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NEWSLETTER



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QUARTERLY RANDOMS - Q3 2025 ISSUED

A Random Selection Letter for the third quarter of 2025 is included in this mailing. Selected individuals will be listed on the selection page behind the official Certification of Enrollment in Random Selection letter. If you, as D.E.R. are selected, you must complete the test immediately upon opening this mailing as this serves as your official notification. Please contact us if you need assistance finding the correct testing site.

14 CFR Part 120.109 (8): Each employer shall require that each safety-sensitive employee who is notified of selection for random drug testing proceeds to the collection site <u>immediately</u>; provided, however, that if the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the collection site as soon as possible.

You have 90 days or to the end of the quarter to complete the random tests for your selected employees. However, we suggest completing them as soon as possible to avoid potentially not completing the randoms due to terminations, furloughs, etc. The employees must be "on duty" when the testing is completed. Flight crews must be "on duty", which translates into one hour before, during or one hour after flight. Contact Flightline for scheduling assistance or your local collection facility.

Quest Diagnostic sites cannot do Breath Alcohol Testing.

Please remember to call ahead to the testing center to make sure that an alcohol technician is on duty and that the machine is operational before your random selections arrive for their alcohol testing.

If your employee is selected for both Drugs and Alcohol, please make sure that you use a collection site capable of performing both tests. If you need assistance locating an approved facility, please contact us!

COMMON RANDOM TESTING MISTAKES (AND HOW TO AVOID THEM)

Even the best-intentioned programs run into issues with random DOT/FAA drug and alcohol testing. Here are the most frequent mistakes and how to avoid them:

1. Not Contacting the Collection Site Before Notification

Mistake: Not checking with the collection site to confirm staff and equipment availability before notifying the employee to report for testing.

Solution: Always call the collection site first to ensure they have someone available to perform both drug and alcohol tests (if selected for both), and that their equipment is working. This simple step can prevent wasted trips, missed tests, or delays that jeopardize compliance.

2. Improper or Incomplete Notification to Employees

Mistake: Not clearly informing the employee which tests (drug, alcohol, or both) are required. This often results in only one test being completed when both were required.

Solution: Clearly communicate to the employee whether they are required to complete a drug test, an alcohol test, or both. Provide clear written or verbal instructions and follow up with the collection site to confirm all tests were completed.

3. Missing or Incomplete Tests

Mistake: Only conducting the drug test when both drug and alcohol tests were required, leading to compliance gaps and challenging questions during FAA inspections (e.g., "Did the employee refuse the alcohol test? Why wasn't it done? What was your notification process?").

Solution: Double-check the notification process and always confirm with the collection site that all required tests have been performed before closing out the random selection. Ask the employee ("donor") to bring employer copies of the completed test forms back to you (the DER), or confirm that the collection site is sending results and employer copies directly to the correct company contact. This ensures you can quickly catch and correct any missed tests or paperwork.



<u>UNITED AIRLINES PILOT LAWSUIT: FORCED ALCOHOL REHAB AFTER CONCUSSION,</u> LAWSUIT CLAIMS

A recent federal lawsuit claims United Airlines wrongly forced a senior pilot into alcohol rehab after he suffered a concussion, not alcoholism. According to the complaint, Capt. Michael Tallon was removed from duty and accused of alcohol abuse because he appeared disoriented and slurred his speech following a head injury during a layover. Tallon told his manager he had a drink with dinner, which reportedly heightened United's concerns about possible alcohol use.

Key allegations from the lawsuit:

Why He Was Removed: In June 2023, Tallon tripped and fell during a layover, sustaining visible injuries and showing concussion symptoms like confusion and slurred speech. After telling a United manager he'd had a drink with dinner, United management suspected alcohol use, removed him from duty, and initiated a substance abuse intervention.

Company Action: The lawsuit alleges United required Tallon to check into an alcohol rehab facility and participate in the industry-standard HIMS (Human Intervention Motivation Study) program; a rigorous monitoring and rehab program for pilots with substance use disorders.

Treatment Despite No Diagnosis: Even after multiple medical professionals found no evidence of alcohol use disorder, Tallon was required to attend daily AA meetings, take breathalyzer tests, and undergo addiction-focused counseling for months.

Alleged Retaliation: The complaint claims Tallon was ultimately fired for refusing to continue the HIMS program, even after being cleared by independent doctors. The suit also alleges United used the substance abuse process instead of medical leave for his head injury, potentially saving the company substantial disability costs.

What is HIMS? As discussed in a previous newsletter, the HIMS program is a specialized, industry-wide monitoring and recovery program for pilots with substance use disorders. It is important to note that HIMS typically runs in parallel with the DOT-required Substance Abuse Professional (SAP) process under 49 CFR Part 40, meaning a pilot may have to complete both programs simultaneously, which can result in extensive testing, monitoring, and documentation over an extended period.

Note: All statements above are allegations from the ongoing lawsuit. United Airlines has not commented on the specifics of the case.

Why it matters: This case highlights the importance of thorough and well-documented reasonable suspicion determinations in safety-sensitive environments. Supervisors must ensure all symptoms and observations are carefully documented on your reasonable suspicion checklist and, when in doubt, an immediate drug and alcohol test should be conducted to objectively rule out substance use. Accurate medical assessment and clear documentation protect both employees and the company and can prevent costly, unnecessary interventions and potential legal challenges.