

## **1. Staff & Management Expertise**

- 17 years experience providing drug and alcohol testing services
- 1986 – criminal justice testing
- 1989 – workplace testing
- Nationwide client base
- Market leader among Alaskan-based companies
- Strongly positioned with government agencies and unions
- Currently contracting with local and state governments
- Union agreements include Teamsters, IBEW, Operating Engineers

## **2. Comprehensive Industry Experience**

- Certified Substance Abuse Program Administrator (C-SAPA)
  - First in the US to achieve certification, 3 Certified Professional on staff
  - 2 Certified SAPAA Instructor's, C-SI
- Substance Abuse Program Administrator's Association (SAPAA)
  - WorkSafe's president is past-president of SAPAA
  - WorkSafe's general manager currently serves on SAPAA's Board of Directors
- Drug and Alcohol Testing Industry Association (DATIA)
  - Active members
  - WorkSafe's general manager is on the Urine Collection Policy Committee
- Master Trainer for the Life Loc Breath Alcohol Testing Device

## **3. State-of-the-Art Services**

- Industry specific software customized to clients' specific needs
- Full selection of non-regulated and DOT drug and alcohol testing services
- 24-48 hour reporting of negative results
- Random selection and testing
- Drug awareness training
- Supervisor and employee training & education seminars
- Statistical reporting
- Pre-audit inspections
- DOT anti-drug plans and policy development

## **Types of Testing**

Based on client needs, WorkSafe helps create and implement a legally sound drug & alcohol-testing program within any organization from virtually any industry. Many programs include the following types of tests:

### **Conditional Employment (Pre-employment)**

The applicant must pass a drug test prior to hire or as a condition of employment.

### **Post-Accident**

After an accident, all employees whose performance may have contributed to the accident must be tested according to company policy.

### **Reasonable Cause**

An employee must submit to a drug test if 2 supervisors, at least one of which is trained in recognizing the signs and symptoms of drug abuse, observe performance and behavior that would indicate possible drug and /or alcohol use.

### **Random**

A specified percentage of a company's covered workforce will be randomly tested each year for the presence of controlled substances or, in some cases, alcohol.

### **Follow-Up Testing**

A reasonable program of unannounced drug testing can be implemented for an employee who has returned to duty after failing a previous drug test, after refusing to submit to a drug test, or after successfully completing a substance abuse treatment program.

### **Periodic**

The Department of Transportation requires some industries to test employees as part of a physical examination during the first calendar year of the implementation of the employer's anti-drug program. WorkSafe provides this service.

## **Alcohol Testing**

Life Loc, Inc. is a market leader in manufacturing, marketing and servicing breath alcohol testing equipment. Its main product, the Phoenix, is a widely used hand-held breath alcohol-testing instrument. The Phoenix is ideal for the workplace and is recognized on the National Highway Traffic Safety Administration's (NHTSA) conforming products list of Environmental Breath Measurement Devices.

### **The Phoenix provides the following:**

- Convenient Size and Weight
- Direct and Passive Testing
- Immediate Result Printout Capability
- Internal Memory
- Self-Diagnostics
- Easy Calibration
- Battery-operated (Rechargeable)

### **Accessories**

- Portable Printer
- Waterproof Carrying Case
- Computer Software Package
- Printer Ribbons
- Printer Paper
- Disposable Mouthpieces



## **Education**

WorkSafe has an experienced team of professionals ready to work with an organization to develop and implement a workplace drug-testing program. WorkSafe's staff is trained in DOT regulations and Non-DOT programs, and is available to answer questions and provide assistance as needed. The following education materials are available to assist clients with their drug and alcohol program.

### **Industry Newsletter**

Clients are kept up-to-date with new information through WorkSafe's newsletter, WorkSafe Ink. This newsletter contains pertinent and timely industry news.

### **Seminars**

Seminars and conferences are conducted annually, including programs such as the statewide Drug Testing Conference and Transportation Drug Testing Symposium.

### **Employee Orientation**

Employee orientation is an important step when a company implements a new drug-testing program. Professional, state-of-the-art orientation and training programs are available at competitive rates.

### **Manuals, Posters, and Brochures**

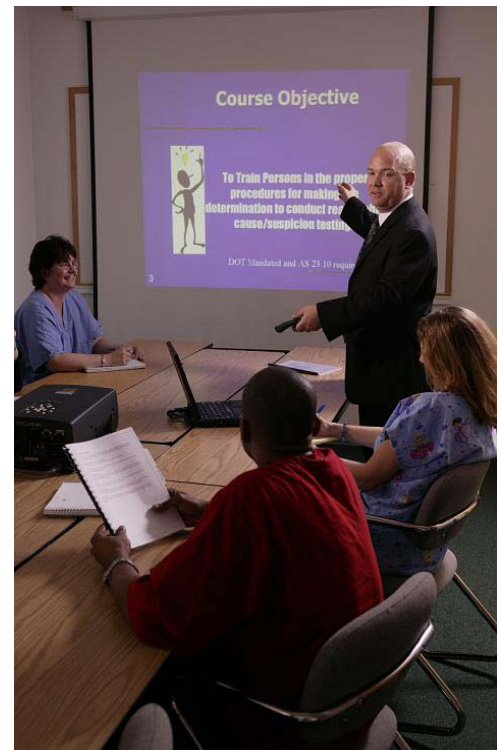
To assist in the development of drug-testing program, WorkSafe provides manuals for supervisors and employees, brochures, drug-free workplace posters, and other training and awareness materials.

### **Instructor-Lead & Video Supervisor Training**

WorkSafe offers signs and symptoms training sessions for supervisors and managers. These programs train supervisors and managers to evaluate whether reasonable suspicion exists to require an employee to undergo testing. These services can be provided at a customer's site, in the WorkSafe Training Center, or through a video-training packet.

Federal Department of Transportation (DOT) supervisor training is available and includes an in-depth discussion of the collection and laboratory process, as well as the signs and symptoms to look for when determining potential alcohol or drug use. Supervisors are taught how to identify, document, and intervene with a suspected user.

Narrated by the professional staff of WorkSafe, the video package comes with three supervisor-training manuals and a certification test. Supervisors can refer to the manuals for assistance as situations arise.



## Drug Testing

WorkSafe's software TPA Advantage can be integrated with most certified laboratories. WorkSafe's laboratory is certified by SAMSHA and uses the most advanced testing methodologies including:

- **Screening:** Enzyme Multiplied Immunoassay Technique (EMIT)  
This screening test is an initial analytical procedure designed to screen large batches of urine samples for the presence of drugs.
- **Confirmation Testing:** Gas Chromatography / Mass Spectrometry (GC/MS)  
A confirmation test is a follow-up test performed on samples that tested positive by the screening method. The GC/MS procedure is the most sensitive and accurate confirmation test available.

## Alternative Testing Options

In addition to laboratory-based urine testing, alternative methods of testing are also available. WorkSafe can accommodate any client's non-regulated drug testing needs and can be included in statistical reports. Options available include:

- Non instrumented dug testing (instant test)
- Oral fluid testing
- Hair testing

## Medical Review Officer Services

WorkSafe utilizes in-house Medical Review Officer (MRO) services for fast and accurate review of test results for DOT and Non-DOT regulated clients. All WorkSafe MROs are licensed physicians who are knowledgeable in pharmacology and certified as MROs.



## **Random Drug & Alcohol Testing Programs**

WorkSafe provides businesses with an easy to administer random drug and alcohol testing program. To select employees for testing, WorkSafe uses a scientifically valid computerized random selection program. Additionally, a full range of consortia services for Department of Transportation mandated industries is available. WorkSafe can customize programs in any way to fit the drug and alcohol testing needs of non-regulated clients.

The random program is conducted in four parts:

### **1. Selection**

All employees included in a WorkSafe random drug and alcohol-testing program are entered into a pool by name and social security number, or another pre-arranged ID number. A computer then randomly orders and selects a designated percentage of employees for testing at a given time.



### **2. Notification**

Upon completion of the selection process, the WorkSafe consortium coordinator presents the selected employees to the company official. This person is responsible for making arrangements to have the selected personnel provide a specimen within the allotted time period. Random reports can be generated by location of employee or supervisor they are assigned to.

Notification can be made by email, fax or US mail. By communicating electronically we are able to reduce the lost time from the time of selection to results notification.

### **3. Posting Collections**

The final process of the random drug and alcohol-testing program is posting the collections. When the allotted time period has expired, the WorkSafe coordinator records the personnel tested or not tested, then posts and closes the run. No-show reports can be generated “on-demand” to assist a client in ensuring that all selected employees are tested prior to the close date of the random run.

### **4. Statistical Reporting**

All Department of Transportation (DOT) clients receive statistical reports each quarter identifying the number of tests completed, and the number of negative, positive and dilute samples by test reason. This report provides all of the information needed to complete industry MIS reports and other requirements set by auditors, operators and contractors.

## **Rates and Charges**

Non-DOT Testing includes random selection and reasonable transportation costs to lab	\$35.00 per sample
Non Instrumental Drug test (Instant) With written result	\$35.00 per kit
Federal DOT Testing includes MRO, random selection and reasonable transportation costs to lab	\$63 per sample
Medical Review Officer review of non-DOT positive only	\$25.00 each
Annual management fee	\$240.00 annually
Seasonal management fee	\$20.00 month
Special Test d/l or 6 AM or other adulterant tests	\$150 per test
*Re-Tests	\$150 per test
**Specimen Collection outside of Anchorage	at actual rate plus 5%
Specimen Collection conducted in Anchorage	\$5.00
Supervisor/Employee Training Instructor Lead two hour class	\$250 per class
Training manuals	\$ 11.00 each
Drug Program Consulting/Policy Writing	\$ 50.00 per hour
Per-Diem plus airfare, lodging, meals and transfers based on a 8 hour day	\$300 per day
Supervisor/Employee Training Video (User Guide, 3 supervisor manuals and certificates)	\$198 each packet

\*Payment for a retest will be the responsibility of the employee. WorkSafe will not order the retest without payment from the employee unless otherwise authorized by the Companies Drug Program Manager.

\*\*Specimens collected outside of Anchorage will be billed at the actual rate of collection plus 5% for accounting fees. These rates are subject to change without notice.

## **Why Drug Test**

### **Consider these pertinent facts:**

- Employees who abuse drugs work an average of 30-35 percent less than non-users.
- Employees who abuse drugs cost employers 300 percent more in medical costs and benefits.
- Employees who abuse drugs and alcohol cause over 40 percent of on-the-job injuries.
- Employees who abuse drugs are more likely to steal to support their habit.

## **Questions and Answers**

### **Is Drug Abuse increasing?**

For the first time in 13 years, the Quest Diagnostics Laboratories survey shows an increase in positive drug tests in the workplace. According to R.H. Barry Sample, Ph.D., Director of Science and Technology for that company, the increase appears to be due to increased substance abuse among current general workforce employees rather than employees who test under Department of Transportation programs.

### **What are the chances that your business employs substance abusers?**

Approximately 70 percent of current illicit drug users 18 and older are employed. That is about 10 million U.S. workers. What are the chances that your employees abuse on the job: Whether they use on the job or not, they bring the effects of their problems with them since drugs affect their systems for several days. (3 to 5 days is very common.)

### **Which groups are most likely to use?**

A survey by the federal government showed full time employees who admitted to being current drug users tend to be:

- Between 18 – 25 (12.4 percent of workers in this age group said they were current users.
- Between 26 – 34 (8.6 percent said they were current users)
- Between 35 – 49 (5.4 percent said they were current users)

Obviously, since those are admitted numbers, the real percentages are something more than those above.

### **How do drugs affect your employees' performance?**

The U.S. Postal Service study found that abusers are involved in 55 percent more accidents, experience 95 percent more on-the-job injuries, and have a 78 percent high rate of absenteeism. Other government studies show that abusers are 33-35 percent less productive.

## **Questions and Answers (cont.)**

### **What does it cost your company?**

While it is difficult to do more than reach an average, unless wrongful death or injury is involved, the U.S. Navy estimated several years ago that the average cost of each abuser to a company is \$6,600 annually. They also estimated that the actual average number of abusers in a company with 450 employees is 17 percent. If you multiply 17 percent of the number of your employees times \$6,600 you will get an estimate of the cost to your company.

A way to estimate wasted salary cost is to multiply the total number of your employees times 17 percent. Add up the salary of that 17 percent and calculate what 35 percent would equal. That dollar amount would be equal to time those employees don't work while you are paying them.

Do your other non-abusing employees know about the employees who do?

Approximately 62 percent in an Ohio based study said they either know or know someone who has personal knowledge of a co-worker whose abuse has interfered with their work. Over 57 percent in a Gallop survey said abuse in their own workplaces affected attendance, productivity, morale, health care costs and safety.

### **Why use urinalysis substance abuse testing?**

Urinalysis testing started in the Armed Services in the early 1980's. It has solid science, a two test screen and confirmation processes, protective Medical Review component, and is admissible in any court in the United States. The policy and procedures developed by both the Armed Services and the Federal Government protect both the employer and the employee. The procedures include a complete system of checks and balances when the process is managed by a reputable third party administrator.

## **Benefits of Substance Abuse Testing**

Substance Abuse testing can decrease workplace accidents, cut production costs, save wasted salary dollars, cut increased medical costs, decrease workers' compensation premiums, lower employee turnover, reduce theft and shrinkage, and increase morale and loyalty.



## AN ACT

Relating to employer drug and alcohol testing programs.

**Section 1. AS 23.10 is amended by adding news section to read:**

### **Article 9. Drug and Alcohol Testing by Employers.**

#### **Sec. 23.10.600. Employer protection from litigation.**

- (a) If an employer has established a drug and alcohol testing policy and initiated a testing program under [AS 23.10.600](#) - 23.10.699, a person may not bring an action for damages against the employer for
- 1) actions in good faith based on the results of a positive drug test or alcohol impairment test;
  - 2) failure to test for drugs or alcohol impairment or failure to test for a specific drug or another controlled substance;
  - 3) failure to test or, if tested, failure to detect a specific drug or other substance, a medical condition, or a mental, emotional, or psychological disorder or condition; or
  - 4) termination or suspension of a drug or alcohol prevention or testing program or policy.
- b) A person may not bring an action for damages based on test results against an employer who has established and implemented a drug and alcohol testing program under [AS 23.10.600](#) - 23.10.699 unless the employer's action was based on a false positive test result and the employer knew or clearly should have known that the result was in error and ignored the true test result because of reckless or malicious disregard for the truth or the wilful intent to deceive or be deceived.
- (c) In a claim, including a claim under [AS 23.10.600](#) - 23.10.699, if it is alleged that an employer's action was based on a false positive test result,
- (1) there is a rebuttable presumption that the test result was valid if the employer complied with the provisions of [AS 23.10.600](#) - 23.10.699; and
  - (2) the employer is not liable for monetary damages if the employer's reliance on a false positive test result was reasonable and in good faith.
- (d) A person may not bring an action for damages against an employer for an action taken related to a false negative drug test or alcohol impairment test.
- (e) A person may not bring an action against an employer based on failure of the employer to establish a program or policy on substance abuse prevention or to implement drug testing or alcohol impairment testing.

- Sec. 23.10.610. Limits on causes of action for disclosures.** A person may not bring an action for defamation of character, libel, slander, or damage to reputation against an employer who has established a program of drug testing or alcohol impairment testing under [AS 23.10.600](#) - 23.10.699 if the action is based on drug or alcohol testing unless
- (1) the results of the test were disclosed to a person other than the employer, an authorized employee, agent or representative of the employer, the tested employee, the tested prospective employee, or another person authorized or privileged by law to receive the information;
  - (2) the information disclosed was a false positive test result;

- (3) the false positive test result was disclosed negligently; and
- (4) all elements of an action for defamation of character, libel, slander, or damage to reputation as established by law are satisfied.

**Sec. 23.10.615. Employer's compliance voluntary.** Compliance with [AS 23.10.600](#) - 23.10.699 by employers is voluntary.

**Sec. 23.10.620. Employer policy.**

(a) Under [AS 23.10.600](#) - 23.10.699, an employer may only carry out the testing or retesting for the presence or evidence of use of drugs or alcohol after adopting a written policy for the testing and retesting and informing employees of the policy. The employer may inform employees by distributing a copy of the policy to each employee subject to testing or making the policy available to employees in the same manner as the employer informs its employees of other personnel practices, including inclusion in a personnel handbook or manual or posting in a place accessible to employees. The employer shall inform prospective employees that they must undergo drug testing.

- (b) The written policy on drug and alcohol testing must include, at a minimum,
- (1) a statement of the employer's policy respecting drug and alcohol use by employees;
  - (2) a description of those employees or prospective employees who are subject to testing;
  - (3) the circumstances under which testing may be required;
  - (4) the substances as to which testing may be required;
  - (5) a description of the testing methods and collection procedures to be used, including an employee's right to a confirmatory drug test to be reviewed by a licensed physician or doctor of osteopathy after an initial positive drug test result in accordance with [AS 23.10.640](#) (d);
  - (6) the consequences of a refusal to participate in the testing;
  - (7) any adverse personnel action that may be taken based on the testing procedure or results;
  - (8) the right of an employee, on the employee's request, to obtain the written test results and the obligation of the employer to provide written test results to the employee within five working days after a written request to do so, so long as the written request is made within six months after the date of the test;
  - (9) the right of an employee, on the employee's request, to explain in a confidential setting, a positive test result; if the employee requests in writing an opportunity to explain the positive test result within 10 working days after the employee is notified of the test result, the employer must provide an opportunity, in a confidential setting, within 72 hours after receiving the employee's written notice, or before taking adverse employment action;
  - (10) a statement of the employer's policy regarding the confidentiality of the test results.

(c) An employer may require the collection and testing of a sample of an employee's or prospective employee's urine or breath for any job-related purpose consistent with business necessity and the terms of the employer's policy, including

- (1) investigation of possible individual employee impairment;
- (2) investigation of accidents in the workplace; an employee may be required to undergo drug testing or alcohol impairment testing for an accident if the test is taken as soon as practicable after an accident and the test is administered to employees who the employer reasonably believes may have contributed to the accident;
- (3) maintenance of safety for employees, customers, clients, or the public at large;
- (4) maintenance of productivity, the quality of products or services, or security of property or information;
- (5) reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that the use may adversely affect the job performance or the work environment.

(d) In addition to tests required under (c) of this section, an employer may require employees or groups of employees to undergo drug testing on a random or chance basis.

(e) If an employer institutes a policy of drug testing or alcohol impairment testing under [AS 23.10.600](#) - 23.10.699, the policy must identify which employees or positions are subject to testing. An employer must test all or part of the work force based on consideration of safety for employees, customers, clients, or the public at large. An employer may not initiate a testing program under [AS 23.10.600](#) - 23.10.699 until at least 30 days after the employer notifies employees of the employer's intent to implement the program and makes written copies of the policy available as required by (a) of this section.

(f) The provisions of [AS 23.10.600](#) - 23.10.699 may not be construed to discourage, restrict, limit, prohibit, or require on-site drug testing or alcohol impairment testing.

#### **Sec. 23.10.630. Collection of samples.**

(a) An employer may test an employee for the presence of drugs or for alcohol impairment. An employer may test a prospective employee for the presence of drugs.

(b) In order to test reliably, an employer may require an employee or prospective employee to provide a sample of the individual's urine or breath and to present reliable individual identification to the person collecting the sample. Collection of the sample must conform to the requirements of [AS 23.10.600](#) - 23.10.699. The employer may designate the type of sample to be used for testing.

(c) An employer shall normally schedule a drug test or an alcohol impairment test of employees during, or immediately before or after, a regular work period. Alcohol impairment or drug testing required by an employer is considered to be work time for the purposes of compensation and benefits for current employees. Sample collection shall be performed in a manner that guarantees the individual's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or misidentified.

(d) An employer shall pay the entire actual costs for drug testing and alcohol impairment testing required of employees and prospective employees. An employer shall also pay reasonable transportation costs to an employee if the required test is conducted at a location other than the employee's normal work site.

#### **Sec. 23.10.640. Testing procedures.**

(a) Sample collection and testing for alcohol impairment and drugs under [AS 23.10.600](#) - 23.10.699 shall be performed under reasonable and sanitary conditions. The person collecting samples shall document the sample, including labeling the sample to preclude to the extent reasonable the possibility of misidentification of the person tested in relation to the test result provided, and shall provide the person to be tested with an opportunity to provide medical information that may be relevant to the test, including identifying current or recently used prescription and nonprescription drugs.

(b) Sample collection, storage, and transportation to the place of testing shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.

(c) Sample testing must comply with scientifically accepted analytical methods and procedures. Except for on-site testing under [AS 23.10.645](#), drug testing shall be conducted at a laboratory approved or certified by the Substance Abuse and Mental Health Services Administration or the College of American Pathologists, American Association of Clinical Chemists.

(d) Drug testing, including on-site drug testing, must include confirmation of a positive drug test result. The confirmation must be by use of a different analytical process than was used in the initial drug screen. The second or confirmatory drug test shall be a gas chromatography mass spectrometry. An employer may not rely on a positive drug test unless the confirmatory drug test results have been reviewed by a licensed physician or doctor of osteopathy. The physician or osteopath shall

(1) contact the employee within 48 hours and offer an opportunity to discuss the confirming test result;

(2) interpret and evaluate the positive drug test results for legal use; and

(3) report test results that have been caused by prescription medication as negative.

(e) A drug test conducted under this section or in an on-site test under [AS 23.10.645](#) for a drug for which the United States Department of Health and Human Services has established a cutoff level shall be considered to have yielded a positive result if the test establishes the presence of the drug at levels equal to or greater than that cutoff level. For a drug for which the United States Department of Health and Human Services has not established a cutoff level, the employer shall, in the written policy under [AS 23.10.620](#) , inform employees of the cutoff level that the employer will use to establish the presence of the drug.

#### **Sec. 23.10.645. On-site testing.**

(a) An employer may include on-site drug and alcohol tests of employees and prospective employees as part of the employer's drug and alcohol testing policy under [AS 23.10.600](#) - 23.10.699. In on-site testing under this section, an employer may only use products approved by the Food and Drug Administration for employee testing and shall use the products in accordance with the manufacturer's instructions. On-site testing under this section may only be conducted by a test administrator who is certified under [AS 23.10.650](#) (b).

(b) In on-site testing under this section, the specimen to be tested must be kept in sight of the employee or applicant who is the subject of the test. The test administrator shall

(1) conduct the test in a manner that allows the subject of the test to observe the testing procedure and the results; in the case of a sight-impaired employee, the employee may request the presence of an observer; however, the test administrator is not required to delay collection of the sample or administration of the test because of the sight-impaired employee's request;

(2) complete the sample documentation required under [AS 23.10.640](#) (a);

(3) prepare a written record of the results of the on-site test.

(c) An employer may not take permanent employment action against an employee based on an unconfirmed, screen, positive on-site test result. If an employer takes temporary adverse employment action based on an on-site test result, the employer shall restore the employee's wages and benefits if the confirmatory test result is negative or if the employee demonstrates that the positive test result was caused by drugs taken in accordance with a valid prescription of the employee or by lawful nonprescription drugs.

#### **Sec. 23.10.650. Training of test administrators.**

(a) Each employer shall ensure that at least one designated employee receives at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on the use of controlled substances. The training will be used by the designee to determine whether reasonable suspicion exists to require an employee to undergo testing under [AS 23.10.630](#) .

(b) If an employer administers on-site drug or alcohol tests to test employees or prospective employees under [AS 23.10.645](#) , the employer shall ensure that each person who will be administering the on-site test receives training and meets the qualifications of this subsection.

An on-site test administrator must

(1) have been trained by the manufacturer of the test or the manufacturer's representative on the proper procedure for administering the test and accurate evaluation of on-site test results; training must be conducted in person by a trainer from the manufacturer or the manufacturer's representative;

(2) be certified in writing by the manufacturer or the manufacturer's representative as competent to administer and evaluate the on-site test;

(3) have been trained to recognize adulteration of a sample to be used in on-site testing; and

(4) sign a statement that clearly states that the on-site test administrator will hold all information related to any phase of a drug test confidential.

#### **Sec. 23.10.655. Disciplinary procedures.**

(a) An employer may take adverse employment action based on

- (1) a positive drug test or alcohol impairment test result that indicates a violation of the employer's written policy;
  - (2) the refusal of an employee or prospective employee to provide a drug testing sample; or
  - (3) the refusal of an employee to provide an alcohol impairment testing sample.
- (b) Adverse employment action under (a) of this section may include
- (1) a requirement that the employee enroll in an employer provided or employer approved rehabilitation, treatment, or counseling program; the program may include additional drug testing and alcohol impairment testing; the employer may require participation in the program as a condition of employment; costs of participating in the program may or may not be covered by the employer's health plan or policies;
  - (2) suspension of the employee, with or without pay, for a designated period of time;
  - (3) termination of employment;
  - (4) in case of drug testing, refusal to hire a prospective employee; and
  - (5) other adverse employment action.

**Sec. 23.10.660. Confidentiality of results; access to records.** A communication received by an employer relevant to drug test or alcohol impairment test results and received through the employer's testing program is a confidential and privileged communication and may not be disclosed except

- (1) to the tested employee or prospective employee or another person designated in writing by the employee or prospective employee;
- (2) to individuals designated by an employer to receive and evaluate test results or hear the explanation of the employee or prospective employee; or
- (3) as ordered by a court or governmental agency.

**Sec. 23.10.670. Effect of mandatory testing obligations.** An employer who is obligated by state or federal requirements to have a drug testing or alcohol impairment testing policy or program shall receive the full benefits of [AS 23.10.600](#) - 23.10.699 even if the required policy or program is not consistent with [AS 23.10.600](#) - 23.10.699, so long as the employer complies with the state or federal requirements applicable to the employer's operations.

**Sec. 23.10.699. Definitions.** In [AS 23.10.600](#) - 23.10.699,

- (1) "alcohol" means ethanol, isopropanol, or methanol;
- (2) "drugs" means a substance considered unlawful under AS 11.71 or the metabolite of the substance;
- (3) "drug testing" means testing for evidence of the use of a drug;
- (4) "employee" means a person in the service of an employer;
- (5) "employer" means a person who employs one or more full-time employees under a contract of hire, express or implied, oral or written;
- (6) "good faith" means reasonable reliance on fact, or that which is held out to be factual, without the intent to deceive or be deceived and without reckless or malicious disregard for the truth;
- (7) "prospective employee" means a person who has made application to an employer, whether written or oral, to become an employee;
- (8) "random" means a scientifically valid method that ensures that all covered employees have an equal chance of being selected;
- (9) "sample" means urine or breath from the person being tested.