

CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY

A copy of this policy shall be provided to all employees and contractors who have the potential to operate company vehicles or who perform regulated safety-sensitive functions.

DEFINITIONS:

Controlled Substances/Drugs - These terms are used interchangeably and refer to those substances considered controlled substances under state or federal law. A partial list includes: marijuana, opiates, cocaine, phencyclidine (PCP) and amphetamines. As regulations vary across locations and change regularly, this list is not meant to be all encompassing.

Safety Sensitive Functions - Begins when the driver begins work and continues until the driver is relieved of all work responsibilities.

1. Time waiting to be dispatched
2. Time inspecting, servicing or conditioning a CMV
3. On Duty - Driving time
4. Any time spent in a CMV except time spent in the sleeper berth
5. Time spent loading or unloading, remaining ready to operate the vehicle or providing documentation
6. Time spent with a disabled vehicle

INDIVIDUALS SUBJECT TO TESTING

This company reserves the right to test any employee or contractor in accordance with local, state and federal regulations.

CDL Drivers and those performing safety-sensitive functions will be subject to testing as required by FMCSA.

REFUSAL TO SUBMIT TO TESTING

The following conduct will be treated as a refusal to submit to testing and will be treated the same as a positive result.

1. Failure to provide adequate breath for alcohol testing without valid medical explanation
2. Failure to provide adequate urine for a sample without valid medical explanation
3. Refusal to sign the certification form
4. Engaging in any conduct that obstructs the testing process

PROHIBITED CONDUCT

Alcohol:

1. Reporting to or remaining on-duty for a safety-sensitive function while having an alcohol concentration of .04 or greater.
2. Possession of alcohol by the driver with intent to consume: while on duty, on company property, or in company vehicles, including medication
3. Performing a safety-sensitive function within 4 hours after using alcohol
4. Use of alcohol following an accident requiring post-accident alcohol testing, unless such test process has already been completed.

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Controlled Substances:

1. No driver, employee, or contractor may report to or remain on duty following use of a controlled substance unless a medical exception applies.
 - a. Medical exception requires that the controlled substance is used as directed and that the individual notify the company in writing that the substance will not adversely affect the individual's ability to drive or perform safety-sensitive functions.
2. No driver, employee, or contractor may report to or remain on duty after having tested positive for a controlled substance.

COLLECTION OF INFORMATION FROM PREVIOUS EMPLOYERS

This company shall require self certification and shall inquire from previous employers, on all drivers requiring a CDL license, hired after January 1, 1995, and all applicants offered a driving position or employee transferred to a driver's position, pursuant to the driver's written authorization, for each individual and/or entity, inquiries about the following information, during the preceding two years from the date of application.

1. Alcohol tests with a result of .04 alcohol concentration or greater
2. Verified positive controlled substance test results
3. Refusal to be tested
4. Any information from a previous employer obtained from other previous employers

CONDITION OF EMPLOYMENT

Testing is a condition of employment or continuation of employment. The following may result in termination of such relationship:

1. A driver with an alcohol test result of greater than .02 but less than .04. The minimum time for removal from duty shall be 24 hours.
2. A driver with an alcohol test result of .04 or greater or a verified positive controlled substance test. Removal from duty shall be immediate and may be permanent.
3. Refusal to test shall result in immediate and possibly permanent removal from duty.

TYPES OF TESTING

Law and best practices allow for numerous types of drug and alcohol testing. Prior to a test being administered the company shall notify the individual of the test type, including whether or not it is DOT mandated.

Pre-Employment - After an offer is made and prior to performing any safety-sensitive function, a negative drug test result must be received for each individual.

Post Accident - The company reserves the right to test following any accident. Involvement in the following accidents by a CDL driving a CMV require testing by law:

1. Any fatality
2. The CDL receives a citation AND:
 - a. There was an injury that required immediate treatment away from the scene
 - b. Either vehicle had disabling damage requiring a tow

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Random - Unannounced drug and alcohol testing will take place at least quarterly. The company is required to include CDL drivers in one pool, but may elect to include all drivers and/or staff in a non-DOT regulated pool.

A scientifically valid randomization process will be used each time selections are made. All individuals will have an equal chance of being pulled as others within the same pool. Individuals may be selected multiple times a year or not at all. Percentages will at least meet the requirements sent by law. Alcohol testing shall take place only during, after or prior to performing a safety sensitive function.

Once notification is made that a DOT-Regulated test is required, the individual must proceed directly to the test site and may not finish any current tasks.

Reasonable Suspicion - All driver supervisors will be properly trained to detect if reasonable suspicion exists for drug and alcohol testing. Should the supervisor determine that reasonable suspicion does exist, the individual will be subject to testing by an independent third party.

Return-to-Duty - All individuals subject to this policy that have engaged in prohibited conduct must undergo return-to-duty testing prior to performing any safety-sensitive functions.

1. For alcohol violations the return-to-duty results must have a concentration of less than .02
2. For substance abuse violations the return-to-duty results must be negative.

Follow-Up - Following a violation, a Substance Abuse Professional (SAP) may determine that an individual requires assistance preventing drug use or alcohol misuse. If such occurs the individual shall be subject to unannounced tests in accordance with 382.605(c)(2)(ii). Testing will occur only prior to, during, or immediately after, performing safety sensitive functions. The SAP will determine the number and frequency of such testing.

TRAINING

All individuals who perform safety-sensitive functions will receive information in this policy, including the effects of drug and alcohol use on health, work and personal lives, the signs/symptoms of drug and alcohol abuse, and available methods of intervention when use is suspected. Individuals should also refer to the MANDATORY REPORTING section of this policy for information on how to proceed should they suspect an issue.

Additional training may be required as a condition of continued employment or as a condition of continuing to perform safety-sensitive functions. Failure to attend or satisfactorily complete such training may be grounds for immediate dismissal.

DOT TESTING PROCEDURES

How is a urine drug test administered?

Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)

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- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

What follows is a summary of the procedures for each step. For a more detailed account, please visit 49 CFR Part 40, which can be found in its entirety at www.dot.gov/odapc.

The Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
 - Restricting access to the site to only those being tested.
 - Securing all water sources and placing blue dye in any standing water. - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
 - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.
- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
 - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the Test Facility (Copy #1) of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results). Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
 - Leaving the testing area without authorization may be considered a refusal to test

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- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,
- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation* within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

Testing at the Laboratory

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
 - If the specimen tests negative in either test, the result will be reported as a negative.
 - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

Remember: The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

Review by the Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
 - You refused to discuss the results with the MRO;
 - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
- Inform you that you have 72 hours from the time of the verified result to request to have your B "split" bottle sent to another certified lab for analysis for the same substance or condition that was found in the A "primary" bottle.

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What are Medical Review Officers (MRO)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

How is an alcohol test administered?

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee's testing information.

At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using only a DOT-approved device, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by a BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not to be allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.
- Perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer.

If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Confirmation test results are the final outcome of the test.

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Result	Action
Less than 0.02	No action required under 49 CFR Part 40.
0.02 - 0.039	FMCSA requires that you not resume safety-sensitive functions for 24 hours [382.505]
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.

*The physical exam is scheduled after the designated employer representative consults with the medical review officer. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the Medical Review Officer.

What happens if I test positive, refuse a test, or violate an agency specific drug & alcohol rule?

If you test positive, refuse a test, or violate DOT drug & alcohol rules:

- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
 - Undergone an evaluation by a Substance Abuse Professional (SAP);
 - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
 - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return-to-duty testing)
- Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/ or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

INFORMATION ON DRUG ABUSE AND ALCOHOLISM

Drug use and alcohol abuse can have a serious impact on everyone. Either can negatively impact your health, work, personal life and the lives of others. The following information should assist you in identifying individuals at risk and establishing a track to recovery either for yourself or for someone you know.

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The following represent some of the potential effects that drug and alcohol use may have on the user:
Workplace

- May cause the employee to feel capable of handling tasks that are too much or too dangerous
- May cause lateness and absenteeism, increasing the workload of others
- May cause crime on the job, including theft of Company and personal property
- May cause major errors in the work performed, risking harm to the employee, coworkers and customers

Health

- Neurological problems, including dementia, anxiety and suicide
- Cardiovascular problems, including hypertension
- Increased cancer risk
- Liver diseases, including alcoholic hepatitis and cirrhosis
- Sexual dysfunction

Personal life

- Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love
- If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow

Signs and Symptoms of a drug and/or alcohol problem

- Any one or more of the following signs may indicate a drug and/or alcohol problem:
- Appears fearful, anxious or paranoid for no reason
- Blackouts or the inability to remember what has happened
- Cold, sweaty palms; shaking hands
- Lack of motivation; appears lethargic or “spaced out”
- Pattern of absenteeism with vague excuses
- Red, watery eyes; pupils larger or smaller than usual; blank stare
- Regular (or daily) use or consumption
- Secretive or suspicious behavior
- Sudden mood swings, irritability or angry outbursts
- Unexplained need for money; stealing money or items

INTERVENING WHEN A DRUG OR ALCOHOL PROBLEM IS SUSPECTED

Our company recognizes that drug abuse, alcoholism and alcohol misuse are problems throughout America.

There are several good reasons why employees should be concerned if any of their coworkers are using drugs or alcohol on the job:

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1. The employee and their coworkers' health and safety may be at risk.
2. Misuse by one employee may negatively impact the income of another.
3. Creates a negative work environment.

No matter what the employee's position is in the organization, there are things that can be done to ensure that drug and alcohol abuse on the job never becomes a problem at the Company.

Acceptance of any misuse puts the employee, the Company, and the public at risk.

Accordingly, the Company requests that any signs or symptoms of drug use or alcohol abuse be reported to the employee's immediate supervisor.

MANDATORY REPORTING

Should an employee or contractor believe that an individual subject to this policy is in violation or otherwise impaired, such individual **MUST** report their concerns in the following manner:

1. The individual shall report the concern to his/her supervisor or company contact. If unavailable, a report should be made to the owner. Such reporting must be done with direct contact, either in person or via telephone.
2. The individual shall not discuss their concern with other individuals
3. The person to whom the report is made will be responsible for making contact with the alleged violator and taking any necessary actions steps.

Should an individual be called to report to work or perform a safety-sensitive function, they must decline if they cannot perform such duties due to controlled substance or alcohol use.

This company encourages self reporting in accordance with 382.121 for both DOT-Regulated and non-regulated individuals. If you believe that you are having problems with drug or alcohol abuse please contact HR or your Supervisor.

ALL MANDATORY REPORTS SHALL REMAIN CONFIDENTIAL

DRUG AND ALCOHOL CLEARINGHOUSE

The following information must be collected and reported to the Drug and Alcohol Clearinghouse if it pertains to a CDL driver.

1. A verified positive, adulterated, or substituted drug test result
2. An alcohol confirmation test with a concentration of .04 or higher
3. A refusal to submit to any test required by subpart C of 382.601
4. An employer's report of actual knowledge, as defined at 382.107
 - a. On duty alcohol use pursuant to 382.205
 - b. Pre-duty alcohol use pursuant to 382.207
 - c. Alcohol use following an accident pursuant to 382.209
 - d. Controlled substance use pursuant to 382.213
5. A substance abuse professional report of the successful completion of the return-to-duty process
6. A negative return-to-duty test
7. An employer's report of completion of follow-up testing

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Drug and alcohol test results will be kept confidential and will only be released in accordance at the written request of the individual or in accordance with applicable law.

QUESTIONS OR CONCERNS

The person identified to answer questions regarding this policy and procedure is

In the event the prior listed individual is no longer employed with the company, such questions should be referred to the HR Manager or Safety & Compliance Officer.