

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 work-place, 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.

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



March is American Red Cross month

David Williams, Red Cross volunteer

It's 2:30 a.m. when a shrill alarm pierces the night. First fumbling, and then with some deliberation, the awakened Red Cross volunteer reaches for the pager and responds to the fire scene. This happened 201 times in Alaska last year and the American Red Cross of Alaska responded by providing shelter, food, clothing and other emergency assistance to individuals and families displaced from their homes due to disaster.

In a conference room, 30 people sit behind plastic babies and listen to directions on the number of breaths and compressions needed to revive a child found not breathing. Last year, the Red Cross trained 20,457 Alaskans to provide

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Random drug testing and Anchorage cab drivers

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



We've all heard it a million times, "don't drink and drive." So if we overindulge, we call a cab. But just how drug-free are Anchorage cab drivers? It's a question without an answer. The city which licenses cab drivers, doesn't have an answer for you after a recent court ruling.

You may have read the article in the **Anchorage Daily News** in January ("Driven to appeal after refusal of random drug test, cabbie contests ruling and wins" 1/21/05) about an Anchorage taxi cab driver who successfully challenged the Municipality's random drug testing program for cab drivers. The Superior Court in Anchorage ruled in late December that the drug testing program violated the Alaska Constitution because it interfered with the taxi cab driver's right to privacy.

As of today, the municipality has not appealed the decision, so the net result is that the Municipality no longer requires random drug tests of taxi cab drivers.

The decision has no affect on private employers. Private employer drug testing

is not directed by state or municipal government. In fact, Alaska Statute 23.10 describes how a private employer can drug test without fear of lawsuit. Consequently private employer drug testing programs are not restricted by the privacy provision in the Alaska Constitution. Moreover, an Alaska statute specifically authorizes private employers to conduct random drug testing.

This is a real shame and a step backward for the Municipality of Anchorage and the State of Alaska. A recent released survey conducted in 2002 and 2003 by the federal Substance Abuse Mental Health Services Administration (SAMSHA) showed that Alaska had the highest use of marijuana (16.7 percent) among those 12 and older.

We can only hope the city of Anchorage finds a way to correct this loophole since it is in the best interests of everyone to have drug-free taxi industry and a drug-free non regulated workforce. Drug testing works and it creates a safer work environment.

Did you know?

Did you know that the American Red Cross is rated as an A+ charity by the American Institute of Philanthropy for effective and efficient use of every donor dollar?



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Visit us at our website: www.worksafeinc.com

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Good resume. Bad history.



Behind every applicant there's a story.

Now it's easier than ever to do a prior employment drug and alcohol background check. With WorkSafe you save time and receive accurate responses so you know the person you're hiring.

Get the information you need to comply with DOT regulations to ensure you make an informed hiring decision. For fast, confidential and comprehensive prior employment drug and alcohol background checks, call WorkSafe today.



WORKSAFE
OCCUPATIONAL HEALTH & SAFETY

Where workplace
safety starts

300 West 36th Ave., Suite A Anchorage, AK 99503 • 907-563-TEST(8378) • www.worksafeinc.com

Employee spotlight

You got to love this man's attention to detail! We do. **Quentin Parker** is "the man" when it comes to keeping WorkSafe on track. As an MRO Assistant he ensures that all the document scanning and storage is done in a timely and accurate fashion. Quentin's a three year member of the WorkSafe team.



...American Red Cross... continued page 1
emergency assistance to those struck by an unanticipated medical emergency.

In Iraq, the crew chief of an A-10 is informed by a non-combatative Red Cross worker that his wife just gave birth to an 8-pound baby girl and another soldier is informed of the untimely death of a parent. In both cases, the American Red Cross of Alaska initiated an Armed Forces Emergency Services (AFES) message requested by a family member living in Alaska. The past year has seen 1,925 AFES cases.

Serving the state since 1917, the Red Cross offers statewide services from offices in Juneau, Fairbanks, Wasilla, Soldotna, and Anchorage. With just 22 staff and its trained volunteers the Alaska Red Cross provides emergency response, health and safety training, AFES, and International Services to Alaskans on a daily basis as stated in its mission:

The American Red Cross is a volunteer, non-profit humanitarian organization led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement. The Red Cross provides relief to victims of disasters and helps people prevent, prepare for and respond to emergencies.

The Alaska Red Cross is first and foremost an organization that seeks to alleviate human suffering. The principals of humanity, impartiality, neutrality, independence, voluntary service, unity and universality guide its actions. Although it does have a Congressional Charter, the Red Cross is not a governmental organization and is not funded by tax payer dollars. Instead, it receives its funding through the generous contributions of the American people.

Now the Red Cross needs your help so it can continue to help you and your neighbors. Buy a band of life on-line at Alaska.redcross.org. March is Red Cross month. A great time to become involved and save a life.



New 2005 client testing and program management kit

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

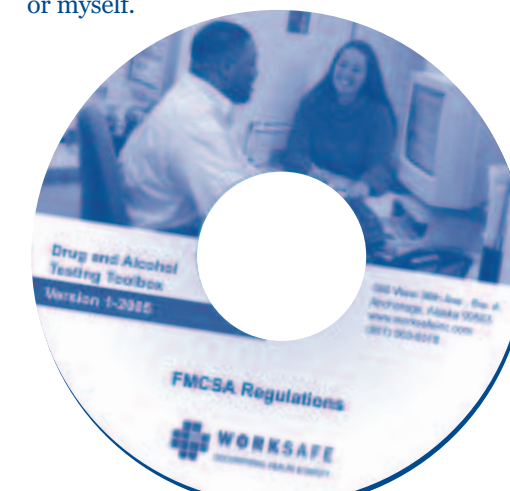
By now you have received your new WorkSafe CD-ROM toolkit. Like the previous one the new CD-ROM provides information to assist your company with drug and alcohol testing and program management. The 2005 CD-ROM includes the following documents:

- Alaska State Statute 23.10 that relates to employer drug and alcohol testing programs
- 49 CFR Part 40 Procedures for Transportation Workplace Drug Testing Programs
- Federal Regulations by industry for Department of Transportation governed programs
- Drug and alcohol testing policy for Non-DOT programs

- How to access a Substance Abuse Professional (SAP) easy reference
- Procedures on various ways to receive drug test results
- Template program management forms
- DOT record retention requirements
- WorkSafe map
- Employee handout regarding drug and alcohol awareness
- Information on how to receive legal assistance with your drug and alcohol policy at a discounted fee

WorkSafe continues to provide our clients a consortium of services to ensure a safe workplace. Although we provide a wide range of services for your company, it is your responsibility to maintain compliance.

As part of your annual fee, updates to this CD-ROM will be available as changes to the industry occur. If you did not receive your new toolkit and would like one, please contact your account representative or myself.



LEGAL CORNER: Real cases from the workplace

Handbook does not create an employment contract with "at-will" employee

Ruling: An Illinois employee fired after failing to submit to a random breathalyzer test in a timely fashion was not wrongfully terminated as he was an "at will" employee according to the 7th U.S. Circuit Court. (4/20/04)

The employee argued that because the company's drug and alcohol policy was part of its employee handbook, it created an implied contractual relationship. So long as he submitted to a test request, he argued, he had an enforceable employment contract with the company.

Summary: The employee worked as an account manager and sold soda products to customers on a sales route. Shortly after arriving for work one morning, he was told he had been selected to submit to a random breathalyzer test.

On that particular day, he had to service several others routes, along with his own, and didn't immediately take the test. When he returned from his sales calls, his supervisors told him he must submit to both an alcohol and drug test. At this point he readily complied and the test came back negative.

Despite passing the tests, the employee was fired 10 days later. The company said he was terminated because he failed to submit to the alcohol and drug test when initially asked to do so.

The employee sued, and the District Court dismissed the complaint saying he was an "at-will" employee who could be fired for any or no reason.

The employee appealed, arguing that the employee handbook created a contractual

relationship between himself and his employer, and that his termination would be a wrongful act so long as he complied with the policies in the handbook.

The 7th Circuit disagreed. It found the employee failed to point to any specific language in the handbook that would suggest "promise clear enough that an employee would reasonably believe" that the company conferred on him a right to certain procedures before he could be terminated.

Bottom Line: Under Illinois law, an employee handbook or other policy statement may create an enforceable contract between an employer and employee, but only if it contains language that a reasonable person would understand to be a promise and commitment.

