

EMPLOYER: VERY IMPORTANT – Please fill out your Company information and Designated Employer Representative (DER) information page 1 and 2 along with your Start Date. These items indicated with **Red** font.

FMCSA Drug & Alcohol Testing Program & Policy

49 CFR Part 382 – Federal Motor Carrier Safety Administration (FMCSA)

49 CFR Part 40 - United States Department of Transportation (DOT)

Last Page of this Policy must be Signed by all DOT FMCSA Covered Employees and Retained by Employer in a Confidential DOT File for each covered employee

IMPORTANT INFORMATION FOR FMCSA Drug & Alcohol Testing Program & Policy

<p><u>Notice to Applicants and Employees</u></p> <p>REQUIRED DRUG TESTING IS FOR THE FOLLOWING FIVE DRUGS:</p> <ul style="list-style-type: none">◆ Marijuana◆ Cocaine◆ Phencyclidine (PCP)◆ Opiates – Codeine, Morphine, Heroin◆ Amphetamines - Methamphetamine, MDMA (Ecstasy) <p>Alcohol is tested for when required:</p> <ul style="list-style-type: none">◆ Saliva Screening◆ Breath Alcohol Testing	<p>COMPANY DESIGNATED EMPLOYER REPRESENTATIVE (DER) – ALL QUESTIONS REGARDING THE DRUG & ALCOHOL TESTING PROGRAM</p> <p>The Company DER Contact Information is:</p> <p>DER Name: _____</p> <p>Phone: _____</p> <p>For owner operators the Consortium provides you with your DOT FMCSA program and in some cases fills shoes of the DER: DOT Compliance Group, LLC 972-850-7398</p>
<p>DRUG OR ALCOHOL TREATMENT PROGRAMS</p> <p>SAMHSA (Substance Abuse Treatment Facility Locator) http://findtreatment.samhsa.gov/ 1-800-662-HELP (4357)</p> <p>Alcohol & Drug Referral Hot Line 1-800-252-6465</p> <p>SUBSTANCE ABUSE PROFESSIONAL (Employee must be referred after violation of DOT drug/alcohol policy):</p> <p>American Substance Abuse Professionals, Inc. 711 W 40th Street, Suite 235 Baltimore, MD 21211 888-792-2727</p> <p>National Substance Abuse Professionals Network 1-800-879-6428</p>	<p>It is the policy of this Company that there is no place for those who use illegal drugs or who abuse legitimate drugs or who have become dependent upon any chemical substance including alcohol.</p> <p>This Company intends to be in compliance with the DOT regulations concerning drug abuse and alcohol misuse which includes a program of random urinalysis testing for illicit drug use and a program for random alcohol testing.</p> <p>Employees who refuse to test or have a confirmed positive test for drugs or alcohol will be removed from their safety sensitive position and are subject to dismissal or transfer to a non-covered job with loss of all or part of wages.</p>

FMCSA Drug & Alcohol Testing Program & Policy - INFORMATION AND REVISION SHEET

THIS INFORMATION AND/OR REVISION NUMBER 1 DATED: _____

Company Designate Employer Representative (DER) – This is the Program Administrator, the person in charge of the drug/alcohol testing program. This representative must remove employees from a Safety Sensitive position upon a violation of the DOT rules and regulations for drug/alcohol testing.

DER Name:	
Company:	
Company Location: Address City, State Zip Code:	
C/TPA Service Agent, Consortium	DOT Compliance Group, LLC 972-850-7398
Drug Testing Laboratory:	Quest Diagnostics, Inc. 10101 Renner Blvd. Lenexa, KS 66219 Phone: 866-697-8378 Fax: 877-222-3580
Drug & Alcohol Collections	Quest Diagnostics Network www.questzip.com Contact DOT Compliance Group, LLC for additional locations
Medical Review Officer (MRO):	Dr. Khella - 941-753-9199
Substance Abuse Professional (SAP):	American Substance Abuse Professionals 711 W. 40 th Street, Suite 235 Baltimore, MD 21211 888-792-2727 National Substance Abuse Professionals Network 1-800-879-6428

For required SAP referral speak to the DER listed above and/or the SAP listed above.

FMCSA Drug & Alcohol Testing Program & Policy

A. STATEMENT OF POLICY

This Company has a legal responsibility to comply with the United States Department of Transportation (US DOT) regulations regarding testing of certain Company employees. DOT Regulations 49 CFR Part 40 (DOT) and FMCSA 49 CFR Part 382 are on file with the COMPANY'S Designated Employer Representative (DER) for review at any time during normal working hours.

To accomplish that end, the COMPANY cannot condone and will not tolerate any of the following behaviors by its employees:

- a. Use of illicit drugs.
- b. Abuse of legal drugs (prescription or over-the-counter).
- c. Abuse of alcohol.
- d. Sale, purchase, transfer or use or possession of illegal drugs or prescription drugs obtained illegally.
- e. Arrival for work under the influence of drugs or alcohol.
- f. Consuming illicit drugs or alcohol while working.

Within this Drug/Alcohol Testing Policy, certain elements are required because the COMPANY is regulated by the U.S. Department of Transportation (DOT). In addition, certain policy elements, mostly related to specific personnel actions or this Company's drug-free workplace regulations or Company Policy, reflect requirements of the COMPANY but are not required by DOT. With regard to those employees governed by DOT regulations, federal regulations shall be considered as preempting any inconsistent Company policy, state or local law or regulation.

1. Department of Transportation Regulations

The COMPANY'S policy requires that employees participating in activities regulated by DOT, be subject to urine drug testing and breath alcohol testing in accordance with DOT drug and alcohol testing regulations 49 CFR Part 40 and FMCSA regulations 49 CFR Part 382 . A copy of these regulations is available from the COMPANY'S Designated Employer Representative (DER). Non-DOT regulated employees may also be subject to drug and alcohol testing.

Separate testing pools will be established for non-DOT regulated employees as previously described and may be further divided by safety-sensitive and non-safety-sensitive employees.

This Policy specifically notifies all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on the job or on the COMPANY property. Further, this policy notifies employees the use of a prohibited drug at any time, whether on duty or off duty, is forbidden. Additionally, the consumption of alcohol (whether as a beverage or in a medicinal formulation, and also to include methanol and isopropanol) is prohibited while performing a safety-sensitive activity or within four (4) hours before performing a safety-sensitive activity, or within eight (8) hours following an accident to which the employee's behavior may have contributed, or after having been notified to report to duty for any reason.

2. Commercial Drivers' Licenses

It is the policy of this COMPANY that persons having a CDL and participating in activities regulated by DOT are subject to drug testing and alcohol testing. The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in aviation, motor carriers, railroad, and mass transit industries. Provisions of this policy are based upon said Act and the relevant federal regulations applicable to the Act. As a condition of employment, the COMPANY reserves the right to require all employees having a CDL and performing safety-sensitive activities regulated by DOT, to submit at any time to drug and/or alcohol testing to determine the presence of prohibited substances. These rules and this policy also require all drivers to notify their supervisor within five (5) days of any criminal drug statute conviction.

3. Who is covered for DOT FMCSA Drug & Alcohol Testing

A person who holds a Commercial Driver's License (CDL) and operates a Commercial Motor Vehicle (CMV) means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations

B. This Company policy will comply with all of the provisions of the DOT 49 CFR Part 40 regulations and all of the provisions of the FMCSA 49 CFR Part 382 regulations, specifically:

1. Drug and Alcohol Testing

As specified in DOT regulations 49 CFR part 40, Section 40.87; the following substances will be tested for: (subject to change if the regulation changes)

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THC	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL.
Opiate metabolites:			
Codeine/Morphine	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines:			
AMP/MAMP	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine	250 ng/mL.
MDMA	500 ng/mL	MDMA	250 ng/mL.
		MDA	250 ng/mL.
		MDEA	250 ng/mL.

Alcohol – removal from safety sensitive position at .02% BAC or greater, violation of Policy at .04%BAC or greater.

DOT regulations prohibit without exception the use of marijuana – medical or recreational.

4. What tests are required? (Part 382, Subpart C)

- a) Pre-employment (382.301) - The Company must require a driver applicant the Company intends to hire or use to be tested for drug use as a pre-qualification condition. The Company may not first use the driver until a verified negative drug test result is obtained.

Pre-employment testing is not required if, under the regulations, a driver applicant has participated in a drug testing program within the previous 30 days and was either tested for drugs within the past 6 months or participated in a random drug testing program for the previous 12 months. If using this exemption the Company must ensure that no prior employer has records of a violation of the drug use or alcohol misuse rules within the previous 6 months.

- b) Post-accident (382.303) - DOT rules require that any driver involved in an accident that results in a death or citation for a moving violation must submit to a test for the presence of drugs and alcohol.

What is an accident? –An occurrence involving a commercial vehicle operating on a public road which results in a fatality, an injury requiring immediate treatment away from the scene or disabling damage requiring one or more vehicles to be towed.

This table notes when a post-accident test is required to be conducted. Table from 382.303(a)(3)

TYPE OF ACCIDENT INVOLVED	CITATION IS ISSUED TO THE CMV DRIVER	TEST MUST BE PERFORMED BY EMPLOYER
Human Fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

- c) Random Testing (382.305)

DOT regulations mandate that the Company establish a random drug and alcohol testing program. We test based on the percentages FMCSA mandates each year.

Selection must be made by a scientifically valid method and testing must be spread reasonably throughout the calendar year. If the Company conducts testing through a consortium, the number of drivers to be tested may be calculated based on the total number of drivers covered by the consortium.

Random alcohol testing shall only be conducted on a driver while on duty, just before driving or just after driving.

- d) Reasonable suspicion (382.307 and 382.603)

The Company may require a driver to submit to a drug or alcohol test when reasonable suspicion exists that the driver has violated the drug use or alcohol misuse prohibitions contained in the regulations. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

The Company official who makes the determination that reasonable suspicion exists must receive at least 60 minutes of training on drug use and at least an additional 60 minutes of training on alcohol misuse. The person who determines that reasonable suspicion exists must not conduct an alcohol test.

Alcohol testing for reasonable suspicion is authorized only if the observations are made and the test conducted while the driver is on duty, just before driving or just after driving.

- e) Return-to-duty (382.309) - Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of this part concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol

Each employer shall ensure that before a driver return-to-duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of this part concerning controlled substances, the driver shall undergo a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use.

- f) Follow-up (382.311 and 382.605) - The Company must advise any driver who has violated the drug use or alcohol misuse regulations of the resources available in evaluating and resolving problems associated with the conduct. Each driver who has engaged in prohibited conduct must be evaluated by a substance abuse professional. If it is determined that assistance is needed, follow-up testing may be required.

Testing must be unannounced and consist of at least 6 tests in the first 12 months following the driver's return to duty. In no case shall the testing exceed 60 months.

Follow-up alcohol testing shall only be conducted on a driver while on duty, just before a safety sensitive function or just after a safety sensitive function.

5. Referral, evaluation and treatment (382.605)

Each driver who has engaged in conduct prohibited by subpart B of this part shall be advised by the employer of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substance, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

Each driver who engages in conduct prohibited by subpart B of this part shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances use.

6. Collection/test site (40.25 and 40.57)

The Company's program will designate collection sites where drivers may provide a urine specimen for drug testing purposes. Each site will have all necessary personnel, materials, equipment, facilities and supervision to provide for privacy and the collection, security, temporary storage and shipping of urine specimens to a certified drug testing laboratory.

The Company's program will provide a location with all the necessary equipment, personnel and materials for alcohol testing and that is sufficient to prevent unauthorized persons from seeing or hearing test results.

7. What are certified testing laboratories? (40.3 & 40.39)

The Company will only use laboratories certified by the U.S. Department of Health and Human Services to test urine specimens. Certified labs will conduct an initial test using immunoassay. All specimens identified as positive on the initial test will be confirmed using gas chromatography/mass spectrometry procedures.

8. What is an MRO? (Medical Review Officer) (40.3 & 40.33)

The MRO for this Company is listed on page 2 of this policy. An MRO is a licensed doctor of medicine or osteopathy having expertise in drug abuse disorders. The MRO's primary function is to review, interpret and report test results of drivers and driver applicants. Negative test results would be reported to the Company or

management official designated to receive those results. In the event of positive test results, the MRO would contact the driver to determine if a legitimate explanation for the positive test exists. If, in the MRO's judgment, no reasonable explanation exists for a positive test, those results would be passed on to the designated Company official.

9. What is a BAT? (Breath Alcohol Technician) (40.3 & 40.51)

A BAT instructs and assists the driver in the breath testing process, operates the evidential breath testing device, and interprets and reports results to the designated Company official. The Breath Alcohol Technician must be trained to proficiency in accordance with the DOT model course.

10. What is a STT? (Screening Test Technician) (40.93)

A STT instructs and assists the driver in the alcohol screening test process when the test is conducted with an approved non-evidential testing device. The STT interprets and reports a test result of less than 0.02 to the designated Company official. In the event the test result is 0.02 or greater, a confirmation test must be conducted by a BAT using an evidential breath testing device. A Screening Test Technician must be trained to proficiency in accordance with the DOT model course.

11. What are split samples? (40.25)

You will have an opportunity to appeal a positive test result. Urine specimens will be divided into two samples, a primary and a split specimen, before being sent to a certified lab for testing. If the test result of the primary specimen confirms the presence of one or more prohibited drugs, the MRO will notify the driver that he/she has 72 hours to request a test of the split sample. If such request is received the MRO will notify the lab to send the split specimen to a different certified lab for analysis.

12. What are blind samples? (40.3 & 40.31)

A blind sample is a specimen submitted to the laboratory under a fictitious identifier. It is used for quality control testing. All companies or drug testing consortiums, regardless of their size must submit three blind samples for every 100 samples submitted, to a maximum of 100 blind samples per quarter. This Company's consortium will provide compliance with the blind specimen requirements.

13. Handling test results (382.401, 382.405, 382.407, 40.33, 40.63, 40.65 and 40.81)

For drug testing, the MRO will report to the designated Company official in a confidential manner if a particular test is negative or verified positive. In the event a result is positive, the MRO will first attempt to contact the driver directly to discuss possible alternative medical explanations prior to making a final decision to verify the result. For alcohol testing, the BAT will report the result to the designated Company official in a confidential manner. The Company will maintain all test records in a secure location with controlled access.

14. Notification Requirements (382.411) & Confidentiality

The Company must tell a driver applicant the results of pre-employment drug and alcohol tests if the applicant requests the results within 60 calendar days of being notified that he/she will not be hired. The Company must notify a driver of random, reasonable suspicion and post-accident results, and the drug(s) identified if the results are verified positive.

If an MRO is unable to contact a driver to discuss a positive result, the designated Company official must make a reasonable attempt to notify the driver that he/she should contact the MRO within 24 hours. Once a driver has been notified, the Company must immediately inform the MRO.

Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances,

or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, the employer must notify you in writing of any information they released.

15. If a Driver Refuses a Test (382.107, 382.211, 382.507 and 40.67)

The Company will not allow any driver who refuses to submit to the required tests to operate a commercial vehicle. Any driver who refuses to submit to a post-accident test after a fatal accident will be disqualified for a period of one year. A refusal has the same consequences as a positive test including required referral to a Substance Abuse Professional (SAP).

16. Record-Keeping Requirements (382.401 and 382.403)

The Company will keep individual negative test results for a minimum of 12 months. Records related to the collection process and training must be kept for at least 2 years. All other records in the Company's possession relating to the administration and results of the drivers drug and alcohol testing program must be maintained for five years.

17. Training for Supervisors (382.603)

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. This training is not required for owner operators.

C. Drug & Alcohol Testing Program & Policy Provisions

1. Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, or alcoholic beverages on Company premises or work sites. In addition, the Company prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Company's reputation in the community.
2. Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing substances or narcotics that are illegal or controlled under federal, state, or local laws or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on Company premises and work sites. A refusal to provide a specimen for a required test is a policy violation with the same consequences as a positive test.
3. Employees who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Company within five days, and the Company will take appropriate action as required by law.
4. Employees, their possessions, and Company-issues equipment and containers under their control are subject to search and surveillance at all times while on Company premises or work sites or while conducting Company business.
5. Employees must report their use of over-the-counter or prescribed medications to their immediate supervisor if the use might impair their ability to perform their job safely and effectively. A determination then will be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
6. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. Participation in counseling, including Company-sponsored or required counseling, is confidential and should not have any effect on the

performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.

7. Any employee who is abusing drugs or alcohol may be granted a leave of absence to undergo rehabilitation treatment. The employee will not be permitted to return to work until the Company receives certification that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other Company policies.
8. The Company will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.
9. A negative dilute result on a urine drug test will result in the Company either requiring a second test or accepting the result as is. The Company will be consistent with their decision on negative dilute specimen results among all pre-employment tests and among all employee testing.

FMCSA Drug & Alcohol Testing Program & Policy

FMCSA DRUG & ALCOHOL TESTING PROGRAM & POLICY RECEIPT

I hereby acknowledge that I have received a copy of the COMPANY's Drug/Alcohol Testing Policy. I also acknowledge that I have received a full and complete explanation of the Program, including all policies and the availability of an Employee Assistance Program.

I have had the terms and conditions of the COMPANY'S Drug/Alcohol Testing Policy explained to me, and I freely and voluntarily consent to submit to drug and alcohol screening or testing as set forth in the COMPANY'S Policy. I understand that violation of any provision of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my unemployment and workers' compensation benefits.

I understand the COMPANY has developed a policy in conformity with DOT Regulations 49 CFR Part 40 regarding the illegal use of drugs and the abuse of alcohol. A copy of these Federal Regulations is on file with COMPANY'S Designated Employer Representative (DER) for review at any time during normal working hours.

I further agree to and hereby authorize the release of the results of said tests to the COMPANY'S Medical Review Officer and as set forth in the COMPANY drug and alcohol testing policy.

Finally, I agree that neither the issuance of these policies, nor the acknowledgment of its receipt, constitutes or implies a contract of employment or a guaranteed right to recall.

Company Name:	
Employee Name:	
Employee Signature:	DATE: