



AMERICAN MARITIME OFFICERS

Chemical Testing Policy

Effective March 1, 2008

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Introduction

POLICY STATEMENT

The aim of this AMO policy is to establish effective procedures for chemical testing to ensure consistent and fair treatment of all employees and applicants for employment. This policy sets forth AMO's rules for union officials, representatives and employees under the influence of drugs or alcohol on the job that may pose serious safety and health risks to the user and to all those who surround or come in contact with the user. This policy is adopted in accordance with AMO 2008 Resolution (4) of the AMO National Executive Board.

REASON FOR POLICY

The policies in this manual are to help insure a safe, healthy, and productive work environment for AMO union officials, representatives, employees and job applicants.

- AMO has adopted a policy for maintaining a drug and alcohol free workplace. This policy restricts certain items and substances from being present on AMO premises.
- AMO prohibits employees from reporting to work or working with measurable levels of illegal and non-prescription drugs and alcohol, and other controlled substances which affect the employees' ability to perform work safely and productively.

SCOPE OF POLICY

AMO's policy applies to union officials, representatives, employees and applicants for employment. This policy applies during all working hours and during the time the employee is on lunch or break periods and when the employee is scheduled to return to work or when operating an AMO vehicle, equipment or machinery. Each employee is responsible for supporting and complying with the policy in both letter and spirit.

Chemical Testing Policy

All officials, including AMO National Executive Board members, representatives, employees and applicants for employment shall be subject to pre-hire, random chemical testing, for cause testing and post accident testing, on the same basis as members and applicants for membership in the AMO union.

Random selection of individual employees of AMO for such chemical testing means that every AMO official, representative, or employee has a substantially equal chance of selection on a statistically valid basis. The testing frequency and selection process shall be such that an employee's chance of selection continues to exist throughout his or her employment. Random selection may be accomplished by periodically selecting one or more AMO officers, representatives, and employees as covered by this policy,

It is prohibited to:

- Use or be under the influence of any alcohol during working hours.
- Use, purchase, possess, transfer, solicit for, sell narcotics, or other illegal drugs, alcohol or prescription medication without a prescription while on premises or while performing an assignment.
- Have the presence of any detectable amount of prohibited substances in the employee's system while at work, while on the union's premises or while on union business. "Prohibited substances" include illegal drugs, alcohol or prescription drugs not taken in accordance with a prescription given to the employee.
- Possess, use, solicit for, sell legal or illegal drugs or alcohol when away from the union premises, if such activity or involvement, adversely affects the employee's work performance, the safety of the employee or others, or puts at risk the union's reputation.
- Clearly obstruct the testing process by any conduct.
- Provide false information about a urine specimen or attempting to contaminate or alter a urine specimen.

It is permissible to:

Use drugs that are lawfully obtained and properly used provided their use does not interfere with the individual's proper and safe performance.

Possess, store or use alcohol by AMO officials, representatives or employees at social functions and or business meetings on or off AMO premises if the possession and storage or use of such alcohol is compatible with or consistent with the duties of such officials, representatives or employees.

TESTING CATEGORIES

The union will conduct drug testing under any of the following circumstances.

Pre-Employment Testing

It shall be a condition of employment that all prospective employees of AMO shall agree, in writing, in his or her application for employment to submit to a pre-employment chemical test administered by an independent testing facility retained by AMO.

Initial Testing

It is understood that all union officials, representatives and employees of AMO, both hourly and salaried shall be initially tested in order to provide a base line.

Random Testing

Random testing shall be allowed and employees may be selected at any interval determined by AMO but not more than twice a year without probable cause.

Post-Accident Testing

In the event an employee is involved in an on-the-job accident which results in damage to property, equipment or injury under circumstances which suggests possible use or influence of drugs or alcohol may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident injury" means not only the one who was injured but also any employee who potentially contributed to the accident or injury in any way may be required to submit to a drug/alcohol test.

Probable Cause Testing

Probable cause means suspicion based on specific observations or any time AMO feels that an employee may be under the influence of drugs or alcohol, including but not limited to the following circumstances:

- Evidence of drugs or alcohol on or about the employee's person or in the employees vicinity,
- Unusual appearance, conduct, speech or breath odor on the employee's part that suggests impairment or influence of drugs or alcohol,
- Negative performance patterns, or excessive and unexplained absenteeism, tardiness or that an AMO representative or person in a supervisory position can describe concerning the appearance or behavior of the employee.

TESTING PROCEDURES

- The results of the described test are to be held in the strictest confidence between AMO and the testing facility. The results of the tests will not be provided to anyone without express written consent of the employee.
- The results will be provided to the employee if requested by employee.
- AMO shall ensure that union officials, representatives or employees that are tested are tested on random basis at an annual rate of not less than 50 percent.
- AMO shall retain and use an independent testing facility.
- Customary patient privacy will be observed in taking the test.
- Security of biological specimens is absolutely necessary. Any breach of this security will require a three-day written notification to the employee for a re-test.

TESTING RESULTS

- Applicants for employment showing a positive result on the chemical test (and the split sample) shall automatically disqualify such individual for employment by AMO for a period of five (5) years from the date of the sample.
- Employees testing positive may be disciplined “for cause”. The Employee shall be immediately notified by AMO in writing when he or she has failed the test.
- In the event of positive test results, the employee may request, within 72 hours of notification a re-test of his/her urine specimen at another certified laboratory. Chain of custody for this sample shall be maintained.
- All confirmed positive tests shall receive a professional medical review that includes offering the employee the opportunity to contest or explain the result.
- Employees have the right to obtain test results from the testing facility.

==== CHEMICAL TESTING POLICY ENFORCEMENT ====

- Employees are required to submit to an alcohol and/or drug test when directed by AMO.
- Employees refusing to submit to testing by avoiding the alcohol or drug test or failing to provide an adequate volume of urine to conduct a test without a valid medical explanation will be treated as insubordination.
- All testing will be monitored to ensure that the provisions of this policy are being adhered to. In any case where a violation of the policies described herein is found, the AMO National Executive Board member, representative or employee shall be subject to internal union disciplinary charges.

Any current employee who feels that he or she has a drug or alcohol related problem is encouraged to seek professional help.