

DAC Bulletin # 4
Maximum Allowable Number of Employees for Substance Testing
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The following is an update on a recent arbitration decision affirming that the FAA may not substance test more than the maximum allowable number of employees stated on the test list.

NATCA arbitrated a grievance at Boston Center (ZBW) involving a random drug test where the FAA, after realizing it had already tested 24 employees (the maximum number for the day according to the test list) decided to test two additional employees because the Agency realized it had mistakenly skipped over their names on the test list.

The Arbitrator sustained NATCA's grievance, holding that the Agency's conscious decision to test 26 people at ZBW violated Article 73 of the 2016 Collective Bargaining Agreement (Slate Book), DOT Order 3910.1, and the DOT Drug and Alcohol Testing Guide.

Article 73, Section 2 of the Slate Book provides that "the Agency shall advise the Principal Facility Representative, or his/her designee, of both the maximum number of employees to be tested and the time parameter of the testing period."

If during testing the Agency collects a sample above the maximum number permitted as stated on the test list, the Facility Representative or his/her designee should inform the Site Coordinator and insist that the sample be destroyed. If the Site Coordinator will not dispose of the sample, immediately contact your Regional Vice President for assistance in making sure that the Agency destroys the improperly-collected sample before sending them forward for testing.