

## APPENDIX C

### Drug Testing Policy

#### INTRODUCTION

In compliance with Department of Transportation (DOT) and United States Coast Guard (USCG) regulations, Sea Education Association, Inc. (SEA) has established a program for drug testing of all current and prospective employees who have operational or safety responsibilities aboard SEA's vessels.

SEA does not feel that there has been a problem with employee drug abuse in the past, and has no desire to intrude into the private lives of its employees. The use of drugs is illegal, however, and adversely affects the safety of SEA's vessels and all aboard. SEA will fully comply with the DOT/USCG regulations for mandatory work place drug testing as they apply to its seagoing employees.

This section establishes SEA's policies and procedures for this program. SEA welcomes your comments about this program and looks forward to your cooperation.

#### DEFINITIONS APPLICABLE TO THIS POLICY

Current Employee A person who is currently employed by SEA.

Employee Assistance Committee (EAC) The Personnel Committee acts as SEA's Employee Assistance Committee. The Employee Assistance Committee is available to meet with any current employee who has a confirmed positive drug test and who wishes to return to active employment with SEA. The Committee is also available to meet with any employee who voluntarily seeks information or assistance regarding substance abuse treatment or rehabilitation.

Medical Review Officer (MRO) A properly licensed physician contracted by SEA to evaluate drug test results and who is available to advise the employee and the EAC in the event of a positive drug test report.

Prospective Employee A person who has either applied for employment with SEA or who has been contacted by SEA regarding the availability of employment, and who is or may be pending an offer of employment with SEA.

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#### APPLICABILITY

This policy applies to all current employees and prospective employees whose terms of employment include/will include service aboard SEA's vessels and who have/will have operational or safety responsibilities. This shall include, but not be limited to, all Captains, Mates, Able Bodied Seamen, Ordinary Seamen, Stewards, Engineers, Chief Scientists, Assistant Scientists, the Dean, DIRECTOR OF MARINE SERVICES, Science Coordinator, Ship Operations Coordinator and Port Engineer.

#### WHEN WILL TESTING BE REQUIRED

1. **Pre-Employment** - All persons who will be employed in positions which will or will likely include designated operational or safety responsibilities aboard SEA vessels must be tested before an offer of employment will be extended\*. This applies to all Captains, Mates, Able Bodied Seamen, Ordinary Seamen, Stewards, Engineers, Chief Scientists, Maritime Studies Faculty, Assistant Scientists, the Dean, DIRECTOR OF MARINE SERVICES, Science Coordinator, Ship Operations Coordinator and Port Engineer. The person must provide a urine sample (as outlined in this policy) and SEA must receive written confirmation that the sample was negative for the listed drugs.

Exception: In accordance with DOT/USCG regulations 46 CFR Part 16, a prospective employee need not be tested if he or she has proof that within the previous six months, he or she passed any Coast Guard-required drug test, or has, during the previous six months, been subject to Coast Guard-required random testing for at least 60 days and has not failed or refused a test.

2. **Random** - All seagoing employees in positions which regularly include operational or safety responsibilities aboard SEA vessels will be subject to random drug testing. Under the random testing program, fifty percent of all such employees will be required to be tested each year.
3. **Post Serious Marine Incident** - All persons directly involved in a serious marine incident will be chemically tested for evidence of dangerous drugs and alcohol in accordance with the requirements of 46 CFR 4.06. SEA will carry aboard its vessels test kits for drug and alcohol testing. Supervisory personnel on the vessels shall be trained in their use and "Chain of Custody" procedures.
4. **Reasonable Cause** - Testing is required if any shipboard employee exhibits behavior that indicates probable use. Any decision to test under this requirement shall be based upon a reasonable and articulable belief that the person involved has used a dangerous drug. Where possible, this belief should be based on the observation of the individual by two (2) persons in supervisory positions.

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#### WHAT DO THESE TESTS ENTAIL?

Urinalysis testing for the following:

- a) Marijuana
- b) Cocaine
- c) Opiates
- d) Phencyclidine (PCP)
- e) Amphetamines

The regulations require a second confirmatory analysis for any specimens that show positive by the first analysis. The second analysis is performed on the same specimen.

In addition, the regulations require that any person directly involved in a serious marine incident also be tested for the presence of alcohol in that person's system.

#### WHO WILL PAY FOR THESE TESTS?

SEA will pay for the direct costs of these mandatory drug tests. SEA will pay for costs associated with sample collection, shipping, analysis, and review by SEA's Medical Review Officer (MRO).

Current employees may be reimbursed for travel expenses incurred as a result of the required drug testing. Travel or indirect expenses should be approved by SEA in advance of the expenditure. SEA will not pay any travel costs or indirect costs associated with drug testing for prospective employees.

The regulations allow any person whose sample tests as positive to request a *re-analysis* of the original sample. If the sample tested as positive, that means that positive results have been obtained from both the initial test and the second confirmatory analysis. A *re-analysis* means *repeating both the initial and confirmatory tests on the same urine sample*. The costs associated with any sample re-analysis as requested by a current employee or prospective employee will not be paid by SEA.

#### WHERE WILL TESTING TAKE PLACE?

Specimens for drug testing can be collected:

- a) at SEA's offices in Woods Hole, MA
- b) aboard ship
- c) at specifically designated collection centers - part of a national network associated with the NIDA (National Institute On Drug Abuse) approved laboratory system contracted by SEA for drug testing service.

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#### WHAT HAPPENS AFTER A SPECIMEN IS COLLECTED?

After collection, specimens are placed in envelopes, sealed with evidence tape and a recorded "Chain of Custody" is established continuing through final analysis and reporting of results. The direct chain of custody will vary depending upon sampling location. In all cases, the number of transfers of custody should be minimized. Specimens will be transferred to the laboratory for analysis as quickly as possible.

Samples are never to be left unattended other than in a secure, locked cabinet with limited access.

#### WHAT HAPPENS WHEN THE ANALYSIS IS COMPLETE?

All reports will be sent to SEA's Medical Review Officer (MRO) at SEA's Woods Hole, MA address. The laboratory will report as negative all specimens which are negative on the initial test or negative on the confirmatory test. Only specimens positive on both test screens are reported positive to the MRO for a specific drug finding.

#### WHAT HAPPENS IF THE LABORATORY REPORTS A POSITIVE ANALYSIS?

SEA's Medical Review Officer (MRO) shall review and interpret each confirmed positive test result in accordance with 49 CFR 40.33. If the MRO verifies a laboratory-confirmed positive report, the MRO shall report the positive test result to the DIRECTOR OF MARINE SERVICES. The MRO's role is to then advise the Employee Assistance Committee (EAC) and to help the EAC interpret the results of any positive test report. The employee has the right to be interviewed by the MRO to provide any relevant information pertaining to the positive result.

The communication between the MRO and the individual tested is not to be considered a doctor-patient relationship.

#### WHAT HAPPENS IF THE MEDICAL REVIEW OFFICER (MRO) ADVISES THE EMPLOYEE ASSISTANCE COMMITTEE (EAC) THAT THE DRUG ABUSE SCREEN REPRESENTS A TRUE POSITIVE?

1. A prospective employee will not be considered for any shipboard employment unless he/she provides evidence of rehabilitation and a recent urine sample tests negative.
2. A current employee who is reported by the MRO to be positive for drug usage must be suspended immediately and signed off the ship at the next scheduled port stop. The employee must meet with the EAC in Woods Hole, MA before any further employment will be permitted. Among other considerations, further employment would be dependent on successful completion of a rehabilitation program and a recent negative drug test. A positive drug test by a current employee will be considered a breach of contract and is cause for immediate dismissal.

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#### RECORDS

As required by law, all records of negative results will be kept on file for at least one year at SEA's offices in Woods Hole, MA. All records of positive results will be kept on file for at least five years, and will be made available to the USCG upon request.

All individuals may receive a report concerning the outcome of their drug test. Individual results from these drug tests will be released only directly to the individual tested upon written request.

#### REFUSAL TO COMPLY WITH REQUIRED DRUG SCREENING

A prospective employee who refuses to provide a urine sample for drug screening as required by 46 CFR Parts 4, 5 and 16 and outlined in this policy will not be eligible for employment by SEA.

Any refusal by a current employee to provide a sample for drug screening as required by 46 CFR Parts 4, 5, and 16 and outlined in this policy will result in immediate suspension without pay. Any decision on reinstatement will rest with the Employee Assistance Committee.

#### PROCEDURES - SAMPLE COLLECTION

*When the collection facility is either aboard ROBERT C. SEAMANS or CORWITH CRAMER or at SEA's offices in Woods Hole, MA:*

All sample collections must be supervised by personnel trained in sample collection procedures.

Procedures for collecting urine specimens shall allow for privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

Collection site personnel shall take precautions to ensure that each specimen is not adulterated or diluted during the collection process.

Collection site personnel shall strictly adhere to the procedures as stated on the forms from the test laboratory.

Samples shall be transferred to the testing lab as quickly as practical.

Samples shall be placed in a locked, secured cabinet designated for this purpose. It shall remain there until it is transferred to the test lab by courier or postal service.

The Captain of the vessel shall supervise sample collection aboard ship. If the Captain is to be screened for drug use under the provisions of the policy, the most senior mate (not involved in the particular serious marine incident if that is the reason for the testing) shall supervise the sample collection.

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When the person to be tested will be assigned to a non-SEA (off-site) collection facility; SEA will provide an analysis report form for the individual to present at the collection site. In this case, the collection site is responsible for supervision during testing and "Chain of Custody" until the sample is transferred to the test laboratory for analysis. When sample collection at SEA's collection facilities is impractical, an off-site collection center will be assigned by SEA.

### **PROCESSING REPORTS FROM THE LABORATORY**

All reports will be sent to the Medical Review Officer (MRO) in care of the DIRECTOR OF MARINE SERVICES at Sea Education Association, Inc., P.O. Box 6, Woods Hole, MA 02543. No laboratory report shall be opened without consent of the MRO. Only the DIRECTOR OF MARINE SERVICES or designee shall be authorized to process laboratory reports addressed to the MRO. Reports of a positive test screen shall be reviewed by the MRO as soon as possible.

No report shall be considered positive until reported as such from the MRO to the DIRECTOR OF MARINE SERVICES.

A copy of the drug screen report will be released to the tested individual upon written request to the Marine Department.

### **EMPLOYEE ASSISTANCE PROGRAM**

As part of SEA's Employee Assistance Program, the Employee Assistance Committee (EAC) will be available to meet with any employee who has been reported positive for drug usage by the MRO and who wishes to return to active employment with SEA.

The EAC can advise the employee about options for counseling and/or rehabilitation. The EAC will be made available to meet with the individual to determine if and/or when the person will be permitted to resume employment.

The EAC is also available to meet with any employee who voluntarily seeks information or assistance regarding substance abuse treatment or rehabilitation.

SEA will not pay for any outside expenses for counseling or drug rehabilitation, though certain expenses may be covered by an individual's medical insurance plan.

As part of SEA's Employee Assistance Program, SEA will conduct a training program for employees which will include information on the consequences of drug and alcohol use on personal health, safety and the work environment.