

San Francisco Bar Pilots Drug Free Workplace Policy for Pilots

“Pilot” is defined as any current member of the San Francisco Bar Pilot Association

“Policy” is defined as the “San Francisco Bar Pilots Drug Free Workplace Policy for Pilots”.

The San Francisco Bar Pilots are committed to providing a safe work environment and to promoting and protecting the health, safety, and well being of all employees and the public. This commitment and our productivity and efficiency, are jeopardized when any Pilot engages in the use, possession, sale, conveyance, distribution or manufacture of illegal drugs, intoxicants, or controlled substances or abuses prescription drugs or alcohol. Therefore, as a condition of eligibility to be dispatched by the Port Agent of the San Francisco Bar Pilots, compliance with the following policy is mandatory.

1. POLICY:

A. It is a violation of this policy for any Pilot to possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances, or to attempt to do the same while on, or using, San Francisco Bar Pilot Association property.

B. It is a violation of this policy for a Pilot to use or be under the influence of illegal drugs or alcohol at anytime while on, or using the, San Francisco Bar Pilots’ property. “Under the influence” is defined as any measurable amount of illegal or controlled drugs, or a blood alcohol concentration of .04 percent or more, by weight, in a pilot’s system. The only exception to this prohibition shall be the moderate consumption of alcoholic beverages at San Francisco Bar Pilot sanctioned social functions during times when a Pilot is not subject to dispatching to piloting assignments.

C. It is a violation of this policy for anyone to use controlled prescription drugs illegally or in excess of the dosages or frequency of administration as recommended by a Pilot’s personal physician while on, or using the San Francisco Bar Pilots property. However, nothing in this policy precludes the appropriate use of legally prescribed medications as recommended by a Pilot’s personal physician. Pilots are responsible for notifying the Port Agent, or his designee, if a prescribed medication may impair or affect the Pilot’s ability to perform any function of their job. It is recommended that a Pilot prescribed any drug by their physician obtain a letter from that physician stating the drug will not adversely affect his piloting abilities. It is important to note that ONLY the individual prescribed a controlled medication may be in possession of or self-administer that medication. It is a violation of this policy and federal regulation to give your controlled medication to another individual or to take a controlled medication prescribed to another individual including family members.

D. Any Pilot who fails to cooperate with the requirements as set forth in this policy, or violates any provision of this policy, will be: (1) Ineligible for dispatch by the Port Agent, (2) in accordance with 46 CFR § 16.201 will be reported to the USCG, and (3) in accordance with H & N Code 1181 (f) will be reported to the Board of Pilot Commissioners (BOPC).

2. DRUG TESTING:

Drug testing shall be conducted in accordance with the United States Coast Guard, Department of Transportation regulations and all other applicable Federal and State laws and regulations.

3. PRE-APPOINTMENT TESTING:

A. All individuals who are conditionally offered an Appointment to the San Francisco Bar Pilots, will undergo pre-appointment testing for the presence of illegal drugs as a condition of Appointment, with results to be

received prior to beginning work. Any individual applying for an Appointment to the San Francisco Bar Pilots with a verified positive test will be denied Appointment.

B. A pre-Appointment test may be waived for individuals applying for an Appointment to the San Francisco Bar Pilots if the individual provides proof of one of the following conditions:

1. The person has passed a United States Coast Guard required drug test within the previous six months with no subsequent positive test results.
2. The person has been subject to a United States Coast Guard random drug testing program for 60 of the past 185 days, and has not failed or refused a test. "Being subject to random testing," means that the individual has been eligible to be tested, not that they have necessarily been tested.

4. POST-ACCIDENT DRUG TESTING:

A. In the event of any Serious Marine Accident as described in 46 CFR 4.03-2, Pilots directly involved will be tested for evidence of dangerous drugs and alcohol in accordance with the requirements of 46 CFR 4.06.

B. Following a Serious Marine Accident a Pilot is required to submit to a drug test, as soon as practicable but not more than 32 hours after the accident.

C. Tests for alcohol shall be conducted as soon as possible but not more than (2) two hours after a Serious Marine Accident either by breath sample or saliva swab test.

5. RANDOM:

All Pilots are required to be enrolled in a random, regulated drug-testing program with a minimum of 50% random testing rate per year.

6. REASONABLE CAUSE DRUG / ALCOHOL TESTING:

A. Any Pilot who's work place conduct, behavior, or physical performance of their duties causes them to be reasonably suspected by the Port Agent, or the Port Agent's designee, or by the Master of the vessel, of being under the influence of dangerous drugs or alcohol, shall be required to submit to drug and/or alcohol testing immediately.

B. Any Pilot submitting to Reasonable Cause testing for drugs or alcohol shall be removed from the work place immediately or if aboard a vessel, be relieved by the Master immediately, until testing can be conducted and results have been returned. A log entry shall be made in the vessel's logbook noting the Pilot that is being tested for reasonable cause, and the time that the Pilot was removed from the vessel or relieved of his/her duties.

7. DRUG TESTING ASSURANCES:

A. The following protections will be incorporated to ensure the accuracy and integrity of the testing program:

B. Only **SAMHSA** certified drug-testing laboratories shall be used. A strict chain-of-custody procedure will be used to ensure the integrity of each specimen and to maintain compliance with Federal and State regulations. The process will ensure individual privacy during the collection process and the confidentiality of test results.

C. All **verified** positive test results, will receive a medical review by a certified Medical Review Officer ("MRO"), which includes the opportunity for Pilots to explain the result. The San Francisco Bar Pilots shall

designate an MRO meeting the qualifications of 49 CFR 40.27. For the current name, address and phone number of the designated MRO, please contact the Port Agent's office.

D. Information obtained in the MRO interview, reports, statements, and drug test results, written or otherwise, are confidential communications, except as authorized by state or federal laws, rules, or regulations.

8. PILOT EDUCATION:

The San Francisco Bar Pilots will provide drug and alcohol awareness information to all Pilots. This may include the San Francisco Bar Pilots' policy on drug and alcohol abuse, information on the magnitude and dangers of drug and alcohol abuse. Contact information for drug and alcohol counseling services will be provided.

9. DRUG-FREE WORKPLACE ACT OF 1988:

As a condition of eligibility to be dispatched by the Port Agent or his/her designee, Pilots must abide by the terms of this policy, and must notify the San Francisco Bar Pilots in writing of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

10. RECORDS:

The San Francisco Bar Pilots shall maintain the following records and shall make these records available to Coast Guard officials upon request:

A. For a period of at least five years

1. All alcohol test results indicating an alcohol concentration of 0.04 or greater;
2. All records of all verified positive drug test results; documentation of refusals to take required alcohol and/or drug tests, including substituted or adulterated drug test results.

B. For one year:

1. All records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.04

11. SUBSTANCE ABUSE ASSISTANCE PROGRAM:

The San Francisco Bar Pilots maintain a referral service to help Pilots who suffer from alcohol and drug abuse. It is the responsibility of the Pilot to seek this help before alcohol or drug problems lead to disciplinary action. Once a violation occurs, the disciplinary action set forth under the Harbors and Navigation Code of the State of California and U. S. Coast Guard regulations will be in effect. Any subsequent use of the assistance program will have no bearing on the determination of discipline. The Pilot's decision to seek prior assistance will not be used as a basis for discipline. However seeking help will not be a defense to imposition of discipline if facts indicating a violation of this policy exist separate from the seeking of assistance.

DRUG AND ALCOHOL POLICY ACKNOWLEDGMENT

I, _____, acknowledge that I have received, read, and
(Print Name)
understand the “San Francisco Bar Pilots Drug Free Workplace Policy for Pilots”,
and I accept and agree to its terms. I further acknowledge that falsification of
information and/or violation of said policy will result in immediate removal from
the dispatch board, notification of the California State Board Of Pilot
Commissioners and the U. S. Coast Guard. I agree to comply with the provisions set
forth.

Signature _____ Date _____