



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

DIVISION OF PERSONNEL AND LABOR RELATIONS

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To: All Administrative Services Directors
All Supervisors
All Human Resource Managers

From: Kate Sheehan, Director, Division of Personnel & Labor Relations

A handwritten signature in black ink, appearing to be "KS".

Date: January 11, 2018

Re: NOTICE: Changes to Drug & Alcohol Testing Effective January 1, 2018

Please distribute to your employees who are subject to Drug and Alcohol Testing under 49 CFR Part 40.

Recently the U.S. Department of Transportation (USDOT) announced changes to its drug testing regulations (49 CFR Part 40), which affect State of Alaska employees within the Alaska Marine Highway System, and safety sensitive positions requiring a Commercial Driver's License.

Effective January 1, 2018, the USDOT will begin requiring testing for *four semi-synthetic opioids* (hydrocodone, oxycodone, hydromorphone and oxymorphone).

What does this mean for the employees?

Effective January 1, 2018, in addition to the existing USDOT drug testing panel (that includes marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates), those required to undergo testing will *also* be tested for four semi-synthetic opioids (i.e., hydrocodone, oxycodone, hydromorphone, oxymorphone). Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

What if I have a prescription? Will I test positive?

If you test positive for any of the semi-synthetic opioid drugs, then as with any other drug test result that is confirmed by the laboratory, the Medical Review Officer (MRO) will conduct an interview with you to determine if there is a legitimate medical explanation for the result.

If you have been prescribed medication, you should provide it to the MRO who will determine if the prescription is valid. If a legitimate medical explanation is established, the MRO will report the result to your employer as a 'negative'. If not, the MRO will report the result to your employer as 'positive'.

As it has been the requirement in the past, when the Employer receives a 'positive' drug test result, the Employer will immediately remove you from performing safety-sensitive functions and may result in disciplinary action up to and including dismissal. Employees are encouraged to review their Department's policy and procedure on this subject, including any return-to-duty requirements.

Do I need to tell anyone about my prescribed medications?

Your Department may have a policy that requires you to report your prescribed medications to them. If your job function has USDOT-regulated medical standards (truck/bus driver, airline pilot, mariner), the USDOT agency regulation may require you to report your prescribed medications to those who determine your fitness for medical certification.

What should I tell my prescribing physician?

If you are taking any prescription medications, consider this a reminder to discuss your safety-sensitive work with your prescribing physician. Be proactive in ensuring that your prescribing physician knows what type of transportation-related safety-sensitive work you currently perform. For example, don't just provide a job title but describe your exact job function(s) or ask your employer for a detailed description of your job function that you can give to your prescribing physician. This is important information for your prescribing physician to consider when deciding whether and what medication to prescribe for you. It is important for you to know whether your medications could impact your ability to safely perform your transportation-related work. At any time, you are welcome to bring a copy of your position description to your medical provider for review.

Will the MRO report my prescribed medication use/medical information to the Employer?

Historically, the USDOT's regulation required the MRO to report your medication use/medical information to a third party (e.g. your employer, health care provider responsible for your medical qualifications, etc.), if the MRO determines in his/her reasonable medical judgement that you may be medically unqualified according to USDOT Agency regulations, or if your continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies your drug test result as 'negative'. For the State of Alaska, this is reported to the Designated Program Manager (DPM) and/or Designated Employer Representative (DER), which is typically a representative within your Department's Human Resource office.

As of January 1, 2018, prior to the MRO reporting your information your Department DPM and/or DER, you will have up to **five days** to have your prescribing physician contact the MRO. You are responsible for facilitating the contact between the MRO and your prescribing physician. Your prescribing physician should be willing to state to the MRO that you can safely perform your safety-sensitive functions while taking the medication(s), or consider changing your medication to one that does not make you medically unqualified or does not pose a significant safety risk.

What about Marijuana?

Under 49 CFR Part 40, the MRO will not verify a drug test as negative based upon learning that employee used "recreational marijuana" or "prescribed marijuana" even if legalized in the employing state or prescribed by a physician.

Where can I find more information?

Employees should direct their questions to their Department's DPM and/or DER, or their Department's Human Resource office. A summary of these changes, along with the Final Rule can be found on the US Department of Transportations, Office of Drug & Alcohol Policy and Compliance website:
<https://www.transportation.gov/odapc>

cc: Labors, Trades and Crafts (LTC)
 Marine Engineers Beneficial Association (MEBA)
 Masters, Mates and Pilots (MM&P)
 Inlandboatmen's Union of the Pacific (IBU)
 Alaska State Employees Association (ASEA)
 Alaska Public Employees Association (APEA)
 Alaska Correctional Officers Association (ACOA)
 Public Safety Employees Association (PSEA)