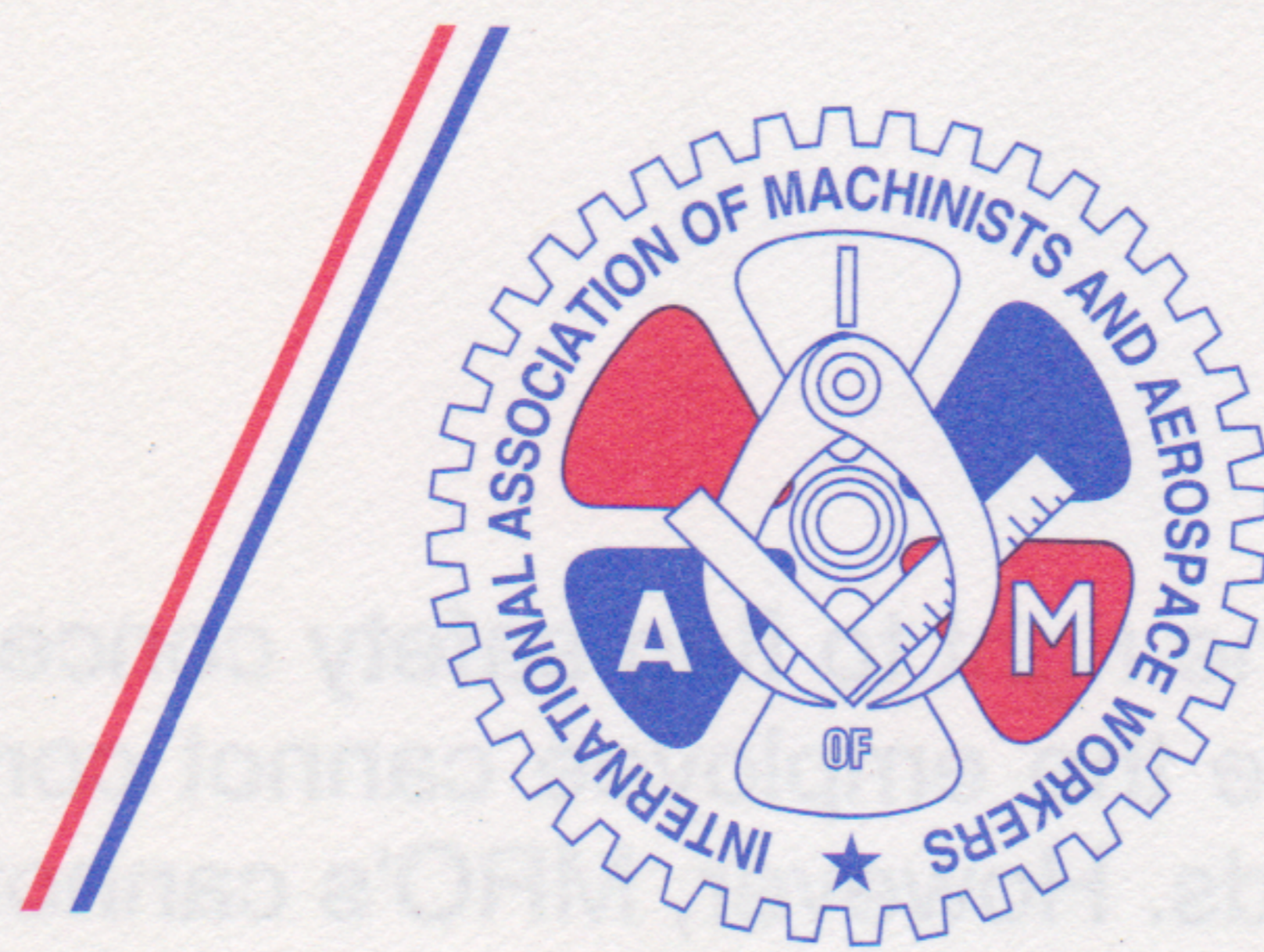
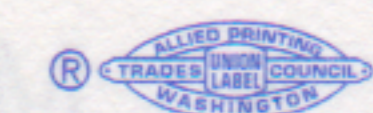


**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE GENERAL VICE PRESIDENT

December 13, 2017

Subj: Department of Transportation Drug
Testing

TO ALL DISTRICT LODGE PRESIDENTS AND GENERAL CHAIRS

Dear Brothers and Sisters:

The U.S. Department of Transportation (DOT) has finalized its rule adding four semi-synthetic opioids to its drug testing panel. DOT was required to make these additions in order to harmonize DOT testing with the Health and Human Services (HHS) Mandatory Guidelines, which had recently been revised to include these drugs. Through the AFL-CIO's Transportation Trades Department (TTD), the IAM and a number of unions filed extensive comments to the docket.

In our comments we requested changes to the proposed cutoff levels for a positive test, additional training for Medical Review Officers (MROs), clear guidelines regarding the definition of a valid prescription, and the implementation of a process to challenge MRO findings, all of which DOT rejected. Additionally, we argued at length in favor of preserving blind specimen testing, a key quality control which DOT proposed to cut in order to pay for the panel additions. We argued that the program offered a deterrent to bad behavior by labs, and was even more critical when new drugs were being added. In the final rule, DOT proceeded with ending the program.

Finally, we raised concerns with MROs refusing to consider a valid opioid prescription a legitimate medical explanation for a positive test. DOT added language which mandates that an MRO must not question whether the prescribing physician should have prescribed the substance in determining if the medical explanation is valid.

What Does This Mean for Our Members?

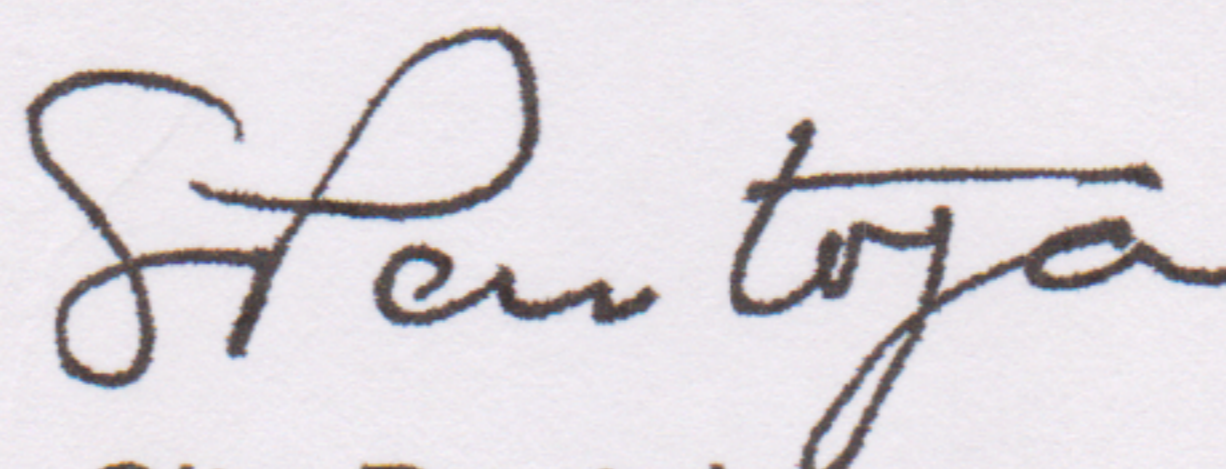
- Beginning on January 1st, 2018, DOT drug tested employees will begin to be tested for four semi-synthetic opioids, (hydrocodone, hydromorphone, oxycodone, and oxycodone). These are sold under brand names such as OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid, and Exalgo.
- Employees who test positive for these medications and cannot offer a legitimate medical explanation, such as a prescription, will be recorded as testing positive.
- Employees with a valid prescription who test positive will have drug test results downgraded to negative due to the existence of a prescription.

- MROs will continue to have the right to flag safety concerns, which could result in disqualification, if they believe the employee cannot complete their duties safely due to their legal use of opioids. However, MRO's cannot deny the legitimacy of a prescription for the purpose of establishing a legitimate medical explanation, i.e. a MRO cannot record a positive test because they disagree with the valid prescribing of the medication.
- DOT has not provided much in the way of clarification of a valid prescription, except to continue to cite the definition in the Controlled Substances Act. This is of some concern with regard to opioids, as individuals may be given medication to take when needed, as opposed to on a strict time frame. We have raised the issue of an MRO deciding that a prescription was no longer valid due to the time since the prescription was written. In the final rule, this determination will be made at the MRO's discretion.
- Finally, the rule adds three new circumstances in which a test can be invalidated due to a "fatal flaw"- when 1) There is no Chain of Custody Form (CCF), 2) There is no specimen submitted with the CCF, and 3) two separate collections are performed using one CCF. The IAM supported these additions.

Given some of the items listed here, and others that will assuredly arise given the vast expansion of the testing of prescription medication and the discretion provided to MROs, we would expect that you may hear about a variety of issues and difficulties from our members. As this testing begins, it would be extremely helpful if you could flag these issues and report them to my office.

Please share this information with your Local grievance committees.

Sincerely and fraternally,



Sito Pantoja
GENERAL VICE PRESIDENT

SP/vk

cc: Transportation Department Staff