

## WorkSafe: Your industry expert

WorkSafe, Inc. offers a full spectrum of workplace drug and alcohol program services at its office on 36th and C Street in Anchorage and instant-results testing for your worksite. WorkSafe provides corporate training, drug and alcohol testing consultation services, pre-employment drug and alcohol screening, return-to-duty services and follow-up testing. It also has on-call personnel 24 hours a day if an employer's work shifts require testing availability around the clock. For more information regarding a drug-free workplace, contact WorkSafe at 907-563-8378.

### WorkSafe Products & Services

Drug & alcohol awareness training

Collector's desk reference guide®

Training videos

Program manager's reference guide®

Breath alcohol technician (BAT) training

Collection personnel training course®

Compliance toolbox CD

### WorkSafe Contacts

To contact WorkSafe during regular office hours, call 563-8378(TEST).

To request an after hours drug or alcohol test, call 888-227-8642.

#### President

Matthew Fagnani 265-4182

#### General Manager

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#### MRO Assistant/Result Reporters

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#### Accounting Manager

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#### IMED Remote Medical Services

Les Landry 729-5514

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Visit our newly redesigned WorkSafe website at [www.worksafeinc.com](http://www.worksafeinc.com)

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The official newsletter of WorkSafe, Inc. Providing workplace drug and alcohol testing. APRIL 2005



## Governor introduces marijuana bill

Matthew T. Fagnani, C-SAPA, C-SI, President

I congratulate and commend Gov. Frank Murkowski for having the fortitude to present legislation that will make a difference in the fight against marijuana use. The governor introduced HB 96 in late January. This bill is an innovative piece of legislation that requires courts to use current information in cases involving marijuana use and possession.

This type of legislation includes new "findings." As the governor explained it: "This bill would provide a forum for the Legislature to hear expert testimony on the effects of marijuana and to make findings the courts can rely on in cases where marijuana is an issue."

What happens now is the courts base their decisions on yesterday's facts. In some cases, such as the 2003 arguments in Noy vs. State, those facts date back 30 years when marijuana was a much different drug.

Today, the THC content of marijuana is some 10 percent greater than it was 30 years ago when the Alaska Supreme Court ruled that Alaskans can possess small amounts of marijuana in their homes. THC (delta-9-tetrahydrocannabinol) is the psychoactive ingredient in marijuana.

The health effects of this much more potent hallucinogenic are better documented, as are the overall negative impacts on society.

At WorkSafe, we teach supervisors how to recognize on-the-job drug use. We remind them during our training sessions that 76 percent of drug users are employed, a statistic validated by the bi-annual U.S. Household Survey conducted by the federal government every two years. We know the negative connection between drug use and accident rates and lost productivity.

As employers, we all make decisions that affect our companies' bottom line. We do this every day using the most up-to-date information. It is time the courts follow suit. Let the legislature know that you agree that HB 96 is a reasonable approach, that courts should base decisions on current scientific data and that a positive outcome will help workplace safety.

The proposed legislation is moving slowly so communication with legislators could make a real difference.

*Through Think AHEAD, the American Red Cross of Alaska helps the Anchorage business community prepare for unexpected disasters*

### WHAT IS Think AHEAD?

Think AHEAD helps businesses prepare for unexpected interruption and maintain a safe work environment for all employees. The program offers clear, concise and practical guidance applicable to Alaska businesses.



Think AHEAD... because Emergencies are a Part of Life

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## Did you know?

**More than 60 percent of adults know someone who has reported for work under the influence of alcohol or other drugs.**

U.S. Department of Labor



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The Official Newsletter of WorkSafe, Inc.  
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Think AHEAD provides you the tools and training you need to develop an emergency plan that addresses specific needs. The program helps businesses adopt a strong, all-hazards approach to planning that covers everything from natural disaster to vendor relations.



One out of every four businesses that closes after a natural disaster NEVER REOPENS!

To learn more or to schedule a Think Ahead training for your business visit [alaska.redcross.org](http://alaska.redcross.org) or call the Red Cross at 1-888-345-HERO.

## CAN you help us help Alaskans?

Place a donation canister in your establishment.



Red Cross volunteers will deliver your canisters - so please call Phillis Benson (Red Cross office) at 646-5413 or 646-5401 now.

## With spring just around the corner, it's time to think about your seasonal employees.

Steve Mihalik, C-SAPA, C-SI, General Manager



Many of our clients have probably spent the past several months responding to requests for proposals, ordering materials and working on staffing schedules. Now you should shift your attention to what worked with your seasonal employees last year - and what didn't - and look for ways to streamline your process to your advantage.

From a drug testing perspective, you should make sure prospective employees know that they MUST pass a drug test to get the job. Prospective employees who consciously decide to not give up their drug use while applying for work make a dangerous choice. Don't let that choice cost you. WorkSafe has Drug Free workplace signage that puts prospective employees on notice that they must test drug-free. Place these signs where applicants will see them so you do not waste time and money on positive tests.

The construction industry nationwide experiences a positive rate of 20.1 percent in Alaska our historical testing averages 25 percent per test cycle, which is why so many contractors adopt a drug-testing program. This protective action helps insulate contractors from costly accidents and mistakes. But there is a down side for contractors who do not test for drugs. They may end up with even more seasonal

employees who use drugs and that could cost their safety performance records as well as the bottom line.

For those of you who conduct your own instant tests, now is the time to check the expiration date and order more, if necessary. For those of you with work in rural Alaska, now is the time to let WorkSafe know where you will be working so we can make sure our rural collection sites have sufficient supplies. For those of you who have hired new supervisors, now is the time to train them to recognize the signs and symptoms of drug use.

If you require pre-hire physicals, now is the time to review your job requirements to make sure they still meet the job conditions and that your occupational health provider knows the physical job requirements. Drug testing, plus an up-to-date and active occupational health program, reduce worker compensation claims and enhance your bottom line.

As we prepare for the busy summer season, consider WorkSafe your partner in success. We're here to make your hiring decisions and ongoing operations more effective from the drug testing point of view. Let us know what we can do to assist.

**Great partnerships begin with great chemistry.**

State-of-the-art chemistry makes WorkSafe the fastest, most reliable drug testing service. But it's the personal chemistry we develop with our clients that makes WorkSafe a valued partner.

## 2005 regulatory testing update

The U.S. Department of Transportation (DOT) random drug and alcohol testing rates for 2005 remain unchanged from 2004. DOT sets the random testing rates each year based on the previous two-year, industry-wide positive rates.

Employers (and C-TPAs) subject to one or more operating administration rates may combine their employees into a single random selection pool. However, if this is done, they must test at or above the highest random rate established by those operating administrations. For example, an employer combining truck drivers and railroad employees in one pool test, as a minimum rate, 50 percent for drugs and 10 percent for alcohol.

## 2005 random testing rates

Operating Administration	Drugs	Alcohol
Federal Aviation Administration	25 %	10 %
Federal Motor Carrier Safety Administration	50 %	10 %
Federal Railroad Administration	25 %	10 %
Federal Transit Administration	50 %	10 %
Research and Special Programs Administrations	25 %	N/A
U.S. Coast Guard (now with the Department of Homeland Security)	50 %	N/A

## Employee spotlight



Howard Gregg was hired in March 2003 and recently promoted to a Medical Review Officer (MRO) assistant after two years as a Customer Service Technician (CST). Currently Howard spends his "free time" working on for his C-SAPA certification. Great job Howard, and thanks for all your dedicated work!

## LEGAL CORNER Real cases from the workplace

### Supreme Court ruling pending on medical marijuana case

**Ruling:** The Supreme Court is expected to rule any day now.

**Summary:** This past November the Supreme Court heard oral arguments in a case regarding a California law that allows the use of marijuana for medical purposes by patients with chronic illnesses. Thirty-five states have enacted legislation that recognize marijuana as having medical value, and 10 states have laws permitting the use of medical marijuana.

The case was brought by two critically ill California women. Although the U.S. 9th Circuit Court of Appeals ruled that the California women were engaged in noncommercial intrastate activity, which Congress does not have the power to regulate, the acting solicitor general argued that drug usage is a national epidemic.

The attorney representing the California women said the women are not buying or selling the drug, and thus their activity is

beyond the reach of the federal government's power to regulate interstate commerce.

At oral arguments, some justices appeared skeptical that medical marijuana is always a non-economic enterprise and separate from the illegal market for the drug. Legal observers report, the court appeared unlikely to rule in favor of shielding medical marijuana from federal drug laws, with five justices seeming to side against the California women.

**Bottom Line:** The U.S. Supreme Court will make the final ruling to decide whether the federal government has the authority to regulate interstate commerce to seize homegrown marijuana, which is considered illegal under federal law but legal under state law.

