tested, designated College representatives, a treatment program, federal or state authorities, or a court of law or administrative tribunal to the extent required by law.

SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM

Consistent with and subject to the College's policies concerning medical and personal leaves and vacations, an employee who voluntarily self-identifies himself or herself as having a drug or alcohol problem and requests assistance for such a problem will be referred to an employee assistance professional for an evaluation and, if recommended, an appropriate counseling, treatment or rehabilitation program. The cost of the counseling, treatment or rehabilitation is the employee's responsibility.

This request must be made before the employee is directed or otherwise required to submit to a drug or alcohol test.

CONTACT FOR QUESTIONS REGARDING POLICY

College contact: Questions regarding these procedures as enforced by the College:

Director of Human Resources - Earleen O'Roark, 757-221-3115