

Company: _____

UNIFORM DRUG AND ALCOHOL TESTING POLICY FMCSA

It is the policy of **INSERT COMPANY NAME HERE** referred to hereafter as the "Company" to act in compliance with the Department of Transportation Procedures for Transportation Workplace Drug Testing Program (49 CFR Part 382 and 49 CFR Part 40). From F49CFR382.601

PROCEDURE

Any employee candidate wishing to obtain a position with this company that requires the performance of a safety-sensitive position including the driving of a commercial vehicle on a public roadway shall be tested for drug use in accordance with the Federal Department of Transportation Regulations and the Company's Uniform Drug Testing Policy.

Any employee candidate not in conformance with this policy will not be employed by the Company.

Any current employee that is required to operate a commercial vehicle on a public roadway is subject to testing for drugs and/or alcohol in accordance with the Federal Department of Transportation Regulations and the Company's Uniform Drug and Alcohol Testing Policy.

Any current employee found not to be in conformance to this policy or refuses to submit to testing in accordance with this policy, will be subject to dismissal.

The Company may authorize inspections, investigations, and searches for alcoholic beverages, illegal drugs, and/or controlled substances at any time, with or without prior notice. Such action may involve some or all employees. If an employee is reasonably available during a search and it becomes necessary to open a locker or other personal container secured by a lock, the employee will be requested to open the locker or personal container before any other means of access are used. If the employee refuses or is not reasonably available, measures will be taken to open the locker or personal container as required.

All drug screen results will be reported to the Company DER (Designated Employer Representative).

DRUG AND ALCOHOL TESTING POLICY STATEMENT

The Company recognizes the significant problems caused by drug and/or alcohol use in the transportation industry and is committed to maintaining a drug and alcohol-free driver workforce. Drug and/or Alcohol use jeopardizes the safety and productivity of drivers as well as the safety and well-being of the general public.

Accordingly, in compliance with the Federal Department of Transportation ("DOT") regulations, the Company adopts the following Uniform Drug and Alcohol Screening Program for Company employee Drivers ("Drivers").

As part of their orientation to the company, all new hires to whom the alcohol and drug abuse policy applies are required to read and acknowledge receipt of the Company's alcohol and drug policy. This program will also be required of all current employees, until all covered employees have read and acknowledged receipt of the policy.

This policy identifies:

- A. Major classes of drugs (amphetamines, cocaine, cannabinoids (marijuana), opiates, and phencyclidine (PCP), which can have profound effects on their individual health, psychological well-being, work habits, and personal life.

- B. Chemical dependency as a terminating offense.
- C. That alcohol and drug usage is a major safety issue, which increases insurance cost and can cause legal complications.
- D. Refusal to submit to a test as: inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen; interfering with the collection procedure; not immediately reporting to the collection site; failing to remain at the collection site until the collection process is completed or failing to conduct a post-accident test without a valid reason.
- E. Part 382.205 which states that a driver must not consume alcohol while on duty, part 382.207 which states that a driver may not consume alcohol four hours prior to on-duty time and part 382.209 which states that a driver may not consume alcohol up to eight hours following a recordable accident or until the driver undergoes a post-accident test, whichever occurs first.
- F. No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- G. Testing Procedures
 - a. Controlled substances tests will be performed, including split specimen collection and analysis for controlled substances.
 - b. Alcohol tests will be performed, including breath or saliva screening tests.
 - c. Privacy of the employee will be protected.
 - d. Integrity of the test process will be maintained.
 - e. Test results will be attributed to the correct driver.
 - f. Post-accident testing will be conducted including instructions to the driver.

Supervisors

A training program for all supervisors will be conducted for which attendance is mandatory. The purpose of this session is to familiarize supervisors and management personnel with the company policy and program and to facilitate their effective and efficient use of it. This program includes:

- A. Identification of controlled substances and paraphernalia.
- B. Symptomatology of the worker unfit for duty with guidelines for decisions, documentations, legalities, and liabilities.
- C. Symptomatology of the troubled employee on the job, particularly substance abusers.
- D. As an employer, when an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, you must not return the employee to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process of Subpart O of this part.
- E. Monitoring behavior, documentation, and evaluation.

Enforcement and Monitoring

A liaison will be established with law enforcement agencies. These agencies will be informed of the Company's drug and alcohol abuse program and will be solicited to share any information indicating inappropriate involvement with alcohol or drugs by company employees. Procedures will be developed with these agencies for their cooperation, in event of alcohol or drug abuse situations. The behavior of employees outside of work is relevant to their job performance at work: those who abuse drugs or alcohol off the job pose an unacceptably high risk of performing in an impaired manner on the job.

Additional monitoring is provided in random screening of employees for evidence of alcohol or drug usage. All employees, as a condition of employment, are required to consent to providing blood, breath, sputum, and/or urine specimens on demand by a trained supervisor. The sample will be submitted for definitive scientific analysis

to determine if prohibited substances are present. The obvious purpose of this is deterrence in that employees are less likely to use these prohibited substances if they perceive a real chance that they will be tested at random without warning.

The following information should be reported to the Clearinghouse:

- (i) A verified positive, adulterated, or substituted drug test result (Reported by MRO);
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test (See regulations- some reported by MRO, some by employer);
- (iv) An employer's report of actual knowledge of the following:
 - A. On-duty alcohol use
 - B. Pre-duty alcohol use
 - C. Alcohol use following an accident
 - D. Controlled substance use
- (v) A substance abuse professional (SAP) must report the successful completion of the return-to-duty process;
- (vi) A negative return-to-duty test;
- (vii) An employer's report of completion of follow-up testing.

UNIFORM DRUG AND ALCOHOL TESTING PROGRAM

Pre-Employment Testing

The FMCSA requires that an employee must be tested for controlled substances and receive a negative result before he/she can be put in a driving position. A positive test result will result in withdrawal of employment offer. A significant part of the alcohol and drug abuse program is the background investigation conducted on each applicant prior to hire. One aspect of this investigation is the applicant's written permission to references and former employers to release to the Company or its agent any pertinent information regarding the applicant, including previous involvement with alcohol or other mind-altering chemicals. Refusal to grant this permission will terminate the application process.

The investigation includes a detailed check with the former employers. Pertinent information, including alcohol and drug use information, is solicited in this process. All courts within the areas of residence and employment of the applicant are also consulted, to determine the existence of any prior history or outstanding warrants.

This part of the application process is to identify those individuals whose past behavior indicates involvement with illegal drugs or alcohol, either of which eliminates these high-risk persons from further consideration for employment, unless evidence of stable recovery is developed, which is a condition of employment with the Company.

Applicants whose background investigation is satisfactory will receive a physical examination prior to hire. The examining physician will review carefully the applicant's history and physical condition to detect any abnormalities, including those indicative of alcohol or drug abuse. This examination will disqualify those candidates from consideration of employment where information is developed indicating a high risk for alcohol or drug use, current physical condition, and the physician's interview.

Reasonable Cause Testing

In cases in which a Driver is acting in an abnormal manner, and a Company supervisor has reasonable cause to believe the Driver is under the influence of a controlled substance or alcohol, the Company may require the Driver to go directly to a medical clinic to provide a urine specimen for laboratory testing for controlled substances or a breath specimen for alcohol testing. The Company supervisor must have received training in the signs of drug and/or alcohol intoxication in a prescribed training program which is endorsed by the Company.

Reasonable cause means suspicion based on the specific personal observation that the Company representative can describe concerning the appearance, behavior, speech or breath odor of the Driver.

The Company supervisor must make a written statement of these observations within twenty-four (24) hours of the observed behavior. Reasonable cause is not a basis for testing if it is based solely on third-party observation and reports.

In the event that a Driver is directed to go to the collection site to provide a urine and/or breath specimen on either a reasonable cause basis or under the Post- Accident Section of this Program, the Driver may be suspended, at the discretion of the Company, until the results of the drug test are received from the Medical Review Officer ("MRO") or the Alcohol Screen results are returned from the Breath Alcohol Technician ("BAT"), then the Driver shall be terminated in the case of a positive result. However, if notice of a negative test result is received from the Medical Review Officer or Breath Alcohol Technician, then the Driver shall be immediately reinstated in full force and effect.

Post-Accident Testing

A Driver shall provide a urine specimen to be tested for presence of controlled substance and a breath specimen for alcohol testing as soon as possible after a reportable accident and the Driver is cited for a moving traffic violation, but in any case, no later than thirty- two (32) hours after the accident for the controlled substance testing and two to eight hours for a breath alcohol test.

For purposes of this Section, a "reportable accident" defined:

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO THE CMV DRIVER	TEST MUST BE PERFORMED
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

The term "reportable accident" does not include:

An accident involving only boarding or alighting from a stationary motor vehicle or; An accident involving only the loading or unloading of cargo.

Random Testing

The FMCSA requires that 50% of the annual average number of drivers be tested for substance abuse and 10% for alcohol abuse.

Return-to-Duty

The FMCSA requires a return-to-duty on any driver that had a positive test, and for whom the company received a letter of approval from a Substance Abuse Program (SAP) stating that he/she may return to duty. (This only applies

if management agrees to continue the driver's employment with the Company.)

Follow-Up

The FMCSA requires a minimum of six follow-up tests within the 12 months after a driver returns to duty after a positive test. (SAP can require more than the minimum.)

Chain of Custody Procedures

All chain of custody procedures shall be in accordance with applicable DOT regulations (49 CFR Part 40). A copy of those regulations is on file and available for inspection by all Company Drivers.

Medical Review Officer (MRO) and Breath Alcohol Technician (BAT)

The Company shall retain a qualified Medical Review Officer to perform the responsibilities of reviewing all drug screen laboratory results as required under applicable DOT regulations. (49 CFR Part 40) All breath alcohol screen shall be performed by a qualified Breath Alcohol Technician on equipment specified in the Federal Register that is properly calibrated.

Laboratory Accreditation

All laboratories used to perform urine testing pursuant to this program will be accredited by SAMSHA.

Laboratory Testing Methodology

Drug Screening

Drug screens will be conducted to screen the presence of the following drugs and/or their metabolites:

- * Marijuana
- * Cocaine
- * Opioids (Codeine, Morphine, Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone)
- * Amphetamines (Amphetamines, Methamphetamines, MDA, MDMA)
- * Phencyclidine (PCP)

Urine Testing

All urine testing procedures will be performed in accordance with applicable DOT regulations. A copy of those regulations is on file and available for inspection by all Company Drivers.

Disciplinary Action Based on Positive Test Results

A Driver who tests positive for the use of a controlled substance and/or alcohol test as reported to the Company by the Medical Review Officer or Breath Alcohol Technician is medically unqualified to operate a commercial motor vehicle and shall not drive for the Company. Further, a positive test result shall be grounds for the immediate termination of the employment of the Driver. The possession, transfer, or sale of controlled substances/alcohol while on duty will also result in termination.

This policy does not apply to medications prescribed by a licensed physician, provided that the employee's job performance is not adversely affected by such use and that supervisory personnel are informed of such use.

Disciplinary action Based on Refusal to Submit to Testing A Driver who refuses to be tested under any of the provisions of this Uniform Drug Testing Program shall not be permitted to operate a commercial motor vehicle for the Company. Such refusal shall be treated as a positive test and shall result in the immediate termination of the Driver.

Any employee who reports personal abuse of alcohol, drugs, or other controlled substances to supervision before it is observed on the job will be provided with counseling. In such cases, the employee should understand that a reassignment of duties may be necessary and that continued employment with the Company may be in jeopardy.

An acknowledgment of receipt and agreement to abide by this Program is attached hereto as Appendix A and is incorporated herein by reference. Pursuant to applicable DOT regulations, the Driver must sign Appendix A and return the original to the Company.

Effective Date

The Uniform drug and Alcohol Testing Program shall be effective_____.

Company: _____

ACKNOWLEDGMENT OF RECEIPT OF UNIFORM DRUG AND ALCOHOL SCREENING PROGRAM AND AGREEMENT TO ABIDE BY PROGRAM.

I, _____, hereby acknowledge that I have received a copy of the Company's Uniform Drug and Alcohol Screening Program, which has been developed pursuant to Federal Department of Transportation Regulations.

In conjunction with my receiving a copy of the Company's Uniform Drug and Alcohol Screening Program, I further acknowledge the following:

I have read the program and fully understand the terms contained therein, and the consequences for violating any terms of this Program.

I understand that compliance with all terms of the Program is a condition of my employment with the Company, and I agree to abide by all terms of the Program.

I authorize the lab, Medical Review Officer and Breath Alcohol Technician retained by the Company to release screen result information to the Company as provided in the applicable Federal Department of Transportation regulations.

Driver's Signature: _____ - Date: _____

WITNESSED BY: _____

Company: _____

BY: _____

Company Representative: _____

Date: _____