



Robert B. Our Co., Inc.

Drug & Alcohol Policy & Testing Program

(For All Company Employees)



September 2020



Robert B. Our Co., Inc.
Drug and Alcohol Testing Acknowledgement and Consent Form

I, the undersigned, hereby knowingly and voluntarily authorize and consent to the collection and testing of specimens of my urine, hair, breath, and/or blood by a collection site and laboratory to be designated by Robert B. Our Co., Inc. or its designated agent, Drug Testing America, Inc., for the purpose of drug and alcohol testing.

I authorize the collection site, laboratory and medical review officer (MRO) to disclose the results of my drug and alcohol tests to Drug Testing America, Inc. and I further authorize Drug Testing America, Inc. to disclose the results to Robert B. Our Co., Inc.

I acknowledge that the drug and alcohol test results will be utilized by Robert B. Our Co., Inc. to determine my eligibility for employment or continued employment, therewith.

I acknowledge that at the time of collection, a refusal to authorize the collection and testing of my urine, hair, breath, and/or blood by the collection site and laboratory, or a refusal to authorize the above disclosure of the test results will be treated as a positive test. I further acknowledge that a positive drug and/or alcohol test will result in disciplinary action up to and including denial of employment or termination, if hired.

In addition, I hereby knowingly and voluntarily release Robert B. Our Co., Inc., Drug Testing America, Inc., the collection site, the testing laboratory and their respective officers, directors, employees and agents from any and all claims, damages, losses, liabilities, costs and expenses, including attorney fees, arising from or relating to such collection and testing and any disclosure of the results thereof, including without limitation, the disclosure of any inaccurate or incomplete results, to the fullest extent permitted by law.

I further authorize the testing laboratory to disclose the results of my drug and/or alcohol screen to Robert B. Our Co., Inc., or its agent, Drug Testing America, Inc. for a period not to exceed two years from the date of my signature below.

I acknowledge that I have the right to receive a copy of this authorization.

I have read and understood the above Authorization & Consent in its entirety, and I agree that a copy of this document is as valid as the original.

Applicant's Signature

Date

Applicant's Printed Name

Social Security Number

Street Address

City

State

Zip

Applicant Phone Number (may be necessary for sending documents): _____

Applicant Email address (may be necessary for delivering message): _____

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INTRODUCTION

It is the policy of Robert B. Our Co., Inc. (herein referred to as the "Company") that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the Company's premises, engaged in Company business, operating Company equipment, or while under the authority of the Company is strictly prohibited. Medically prescribed drugs for legitimate medical purposes require that employee(s), advise their prescribing doctor, that they perform safety sensitive functions and cannot receive medications that could jeopardize the performance of work-related safety-sensitive activities. If any medications knowingly prescribed could affect a safety-sensitive function, the employee must advise the Company Safety Director prior to performing functions.

The Company further maintains a policy that the unauthorized use, sale, purchase, transfer, possession, or presence in one's system of alcohol or any other intoxicating agent by any employee while on the Company's premises, engaged in Company business, operating Company equipment, or while under the authority of the Company is strictly prohibited.

It is the responsibility of all employees to familiarize themselves with the contents of this policy and program.

Prescription Medications and Over-The-Counter Medications/Products

Guidelines for use of prescription and over-the-counter medications are as follows:

- Prescription and over-the counter medications are to be kept in a container that is clearly marked with all pertinent information about usage and contents in a manner consistent with a pharmacy or manufacturers' labeling. All prescriptions must be dated, have employee's name, physician name, and prescription number on the label.
- Prescription and over-the counter medications are to be used according to the prescribing physician or as documented in manufacturer's instructions.
- Only the employee whose name appears on the prescription label may process or use the prescribed medication at work; no other employee may possess, consume, or be allowed to consume the prescribed medication.
- Employees who take prescribed medications must obtain a statement from the prescribing physician that it will not interfere with the performance of safety sensitive functions as defined herein.

Purpose

There are many reasons why we have implemented a drug and alcohol testing program, they include but are not limited to:

- Deter employees from abusing alcohol and drugs.
- Prevent hiring individuals who use illegal drugs and jeopardize safety of all.
- Be able to identify early and appropriately to refer employees who have drug and/or alcohol problems to treatment.
- Provide a safe workplace for employees.
- Protect the general public and instill consumer confidence that employees are working safely.
- Benefit from Workers' Compensation Premium and Group Discount programs.
- Comply with State, Federal and Local laws and regulations.

Aspects of the Company's operations are subject to regulation by various federal, state and local agencies, therefore certain Company employees are subject to the terms and conditions of this Drug and Alcohol Policy, the terms and conditions of which are hereby incorporated within the Robert B. Our Co., Inc. Personnel Policies and Procedures. The serious impact of drug use and alcohol abuse has been recognized by the federal government. Consequently, the Federal Motor Carrier Safety Administration (FMSCA) has issued regulations which require the Company to

enhance its alcohol and controlled substance program for its CDL drivers. This is a "Supplemental" or addition to the Employment Policy Handbook, it is meant to educate the Company's employees about this enhanced program with the focus on drug and alcohol testing.

It is the Company's intent that the policies and procedures in this Drug and Alcohol Policy be consistent with provisions contained in the Employee Handbook. In the unlikely event that Robert B. Our Co., Inc. Personnel Policies and Procedures and/or the terms of this Drug and Alcohol Policy conflict with any provision contained in the Employee Handbook, the terms and conditions of this Drug and Alcohol Policy shall control. Violation of any provision contained in this Drug and Alcohol Policy shall be deemed a violation of the Company's overall drug and alcohol policy and will result in disciplinary action, up to and including termination.

NEITHER THIS POLICY NOR ANY OF ITS TERMS ARE INTENDED TO CREATE A CONTRACT OF EMPLOYMENT OR CONTAIN THE TERMS OF ANY CONTRACT OF EMPLOYMENT. THE COMPANY RETAINS THE SOLE RIGHT TO CHANGE, AMEND, OR MODIFY ANY TERM OR PROVISION OF THIS POLICY WITH OR WITHOUT NOTICE.

PLEASE BE ADVISED THAT THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS ("FMCSR") SET THE MINIMUM REQUIREMENTS FOR TESTING OF SAFETY SENSITIVE EMPLOYEES. THE COMPANY'S POLICY IN CERTAIN INSTANCES MAY BE MORE OR LESS STRINGENT FOR OTHER EMPLOYEES.

For More Information About Substance Abuse Requirements or Our Drug and Alcohol Company Policy:

Contact the Company's Safety Director or Human Resource Manager at 508-432-0530. This person(s) also serves as the Company's role of Designated Employer Representative (DER).

This policy is effective September 1, 2020.

CONFIDENTIALITY/RECORDKEEPING

All employee drug and alcohol test records are considered confidential. For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to designated employees.

Employee alcohol and controlled substance test records will only be released in the following situations:

- To the active employee, upon their request;
- Upon written consent by the employee authorizing the release to a specified individual;
- Upon request of a government agency with regulatory authority over the Company;
- Upon request of state or local officials with regulatory authority over the Company;
- Upon request of the United States Secretary of Transportation;
- Upon request by the National Transportation Safety Board (NTSB) as part of an incident investigation;
- In a lawsuit, grievance, or other proceeding when legally applicable and a subpoena presented.
- Upon request by subsequent employers upon receipt of a written request by an employee;
- To the DOT recognized National Drug & Alcohol Clearinghouse for truck and bus drivers (Pending)

EMPLOYEE CATEGORIES SUBJECT TO TESTING

This Drug and Alcohol Policy applies to all employees, including, but not limited to, all employees engaged in safety sensitive positions as defined in the Company Drug and Alcohol Policy.

The policies and procedure contained herein will be strictly applied to employees required to have a commercial driver's license (CDL) who operate a commercial motor vehicle as defined in Part 382 of Title 49 of the Code of Federal Regulations.

If you are not required to have a CDL or you do not operate commercial motor vehicles, please be aware that you might experience minor variations on how these policies and procedures are applied to you.

DRUG & ALCOHOL PROHIBITIONS

Employees are strictly prohibited from engaging in the following activities while performing safety sensitive functions, on Company premises, on Company work sites, in Company vehicles and equipment, and/or attending functions on behalf of the Company including training.

Drug Prohibitions

- Use of any controlled substance, except when administered by, or under the instructions of, a licensed medical practitioner, who has advised the employee that the substance will not affect the employee's ability to perform a safety-sensitive function. This documentation to be provided to the Company. Be advised that the use of marijuana for medicinal purposes is not a legitimate explanation. Under federal law, the use of marijuana does not have a legitimate medical use in the United States.
- These are the drugs that will be tested for. All Testing conducted according to SAMHSA's guidelines checks for a **Five-Panel** illicit drugs plus, alcohol (ethanol, ethyl alcohol, booze). These five illicit drugs are:
 - Amphetamines (meth, speed, crank,)
 - THC (cannabinoids, marijuana, hash)
 - Cocaine (coke, crack)
 - Opioids (heroin, opium, codeine, morphine, oxycodone, hydrocodone, etc.)
 - Phencyclidine (PCP, angel dust)

However, the company is not limited in the number of substances they can test for and may include drugs that individuals legitimately and/or therapeutically take based on a physician's prescription. Although most private employers can test for any combination of drugs, there are commonly selected "panels."

The typical **8-Panel Test** includes the above-mentioned substances plus:

- Barbiturates (phenobarbital, butalbital, secobarbital, downers)
- Benzodiazepines (tranquilizers like Valium, Librium, Xanax)
- Ecstasy (MDA)

The typical **10-Panel Test** includes the 8-Panel Test plus:

- Methadone (often used to treat heroin addiction)
- Propoxyphene (Darvon compounds)

Testing may also be done for:

- Hallucinogens (LSD, mushrooms, mescaline, peyote)
 - Inhalants (paint, glue, hairspray)
 - Anabolic steroids (synthesized, muscle-building hormones)
 - Hydrocodone (prescription medication known as Lortab, Vicodin, Oxycodone)
 - MDMA (commonly known as Ecstasy)
- Sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the Company's premises, engaged in Company business, operating Company equipment, or while under the authority of the Company.
 - Sale, purchase, or transfer of medically prescribed drugs that an employee engages in with another party who does not have a prescription for such medication.
 - Testing positive for a controlled substance (except medically prescribed drugs for legitimate medical purposes).
 - Refusal to submit to a post-incident, random, reasonable suspicion, return-to-duty, or follow-up drug test will result in immediate suspension or termination.

Alcohol Prohibitions

- Reporting for duty or remaining on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of **.04** or greater.
- Consumption of alcohol in any form while performing safety-sensitive functions, on Company premises, attending functions on behalf of the Company, and/or operating Company vehicles and equipment.
- Performance of any safety-sensitive function within 4 hours after consuming alcohol.
- Refusal to take a required alcohol test.
- Consumption of alcohol for 8 hours after an incident unless the employee has been given a post-incident test. This applies to employees with knowledge of an incident involving a commercial motor vehicle operating on a public road in commerce for which they performed a safety-sensitive function at or near the time of the incident.
- Refusal to submit to a post-incident, random, reasonable suspicion, return-to-duty, or follow-up alcohol test.

Definitions

- *Alcohol* is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- *Alcohol use* is defined as the consumption of any beverage, mixture, or preparation, including any medication (prescribed or over the counter, intentional or unintentional), containing alcohol.
- *Covered Employee* shall include all active employees of Robert B. Our Co., Inc. who are subject to the terms and conditions of this Supplemental Drug and Alcohol Policy. Acknowledgement of Receipt of this Drug and Alcohol Policy shall be indication that the employee is subject to the policy.
- *Heavy Equipment* shall include loaders, excavators, backhoes, skid steers, scrapers, milling machines, bulldozers, off road trucks, graders, cranes, pump trucks, and crushing units and similar equipment that requires a skilled operator.
- *Safety-Sensitive Functions* shall include in addition to all DOT definitions: (1) all time spent working at a project site, other property, or on any public property, in the course of his/her employment unless the employee has been relieved from duty by his or her supervisor; (2) all time spent inspecting, servicing, or conditioning any motor vehicle, crane or operating heavy equipment at any time; (3) all time spent at the driving controls of a motor vehicle, crane, heavy equipment in operation; (4) all time, other than driving time, in or upon any motor vehicle, crane or heavy equipment; (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; (6) all time fueling, repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle, crane or heavy equipment and (7) all laborers, carpenters, machine operators, electricians, plumbers, and drivers of company vehicles or vehicles otherwise engaged in company business.
- *General Applicability*: An employee is performing a safety-sensitive function during any period in which he or she is performing, ready to perform, or immediately available to perform any and all functions described or related to these described herein.

TYPES OF DRUG & ALCOHOL TESTING

Employees may be subject to each of the following types of drug and alcohol tests:

Pre-Employment (drug only)

Prospective employees shall be subject to a drug test prior to employment or if removed from a random DOT testing pool for more than 30 days before they may perform safety-sensitive functions. No employee shall be permitted to perform any safety-sensitive function, including the driving of any company vehicle, until they have received a negative drug test result. This will include any employee who has been out of the available testing pool for greater than 30 days.

Post-Accident

In the event of an incident involving a Company motor vehicle operating on a public or private road, a private vehicle engaged in company business, or an incident resulting from job site operations, the involved employee shall be subject to a drug and alcohol test under circumstances where there is a suggestion of possible involvement in the accident or influence of drugs and/or alcohol in the accident or injury event. Testing also applies under the following circumstances:

- If the accident resulted in injury to self, loss of human life, property damage, injury to fellow employees, subcontractors, or the public from a job site operation,
 - If the employee receives a citation for a moving traffic violation arising from the accident, and the accident involves loss of human life, bodily injury to any person, including the employee, who immediately receives medical treatment both on and, away from the scene of the accident;
 - One or more motor vehicles incurring damage, or disabling damage requiring the motor vehicle to be transported away from the scene by tow.

Random

Employees shall be subject to random drug and alcohol testing. Random testing will be conducted without notice to randomly selected employees. Employees may be grouped into drug and alcohol testing pools based on job function, safety sensitive drivers must be in a separate pool and will include DOT requirements. All employees within each pool have an equal chance of testing. Once selected, employee is to proceed to the designated testing facility immediately.

Reasonable Suspicion

Employees shall be subject to reasonable suspicion drug and alcohol testing if a trained supervisor or trained company official believes or suspects that the employee is under the influence of drugs or alcohol (or both), based on observation and training. (form attached).

Return-to-Duty & Follow-Up

Employees retained by the Company after a positive drug or alcohol test result or a test refusal shall be subject to return-to-duty drug and alcohol testing. No employee shall be permitted to perform any safety-sensitive function until they have received a verified negative drug and alcohol test result. Thereafter, such employees will be subject to certain follow-up drug and alcohol testing as established by Substance Abuse Professional (SAP). Employee must complete an evaluation by a certified SAP and any prescribed treatment, rehabilitation and/or in house or day treatment programs. This process will also have to be completed for an alcohol test greater than .04

DRUG & ALCOHOL CONSEQUENCES

Consequences of Using Drugs or Alcohol While Performing Safety-Sensitive Functions

A covered employee who has engaged in prohibited drug or alcohol use during the performance of a safety-sensitive function will be immediately removed from performing safety-sensitive functions. Further, the employee will be subject to disciplinary action, up to and including termination.

Consequences of a Verified Positive Drug Test

A covered employee who receives one (1) verified positive drug test result on a required test will be immediately removed from safety-sensitive duties. An employee who has a positive drug test cannot return to the performance of safety-sensitive functions until and unless the employee successfully completes the return-to-duty process described later. Notwithstanding the foregoing, an employee that receives one (1) verified positive drug test result will be subject to disciplinary action, up to and including termination.

Consequences of a Alcohol Test with a Concentration Greater than .04

A covered employee who receives one (1) alcohol test with a result indicating an alcohol concentration of **.04** or greater will be immediately removed from safety-sensitive duties. An employee who has a positive alcohol test cannot return to the performance of safety-sensitive functions until and unless the employee successfully completes the return-to-duty process described later. Notwithstanding the foregoing, an employee whose test results indicate an alcohol concentration greater than **.04** will be subject to disciplinary action, up to and including termination.

Consequences of an Alcohol Test with a Concentration Greater than .02 but Less than .04

A covered employee who is found to have an alcohol concentration of **.02** or greater but less than **.04** will be immediately removed from performing safety-sensitive functions until the employee is retested with a result below **.02** or until the start of the employee's next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test. Notwithstanding the foregoing, an employee whose test results indicate an alcohol concentration greater than **.02** will be subject to disciplinary action, up to and including termination.

Consequences of Refusing to Submit to a Required Drug and/or Alcohol Test

A covered employee who refuses to submit to a required drug and/or alcohol test or who receives a verified adulterated or substituted drug test result will be immediately removed from performing safety-sensitive functions. An employee cannot return to the performance of safety-sensitive duties until and unless the employee successfully completes the return-to-duty process described later. Notwithstanding the foregoing, an employee that refuses to submit to a required drug and/or alcohol test will be subject to disciplinary action, up to and including termination.

REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

You are considered to have refused to take a drug and/or alcohol test if you:

Drug Test

- Fail to appear at a collection site for any test (except a pre-employment test) within a reasonable time, as determined by the Company, consistent with applicable regulations, after being directed to do so by the Company. This includes the failure of the employee to appear for a test when called by the Company's third-party administrator;
- Fail to remain at the collection site until the testing process is complete; Provided that a person who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- Fail to provide a specimen or provide a diluted specimen;
- Fail to permit a monitored or observed collection if the Company ordered or if the collector required the collection to be monitored or observed;
- Fail to provide a sufficient amount of urine specimen, provided the Medical Review Officer (MRO) finds there was no medical reason for the employee to provide insufficient amount of urine;
- Fail or decline to take an additional drug test that the Company or collector has directed;
- Fail to undergo a medical examination or evaluation the MRO or the Company has directed;
- Fail to cooperate with any part of the specimen collection process;
- Fail, for an observed collection, to follow the instructions to raise and lower clothing and turn around;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process if the employee is found to have or wear a prosthetic or other device designed to carry clean urine or a urine substitute;
- Admit to the collector to having adulterated or substituted the specimen;
- Adulterate or substitute a urine specimen; or
- Admit to the MRO to having adulterated or substituted the specimen.

Alcohol Test

- Fail to appear at an alcohol test site for any test within a reasonable time, as determined by the Company, consistent with applicable regulations, after being directed to do so by the Company. This includes the failure of the employee to appear for a test when called by the Company's third-party administrator;
- Fail to remain at the alcohol test site until the testing process is complete;
- Fail to provide an adequate amount of saliva or breath;
- Fail to provide a sufficient breath specimen, provided the physician finds that there was no medical reason for the employee to provide an insufficient amount of breath;
- Fail to undergo a medical examination or evaluation as the Company has directed as part of the insufficient breath procedures;
- Fail to sign the certification statement at Step 2 of the Alcohol Testing Form (ATF); or
- Fail to cooperate with any part of the testing process.

DRUG & ALCOHOL TESTING PROCEDURES

Drug and/or alcohol testing shall be conducted at a facility designated by the Company. Specimen collection, analysis and reporting shall be conducted in accordance with the procedures outlined below which are consistent with the federal regulations enumerated in 49 CFR Part 40 and all applicable guidance and state laws. These collection procedures are designed to protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.

Drug Testing Procedures

- A DOT drug testing Chain of Custody Form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.
- A collection kit meeting the requirements of Part 40, Appendix A of the DOT regulations must be used for the drug test.
- The collection of the specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security and temporary storage and transportation of the specimen to a certified laboratory.
- The employee should have and present positive identification to the collector. The employee may also request positive identification of the collection site employee.
- The employee must provide a specimen meeting the specified volume and temperature requirements.
- All identifying information must be entered on the CCF by the collection site person. The CCF will be signed by the collector, certifying collection was accomplished in accordance with the instructions provided. The employee must also sign the CCF indicating the specimen was his/hers.
- A urinalysis will be performed by a laboratory certified by the Department of Health and Human Services (DHHS) that has been retained by the Company. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.
- The laboratory must report all test results directly to the Company's designated medical review officer (MRO). The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternative medical explanations could account for the test results. The MRO must also give the employee who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the Company's designated employer representative (DER).
- The MRO will advise the employee that, before informing any third party about any medication the employee is using pursuant to a legally valid prescription consistent with the Controlled Substances Act, the MRO will allow 5 business days from report date of a verified negative result for the employee to have the prescribing physician contact the MRO to determine if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. Once either the physician contacts/does not contact the MRO, then the MRO will comply with DOT40.327.
- An employee who receives a positive, adulterated, or substituted drug test result has 72 hours to request the test of the split specimen (which is provided at the time of original collection). If the employee requests the testing of the split, the MRO must direct (in writing) the lab to provide

the split specimen to another certified laboratory for analysis. The employee will pay for the testing of the split specimen.

Alcohol Testing Procedures

Alcohol testing may be conducted by a qualified Screening Test Technician (STT) or Breath Alcohol Technician (BAT). STTs are only permitted to conduct the first test given to an employee by using either a breath or saliva test (Screening Test). A BAT is authorized to conduct a Screening Test, but, unlike a STT, is also authorized to conduct the second test given to an employee whose test result is **.02** or above (Confirmation Test). For a Screening Test, the STT or BAT may use an approved Alcohol Screening Device (ASD) or an Evidential Breath Testing device (EBT). For a Confirmation Test, the BAT is required to use an EBT.

Screening Tests

- The DOT Alcohol Testing Form (ATF) will be used to document the results of an alcohol screening test.
- The testing will be performed in a private setting. Only authorized personnel will have access and are the only individuals who can see or hear the test results.
- The employee should have and present positive identification to the STT or BAT at the test site. The employee may also request positive identification of the STT or BAT.
- When an ASD is used, the STT or BAT must check the device's expiration date and show it to the employee. A device may not be used after its expiration date.
- The STT or BAT will open an individually wrapped or sealed package containing the device in front of the employee and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.
- The employee must work with the STT or BAT to perform the test, which includes the insertion of the device mouthpiece in the employee's mouth and the exhalation (breathing out) must be performed in the manner described by the device's manufacturer.
- The STT or BAT should wear single-use examination gloves and must change the gloves following each test.
- When the device is removed from the employee's mouth, the STT or BAT must follow the manufacturer's instructions to ensure the device is activated.
- If the procedures listed above cannot be successfully completed, the device must be discarded and a new test must be conducted using a new device. The employee will be offered the choice of using the new device or having the STT or BAT use the new device for the test.
- If the new test cannot be successfully completed, the employee will be directed to immediately take a screening test using an EBT.
- When an EBT is used, the mouthpiece of the breath testing device must be sealed before use and opened in the employee's presence. The mouthpiece is then inserted into the breath testing device.
- The employee must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.
- Once the test is completed, the BAT must show the employee the results.
- The result displayed on the device must be read within 15 minutes of the test. The STT or BAT must show the employee the device and its reading and enter the result on the ATF.

- If the reading on the ASD or EBT is less than **.02**, both the employee and the STT or BAT must sign and date the result form. The form will then be confidentially forwarded to the Company's DER. No further testing is authorized.
- If the reading on the ASD or EBT is **.02** or more, a confirmation test must be performed.

Confirmation Tests

- If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. If a different BAT will conduct the confirmation test, the BAT who conducts the screening test will complete and sign Step 3 of the ATF. The BAT will provide the employee with Copy 2 of the form.
- In the presence of the employee, the BAT will conduct an "air blank" to ensure that the device is working correctly. The BAT must show the reading to the employee. The air blank result must be **.00**. If the reading is greater than **.00**, the BAT will conduct one more air blank. If the reading is greater than **.00**, testing will not proceed using the instrument. However, testing may proceed on another instrument.
- The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test and will not be less than 15 minutes. The BAT will explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period. If the employee has disregarded the instruction, the BAT will so note in the "Remarks" section of the ATF.
- If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new breath alcohol testing form. The BAT will complete Step 1 on the form. The employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The BAT will note in the "Remarks" section of the form that a different BAT conducted the screening process.
- If the employee does not sign the certification in Step 4 of the form, it will not be considered a refusal to be tested. In this event, the BAT will note the failure to sign in the "Remarks" section of the form.
- A breath alcohol test is invalid under the following circumstances:
 - The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test); this does not invalidate negative tests.
 - The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test.
 - The BAT does not perform an air blank on the EBT before a confirmation test or such an air blank does not result in a reading of **.00**.
 - The BAT does not sign the form.
 - An EBT fails to print a confirmation test result.
 - The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

RETURN-TO-DUTY PROCESS AND FOLLOW-UP PROCEDURES

The Company is not required to provide a Substance Abuse Professional (SAP) evaluation or any subsequent recommended education or treatment through an employee assistance program for an

employee who has violated a DOT drug and alcohol regulation or the Company Drug and Alcohol Policy. If the Company, at its sole discretion, offers the employee an opportunity to return to a safety-sensitive duty following a violation, the Company must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of the regulations and that the employee successfully complies with the SAP's evaluation recommendations.

SAP Responsibility

- Making a face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use;
- Referring the employee to an appropriate education and/or treatment program (EAP);
- Conducting a face-to-face follow-up evaluation to determine if the employee has actively participated in the education and/or treatment program and has demonstrated successful compliance with the initial assessment and evaluation recommendations;
- Providing the DER with a follow-up drug and/or alcohol testing plan for the employee;
- Providing the Company and the employee with recommendations for continuing education and/or treatment.

Return-to-Duty Testing

If the Company decides to permit the employee to return to the performance of safety-sensitive functions, the Company must ensure that the employee takes a return-to-duty test. The return-to-duty test cannot occur until:

- The employee has been evaluated by a SAP to determine what education and/or treatment the employee needs to resolve problems related to alcohol or drug use;
- The employee has successfully complied with the prescribed education and/or treatment;
- The employee has been re-evaluated by the SAP to ensure that the employee has properly followed the education and/or treatment program.
- The employee has completed a drug test with a negative result.

Should the employee fail the return-to-duty-test, the employee will not be allowed to return to a safety sensitive position and the Company reserves the right to terminate the employee.

Follow-Up Testing

- A SAP must establish a written follow-up testing plan for each employee who has committed a drug or alcohol regulation and/or policy violation and who seeks to resume the performance of safety-sensitive functions. The SAP does not establish this plan until after it is determined that the employee has successfully complied with the education and/or treatment recommendations.
- The SAP must present a copy of the follow-up testing plan directly to the Company's DER.
- The SAP is the sole determiner of the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both, unless otherwise directed by the appropriate DOT agency regulation. For example, if an employee had a positive drug test, but the SAP evaluation or the treatment program professionals determined that the employee has an alcohol problem as well, the SAP should require that the employee have follow-up tests for both drugs and alcohol.
- The SAP must, at a minimum, direct that the employee be subject to six (6) unannounced follow-up tests in the first 12 months of safety-sensitive duty following the employee's return to safety-sensitive functions. The SAP may, however, require a greater number of follow-up tests during the first 12-month period of safety-sensitive duty.

- The SAP may also require follow-up tests during the 48 months of safety-sensitive duty following this first 12-month period. The SAP is not to establish the actual dates for the follow-up tests he/she prescribes. The decision on specific dates to test is the responsibility of the Company.
- The Company will not impose additional testing requirements on the employee that go beyond the SAP's follow-up and random testing plan.

EAP PROGRAM

The Company is not required by law to provide a substance abuse professional SAP or Employee Assistance Program (EAP) or subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation or this policy unless the employee requests assistance prior to committing a violation of the policy. The Company realizes that good workers today are valuable employees. Instead of termination when they violate company safety and substance abuse policy rules, the Company may choose to refer an employee to a substance abuse professional (SAP) and into an Employee Assistance Program (EAP). An EAP is designed to provide help for employees who may have an alcohol or drug problem or both. EAP programs vary considerably based on the substance abuse problems of the employee.

If the Company, at its sole discretion, offers the employee an opportunity to return to a job including a safety-sensitive duty following a violation, the Company must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of the regulations and that the employee successfully complies with the SAP's evaluation recommendations which may include referral to an EAP.

The employee maybe referred to an EAP counseling program through a national network of professional counselors (clinical psychologists, social workers and/or psychiatrists) to provide an access to a process to work through emotional and/or psychological issues that manifest in their risky drug and alcohol use or related driving behavior.

NOTE: THE COMPANY MAINTAINS THE OPTION OF EMPLOYEE TERMINATION OR REFERRAL TO BOTH AN SAP AND EAP.

INFORMATION ON DRUG ABUSE AND ALCOHOLISM

As indicated in the introduction, 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.

Your role in managing workers is important in fulfilling the Company requirement for a drug free workplace. Part of that is determining when reasonable suspicion for drug and alcohol abuse exists and initiating a reasonable suspicion test. To accomplish this, you must e knowledgeable about the effects of drugs and alcohol on the body and mind to detect signs of abuse. You must also have the skills to approach a worker whom you suspect may be under drug or alcohol influence.

Effects of drug and alcohol on a person's health, work and personal life

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, include 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
- Drugs will destroy family and relationships, lead to serious legal and health problems, ruin careers, and cause severe financial hardship.

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

Although Robert B. Our Co., Inc. has a below average history of drug and alcohol abuse problems, the 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:

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. Alternatively, employees may report any signs or

Appendix B

SUPERVISOR'S OBSERVATIONS

Section 1

Employee Name: _____

Employee Job Title: _____ Division/Work Unit: _____

Date of Observation: _____ Time: _____ am / pm

Location: _____ Employee performing safety-sensitive duties? Yes No

Section 2

Observations: Check ALL that apply:

BEHAVIOR

- stumbled
- drowsy, sleepy, lethargic
- agitated, anxious, restless
- hostile, withdrawn
- unresponsive, distracted
- clumsy, uncoordinated
- tremors, shakes
- flu-like illness complaints
- suspicious, paranoid
- hyperactive, fidgety
- frequent use of mints, mouthwash, breath sprays, eye drops
- inappropriate, uninhibited behavior

APPEARANCE

- flushed complexion
- sweating
- cold, clammy, sweats
- bloodshot eyes
- tearing, watery eyes
- dilated (large) pupils
- constricted (pinpoint) pupils
- unfocused, blank stare
- disheveled clothing
- unkempt grooming

SPEECH

- slurred, thick
- incoherent
- exaggerated enunciation
- loud, boisterous
- rapid, pressured
- excessively talkative
- nonsensical, silly
- cursing, inappropriate speech

BODY ODOR

- alcohol
- marijuana

Other observations: _____

Section 3

The observations, are documented above, were made of the employee identified in Section 1.

Supervisor's Name (printed or typed) Signature _____ Date _____

Additional Witness:

Witness Name (printed or typed) Signature _____ Date _____

Section 4

Test Determination:

- Reasonable Suspicion Alcohol Breath Test
- Reasonable Suspicion Drug Urine Test
- No Test Required
- Employee Refused Test
- No Test Conducted
- 8 hours elapsed
- No collection available
- Employee transported for medical care
- Other (explain) _____

Section 5

Employee transported to collection site by: _____

Time transported: _____ am / pm Collection site: _____