

ROCK ON ENTERPRISES INC

DOT Drug & Alcohol Testing Policy

MARCH 2024

DOT CONTROLLED SUBSTANCE/ALCOHOL TESTING POLICY

Rock On Enterprises Inc is committed to providing a workplace environment that is safe and productive for each of our employees, contractors, customers, and the public with whom we share the streets and roadways. The abuse of drugs and alcohol is a nationwide problem which affects persons of all ages, races, economic statuses, and genders. We recognize that work performance and safety suffer when employees/owners use and abuse controlled substances/alcohol. It is our goal to reduce the potential for accidents and injuries which result from the misuse of alcohol or the use of controlled substances by drivers of commercial vehicles that are owned by or leased to the company or any of its divisions.

In keeping with this commitment, and in consideration of the requirements of the Federal Motor Carrier Safety Regulations (FMCSR), Rock On Enterprises Inc has developed this Controlled Substance and Alcohol Testing Policy. Rock On Enterprises Inc has previously described the regulations in non-technical terms, at times citing the specific regulatory provision involved. We recommend that you read the provision itself, as it appears in the FMCSR booklet, which has been provided to you.

Violation of this policy will result in disciplinary action, including the possible termination of employment, cancellation of contract, or equipment operating agreement.

Additionally, drivers found to be in violation of this policy will be required to meet with a Substance Abuse Professional (SAP), satisfy the requirements prescribed by the SAP for treatment or education, and pass a return-to-duty drug test upon the request of the SAP in order to return to work.

Questions regarding this policy shall be addressed to the company DER Krystal Vierkant phone number 320 230 2998 EXT 531 at the company's corporate office in Waite Park MN All determinations and interpretations of this policy will be issued by this representative.

APPLICABILITY

The Omnibus Transportation Employee Testing Act of 1991 requires all employees and contractors whose job duties include operation a commercial motor vehicle (as defined in 49CFR §383.5 and in the *DEFINITIONS* section of this policy) that requires the operator hold a commercial driver's license be subject to drug and alcohol testing, as described in this policy.

All applicants, including persons currently employed or contracted by Rock On Enterprises Inc, who are considered for hire for a position which includes duties described above will be subject to a pre-employment drug test.

DEFINITIONS

Actual Knowledge - actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use, except as provided in 49 CFR §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of driver's behavior or physical characteristics sufficient to warrant reasonable suspicion testing under 49 CFR §382.307

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol

Alcohol Concentration (Content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test

Alcohol Use - the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol

Commerce- (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of said state, including a place outside of the United States; and (2) trade, traffic, and transportation in the United States which affects any trade, traffic, or transportation described in part (1) of this definition

Commercial Motor Vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (1) Has a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR §172, subpart F)

Confirmation (or Confirmatory) Drug Test- a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite

Confirmation (or Confirmatory) Validity Test - a second test performed on a urine specimen to further support the validity of a test result

Confirmed Drug Test - a confirmation test result received by a medical review officer (MRO) from a laboratory

Consortium/Third Party Administrator (C/TPA) - a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of several such services and perform administrative tasks concerning the

operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join to administer, as a single entity, the DOT drug and alcohol testing programs to its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this part.

Controlled Substances - those substances identified in 49 CFR §40.85

Designated Employee Representative (DER) - an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Disabling Damage - damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

{1) *Inclusions:*

- a. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven

{2) *Exclusions:*

- a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts
- b. Tire disablement without other damage even if no spare tire is available
- c. Headlight or taillight damage
- d. Damage to turn signals, horn, or windshield wipers which make them inoperative

DOT Agency- an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR § 61, 63, 65, 121, and 135; 49 CFR § 199, 219, 382, and 655), in accordance with 49 CFR §40 of this title.

Driver - any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operated contractors

Employer - a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personal actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers for the purposes of this part.

Licensed Medical Practitioner- a person who is licensed, certified, and/or registered in accordance with applicable Federal, State, local, or foreign laws and regulations to prescribe controlled substances and other drugs

Observed Collection - the actual collection of a urine specimen must be observed by a same gender observer who must request the donor to raise his/her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants and turn around to determine the donor does not have a

prosthetic device. Upon determination that the donor does not have such a device, the observer permits the donor to return clothing to its proper position for observed urination. The observer must watch the donor urinate into the collection container. Specifically, watch the urine go from the donor's body into the collection container

Medical Review Officer - a licensed physician (Doctor of Medicine or Osteopathy) who has received qualification training meeting the requirements of 49 CFR §40.121

Monitored Collection - the actual collection of a urine specimen is monitored by a licensed medical practitioner or same gender monitor to ensure that no tampering of a specimen is taking place

Performing a Safety-Sensitive Function - a driver is performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions

Positive Rate for Random Drug Testing-the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part divided by the total number of random drug test results (i.e., positives, negatives, and refusals) under this part

Public Road/Highway- any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather, or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates

Refuse to Submit - a driver:

- (1) Failed to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see 49 CFR §40.61 (a));
- (2) Failed to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see 49 CFR §40.63(c)) a pre-employment test is not deemed to have refused to test;
- (3) Failed to provide a urine specimen for any drug test required by this part of DOT agency regulations. Provided, that an employee who does not provide urine specimen because he or she has left the testing site before the testing process commences (see 49 CFR §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, failed to permit the observation or monitoring of the driver's provision of a specimen (see 49 CFR §40.67(1)) and 40.69(9));
- (5) Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 49 CFR §40.193 (d)(2));
- (6) Failed or declined to take a second test the employer or collector has directed the driver to take.

- (7) Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR §40.193 (d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
- (8) Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- (9) Is reported by the MRO as having a verified adulterated or substituted test result

Safety-Sensitive Function - all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer
- (2) All time inspecting equipment as required by 49 CFR §392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation.
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR §393.76 of this subchapter);
- (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; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

Screening Test (Initial Test) -

- (1) In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs
- (2) In alcohol testing, an analytical procedure to determine whether an employee may have prohibited concentration of alcohol in a breath or saliva specimen

Substance Abuse Professional (SAP) - an individual who has the credentials and qualification training specified in 49 CFR §40.281

Stand-Down - the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results

Violation Rate for Random Alcohol Testing - the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part

CIRCUMSTANCES FOR TESTING

Controlled Substances

Pre-Employment: All individuals applying for positions which require operation of commercial motor vehicles, as defined in this policy, must test negative for controlled substances as a condition prior to being hired. Pre-employment controlled substance tests will be administered subsequent to the initial offer of employment. The offer is contingent upon a negative test result of the controlled substances test and the applicant's written agreement authorizing former employers to release to Rock On Enterprises Inc all information on the applicant's alcohol tests with results of 0.04 BAC or greater, or positive test results for controlled substances, refusals to be tested, and SAP referrals within the preceding three years.

Random: All individuals covered under this policy will be subject to random controlled substance testing. The selection of drivers for random controlled substances testing shall be made by a scientifically valid method that is matched with drivers' identification number. All tests will be unannounced. Each individual selected for random controlled substances testing shall have an equal chance of being tested each time random selections are made. The random selections will be accomplished under the guidelines of the 49 CFR § 382.305 (i). Selected individuals shall proceed shall be performed at a 50% rate of the covered positions annually. Testing selections shall be spread reasonably throughout the year.

Reasonable Suspicion: An individual covered under this policy is subject to Reasonable Suspicion testing. Individuals designated by Rock On Enterprises Inc, who have received the required training, will make all determinations of reasonable suspicion. An employer shall require a driver to submit to a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the speech, behavior, appearance, or body odor of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The test shall be accomplished as soon as practicable following the observation of the behavior indicative of the use of controlled substances. A written record shall be made of the observations leading to a controlled substances reasonable suspicion test and signed by the supervisor or company official who made the observations within 24 hours of the observed behavior or before the results of controlled substances are released, whichever is earlier.

Return to Duty: Any individual found to have violated this policy shall not return to work until undergoing a return to duty test appointed by a certified Substance Abuse Professional (SAP) that verifies a confirmed negative result for the use of controlled substances.

Follow-Up: Following a determination by an SAP that an individual is in need of assistance in resolving problems for controlled substance use, that individual shall be subject to unannounced follow-up tests for controlled substances as prescribed by the SAP. The SAP is required to prescribe a minimum of six unannounced follow-up tests within the first 12 months.

ALCOHOL

Random: All individuals covered under this policy will be subject to random breath alcohol testing. The selection of drivers for random alcohol testing shall be made by a scientifically valid method that is matched with the drivers' identification numbers. Each individual selected for random alcohol testing shall have an equal chance of being tested each time random selections are made. Each driver selected for testing shall be tested during the selection period. Random alcohol tests shall be conducted immediately prior to, during, or immediately after the individual's performance of a safety-sensitive function. All tests will be unannounced. Selected individuals shall proceed immediately to the collection site upon notification of selection. Random alcohol tests shall be performed at a 10% rate of the covered positions annually. The random selections shall be spread reasonably throughout the year.

Reasonable Suspicion: Any individual covered under this policy is subject to reasonable suspicion testing. Individuals designated by Rock On Enterprises Inc who have received the required training will make all determinations of reasonable suspicion. An employer shall require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of this policy. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the speech, behavior, appearance, or body odors of the driver. Alcohol testing is authorized only if the observations are made during, just preceding, or just following the period of the workday in which the driver is required to be in compliance with this part. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions or just after the driver has ceased performing such functions.

If an alcohol test is not administered within two hours following the determination, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. As an employer we may not permit the driver to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or 24 hours have elapsed following the observation that there is reasonable suspicion to believe that the driver has violated the policy concerning the use of alcohol.

As the employer, we may not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit Rock On Enterprises Inc, under our own independent authority, from taking any action otherwise consistent with law. A written record shall be made of the observations leading to an alcohol reasonable suspicion test and signed by the trained supervisor or other trained company official who made the observations within 24 hours of the observed behavior or before the results of the alcohol test are released, whichever is earlier.

Return to Duty: Any individual who has been found to have a breath alcohol concentration (BAC) of 0.04 or greater shall be required to submit to a return to duty test with a result of less than 0.02 before returning to duty.

Follow-Up: Following a determination by a SAP that an individual is in need of assistance in resolving problems for alcohol use, that individual shall be subject to unannounced follow-up tests as prescribed by the SAP. The SAP is required to prescribe a minimum of six unannounced follow-up tests within the first 12 months.

POST-ACCIDENT CONTROLLED SUBSTANCE AND ALCOHOL

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for *alcohol* in each of its surviving drivers who:

- (1) Were performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
- (2) Receive a citation within eight hours of the occurrence under state or local law for moving traffic violation arising from the accident. if the accident involved
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

As soon as is practicable following an occurrence involving a commercial motor vehicle operation on a public road in commerce, each employer shall test for *controlled substances* for each of its surviving drivers who:

- (1) Were performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
- (2) Receive a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following table notes when a post-accident test is required to be conducted.

Type of Accident Involved	Citation Issued to the CMV Driver?	Test Must be Performed by Employer?
Human fatality	Yes	Yes
	No	Yes
Bodily Injury	Yes	Yes
	No	No
Disabling Damage to Vehicle	Yes	Yes
	No	No

Post-Accident Alcohol Tests: If a test required by this section is not administered within two hours following the accident, the company shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the company shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

Post-Accident Controlled Substance Tests: If a test required by this section is not administered within 32 hours following the accident, the company shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the company to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care.

Rock On Enterprises Inc will provide drivers with necessary post-accident information, procedures, and instructions prior to operating a commercial motor vehicle so that drivers will be able to comply with the requirements of this section.

The results of a breath or blood test for the use of alcohol, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section provided such tests conform to the applicable federal, state, or local alcohol testing requirements and that the results of the test are obtained by the company.

The results of a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section provided such tests conform to the applicable federal, state, or local controlled substances testing requirements and that the results of the test are obtained by the company.

Exception: Post accident testing does not apply to:

- (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR §571.3) by the company unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR §177.823.

PROHIBITED CONDUCT

The following is a list of specific information concerning driver conduct that is prohibited by 49 CFR §382.201- .215 and is prohibited as a driver of Rock On Enterprises Inc

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

No driver shall have any measured alcohol concentration or detected presence of alcohol while on duty, operating, or in physical control of a commercial motor vehicle; or be on duty or operate a commercial motor vehicle while the driver possesses wine of not less than one-half of one per centum of alcohol by volume, beer (as defined in 26 U.S.C. 5052(a)(8), of the *Internal Revenue Code of 1954*), and distilled spirits (as defined in section 5002(a)(8) of such code). However, this does not apply to possession of wine, beer, or distilled spirits which are: 1) Manifested and transported as part of a shipment; or 2) Possessed or used by bus passengers.

No motor carrier shall require or permit a driver to violate any provision of alcohol use or possession; or be on duty or operate a commercial motor vehicle if, by the driver's general appearance or conduct, or by other substantiating evidence, the driver appears to have used alcohol within the preceding four hours.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function. An employer may require a driver to inform the employer of any therapeutic drug use.

No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

No driver shall refuse to submit to a pre-employment controlled substance test required under §382.301, a post-accident alcohol or controlled substance test required under §382.303, a random alcohol or controlled substance test required under §382.305, a reasonable suspicion alcohol or controlled substance test required under §382.307, a return to duty alcohol or drug test required under §382.309, or a follow-up alcohol or controlled substance test required under §382.311. No employer shall permit a driver who refuses to submit to such tests perform or continue to perform safety-sensitive functions.

Under independent authority of Rock On Enterprises Inc, no driver shall be engaged in the use, sale, possession, distribution, dispensing, or manufacture of drugs or alcohol while on company property, operating company equipment, and/or conducting or traveling to or from company business.

CONSEQUENCES OF VIOLATIONS

Individuals who have engaged in prohibited conduct as defined in this policy are subject to the following consequences:

Rock On Enterprises Inc considers any breach of the Safety Regulations, including those specifically related to drug and alcohol use and possession, to be serious and the individual will, at a minimum, be placed on unpaid leave until he/she is able to meet the requirements previously set forth to return to work.

Rock On Enterprises Inc may also exercise its rights under "employment at will" to discharge the offending individual if, in its sole judgment, the company determines that such action is appropriate to protect other employees and the general public from unsafe operations.

Consequences for drivers engaging in controlled substance related conduct:

No driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in prohibited conduct, as described in this policy, or an alcohol or controlled substances rule of another DOT agency. No employer shall permit a driver covered under this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, if they have determined that the driver has violated this policy.

No driver who has engaged in prohibited conduct shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver the driver has met the requirements of 49 CFR §40, Subpart O under the direction of a certified Substance Abuse Professional. No employer shall permit a driver who has engaged in prohibited conduct to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR §40, Subpart O.

Drivers in violation of this policy shall not be permitted to perform safety-sensitive functions. Drivers may refer to the resources available at the back of this policy for evaluating and resolving problems associated with the misuse of alcohol and/or the use of controlled substances. Drivers will be evaluated by a SAP who shall determine what assistance, if any, they need in resolving such problems.

Before a driver may return to duty requiring performance of safety-sensitive functions, for this or any carrier, he/she shall undergo a return-to-duty test with a result indicating breath alcohol level of less than 0.02 if the conduct involved the use of alcohol. If the conduct involved the use of controlled

substances, the driver must submit to a controlled substances test with a verified negative result received prior to duty. These tests must be appointed by the SAP assigned to the case.

In addition, each driver identified as needing assistance in resolving problems associated with the misuse of alcohol and/or controlled substances shall be evaluated by a SAP to determine that the individual has followed the rehabilitation program prescribed.

The driver shall also be subject to unannounced follow-up alcohol and/or controlled substances testing, as prescribed by the appointed SAP, while operating a commercial motor vehicle for any carrier.

Consequences for drivers engaging in alcohol related conduct:

No driver tested 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 for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform such functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test .

Except as provided in paragraph (a) of 49 CFR §382.505, no employer shall take any action under this part against a driver based solely on test results showing an alcohol concentration of less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Consequences for refusal to submit to a required alcohol or controlled substances test:

No driver shall refuse to submit to a pre-employment controlled substance test, post-accident alcohol or controlled substance test, random alcohol or controlled substance test, return to duty alcohol or controlled substance test, or a follow-up alcohol or controlled substance test . No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A driver who fails to provide adequate breath for alcohol testing or an adequate urine sample for controlled substance testing without a valid medical explanation; or engages in conduct that obstructs the testing process will be considered to have refused the applicable test. All refusals are considered to be a violation of this policy and will be treated accordingly. Drivers found to have refused to test will be required to meet with a SAP and undergo all requirements as those drivers found to have tested positive.

Drivers who refuse to participate shall not be permitted to perform safety-sensitive duties and will be considered insubordinate and will be subject to disciplinary action up to and including termination of employment or cancellation of contract.

Consequences for possession of alcohol:

No motor carrier shall require or permit a driver to violate 49 CFR §392.5 or be on duty or operate a commercial motor vehicle if they are found to have in their possession alcohol as defined under this section. Any driver who is found to be in violation of the provisions of 49 CFR §392.5 shall be placed out of service immediately for a period of 24 hours. Violation of this part may result in termination of the driver's employment, contract, or agreement with the company. Any employer or driver who violates

these requirements shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C §521(b). In addition, any employer or driver who violates the requirements of 49 CFR §40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. §521(b).

Any driver who is found to be in violation of the provisions 49 CFR §392.5, alcohol prohibition, shall be placed out of service immediately for a period of 24 hours. The 24-hour out of service period will commence upon issuance of an out of service order. No driver shall violate the terms of an out of service order issued under this section.

Any driver who is issued an out of service order under this section shall:

- (1) Report such issuance to his/her employer within 24 hours; and
- (2) Report such issuance to a state official, designated by the state which issued his/her driver's license, within 30 days unless the driver chooses to request a review of the order. In this case, the driver shall report the order to the state official within 30 days of an affirmation of the order by either the Division Administrator or State Director for the geographical area or the Administrator.

Any driver who is subject to an out of service order under this section may petition for review of that order by submitting a petition for review in writing within 10 days of the issuance of the order to the Division Administrator or State Director for the geographical area in which the order was issued. The Division Administrator or State Director may affirm or reverse the order. Any driver adversely affected by such order of the Division Administrator or State Director may petition the Administrator for review in accordance with 49 CFR §386.13.

DRUG & ALCOHOL CLEARINGHOUSE ADDENDUM TO DOT DRUG & ALCOHOL POLICY

Effective Jan 6, 2020

FMCSA will create a database of information on CDL drivers' DOT drug and alcohol violations.

The company and service providers (MRO, TPA, SAP, etc.) are required to report DOT drug and alcohol violations to the Clearinghouse when a driver:

- (1) Tests positive for drugs or alcohol
- (2) Refuses drug and alcohol testing
- (3) Undergoes the return to duty drug and alcohol process

The following record will be collected and maintained in the Clearinghouse

- (1) A verified positive, adulterated, or substituted drug test result
- (2) An alcohol confirmation test with a concentration of 0.04 or higher
- (3) A refusal to submit to any test required by Subpart C of Part 382
- (4) An employer's report of actual knowledge, as defined in 382.107, including:
 - a. On duty alcohol use pursuant to 382.205
 - b. Pre-duty alcohol use pursuant to 382.207
 - c. Alcohol use following an accident pursuant to 382.209
 - d. Controlled substance use pursuant to 382.213
- (5) A substance abuse professional report of the successful completion of the return to duty process
- (6) An employer's report of completion of follow up testing

The Clearinghouse will assist the company in discovering a driver's requirement to start or continue with the necessary steps in the DOT return to duty process in order to operate a commercial motor vehicle.

The FMCSA requires motor carrier employees to query the system for information on driver applicants and to query the database annually for current drivers. Drivers must grant consent for the queries and failure to provide consent prevents the company from using the CDL driver in a safety-sensitive function.

EMPLOYEE/APPLICANT RIGHTS

All applicants and individuals covered under this policy have the right to refuse to undergo drug and alcohol testing. If an individual refuses to undergo testing required by this policy, no such test shall be undertaken.

An applicant who refuses to submit to pre-employment testing shall be disqualified from further consideration for the conditionally offered position .

A driver who refuses to submit to a post-accident alcohol or controlled substances test required under 49 CFR §382.303, a random alcohol or controlled substances test required under 49 CFR §382.305, a reasonable suspicion alcohol or controlled substances test required under 49 CFR §382.307, a return to duty alcohol or controlled substances test required under 49 CFR §382.311 will be subject to the consequences as outlined in this policy. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

All applicants and employee/contractors subject to the controlled substances testing provisions of this policy that receive a confirmed positive test result for the use of controlled substances have the right to request, at their expense, a confirming retest of the split urine sample. If the confirming test is negative, no adverse action will be taken against the employee/contractor, and an applicant will be considered for employment.

The costs of evaluations, rehabilitation, counseling, and any other related expense will be the burden of the individual found to be in violation of this policy.

PROCEDURES USED IN TESTING

All alcohol and controlled substances test results and required records are considered confidential information. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law. All collectors require training under the US DOT collection procedures; the testing laboratory is a DHHS-SAMHSA certified lab. Results are tracked by driver social security number or driver's license number to ensure that they are attributed to the correct driver.

Procedures for an alcohol screening test using an Evidential Breath Tester or non-evidential breath ASD:

Alcohol testing will be accomplished as described in 49 CFR §40. Breath testing devices will be utilized unless the individual has been found by a physician to be medically incapable of supplying sufficient air to meet the requirement.

The Breath Alcohol Technician (BAT) or Screening Test Technician (STT) will take the following steps:

- (1) Select, or allow the donor to select, an individually wrapped or sealed mouthpiece from the testing materials
- (2) Open the individually wrapped or sealed mouthpiece in view of the donor and insert into the device in accordance with the manufacturer's instructions
- (3) Instruct the donor to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained
- (4) Show the donor the displayed test result
- (5) If the device is one that prints the test number, testing device name and serial number, time, and result directly onto the Alcohol Testing Form (ATF), the donor must check to ensure that the information has been printed correctly onto the ATF
- (6) If the device is one that prints the test number, testing device name and serial number, time, and result but on a separate printout rather than directly onto the ATF, the printout of the information must be affixed to the designated space on the ATF with tamper-evident tape or use a self-adhesive label that is tamper-evident
- (7) If the device is one that does not print out the test number, testing device name and serial number, time, and result, or it is a device not being used with a printer, the information must be recorded in Step 3 of the ATF

Procedures for an alcohol screening test using a saliva Alcohol Screening Device (ASD) or a breath tube ASD:

- (1) The STT or BAT must take the following steps when using the saliva ASD:
 - a. Check the expiration date on the device or on the package containing the device and show it to the donor. The device will not be used if it is expired.
 - b. Open an individually wrapped or sealed package containing the device in the presence of the donor
 - c. Offer the donor the opportunity to use the device. If the donor uses it, instruct the donor to insert it into his or her mouth and use it in a manner described by the device's manufacturer

- d. If the donor chooses not to use the device, or in all cases in which a new test is necessary because the device did not activate, insert the device into the donor's mouth and gather saliva in the manner described by the device's manufacturer. Single-use examination or similar gloves must be worn while doing so and changed following each test.
 - e. When the device is removed from the donor's mouth, follow the manufacturer's instructions regarding necessary next steps in ensuring that the device has activated
 - f. If the procedures of paragraphs (l)c through (l)e of this section are not successfully followed (e.g., the device breaks, is dropped on the floor), discard the device and conduct a new test using a new device
 - i. The new device must be one that has been under the control of the technician or that of the employer before the test
 - ii. A note on the "Remarks" line of the ATF as to the reason for the new test must be made. (Note: Using the same ATF with which the test began is acceptable).
 - iii. Offer the donor the choice of using the device unless the donor, in the opinion of the STT or BAT, was responsible (e.g., the donor dropped the device) for the new test needing to be conducted
 - iv. If the procedures of paragraphs (l)c through (l)e of this section were not successfully followed on the new test, the collection must end and an explanation in the "Remarks" line of the ATF must be recorded
 - v. At that time, the technician must direct the donor to take a new test immediately using an Evidential Breath Tester (EBT) for the screening test
 - g. If the procedures of paragraphs (l)c through (l)e of this section are successfully followed but the device does not activate, discard the device and conduct a new test in the same manner as provided in paragraph (l)f of this section. In this case, place the device into the donor's mouth to collect saliva for the new test
 - h. Read the result displayed on the device no sooner than the device's manufacturer instructs. In all cases the result displayed must be read within 15 minutes of the test. Show the device and its reading to the donor and enter the result on the ATF
 - i. Never re-use devices, swabs, gloves, or other materials used in saliva testing
 - j. Note the fact that a saliva ASD was used in Step 3 of the ATF
- (2) The STT or BAT must take the following steps when using the breath tube ASD:
- a. Check the expiration date on the detector device and the electronic analyzer or on the package containing the device and the analyzer and show it to the donor. The device or analyzer may not be used after its expiration date. An analyzer which is not specifically pre-calibrated for the device being used in the collection may not be used.
 - b. Remove the device from the package and secure an inflation bag onto the appropriate end of the device, as directed by the manufacturer on the device's instructions
 - c. Break the tube's ampoule in the presence of the donor
 - d. Offer the donor the opportunity to use the device. If the donor chooses to use (e.g., hold) the device, instruct the donor to blow forcefully and steadily into the blowing end of the device until the inflation bag fills with air (approximately 12 seconds)
 - e. Hold the device and provide the use instructions in paragraph (2)d of this section if the donor chooses not to hold the device

- f. When the donor completes the breath process remove it from the donor's mouth, remove the inflation bag, and prepare the device to be read by the analyzer in accordance with the manufacturer's directions
- g. If the procedures of paragraphs (2)d through (2)f of this section were not successfully followed (e.g., the device breaks apart, the donor did not fill the inflation bag, etc.), discard the device and conduct a new test using a new one
 - i. The new device must be one that has been under the control of the technician or that of the employer before the test
 - ii. Note on the "Remarks" line of the ATF the reason for the new test. (Note: The same ATF with which you began the test may be used)
 - iii. Offer the donor the choice of holding the device unless the donor, in the opinion of the technician, was responsible (e.g., the donor failed to fill the inflation bag) for the new test needing to be conducted.
 - iv. If the procedures of paragraphs (2)d through (2)f of this section on the new test were not successfully followed, end the collection and put an explanation on the "Remarks" line of the ATF
 - v. Direct the donor to take a new test immediately using another type of ASD (e.g., saliva device) or an EBT
- h. If the procedures of paragraphs (2)d through (2)f of this section were successfully followed, after having waited the required amount of time directed by the manufacturer for the detector device to incubate, place the device in the analyzer in accordance with the manufacturer's directions. The result must be read from the analyzer no earlier than the required incubation time of the device. In all cases, the result must be read within 15 minutes of the test
- i. Follow the manufacturer's instructions for determining the result of the test. Show the analyzer result to the donor and record the result on Step 3 of the ATF
- j. Never re-use detector devices or any gloves used in breath tube testing. The inflation bag must be voided of air following removal from a device. Inflation bags and electronic analyzers may be re-used, but only in accordance with the manufacturer's directions
- k. Note the fact that a breath tube device was used in Step 3 of the ATF

Procedures the BAT or STT follow after a screening test result:

- (1) If the test result is an alcohol concentration of less than 0.02, the BAT or STT must do the following:
 - a. Sign and date Step 3 of the ATF; and
 - b. Transmit the result to the DER in a confidential manner, as provided in 49 §40.255
- (2) If the test result is an alcohol concentration of 0.02 or higher, the BAT or STT must direct the donor to take a confirmation test
 - a. The BAT who will conduct the confirmation test must then conduct the test using the procedures beginning at 49 CFR §40.251
 - b. If the original BAT will not be conducting the confirmation test, sign and date Step 3 of the ATF, give the donor Copy 2 of the ATF, and direct the donor to take a confirmation test

- c. If the confirmation test will be performed at a different site from the screening test, the BAT must take the following additional steps:
 - i. Advise the donor not to eat, drink, put anything (e.g., cigarette, chewing gum, etc.) into his/her mouth, or belch
 - ii. Tell the donor the reason for the waiting period required by 49 CFR §40.251(a) (i.e., to prevent an accumulation of mouth alcohol from leading to an artificially high reading)
 - iii. Let the donor know that following these instruction concerning the waiting period is to the benefit of the donor
 - iv. Explain that the confirmation test will be conducted at the end of the waiting period, even if the instructions have not been followed
 - v. Note on the "Remarks" line of the ATF that the waiting period instructions were provided
 - vi. Instruct the person accompanying the donor to carry a copy of the ATF to the BAT who will perform the confirmation test
 - vii. Ensure that another BAT, STT, or employer representative observes the donor as he/she is transported to the confirmation testing site . Direct the donor not to attempt to drive a motor vehicle to the confirmation testing site
- (3) If the screening test is invalid, tell the donor the test is cancelled and note the problem on the "Remarks" line of the ATF. If practicable, repeat the testing process (see 49 CFR §40.271)

Procedures used for a urine screening test:

Before sending the driver to the collection site, the employer will notify the collection site of the DOT agency under whose authority the driver is being drug tested. For the purpose of this policy, the DOT agency is the Federal Motor Carrier Safety Administration .

The collector must take the following steps before beginning a collection:

- (1) When a specific time for a test has been scheduled, or the collection site is at the work site, and the donor does not appear at the collection site at the scheduled time, the collector must contact the DER to determine the appropriate interval within which the DER has determined the donor is authorized to arrive. If the donor's arrival is delayed beyond that time, the collector must notify the DER that the donor has not reported for testing. In a situation where a C/TPA has notified an owner/operator or other individual to report for testing and the individual does not appear, the C/TPA must notify the individual that he/she has refused to test (see §40.191(a)(l)).
- (2) When the donor enters the collection site, the collector must begin the testing process without undue delay. For example, the collector must not wait because the donor says he/she is not ready or is unable to urinate or because an authorized employer or employee representative is delayed in arriving
 - a. If the donor is also going to take a DOT alcohol test, the collector must, to the greatest extent practicable, ensure that the alcohol test is completed before the urine collection process begins.
Example: A donor enters the test site for both a drug and an alcohol test. Normally, the collector would wait until the BAT had completed the alcohol test process before

beginning the drug test process. However, there are some situations in which an exception to this normal practice would be reasonable. One such situation might be if several people were waiting for the BAT to conduct alcohol tests, but a drug testing collector in the same facility were available. Someone waiting might be able to complete a drug test without unduly delaying his/her alcohol test. However, collectors and BATs should work together to ensure that post-accident and reasonable suspicion alcohol tests happen as soon as possible (e.g., by moving the donor to the head of the line for alcohol tests).

- b. If the donor needs medical attention (e.g., an injured donor in an emergency medical facility who is required to have a post-accident test), do not delay this treatment to collect a specimen
 - c. You must not collect, by catheterization or other means, urine from an unconscious donor to conduct a drug test under this part. Nor may you catheterize a conscious donor. However, you must inform a donor who normally voids through self-catheterization that they are required to provide a specimen in that manner
 - d. If, as a donor, you normally void through self-catheterization, and decline to do so, this constitutes as a refusal to test
- (3) Require the donor to provide positive identification. The collector must see a photo ID issued by the employer (other than in the case of an owner-operator or other self-employed individual) or a federal, state, or local government (e.g., a driver's license). The collector may not accept faxes or photocopies of identification. Positive identification by an employer representative (not a coworker or another individual being tested) is also acceptable. If the donor cannot produce positive identification, the collector must contact a DER to verify the identity of the donor
- (4) If the donor asks the collector, the collector should provide their identification to the donor. The collector's identification must include their name and their employer's name, but does not have to include their picture, address, or telephone number (i.e., a business card is acceptable)
- (5) Explain the basic collection procedure to the donor, including showing the donor the instructions of the back of the CCF
- (6) Direct the donor to remove outer clothing (e.g., coveralls, jacket, coat, hat, etc.) that could be used to conceal items or substances that could be used to tamper with a specimen. The collector must also direct the donor to leave these garments and any briefcase, purse, or other personal belongings with you or in a mutually agreeable location. The collector must advise the donor that failure to comply with the directions constitutes a refusal to test.
- a. If the donor asks for a receipt for any belongings, the collector must provide one
 - b. The collector must allow the donor to keep his/her wallet
 - c. The collector must not ask the donor to remove other clothing (e.g., shirts, pants, dresses, underwear), to remove all clothing, or to change into a hospital or examination gown (unless the urine collection is being accomplished simultaneously with a DOT agency-authorized medical examination)
 - d. The collector must direct the donor to empty his/her pockets and display the items in them to ensure that no items are present which could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen, the donor can place the items back into his/her pockets. As the donor, you must allow the collector to make this observation

- e. If, in the duties under paragraph (G)d of this section, the collector finds any material that could be used to tamper with a specimen, the collector must:
 - i. Determine if the material appears to be brought to the collection site with the intent to alter the specimen, and if it is, conduct a directly observed collection using direct observation procedures (see §40.67); or
 - ii. Determine if the material appears to be inadvertently brought to the collection site (e.g, eye drops), secure and maintain it until the collection process is completed and conduct a normal, unobserved, collection
- (7) The collector must instruct the donor not to list medications that he/she is currently taking on the CCF. The donor may make notes of medications on the back of his/her own copy of the CCF for his/her own convenience, but these notes must not be transmitted to anyone else.

Controlled substances testing is conducted by a laboratory analysis of a donor's urine specimen. Split urine samples will be collected in accordance with regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles labeled "primary" and "split", seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.

If a donor is unable to provide the appropriate quantity of urine, the collector shall instruct the individual to drink not more than 40 ounces of fluids over a period of not more than three hours and again attempt to provide a urine sample. If the individual is still unable to provide a sufficient sample, the testing process shall be discontinued and the company's DER notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the company may elect to not have a referral made and revoke the employment offer.

The company's controlled substances testing analysis will be conducted by Clinical Reference Laboratory, Lenexa, KS; a DHHS-SAMHSA certified lab.

All results are treated in a confidential manner as to protect the driver and the integrity of the testing process, to safeguard the validity of the test results, and ensure that the results are attributed to the correct driver according to 49 CFR §383.303(d). Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the company's C/TPA, Midwest Compliance Inc., the C/TPA then reports the results to the company's DER, named in this policy. If the results are negative, no further action is necessary. If the test result is confirmed positive, prior to reporting the results, the MRO will contact the donor directly, on a confidential basis, to determine whether the donor wished to discuss the test result. The MRO shall notify each donor that they have 72 hours in which to request a test of the "split" specimen at the donor's expense.

If after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the company's DER, who shall direct the donor to contact the MRO.

Procedures for a directly observed collection:

- (1) An employer must direct an immediate collection under direct observation with no advance to the driver if:
 - a. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported there was not an adequate medical explanation for the result
 - b. The MRO reported that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed
 - c. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dl but less than or equal to 5 mg/dl, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(l))
- (2) An employer must direct a collection under direct observation of a driver if the drug test is a return to duty or a follow-up test
- (3) A collector must immediately conduct a collection under direct observation if:
 - a. Directed by the DER to do so
 - b. The collector observed materials brought to the collection site or the donor's conduct clearly indicates an attempt to tamper with a specimen (see §40.61(f)(S)(i) and 40.63(e))
 - c. The temperature on the original specimen (see §40.6S(b)(S))
 - d. The original specimen appeared to have been tampered with (see §40.65(c)(l))
- (4) The employer must explain to the driver the reason for a directly observed collection
 - a. The collector must explain to the driver the reason, if known, under this part for a directly observed collection under paragraphs (3)a through (3)c of this section
- (5) The collector must complete a new CCF for the directly observed collection
 - a. Must mark the "Reason for Test" block (Step 1) the same as for the first collection
 - b. Must check the "Observed, (Enter Remark)" box and enter the reason (see §40.67(b)) in the "Remarks" line (Step 2)
- (6) In a case where two sets of specimens are being sent to the laboratory because of suspected tampering with the specimen at the collection site, enter on the "Remarks" line of the CCF (Step 2) for each specimen a notation to this effect: "Collection 1 of 2 [and] 2 of 2" and the specimen ID number of the other specimen
- (7) The collector must ensure that the observer is the same gender as the donor and must never permit an opposite gender person to act as the observer. The observer can be a different person from the collector and need not be a qualified collector
- (8) The collector, if someone else is to observe the collection, must verbally instruct that person to follow procedures outlined in paragraphs (9) and (10) of this section. If the collector is also the observer, they must follow these procedures.
- (9) The observer must request that the donor raise his/her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and underpants to show the observer by turning around that they do not have a prosthetic device. After the observer has determined that the donor does not have such a device, the observer may permit the donor to return clothing to its proper position for observed urination
- (10) The observer must watch the donor urinate into the collection container. Specifically, they are to watch the urine go from the donor's body into the collection container.

- (11) If the observer is not the collector, they must not take the collection container from the donor, but must observe the specimen as the donor takes it to the collector
- (12) If someone else has acted as the observer, the collector must include the observer's name in the "Remarks" line of the CCF (Step 2)
- (13) If the donor declines to allow a directly observed collection required or permitted under this section, this is a refusal to test
- (14) The collector, upon learning that a directly observed collection should have been collected but was declined by the donor, must inform the employer that they must direct the driver to have an immediate recollection under direct observation

Procedures for monitored collections:

- (1) The Collector must secure the room being used for the monitored collection so that no one except the donor and the monitor can enter it until after the collection has been completed.
- (2) The collector must ensure that the monitor is the same gender as the donor, unless the monitor is a medical professional (e.g., nurse, doctor, physician's assistant, technologist, or technician licensed/certified to practice in the jurisdiction under which the collection takes place). The monitor can be a different person from the collector and need not be a qualified collector.
- (3) The collector, if someone else is to monitor the collection, must verbally instruct that person to follow the procedures of paragraphs (4) and (5) under this section. If the collector is the monitor, he/she must also follow these procedures.
- (4) The monitor must not watch the donor urinate into the collection container. If they hear sounds or make other observations indicating an attempt to tamper with a specimen, there must be an additional collection under direct observation (see §40.63(e), 40.65(c), and 40.67(b)).
- (5) The monitor must ensure that the donor takes the collection container directly to the collector as soon as the donor has exited the enclosure.
- (6) The collector, if someone else has acted as the monitor, must note that person's name in the "Remarks" line of the CCF (Step 2).
- (7) If the driver being tested declines to permit a collection authorized under this section to be monitored, it is a refusal to test.

INFORMATION

Concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and what steps to take if you suspect a problem of a coworker:

Why All the Fuss About Drugs?

Alcohol and other drugs can rob you of everything you have worked for: your health, family, and friends. Illegal drug use can result in being arrested and having to pay fines. Sometimes alcohol and other drug use can cost you your job.

Not everyone who uses alcohol or other drugs becomes addicted. However, no one can predict who will and who will not become addicted. What if it's you? You may think that an alcoholic or drug addict can only be a person on the street who drinks out of a brown paper bag or uses "hard" drugs. This is not true. Alcohol and other drugs can affect any one of us in all walks of life, at any age, and in all types of jobs.

How Can You Spot Abuse or Addiction?

Sometimes it's not easy. There are different patterns of abuse and addiction. Some people are binge users who get into trouble by drinking alcohol or using other drugs off and on or only on the weekends. Others are maintenance users who use alcohol or other drugs regularly to feel "normal". Although people use and abuse drugs and alcohol in different ways, one thing is certain: if you become addicted, the disease will progress, and troubles will increase.

Think About It ... Alcohol and Other Drugs Cost A Lot

The cost of alcohol and drug abuse can be high. For example, cocaine and heroin can be so expensive that people have to sell their personal belongings to buy their fix. However, the cost of the drugs and alcohol is only the beginning. Drug and alcohol abuse will soon lead to medical bills, legal bills and fines, pricier insurance, loss of pay, debt, and more.

What About Your Friends and Family?

Drug use can tear relationships apart. Friends and family start to question you about your drug/alcohol use. They will lose trust in you and begin to avoid you. This can lead to isolation in order to support and hide your habit. Fear can set in and lead to more fights with people at home and on the job. Addiction leads to thinking about your substance of choice so often that it becomes more important to you than your family and friends.

What About Your Health?

Using alcohol and other drugs can seriously affect your health. Addiction to any drug, including nicotine, can make you lose control over when and where you use drugs and how often you use them.

Alcohol

Alcohol travels to every cell, tissue, and organ in the body. Over time, using too much alcohol can damage your heart, raise your blood pressure, cause cancer and liver disease, and result in brain damage. Alcohol can lead to ulcers, weakening muscles, and even death.

Problems with alcohol usually develop over time. Some people become sick quickly, others drink for years without realizing that their body is being damaged. Many people suffer withdrawal symptoms when they try to stop such as headaches, anxiety, and tremors. At work, the withdrawal can make it hard for you to concentrate and lead to a short temperament.

As the addiction gets worse, so do the withdrawal symptoms. You will become more and more anxious and have stronger cravings. In the late stages of alcoholism, some people in withdrawal even suffer hallucinations. Continuing to use alcohol once an addiction has developed can result in liver and brain damage that may not be reversible. Addiction can tear your family apart. A pregnant woman who drinks alcohol can incur Fetal Alcohol Effects (FAE) or Fetal Alcohol Syndrome (FAS) which are characterized by mental and physical problems.

Amphetamines (Speed) and Cocaine

As the addiction to this type of drug develops, you can become obsessed with getting the next fix of the drug. You cannot stay focused on tasks, lose your appetite, and will experience extreme highs and lows. It's not hard to overdose on speed or cocaine because once you start using, you will need to take more and more of the drug to reach the desired level of high. Eventually money will run out, serious life and health problems will arise, and withdrawal symptoms become more extreme.

Marijuana

Regular use of marijuana can cause a loss of interest and motivation. Users can become lazy, depressed, and forgetful. Marijuana damages the lungs and brain cells. You can lose the energy and drive to be involved in fun activities with family and friends.

PCP, LSD, and Designer Drugs

These drugs cause hallucinations. The use of these drugs at work could lead to serious injury or death. These drugs can make you think you are stronger and more powerful than you actually are. Accidents are more likely to happen due to poor judgement. Concentrating becomes very difficult, and people tend to become anxious and violent when using.

Prescription Drugs

Sometimes drugs prescribed by a physician for anxiety or pain can lead to abuse or addiction. Many people become hooked on these drugs without realizing it at first. Abusing prescription drugs that change your mood can affect your job performance and contribute to accidents or costly mistakes at work. It is important that you talk to your doctor to be sure you understand the effects of any drug you are prescribed. It's always better to be careful than to risk becoming addicted.

Heroin and Other Opiates

An opiate is a type of drug that causes sleepiness and lessens pain. There are legal uses for some opiates, but illegal street drugs are likely to contain many impurities that cause seriously harmful effects. Opiates can be taken as pills or injected. Whether a person starts using opiates given by a doctor or just

uses them to get high, long term use can result in the following problems: abuse or addiction, higher tolerance causing a need for larger amounts to experience a high, and disruptions in your work, family, and social life.

Why Does Your Employer Care?

A drug-free workplace contributes to safer employees, decreased insurance costs, better performance, better profits, fewer accidents, more raises, increased productivity, and fewer worries overall. Healthy employees mean a healthier and safer workplace.

Where to Find Help

National Hotlines: If you or someone you know has a problem with alcohol or other drugs: call these hotlines for free, confidential help. The Center for Substance Abuse Treatment's Drug Information, Treatment, and Referral Hotline is 1-800-662-HELP.

Publications: Informational brochures can be ordered for free by calling National Clearinghouse for Alcohol and Drug Information at 1-800-729-6686.

Local Resources: Look into your local telephone book for these numbers: Alcoholics Anonymous, Nar-Anon, Drug Treatment Center, County or State Addiction or Mental Health Agency, and County/Victim/Mental Health Hotline.