

**KAC**



KENTUCKY AIR CENTER  
1929 Isaac Shelby Drive  
Shelbyville, KY 40065

**POLICY AND PROCEDURES  
FOR DRUG USE AND ABUSE**

Revised November 24, 2008  
Replaces all prior versions

**KENTUCKY AIR CENTER  
DRUG TESTING PROGRAM  
FOR THE AVIATION INDUSTRY**

**AUTHORITY**

This program is in compliance with FAR 121 Appendices I & J

**PURPOSE**

1. To promote a drug-free aviation workforce and to eliminate drug abuse in employees performing safety or security related functions for participating operators.
2. To assist the aviation community in compliance with the regulations by offering to Part 121, 135 and associated operators the opportunity to participate in this plan.

**EFFECTIVE DATE OF YOUR COMPANY'S INDIVIDUAL PLAN**

When approved by the FAA or 60 days after submission if not disapproved by the FAA.

**TERMINOLOGY**

- A. Program: KENTUCKY AIR CENTER provides all administration and organization of services pertinent to the drug abatement program and alcohol misuse prevention program mandated by the FAA.
- B. "Drug Abatement/AMPP Certification Statement": The document submitted by Kentucky Air Center as evidence of compliance with regulations.

## II. CONTRACTORS

Each employer under KENTUCKY AIR CENTER will determine that any sub-contractors are covered by a drug testing program.

## III. MEDICAL REVIEW OFFICERS

PRIMARY: Dr. Podoll 3430 Newburg Rd. #106 Drs., Vannier & Park  
Dr. Rose Louisville, KY 40218-2445  
Dr. Diamond Phone: 502-451-1100 Fax: 502-451-1181  
SECONDARY: N/A

## IV. DRUG TESTING LABORATORIES

Clinical Reference Laboratory  
8433 Quivira  
Lenexa, Kansas 66215

## V. SPECIMEN COLLECTORS:

### A. EMPLOYER REPRESENTATION

Each station may have a properly trained employer representative team for the collection of specimens, if possible. When employer representatives cannot be utilized, KENTUCKY AIR CENTER shall arrange for collection by properly trained, mobile independent contractors or by a corporate collector service.

### B. CORPORATE

1. Jewish Hospital-Shelbyville  
727 Hospital Drive.  
Shelbyville, KY 40065  
502-647-4000

### C. ALTERNATIVE SITES:

The laboratory identified above has a network of approved collection sites with proper facilities for storage and/or forwarding under proper chain of custody. These facilities will be used as alternatives to *mobile independent contractors* or the *corporate collector* services.

## VI. EMPLOYEE ASSISTANCE PROGRAM

### A. SUBSTANCE ABUSE PROFESSIONAL

#### 1. PRIMARY RESOURCES

- a. Ten Broeck Hospital  
1405 Browns Lane  
Louisville, KY 40207  
1-866-373-6085
- b. Substance Abusers  
[www.substanceabusers.com](http://www.substanceabusers.com)  
1-800-559-9503

2. SECONDARY RESOURCES  
ANY QUALIFIED SUBSTANCE ABUSE PROFESSIONAL OR FACILITY  
WHICH IS GEOGRAPHICALLY APPROPRIATE FOR THE EMPLOYEE IN  
QUESTION.

B. EMPLOYEE TRAINING/EDUCATIONAL PROGRAM

1. Each new employee will be trained by use of a videotaped presentation highlighting the effects and consequences of substance abuse upon personal health, safety, the work environment and the manifestations and behavioral cues that may indicate drug use and alcohol abuse. Each employee attending this presentation shall sign his/her name upon a type roster which will then be attested to be the Anti-Drug Manager or his/her deputy.
2. New employees will be counseled by the appropriate supervisor as part of their orientation program and this counseling shall be attested to in the personnel records.
3. Supervisory personnel who will have the authority to determine when an employee is subject to testing for reasonable cause shall receive special training on the specific, contemporaneous physical, behavioral and performance indicators or probable drug use in addition to the training specified above. This additional training will be presented in the form of a video-tape in a program not less than 60 minutes in length. This training will be recurrent for all supervisors on an annual basis. There will be an additional one (1) hour of alcohol training. Attendance at supervisor training programs will be certified in the same manner as described in the paragraph above.

C. EAP TRAINING MATERIALS

The continuing educational program will consist of display and distribution of informational material regarding drug abuse, its recognition and consequences and a community service hot-line telephone number for employee assistance. The operator's policy regarding drug use in the workplace shall be displayed in prominent locations throughout its various facilities. These displays will be renewed and rewritten periodically to reinforce their impact upon employees. They will include the following salient points:

1. Operators participating in the program intend to be in compliance with DOT/FAA regulations.
2. A listing for the drugs which the employees will be tested.
3. Employees are subject to disqualification from their positions, if they are not drug free under the provisions of these regulations.
4. Employees have the right to review the company drug/alcohol testing program and the authorizing document in their entirety and are encouraged to do so.

VII. POLICIES AND PROCEDURES IN TESTING IMPLEMENTATION

A. EMPLOYEES TO BE TESTED

1. Flight crewmembers
2. Flight attendants
3. Flight instructors
4. Aircraft dispatcher
5. Aircraft maintenance personnel
6. Aviation screening personnel
7. Ground security coordinators
8. Non-Federal Air traffic control personnel

B. SUBSTANCES FOR WHICH TESTING WILL BE CARRIED OUT:

1. THC (marijuana)
2. Cocaine
3. Opiates
4. PCP (phencyclidine)
5. Amphetamines

C. CATEGORIES OF TESTS:

1. PRE-EMPLOYMENT TESTING

Prior to the first time an individual performs a safety-sensitive function for an employer, the employer, shall require the individual to undergo testing for prohibited drug abuse. Upon the verification of a negative pre-employment test, the applicant will be added to the roster automatically until specifically removed by the employer.

2. PERIODIC TESTING

Each employee for whom a medical examination under Part 67 is a requirement for employment shall submit to scheduled drug testing at the time of that employee's first medical examination during the first year of any *individual company's* anti-drug program.

3. RANDOM TESTING

- a. A computer based random generator program will be used to determine which individuals are to be tested.
- b. Kentucky Air Center shall select a number of employees for random testing using the computer based random generator.

Each year, the FAA will determine what percentage of the total roster will be required for random testing. Each quarter, the active roster will be used to project that annual requirement. The number of employees chosen each quarter shall be sufficient to result in a number of tests equal to one-fourth of that annual requirement.

- c. Testing of the employees selected will be spread over the quarter in which they were selected. The notification will be sent to the appropriate company anti-drug manager and/or the designated specimen collection agent of the identity of the individual(s) to be tested. In any case, the individual to be tested shall not be notified of the impending test until he/she is known to be in geographic proximity to an acceptable collection station.

Employees to be tested are to be given as little advance notice of the collection as possible. Except in circumstances where duty schedules and geographical considerations make it impossible, notification time will not exceed two hours.

**Note:** Alcohol testing must be done prior to, during or immediately after performance of a safety sensitive function.

4. POST ACCIDENT TESTING (See NTSB 830)
  - a. Covered Events

“Aviation accident” is defined as 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 time any person suffers:

    1. A fatality
    2. A serious injury, defined as any injury which:
      - a) requires hospitalization for more than 48 hours commencing within seven days from the date the injury was sustained,
      - b) results in a fracture of any bone (except simple fractures of fingers, toes, nose),
      - c) causes severe hemorrhage, nerve, muscle, or tendon damage,
      - d) involves and internal organ, and/or
      - e) involves more than 5% of the body surface.
    3. Or there is substantial damage to aircraft as defined by NTSB.
  - b. If any employee’s performance either contributed to an accident or cannot be completely discounted as a contributing factor in an accident, that employee shall be **drug** tested as soon as possible, but no later than 32 hours after the accident. If possible, **alcohol** testing should be done within 2 hours of the accident with 6 hours as the limit. The decision to test will be based upon the best information available at the time. If there is significant question as to the employee’s involvement in the accident, the decision to test will be based upon the best information available at the time. If there is significant question as to the employee’s involvement in the accident, the decision shall be made to test.
5. TESTING BASED UPON REASONABLE CAUSE (SUSPICION)
  - a. An employee shall be tested when there is reason to suspect the use of a prohibited substance. This shall occur when the employee’s supervisor(s) shall concur in the recommendation. Employers that cover 51 or more covered employees are required to have two supervisors substantiate and concur the decision to test an employee for reasonable cause. At least one of the two supervisors must have received training for detecting symptoms of drug/alcohol use within the prior 365 days. Employers that employee 50 or less covered employees are required to have one such trained supervisor to substantiate the determination to test.
  - b. The supervisors’ recommendation shall be submitted in writing to management. The supervisor shall have reasonable and articulable belief that the employee is using a prohibited substance on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable substance abuse.
  - c. Management shall advise the MRO that the test is authorized.
  - d. The MRO shall arrange for testing to be carried out as soon as is expeditious after determining the employee’s duty/location schedule.
  - e. The employee shall be provided with written notice of the testing for reasonable cause.
6. RETURN TO DUTY AND FOLLOW UP TESTING

After failure of a test or refusal to submit to a mandatory test any employee, who is hired, rehired or returned to duty shall pass a test before returning to duty and, thereafter, be subject to unannounced testing for not more than 60 months. The SAP shall determine a reasonable program of unannounced testing.

VIII. SPECIMEN COLLECTION AND TESTING

- A. The collection and testing of specimens shall be as described in, and in compliance with 49 CFR 40.
- B. All urine collections will be done using a split specimen method.
- C. When a secondary specimen is tested at the request of the employee, it shall be forwarded by the primary laboratory under chain of custody to a different DHHS certified laboratory that has been chosen by the employer for this purpose.

IX. DUTIES OF THE MEDICAL REVIEW OFFICER

- A. The MRO shall perform the following functions for the employer(s):
  - 1. Review the results of all drug tests, report them to the employer and summarize them for the Company records.
  - 2. Notify employees of confirmed positive test results.
  - 3. Review and interpret each positive result in order to determine if there is an alternative medical explanation for the confirmed positive test.
    - a. Provide an opportunity for the employee to discuss a positive test result with the MRO.
    - b. Review the employee's medical history and any relevant biomedical factors.
    - c. Review all medical records made available by the employee to determine if the confirmed positive test resulted from legally prescribed medication.
    - d. Verify that the laboratory report and assessment are correct including the employee's option to request that the split specimen be analyzed.
  - 4. Process employee's request for testing of the split specimen by another laboratory at the employee's expense as follows:  
Not later than 72 hours after receipt of a confirmed positive test result, an employee may submit a written request to the MRO for testing of the split specimen. The employer shall select (or may have selected in advance by written notification to the consortium) the secondary DHHS certified laboratory for split specimen testing. The laboratories shall follow the chain-of-custody procedures. The employee shall pay the costs of the additional test and all handling and shipping costs associated with the transfer of the specimen between laboratories.
  - 5. Help in referral of the individual who had a verified positive test or refused to submit to a test to a Substance Abuse Professional.
  - 6. Ensure that employees are tested in accordance with the procedures specified in 49 CFR 40.
  - 7. Follow a schedule of unannounced testing as recommended by the Substance Abuse Professional for employees returned to duty after having had a verified positive test or having refused to submit to testing.
- B. MRO DETERMINATIONS
  - 1. If the MRO determines that there is a legitimate medical explanation for a confirmed positive test he shall consider the test to be negative and report it as such.
  - 2. If the MRO determines that there is no legitimate medical explanation for a confirmed positive test, the MRO shall refer the employee to the employer's administrative section for further proceedings as specified in the section on REMEDIES:
  - 3. Based upon review of laboratory inspection reports, quality assurance and quality control data and other test data, the MRO may conclude that a particular drug test result is scientifically insufficient for further action and shall report the test as negative, adulterated, or unable to be tested.

4. In order to recommend the hiring or return to duty of a covered employee who has failed a drug test or has refused to submit to a drug test, the MRO shall, at the direction of the SAP:
  - a. Determine that the individual is free of drugs based upon a drug test.
  - b. Ensure that the employee is in compliance with the requirements of a qualified rehabilitation program.
5. Notwithstanding any other section of this document, when the employee or applicant holds, or is required to hold a Medical Certificate issued under Part 67 in order to perform the duties of the position held or applied for; and that employee has a verified positive test or has refused to submit to testing; the MRO shall submit the name of the individual and identifying information together with the documentation to the Federal Air Surgeon. Neither the SAP nor the MRO has the authority to recommend return to duty of this individual.

X. CONFIDENTIALITY OF REPORTS AND RECORDS

- A. All records relating to the collection process, including logbooks and certification records shall be maintained for two years. All positive tests shall be maintained for five years. All records of negative tests shall be maintained for two years.
- B. All records will be confidential. Hard copy of records shall be kept in locked files and computerized records shall be available only to the MRO, the Chief Executive Officer and such administrative personnel who have a need to know and commit themselves in writing to confidentiality. In addition, the Administrator or Administrator's representative may be permitted to examine these records.
- C. Release of drug testing information. Intramural access to the results of drug testing is limited as specified in paragraph B above. A participating operator may release information regarding test results or rehabilitation to a third party only with the specific written consent of the employee authorizing release of the information to an identified person. The results may also be released to the NTSB as part of an accident investigation or to the FAA upon request.

XI. REPORTS TO THE FAA (IF REQUIRED)

- A. The annual report will cover the period of January through December.
- B. Reports will be sent to:
  - FAA Drug Abatement Branch (AAM-220)
  - Office of Aviation
  - 800 Independence Avenue, S.W.
  - Washington, D.C. 20591
- C. Reports will comply with FAA-MLS requirements.
- D. Reports are required from:
  1. All Part 121 operators.
  2. All operators with 50 or more covered employers.
  3. Any other operator selected by the FAA lottery to report.



7. PERMANENT DISQUALIFICATION FROM SERVICE. An employee who has *two* verified positive drug test results or *two* alcohol violations under this program (conducted after September 19, 1994) is *permanently precluded* from performing for ANY employer the safety sensitive duties the employee performed just prior to the second drug test.

An employee who engages in prohibited drug or alcohol use DURING THE PERFORMING OF A SAFETY SENSITIVE POSITION ("on the job") is *permanently precluded* from performing that safety sensitive function for any employer.

8. IF THE EMPLOYEE IS ONE REQUIRING A MEDICAL CERTIFICATE UNDER PART 67, HIS/HER RETURN TO DUTY IS AT THE DISCRETION OF THE FEDERAL AIR SURGEON.

#### IV. RECORDS AND REPORTS

1. A LOG BOOK should be maintained carefully. It should record dates and times concerning telephone notifications of negative results, need for random tests, etc...Keep all copies of chain-of-custody forms which will be forwarded to the employer after each specimen collections.
2. Keep copies of the EMPLOYEE ASSISTANCE PROGRAM TRAINING SESSIONS rosters.
3. Keep records of your DISPOSITION of employees who test positive.
4. Statistical data will be developed by the laboratory and forwarded directly to the clients as required.
5. Annual activity reports when and if required by the FAA will be developed by Kentucky Air Center and forwarded to each client for signature and submission to the FAA.

TESTING FOR CAUSE AND/OR REASONABLE SUSPICION TESTING

I. **EMPLOYEE'S NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

This is to advise you that you are about to undergo testing for cause and/or reasonable suspicion that you may be in violation of the drug and/or alcohol misuse policies of this company and, further, that you may be in violation of governmental regulations applicable to your employment.

The reason for this testing is based upon the following observations made by qualified supervisors:

II. **A. SUPERVISOR INITIATING THIS ACTION:**

\_\_\_\_\_

**B. SUPERVISOR CONCURRING WITH THIS ACTION:**

\_\_\_\_\_

If the test(s) performed show that you are in violation of the regulations, the consequences will be according to company policies and/or governmental regulations and may include temporary or permanent loss of your position and reporting to governmental agencies if and when required.

III. **EMPLOYEE RESPONSES:**

A. I agree to testing and understanding the possible consequences of a failed test.

\_\_\_\_\_ Signature

Print Name

B. I refuse to submit to testing and I understand that such a refusal has the same effect as a failed test and may also incur special reporting to governmental agencies.

\_\_\_\_\_ Signature

Print Name

IV. **CERTIFICATION OF EMPLOYEE'S REFUSAL TO SIGN:**

The employee identified above refused to sign this document.

**Signature:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

APPENDIX

**KENTUCKY AIR CENTER DRUG  
TESTING ROSTER UPDATE FORM**

Name of Company: \_\_\_\_\_ Member # \_\_\_\_\_

Effective date of this data: \_\_\_\_\_

<b>Add the following Employee(s):</b>			
Name	Social Security #	Position	*Home Station

<b>Delete the following Employee(s):</b>			
Name	Social Security #	Position	*Home Station

<p><b>Authorized by:</b></p> <p>Name (Print or Type): _____</p> <p>Title: _____</p> <p>Signature: _____</p>
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**APPENDIX**

## POLICIES & PROCEDURES

Each individual employer is entitled to develop its own Policies and Procedures regarding drug abuse as long as they are not in conflict with the FAA regulations.

### **I. ANTI-DRUG MANAGERS/DESIGNATED EMPLOYER'S REPRESENTATIVE**

Kentucky Air Center will administer the program by contact through the employers' ANTI-DRUG MANAGERS/DESIGNATED EMPLOYER'S REPRESENTATIVE "DER,"

Each member of Kentucky Air Center will appoint an Anti-Drug Manager who understands and is committed to the security and confidentiality of the information that he/she will process. The initial appointment and any changes must be in writing and certified by a responsible officer of the member of the company.

Each employer's ANIT-DRUG MANAGER must do the following things in order to insure the successful compliance with the Drug Abatement Program as mandated by the FAA:

1. Keep the employee roster up to date by timely submission of the ROSTER UPDATE FORM provided. Failure to do so may result in one or more employees not being included in the randomizing process, thus being in violation of the program. Also, it could result in the member being charge excessive monthly fees.
2. Keep the program LOG BOOK meticulously. It is proof of having activated the testing process as prescribed and assures that there is a documented negative test BEFORE the employee is allowed to perform a safety sensitive job.
3. Cooperate with Kentucky Air Center and its collection personnel in assuring that testing is done in a timely manner.
4. Receive, record, and maintain test results and other documents in compliance with the requirements of confidentiality.
5. The ANIT-DRUG MANAGER will initiate the testing process when the occasion arises for pre-employment tests, periodic test in the first year, testing for cause or post accident testing. (Post accident test has specific time constraints and the MEDICAL REVIEW OFFICER must be notified as well.)
6. The ANTI-DRUG MANAGER will facilitate random testing when notified by Kentucky Air Center or its designated collectors of the identities of those individuals chosen by the computerized randomization process. *It is counter-productive to notify the employee if it is known that he/she is not geographically available. The purpose of the random test is to do the tests with as little advanced warning as possible. Thus, if a flight crewmember is to be away from his/her home base or other known collection station, he/she should not be notified until he/she is at a place where collection can take place within the prescribed parameters. Until the notification is given, anti-drug manager must not reveal such notification is forth coming.*
7. EMPLOYEE ASSISTANCE PROGRAM:
  - a) Educational materials must be distributed from time to time.
  - b) New employees must be shown the taped educational program when hired
  - c) Supervisors must be trained with the Supervisor's tape and retrained annually

Certified rosters of attendance at these showing must be maintained. Copies of the certified rosters need not be sent to Kentucky Air Center.

## II. STEPS TO BE TAKEN WHEN A TEST IS POSITIVE

1. The FAA has only stated three requirements when a test is verified positive...
  - a. that the individual must be suspended from his/her "safety sensitive" position
  - b. he/she must be given direction to a qualified rehabilitation facility, and
  - c. appropriate reports must be made to the FAA. (MRO reports regarding drug positive testing results. EMPLOYER reports regarding alcohol positive testing results.)
2. Anything else having to do with job retention and/or rehabilitation is entirely at the discretion of the employer. The employer may take into consideration any contracts, union rules, company policies, length of service, etc... However clients are cautioned to avoid any remedial policy that could be interpreted as DISCRIMINATION based upon sex, age, race, or ethnic origin.

## III. REMEDIES

1. NOTWITHSTANDING ANY PART OF THIS PLAN THAT MIGHT BE INTERPRETED TO THE CONTRARY, when:

- a. a test is confirmed **positive**.
- b. the Medical Review Officer has **verified** the validity of the test, and
- c. the employee holds a "safety sensitive" position covered by this program, then

THAT EMPLOYEE SHALL BE SUSPENDED IMMEDIATELY with pay until the employer shall make a determination as to the disposition (see paragraph 5). The decision shall be made expeditiously taking into consideration all facts available and the employee's contract if there be one.

The employee may request that TESTING OF THE SPLIT SPECIMENT (bottle B) be carried out by the Medical Review Officer but his/her removal from his/her "safety sensitive" position MAY NOT BE DELAYED while awaiting the results of the test.

2. If an employee shall **refuse** to provide a specimen upon request for a random, post accident, or test for cause and not provide an acceptable explanation for his/her refusal, THAT EMPLOYEE SHALL BE TERMINATED IMMEDIATELY as company policy. If the employee holds a certificate under 14 CFR part 61, part 63, part 65, then the FAA must be notified of this refusal within five (5) working days.
3. When an employee is terminated, the appropriate Director of Maintenance or Director of Operations shall be notified as soon as possible.
4. IF THE EMPLOYEE HOLDS A MEDICAL CERTIFICATE UNDER PART 67, THE FAA MUST BE NOTIFIED OF ANY SUSPENSION ARISING FROM A VERIFIED POSITIVE TEST UNDER THIS PROGRAM.
5. The Employer's options shall include but not limited to:
  - a. Dismissal,
  - b. Suspension with pay until rehabilitated,
  - c. Suspension without pay until rehabilitated, or
  - d. Transfer to a position not covered by this program.
6. The occurrence of rehabilitation shall be determined by the SUBSTANCE ABUSE PROFESSIONAL (SAP) return to duty testing and testing after rehire shall be as described in the authorizing document; i.e. "follow-up" testing on a random schedule specified by the SAP for a period of one to five years.