



**INDEPENDENT CARRIER
SAFETY ASSOCIATION**

MODEL DRUG & ALCOHOL POLICY *FLEET VERSION*

INTRODUCTION

The U.S. Department of Transportation (DOT) has enacted regulations set forth in Title 49 CFR, Parts 382 and 40 to prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances (“drugs”) by drivers of commercial motor vehicles. These regulations provide the general terms and guidelines for a Drug and Alcohol Policy. These regulations also require that drivers be made aware of alcohol and drug abuse policies and programs that will ensure compliance with federal regulations.

ALCOHOL AND DRUG ABUSE POLICY - [Part 382.601 (a)]

We recognize each person’s need for a safe and healthy work environment. Employees who use illicit drugs and/or abuse alcohol and controlled substances tend to be less productive, less dependable, more prone to accidents, and have a higher absenteeism rate.

We are committed to keeping a safe workplace (for commercial drivers and other users of the highway) which is free from impairment caused by the use of drugs, abuse of controlled substances, and the misuse of alcohol.

The Company’s drug testing policy meets the requirements of regulations issued by the U.S. Department of Transportation. Our Company policy prohibits the use or possession of alcohol and controlled substances in accordance with Federal regulations applicable to Commercial Drivers.

To ensure that drugs and alcohol do not affect the workplace, each individual who operates a commercial vehicle under the Company’s or its subsidiaries USDOT operating authorities, or performs safety sensitive functions as part of their routine job duties, is required, upon the Company’s request, to submit to a search of any vehicle, package, purse, briefcase, lunchbox, or other container brought into a Company vehicle or facility.

The Company employs a ZERO TOLERANCE POLICY.

A violation of this Drug and Alcohol policy may result in termination of employment.

SAFETY SENSITIVE FUNCTIONS - [Part 382.601 (b) (3)]

Alcohol and drug testing may be conducted while a CDL driver is performing a safety-sensitive function, prior to performing a safety sensitive function, or just after a driver has ceased performing such functions

Federal regulations prohibit CDL drivers from reporting for duty or remaining on-duty when the job requires performing safety- sensitive functions, if drivers have been using alcohol or drugs or have tested positive for alcohol or drug use.

CDL Drivers are performing a safety sensitive function when:

- Waiting at a terminal, facility, or other property to be dispatched, unless they have been relieved from duty.
- Performing pre-trip inspections or servicing the motor vehicle.
- Driving the motor vehicle.
- On the vehicle, except when resting in the sleeper berth.
- Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle.
- Performing duties and services at an accident scene; or,
- Repairing, obtaining assistance, or remaining in attendance of a disabled vehicle
- Or for any other activity considered to be “on-duty” by the FMCSA

PROHIBITED CONDUCT - [Part 382.601 (b)(4)]

According to DOT Regulations, drivers shall not:

- Report for duty performing a safety-sensitive function while having a blood alcohol concentration (BAC) of 0.04 or greater.
- Report for duty within four (4) hours of consuming alcohol.
- Use alcohol while performing safety-sensitive functions.
- Abuse controlled substances.
- Be on duty or operate a commercial motor vehicle while possessing alcohol, unless the alcohol is manifested and transported as part of the shipment. Alcohol may never be present in the cab of the tractor.
- Use alcohol within 8 hours following an accident unless the driver has first been given a post-accident test and have been released from duty.
- Refuse to submit to a required alcohol and/or drug test involving post-accident, random, reasonable suspicion, follow-up testing, or pre-employment testing.
- Report for duty, remain on duty or perform any safety sensitive function if the driver has tested positive for controlled substances.
- Use a prescribed medication that may not be used while driving or which may impair a driver’s ability to operate equipment safely.

REPORTING OF TESTS TO DRUG & ALCOHOL CLEARINGHOUSE

Motor carriers with employee drivers may delegate some of their Clearinghouse responsibilities to a Consortium/Third-Party Administrator (“C/TPA”) by authorizing and designating their C/TPA in the Clearinghouse to allow the C/TPA to perform Clearinghouse functions.

Ten C/TPA Actions in the Clearinghouse

1. The C/TPA registers as a user in the Clearinghouse and assigns any staff as assistants in the Clearinghouse.

2. The C/TPA can assist employers in requesting drivers to log into the Clearinghouse and consent for full queries
3. The C/TPA can request driver queries on behalf of the employer
4. The C/TPA will report on owner operator drug and alcohol testing violations.
5. The C/TPA can assist employers in reporting employer determined refusals to test
6. The C/TPA can assist employers in reporting alcohol test violations
7. The C/TPA can assist employers in reporting actual knowledge violations
8. The C/TPA can assist employer in reporting on a negative return to duty test
9. The C/TPA can assist employers in reporting the completion of the follow-up with a Substance Abuse Professional (SAP)
10. The C/TPA can offer employers' guidance, consultation and training to help navigate the Clearinghouse

TESTING PROGRAMS - [Part 382.601 (b)(6)]

Current Employee Testing (company policy)

Upon adopting this Policy, all drivers employed by the Company will be required to obtain hair follicle testing within 60 days. Drivers will be given up to thirty days' notice of the testing if requested. After the expiration of the thirty days' notice, all drivers must obtain a test and have a negative result. Any positive result showing drug use may be cause for immediate termination of the driver's employment.

Pre-Employment Testing

Those persons seeking employment as CDL drivers must be tested for use of controlled substances prior to employment. Such testing will be both the federally mandated urine test, as well as a company mandated hair follicle test. Negative confirmations for both tests must be received before a driver will be permitted to drive. Any applicant whose drug test is positive will not be considered for employment.

Reasonable Suspicion Testing

Reasonable suspicion arises when a trained observer believes the driver's appearance or conduct is indicative of the use of alcohol and/or drugs. The actions or observations must occur while the driver is on duty, or as a driver reports to go on duty. A supervisor or Company Official must observe the drivers conduct, appearance, or action. The supervisor or official must have completed training in detection of probable alcohol and/or drug use.

In the case of suspected drug use, the CDL driver must be taken at once to a collection site and a urine sample must be obtained. The driver's action or behavior that causes the Company's supervisor or official to require the test must be documented and signed by a witness within 24 hours after the behavior is observed.

In the case of suspected alcohol use, the test must be done as soon as possible. The supervisor who makes the determination that reasonable suspicion exists shall not be permitted to conduct the breath alcohol or saliva test.

Random Testing

Random testing ensures every driver has an equal chance of being tested. Random tests are unannounced. The regulations currently provide for a minimum testing rate of 50% per year, to be used in drug testing, though the minimum testing percentages are subject to change upon notice by the Federal Motor Carrier Safety Administration. This rate should supply a sufficient deterrent to drug use. For alcohol testing the random rate is

10% per year. Our partner TADTS (Texas Drug and Alcohol Testing Service) will manage and conduct a random testing list monthly taken from the entire consortium group and circulate to our members of the consortium.

Post-Accident Testing

Drivers must supply a urine specimen for drug testing and submit to a breath or saliva test for alcohol following certain types of accidents. If there is a fatality involving a CDL driver, the driver must undergo testing. Also, testing must be done if the accident results in bodily injury to a person who immediately receives medical treatment away from the accident site, or if one of the involved vehicles is towed from the scene, and drivers receive a citation under State or local law for a moving traffic violation. Refer to the chart on the last page of this Policy.

Return-to-Duty and Follow Up Testing

The **Return to Duty** SAP Process is required when a DOT regulated safety-sensitive employee is found to be in violation of a DOT mandated drug and/or alcohol test. A violation occurs when an employee fails a mandated DOT drug test for a prohibited substance or refuses to take the test. *The Return to Duty test must be confirmed negative before the employee is returned to a safety sensitive function and follow-up testing can begin.

Follow-up testing is a series of drug tests conducted after employees have already been found in violation of Company drug policies or returned a positive result on a previous drug test. Follow-up testing is a series of unannounced drug tests that must return negative for an employee to keep his or her job. Follow-up testing happens after an employee presents a negative Return to Duty test confirmation. *As a member of ICSA, TADTS will manage this program for your company and ensure compliance is maintained.

NOTE: DOT regulations permit a Company to implement policies that exceed the standards imposed by federal regulations.

TESTING PROCEDURES - [Part 382.601 (b)(6)] Drug Testing Procedures

The testing program required by DOT regulations is limited to five drug types:
(1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, and (5) Phencyclidine (PCP).

All drug and alcohol testing conducted under DOT regulations may be performed with urine, breath or saliva specimens collected under controlled conditions. Additionally, all drug and alcohol testing conducted under this Policy may be performed with hair, urine, breath, saliva or blood specimens, including tests for pre-employment, random, reasonable suspicion, and post-accident tests conducted according to Company Policy. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen.

Only laboratories that have been certified by the Federal Government may be used for testing. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial screening test determines the usage of any of the five classes of drugs. The second test is a confirmation test. The results of these tests could be Positive, Negative, or Dilute Negative.

The threshold levels for the five classes of drug tests to be positive are shown in the table below:

Drug/Classes of Drugs	Screening Concentration (ng/mL)	Confirmation Concentration (ng/mL)
Marijuana metabolite	50	15
Cocaine Metabolite	150	100
Opioids		
Codeine	2000	2000
Morphine	2000	2000
Hydrocodone	300	100
Hydromorphone	300	100
Oxycodone	100	100
Oxymorphone	100	100
6-Acetylmorphine	10	10
Phencyclidine	25	25
Amphetamines	500	-
Amphetamine	-	250
Methamphetamine	-	250
MDMA	500	250
Urine Drug Concentration Limits		

Drug/Classes of Drugs	Screening Concentration (ng/mL)	Confirmation Concentration (ng/mL)
Marijuana metabolite	4	2
Cocaine Metabolite	20	-
Cocaine or benzoylecgonine	-	8
Opioids	40	-
Codeine	-	40
Morphine	-	40
Hydrocodone	-	40
Hydromorphone	-	40
Oxycodone	-	40
Oxymorphone	-	40
6-Acetylmorphine	-	4
Phencyclidine	10	10
Amphetamines	-	50
Amphetamine	-	50
Methamphetamine	-	50
MDMA	-	50
MDA	1	50
Oral Drug Concentration Limits		

If the results of a driver’s initial test are negative, the testing laboratory will advise the Company’s Medical Review Officer (MRO) that the test was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, meaning the results exceed the thresholds for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis.

A split specimen test consists of splitting the employee's urine sample is split between two specimen cups in order to have a second sample tested if the employee requests to have this done. If the test result of the primary specimen is positive, the driver may request the Medical Review Officer (MRO) to send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is “negative”, the MRO shall cancel the initial (positive) test. If drivers want the split specimen tested, they must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen.

The employer must pay the cost of the split-specimen test to allow the test to proceed in a timely manner as required by 49 CFR § 40.173. Part 40 provides that an employer may seek reimbursement for full or partial costs of the split-specimen test through Company policy or a collective bargaining agreement, but the regulations take no position on who ultimately pays the cost of the test. See 49 CFR § 40.171 (a) and § 40.173 (b) (c).

The Company (or consortium) will keep a confidential record on file showing the type of test (pre-employment, random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

For drug or alcohol tests conducted under this Policy, we will work to accommodate any testing procedures that conflict with a medical condition or a sincerely held religious belief.

Alcohol Testing Procedures

DOT regulations allow alcohol testing to be done by testing either breath or saliva. Saliva collection technology uses a chemical reaction between any ethanol in the saliva and a protein known as alcohol dehydrogenase. This reaction forces a concentration reading similar to a thermometer. The accuracy of these tests has been directly correlated with gas chromatography blood analysis tests, the standard in the industry. Any positive results using saliva must be confirmed by breath analysis.

Breath test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing device (EBT). The EBT is a scientific instrument, which determines the concentration of alcohol expressed as “percent by weight”. It does this by analyzing the specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath.

The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial test. If the initial test shows a reading less than 0.02 the test is recorded as “negative”. If the initial test result is 0.02 or greater a confirmation test will be done. The alcohol testing will be done in a site that affords privacy to drivers while being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person conducting the test is not permitted to leave the testing site during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the driver’s presence the technician runs an “air blank” test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, drivers will be requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates an adequate amount of breath has been obtained. The EBT will immediately read the results of the test and a copy of the printed results will be given to the driver. Printed results are not required for the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test will be administered following a 15-minute waiting period. The purpose of the waiting period is to ensure the presence of mouth alcohol from recent use of food, tobacco, or hygiene products, does not artificially raise the test results. A confirmation test is done on the same EBT as the first test, to ensure testing procedures remain the same.

When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences that follow. A breath alcohol testing form will be prepared with a copy being provided to the CDL driver.

REFUSAL TO SUBMIT TO A TEST - [Part 382.601 (b) (7) (8)]

DOT regulations provide that CDL drivers shall not refuse to submit to a required drug or alcohol test. In alcohol testing, the refusal to sign the required certificate is regarded as a refusal to take a test. Not providing an adequate amount of breath or saliva may also be regarded as a refusal to take a test. In drug testing, failure to provide sufficient urine may constitute a refusal. If drivers engage in conduct that “clearly obstructs” the testing process, that would be considered a refusal.

After a CDL driver has been informed of selection for a required test, they must proceed directly to the collection site. Failure to do so, or if a driver goes to the collection site but leaves prior to providing a sample, that may also be deemed a refusal. If after an accident where a fatality occurred or drivers were issued a citation and failed to make themselves available for a test, regulations define that as a refusal.

If drivers refuse to submit to a required drug or alcohol test, they will not be allowed to perform or continue to perform any safety-sensitive functions and will be discharged. The Company will treat a refusal just as it would a positive result, in accordance with DOT regulations. Additionally, under the Company’s Zero Tolerance policy, the employee will be subject to the termination of his or her employment.

Any refusal to submit to a required DOT regulated drug or alcohol test must be considered a positive result and reported as such, according to DOT Regulations.

CONSEQUENCES OF A POSITIVE ALCOHOL OR DRUG TEST

- [Part 382.601 (b)(9)(10)]

Consequences of a Test 0.04 BAC and Above

According to DOT Regulations, a CDL driver who tests 0.04 or above -

- Requires immediate removal from performing a safety-sensitive function,
- Will be made aware of resources for solving alcohol problems,
- Must be evaluated by a substance abuse professional (SAP) at the driver’s expense,
- Must comply with treatment recommendations,
- (If the company allows the CDL driver to return to duty), the driver must undergo a return to duty alcohol test indicating less than 0.02 BAC, and
- The motor carrier or its designated TPA is required by law to report the positive DOT regulated test result to the FMCSA Drug and Alcohol Clearinghouse

Consequences of a Test over 0.02 BAC but less than 0.04 BAC

According to DOT regulations, a CDL driver who tests 0.02 but less than 0.04 BAC cannot perform a safety-sensitive function for a minimum of 24 hours.

Consequences of a Test under 0.02 BAC

According to DOT regulations, for a CDL driver who tests under 0.02, no penalty is imposed.

Consequences of a Positive Drug Test

According to DOT regulations, a CDL driver who tests positive for drugs:

- Cannot perform a safety-sensitive function.
- Will be made aware of resources for solving drug problems.
- Must be evaluated by a substance abuse professional at the driver's expense.
- Must comply with treatment recommendations.
- If allowed to return to duty, must undergo a return to duty drug test with a negative test result. Once confirmed a follow-up random testing program must be conducted.
- The motor carrier or its designated TPA is required by law to report the positive DOT regulated test result to the FMCSA Drug and Alcohol Clearinghouse.

NOTE: DOT Regulations permit a company to implement policies that exceed the standards imposed by federal regulations.

CONSEQUENCES OF A DILUTE NEGATIVE TEST

When the urine sample from a test is overly hydrated, the test result will be a Dilute Negative. Per the Company's Policy, a Dilute Negative result will constitute a need for one retest because over hydration denies an accurate test result. CDL Drivers may be released to drive prior to the receipt of the results for the retest.

OVER THE COUNTER AND PRESCRIPTION DRUGS - [Part 392.4]

Prescription drugs may not be abused and must be taken only according to the doctor's instructions. Over the counter (non-prescription) drugs likewise may not be abused and must be taken only according to package directions.

CDL drivers who need to take prescription or nonprescription drugs are required to report this to the Company Management. If the warning on the box or label clearly states "product may cause drowsiness; do not operate heavy equipment or machinery while taking", it is a violation of DOT regulations to take the medication and drive a commercial motor vehicle or perform other safety sensitive functions.

If nonprescription or prescription drugs interfere with safe driving, acceptable performance, attendance or behavior, drivers may be restricted in their ability to perform any safety sensitive function while using that drug.

The Company reserves the right to determine whether a prescription or non-prescription drug may impair judgment, coordination or other senses important to the safe and productive performance of work.

EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK AND PERSONAL LIFE

The hazards of misuse of alcohol and illegal drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other highway users. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident.

Employees found to abuse alcohol and drugs increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse cost both the employer and the employee. Alcohol is still the number one abused drug in this country.

Alcohol consumption causes a number of changes in behavior. Even consuming small amounts can impair the judgment and coordination required for driving. Low to moderate intake increase the incidence of a variety of aggressive acts. Moderate to high consumption causes marked impairments in mental functions, severely altering a person's ability to learn and remember information. Very high consumption can cause respiratory depression and death. If combined with other depressant drugs, much lower amounts of alcohol consumed can lead to permanent damage to vital organs such as the brain and the liver.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweat, convulsions, apathy, depression, and the use of drug paraphernalia.

Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Abuse of multiple substances involves the use of more than one drug, either at the same time or over a period of time, and involves any combination of:

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of other substances becomes more likely. People who abuse one substance are at high risk for developing dependence and tolerance for other substances.

PERSON IDENTIFIED TO ANSWER QUESTIONS - [Part 382.601 (b)(1)]

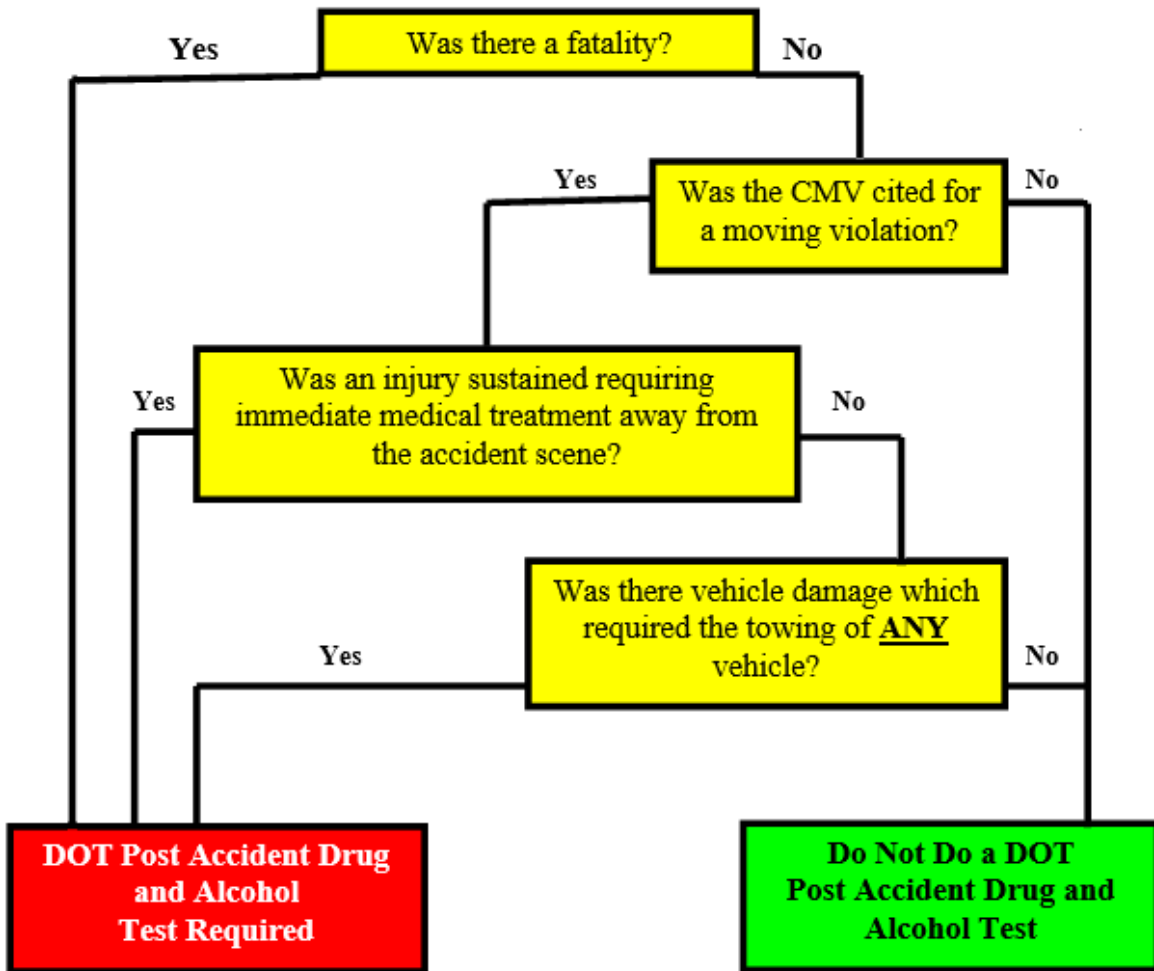
As part of our continuing policy to ensure fair and equal treatment of CDL Drivers, we understand there may be questions and concerns involving our Company's controlled substance and alcohol testing policies and programs. We have adopted this policy to help drivers understand the requirements placed on them and the

employer. If you have additional questions regarding the alcohol and drug testing programs, please share them with the Company's designated representative.

WHERE TO GO FOR HELP

Information on where to find treatment for alcohol and other drug problems is readily available online by using such keywords as "Alcoholism Information" or "Drug Abuse and Addiction Information". Usually there is a listing of the nearest council on Alcoholism (or council on Alcohol and Drug Abuse). These councils provide information over the phone on the availability of the nearest alcohol treatment programs. Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) may also be listed. Both offer immeasurable help in enabling people to cope with problems with alcohol and other drugs. Lastly, you may wish to call the **National Clearinghouse for Alcohol and Drug Information** at 1-800-729-6686 Monday through Friday.

FMCSA POST ACCIDENT TESTING DECISION TREE



The company will conduct post-accident testing in accordance with 49 CFR 382.303. As soon as practicable following an accident involving a commercial motor vehicle (*CMV) requiring a CDL, the company shall ensure each surviving CMV driver is tested for alcohol and/or controlled substances in accordance with the triggering events for FMCSA as identified in 49 CFR 382.303. The company is responsible for ensuring the driver completes any DOT-mandatory drug and/or alcohol test(s) after certain accidents.

Alcohol testing should occur within two (2) hours, but no later than eight (8) hours following the qualifying accident. Drug testing must occur within thirty-two (32) hours of the accident. If testing is not administered within the stated time frames, the company shall prepare and keep on file a record stating why the test was not promptly administered.

RECEIPT and NOTICE

The use of drugs is a national problem that seriously affects every American. Drug abuse not only affects individual users and their families, but it also presents new dangers for the workplace. This company has always been committed to providing a safe work environment and fostering the well-being and health of our employees. To address this problem, we have developed a policy that we believe best serves the interest of all employees regarding the illegal use of drugs and the abuse of alcohol. The most important aspect of this policy is **the illegal use of drugs will not be tolerated**. WE ARE COMMITTED TO BEING A DRUG FREE WORKPLACE.

I hereby acknowledge receipt of the Company's "Drug & Alcohol Driver Information Packet". This means I have consented to undergo drug and alcohol testing pursuant to this Policy. I authorize the collection of urine, blood, hair or saliva from me for testing purposes. I agree to learn more about the negative effects and serious consequences of drug and alcohol abuse on my personal health and safety, as well as on the safety of those with whom I share the highway. I also commit to learning the safety regulations and procedures that govern testing for drugs and alcohol.

I also acknowledge that every driving employee is required to participate in hair follicle drug testing that will be conducted by an outside laboratory. Such testing must be completed within sixty days of the implementation of this policy. Any employee who receives a confirmed positive result for the use of a controlled substance as defined by federal regulations is subject to the Company's policy and consequences, including termination. We will provide further details about the testing and encourage all employees to bring any questions or concerns to management.

Recipient's Name: _____ **Date:** _____

Recipient's Signature: _____