

## 1.1 PURPOSE

- 1.1.1 The purpose of the TERRY R PITT CONSTRUCTION DOT drug and alcohol policy is to develop and implement drug and alcohol testing programs in the interest of public safety. One of the means by which the DOT helps ensure safety is by subjecting the workers responsible for transportation safety to drug and alcohol testing. Workers tested under the DOT program have direct impact on the safety of the traveling public or the safety of those potentially affected by the transportation of hazardous products.
- 1.1.2 This policy describes the methods and procedures for compliance with the drug and alcohol program requirements of the DOT, including the employee assistance program. The policy covers the operational, day-to-day requirements that are found in Part 199 and the procedural, testing requirements that are found in Part 40. The policy communicates to TERRY R PITT CONSTRUCTION employees, TERRY R PITT CONSTRUCTION officials, and DOT officials the path that TERRY R PITT CONSTRUCTION will follow in order to comply with the requirements for a successful DOT drug and alcohol program.

## 1.2 SCOPE

- 1.2.1 Operators of pipeline facilities subject to 49 CFR Parts 192, 193, or 195 are required to test covered employees for the presence of prohibited drugs and alcohol. Contractors doing similar work on behalf of their operators are subject to the same requirements. Part 199 requires of each operator assurance that any contractor performing any DOT safety-sensitive work for that operator, under Parts 192, 193, or 195, is in full compliance with the provisions of the DOT's drug and alcohol program, as applicable.
- 1.2.2 This policy will be posted in a common place, selected by TERRY R PITT CONSTRUCTION, for employee review and feedback. A copy of the policy will be made available to all covered employees. Any covered employee desiring a copy of Part 40 and/or Part 199 must contact the safety department.
- 1.2.3 This policy provides a basic description of the rules and testing requirements and shows how TERRY R PITT CONSTRUCTION implements and follows them.
- 1.2.4 The policy is not meant as a substitute for the detail provided in either rule. If there is any difference in instruction or interpretation between this policy and the rules, the rules prevail. The policy will be updated any time its language, or the intent of its language, differs from that of either Part 40 or Part 199. Employees are encouraged to obtain and read Part 40 and Part 199 on their own.

## 1.3 PREEMPTION OF STATE AND LOCAL LAWS

- 1.3.1 Federal law preempts any state or local law, rule, regulation, or order to the extent that:
  - 1.3.1.1 Compliance with both the state or local requirement and Part 40 or 199 is not possible
  - 1.3.1.2 Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 40 or 199

- 1.3.1.3 The state or local requirement is a pipeline safety standard applicable to interstate pipeline facilities. This provision does not preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether provisions apply specifically to transportation employees/employers or to the general public.

## 1.4 RESPONSIBILITIES

1.4.1 TERRY R PITT CONSTRUCTION is aware that it is ultimately responsible for meeting the requirements of Parts 40 and 199. The DOT authorizes transportation employers to use a service agent(s) to perform tasks necessary to comply with the plan. TERRY R PITT CONSTRUCTION understands that, under the DOT regulations, it is responsible for the actions of its service agents. TERRY R PITT CONSTRUCTION is responsible for developing and implementing a successful and comprehensive DOT workplace drug and alcohol program. Components of TERRY R PITT CONSTRUCTION's program include clear policies, provisions for education and training, drug and alcohol testing, and when needed, referral for evaluation, education, and treatment. TERRY R PITT CONSTRUCTION will ensure that all covered employees are aware of the provisions and coverage of the plan.

### 1.4.2 Management

- 1.4.2.1 Has the knowledge and authority to make decisions about the testing process and answer questions about it.
- 1.4.2.2 Not a service agent.
- 1.4.2.3 Assigned to ensure adequate coverage on all shifts and at all locations.
- 1.4.2.4 Responsible for the preparation of the plan, as well as providing oversight and evaluation on the plan.
- 1.4.2.5 Responsible to review all adverse personnel action or discipline applied under the plan for consistency and conformance to human resources policies and procedures.
- 1.4.2.6 Responsible for scheduling random, return to duty, and follow up testing, as applicable and is authorized to receive and maintain, in a secure file system, all drug and alcohol testing results.
- 1.4.2.7 Responsible for providing answers to employee questions regarding the testing program and information on the resources available for drug and alcohol counseling.
- 1.4.2.8 Responsible for overseeing the employee assistance program (EAP).

### 1.4.3 Supervisors

- 1.4.3.1 Responsible for observing the performance and behavior of employees suggestive enough to lead to reasonable suspicion/cause, drug, and/or alcohol testing.

- 1.4.3.2 Will be trained in the signs and symptoms of abuse of each substance.
- 1.4.3.3 Required to document a reasonable suspicion/cause event. The supervisor may also be responsible for requests as the second supervisor for substantiation and concurrence for reasonable suspicion/cause drug test, if applicable.
- 1.4.4 Employees
  - 1.4.4.1 Must comply with the requirements of the plan and the DOT drug and alcohol rules it pertains to, in order to remain eligible to work in a DOT safety-sensitive position.
  - 1.4.4.2 Responsibility to read, be knowledgeable of, and comply with the requirements of the plan and parts 40 and 199. Committing a DOT violation will result in the employee's immediate removal from the covered function and remain so until successfully completing the DOT return-to-duty conditions of Part 40.
  - 1.4.4.3 Sign the Acknowledgement/Receipt Form (Appendix A). In doing so, the employee attests to comply with the drug and alcohol program requirements of TERRY R PITT CONSTRUCTION and the requirements of this policy. Failure to comply with this condition may result in disciplinary action up to and including termination.
- 1.4.5 Service Agents
  - 1.4.5.1 TERRY R PITT CONSTRUCTION will contract with service agents to accomplish requirements of Parts 40 and 199.
  - 1.4.5.2 Contracts will contain a provision that the service agent will comply with Parts 40 and 199 in the services provided.
  - 1.4.5.3 The work of any service agent providing services to TERRY R PITT CONSTRUCTION will be open to inspection by TERRY R PITT CONSTRUCTION.
  - 1.4.5.4 The service agent must allow access to property and records by the operator, the administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of Part 199.
  - 1.4.5.5 TERRY R PITT CONSTRUCTION will not use a service agent against whom a Public Interest Exclusion (PIE) has been issued. TERRY R PITT CONSTRUCTION will stop using a service agent no later than 90 days after DOT has published the decision in the federal register or posted it on its website that a PIE has been issued.
- 1.4.6 Critical Service Agent Positions
  - 1.4.6.1 TERRY R PITT CONSTRUCTION recognizes the significance of critical service agent positions within the DOT drug and alcohol program. TERRY R PITT CONSTRUCTION understands the importance of each service agent meeting their initial qualifications, as applicable, and then maintaining compliance throughout the conduct of their program

functions, all in accordance with Part 40 and Part 199 requirements.

1.4.6.2 TERRY R PITT CONSTRUCTION will ensure that the following critical positions meet DOT rule requirements:

1.4.6.2.1 Medical Review Officer (MRO)

1.4.6.2.2 Substance Abuse Professional (SAP)

1.4.6.2.3 Urine Specimen Collector

1.4.6.2.4 Screening Test Technician

1.4.6.2.5 Breath Alcohol Technician

## 1.5 PROGRAM REQUIREMENTS

1.5.1 Any employee who would perform an operations, maintenance, or emergency response function, regulated by Part 192, 193, or 195, on a pipeline or LNG facility, is subject to mandatory DOT drug and alcohol testing under this program.

1.5.2 Covered employees may be employed by the operator, may be a contractor engaged by the operator, may or be employed by such a contractor; this includes full-time, part-time, and temporary employees and includes any applicant for a covered function.

## 1.6 BACKGROUND CHECK

1.6.1 Prior to the first time that TERRY R PITT CONSTRUCTION uses an employee to perform safety-sensitive duties (ex. a new hire or an employee transferring into a safety-sensitive position), TERRY R PITT CONSTRUCTION will require a background check of the employee.

1.6.2 Background check will look back into the past two years of DOT employment for DOT violations.

1.6.3 Background checks are conducted only after obtaining the employee's written authorization to do so. Any employee refusing to provide written consent will not be permitted to perform safety-sensitive functions. TERRY R PITT CONSTRUCTION will not allow the covered employee to perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless TERRY R PITT CONSTRUCTION has obtained or made and documented a good faith effort to obtain alcohol and drug testing information from previous DOT-regulated employers.

1.6.4 TERRY R PITT CONSTRUCTION will request the following information about the employee:

1.6.4.1 Alcohol tests with a result of 0.04 or higher alcohol concentration

1.6.4.2 Verified positive drug tests

1.6.4.3 Refusals to be tested (including verified adulterated or substituted drug test results)

- 1.6.4.4 Other violations of DOT agency drug and alcohol testing regulations
- 1.6.4.5 With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty and follow-up testing requirements.
- 1.6.5 TERRY R PITT CONSTRUCTION will make at least one attempt by telephone, e-mail, or fax and maintain documentation associated with the attempt to obtain background check information (ex. date and time of the attempt, person contacted). If TERRY R PITT CONSTRUCTION finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual or for termination.
- 1.6.6 TERRY R PITT CONSTRUCTION will not use any employee in a DOT safety-sensitive position that has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. TERRY R PITT CONSTRUCTION will also ask the employee if they had any pre-employment test that was positive for which the previous employer did not hire them. The employee's answer to this question will be maintained as part of the employee's background check information.

## 1.7 EMPLOYEE NOTIFICATION OF TEST

- 1.7.1 Employees will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, TERRY R PITT CONSTRUCTION will endeavor to conduct all tests with only a limited number of TERRY R PITT CONSTRUCTION personnel having knowledge of the reason for the test.
- 1.7.2 All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test. For example, a pre-employment test will be announced during the job application, a random test is announced within the test period but just prior to the test, to maintain the element of surprise, and announcements of post-accident or reasonable suspicion tests are controlled by the circumstances that come to light around the time of the event (ex. accident). All alcohol tests will be conducted just prior to, during, or just after the performance of safety-sensitive duties.
- 1.7.3 Drug tests may be conducted anytime the employee is at work.
- 1.7.4 The TERRY R PITT CONSTRUCTION management team/supervisors will be responsible for notifications and to help maintain the element of confidentiality.
- 1.7.5 When an employee is notified for a test, the employee must proceed to the collection site immediately. Immediately means that after notification, all the employee's actions must lead to an immediate specimen collection (or test). TERRY R PITT CONSTRUCTION considers *travel time to the collection site, plus 30 minutes*, as the maximum acceptable interval of time between notification and testing.
- 1.7.6 In test situations such as post-accident and reasonable suspicion/cause, where the employee's job performance is called into possible question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and

inform the employee of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable suspicion tests, TERRY R PITT CONSTRUCTION will have a supervisor accompany the employee to the collection site.

## 1.8 DOT DRUG VIOLATIONS

1.8.1 The following provides a listing of DOT drug violations prohibited of covered employees:

1.8.1.1 A verified positive drug test result

1.8.1.2 A refusal to be tested, determined by:

1.8.1.2.1 Having a verified adulterated or substituted drug test result

1.8.1.2.2 Failing to appear for a drug test (except a pre-employment test) within a reasonable time, as determined by TERRY R PITT CONSTRUCTION, after being directed to do so

1.8.1.2.3 Failing to remain at the drug testing site until the testing process is complete

1.8.1.2.4 Failing to provide a urine specimen for any drug test

1.8.1.2.5 Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure

1.8.1.2.6 Failing to provide a sufficient amount of urine for a drug test when directed and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure

1.8.1.2.7 Failing or declining to take an additional drug test that TERRY R PITT CONSTRUCTION or the collector has directed the employee to take

1.8.1.2.8 Failing to undergo a medical examination or evaluation, as directed by TERRY R PITT CONSTRUCTION

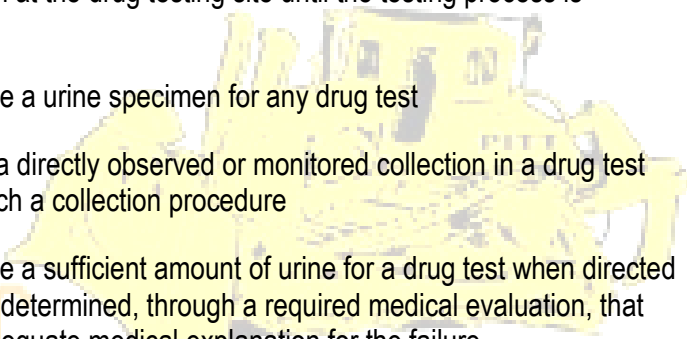
1.8.1.2.9 Failing to cooperate with any part of the testing process (ex. refuse to empty pockets or failure to wash hands when so directed, behave in confrontational way that disrupts collection process, tampering with a specimen)

1.8.1.2.10 For an observed collection, failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

1.8.1.2.11 Possess or wear a prosthetic or other device that could interfere with the

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collection process.

1.8.1.2.12 Admit to collector that a specimen has been adulterated or substituted.

## 1.9 DOT ALCOHOL VIOLATIONS AND PROHIBITED CONDUCT

1.9.1 The following provides a listing of DOT alcohol violations prohibited of covered employees:

1.9.1.1 A test result of 0.04 or higher alcohol concentration

1.9.1.2 A refusal to be tested, determined by

1.9.1.2.1 Pre-duty use of alcohol within four hours prior to performing covered functions or if the employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty.

1.9.1.2.2 Use of alcohol within eight hours following an accident in which performance of covered functions has not been discounted by TERRY R PITT CONSTRUCTION as a contributing factor to the accident, unless the employee has already been given a post-accident alcohol test.

1.9.1.2.3 Failing to appear for an alcohol test (except a pre-employment test) within a reasonable time, as determined by TERRY R PITT CONSTRUCTION, after being directed to do so

1.9.1.2.4 Failing to remain at the alcohol testing site until the testing process is complete

1.9.1.2.5 Failing to provide an adequate amount of saliva or breath for an alcohol test

1.9.1.2.6 Failing to provide a sufficient amount of breath for an alcohol test when directed and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure

1.9.1.2.7 Failing to undergo a medical examination or evaluation, as directed by TERRY R PITT CONSTRUCTION

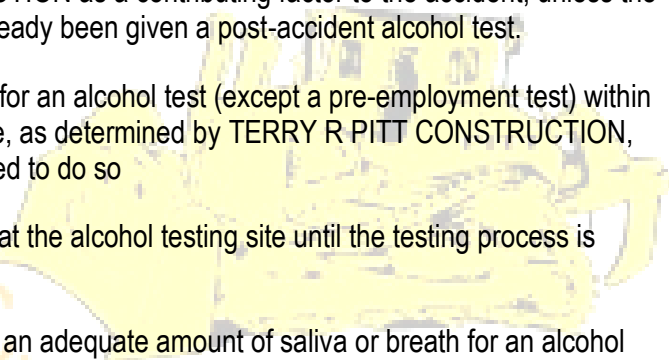
1.9.1.3 On-duty use of alcohol while performing covered functions.

1.9.1.4 Failing to cooperate with any part of the testing process.

1.9.2 A test result of 0.02 or greater alcohol concentration, but less than 0.04 is prohibited conduct of DOT covered employees.

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## 1.10 VIOLATION CONSEQUENCES AND COMPANY ACTIONS

- 1.10.1 After DOT rule violations, TERRY R PITT CONSTRUCTION will not allow any covered employee who has a DOT drug or alcohol violation to perform safety-sensitive duties for TERRY R PITT CONSTRUCTION. Immediately upon learning of the violation, TERRY R PITT CONSTRUCTION will assure the removal of the employee from all safety-sensitive duties. That employee will be ineligible to work in any DOT safety-sensitive function for TERRY R PITT CONSTRUCTION until the employee has successfully completed the DOT return-to-duty process. A supervisor will refer the employee to an SAP as soon as practicable after the verified violation report.
- 1.10.2 After DOT alcohol prohibited conduct, TERRY R PITT CONSTRUCTION will not allow any covered employee to perform or continue to perform, any function covered by Part 199 when the employee is found to have an alcohol concentration of 0.02 or higher, but less than 0.04. TERRY R PITT CONSTRUCTION may continue testing the employee until the alcohol concentration is less than 0.02, or TERRY R PITT CONSTRUCTION may not use the employee in a safety-sensitive function until the start of the employee's next regularly scheduled shift, which must be not less than eight hours following the test that indicated *prohibited conduct*.
- 1.10.3 Collectors will direct affected employees to remove their outer clothing (e.g. coveralls, jacket, coat, hat) that could be used to conceal items or substances that could be used to tamper with a specimen. Employees will also be directed to leave these garments and any briefcase, purse, or other personal belongings with the collector or in a mutually agreeable location. Failure to comply with directions of the collector in these matters constitutes a refusal to test.

## 1.11 DOT REQUIRED DRUG TESTING

### 1.11.1 Pre-employment

- 1.11.1.1 Conducted before an individual is hired or contracted into a covered position and when an individual is transferred or promoted from a non-covered to a covered position.
- 1.11.1.2 This includes when an individual switches back and forth from a covered position to a non-covered position and back again. This also applies to employees returning from a leave of absence greater than 30 days who have not been participating in TERRY R PITT CONSTRUCTION's drug program and subsequently subject to the random selection process.
- 1.11.1.3 A negative DOT urine drug test result is required prior to performing covered functions.
- 1.11.1.4 DOT does not allow the use of a *quick test* (ex. a urine test that produces an immediate test result) or any other methodology other than urine. Pre-employment tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.

### 1.11.2 Post-Accident Testing

- 1.11.2.1 TERRY R PITT CONSTRUCTION will conduct both a drug test and an alcohol test after



an accident or incident on each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.

- 1.11.2.2 The decision whether to test or not to test any employee will be based on TERRY R PITT CONSTRUCTION's determination, using the best available information immediately following the accident, that the covered employee's performance could or could not have contributed to the accident.
- 1.11.2.3 TERRY R PITT CONSTRUCTION will explain to each employee to be tested there is reason to believe their performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.
- 1.11.2.4 TERRY R PITT CONSTRUCTION will document the decisions that support the determination to conduct a post-accident test.
- 1.11.2.5 A post-accident drug test will be conducted on each employee as soon as possible but no later than 32 hours after the accident. TERRY R PITT CONSTRUCTION must take all reasonable steps to obtain a urine specimen from an employee after an accident, but any injury should be treated first. Nothing in this section will be construed to require the delay of necessary medical attention for injured people following an accident, to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The affected employee will not be allowed to proceed alone to or from the collection site. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying their supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed by TERRY R PITT CONSTRUCTION to have refused to submit to testing.
- 1.11.2.6 Post-accident tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action. Depending on the circumstances of the accident, and if feasible, the employee will not be allowed to perform covered functions pending the results of the drug test.

### 1.11.3 Random Drug Testing

- 1.11.3.1 TERRY R PITT CONSTRUCTION will conduct a number of random tests each calendar year that meets or exceeds the current minimum annual percentage random testing rate.
- 1.11.3.2 TERRY R PITT CONSTRUCTION may use the services of the C/TPA to manage all aspects of their random testing program. If TERRY R PITT CONSTRUCTION conducts random testing through a C/TPA, the number of employees to be tested may be calculated for each individual company or may be based on the total number of covered employees covered by the C/TPA who are subject to random testing (ex. consortium random testing pool).

- 1.11.3.3 All covered employees will be immediately placed in the random pool after obtaining a negative result on their pre-employment test. Covered employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selection of employees will be made by using a computer-based, scientifically valid method (ex. random number generator or equivalent random selection method) that is matched with an employee's social security number or employee ID number. TERRY R PITT CONSTRUCTION will assure the pool contains employee social security numbers or employee identification numbers that are current, complete and correct. Employees will have an equal chance of being selected for testing.
- 1.11.3.4 Random testing will occur on a quarterly basis. Prior to selection, TERRY R PITT CONSTRUCTION will ensure that the random testing pool has been updated to include all current covered employees. The number of tests to be conducted will be based on the number of covered employees at the beginning of each quarter's test cycle. TERRY R PITT CONSTRUCTION or the C/TPA will use the random selection procedures to compile a list of covered employees selected for testing in each testing cycle. The number of employees selected will be sufficient to assure that the minimum number of required tests can be achieved.
- 1.11.3.5 The list of employees selected will be retained by TERRY R PITT CONSTRUCTION in a secure location until time of testing when the list will be provided to appropriate division manager or supervisor who will, in turn, notify the employee(s) to report for testing.
- 1.11.3.6 Random testing is unannounced, with employees being notified that they have been selected for testing after they have reported for duty on the day of collection. Specimen collection will be conducted on different days of the week throughout each test cycle to prevent employees from matching their drug use patterns to the schedule for collection.
- 1.11.3.7 Random tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.
- 1.11.3.8 Once notified by the appropriate TERRY R PITT CONSTRUCTION official, employees will be instructed to report immediately to the collection site.
- 1.11.4 Reasonable Suspicion/Cause Testing
- 1.11.4.1 TERRY R PITT CONSTRUCTION will conduct reasonable suspicion testing, also known as reasonable cause testing, based on supervisor's observation of signs and symptoms of specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors of employee.
- 1.11.4.2 The supervisor making determination to test will document, in writing, the behavioral signs and symptoms that support determination to conduct a reasonable suspicion/cause test. This documentation of employee's conduct will be prepared and

signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

- 1.11.4.3 The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity in route to the collection site for the employee to compromise the test through any method of tampering that could affect the outcome of the test result.
- 1.11.4.4 Reasonable suspicion/cause tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.
- 1.11.4.5 The employee will not perform a covered function pending receipt of drug test results. The employee should make arrangements to be transported home. Employee should be instructed not to drive any motor vehicle due to reasonable belief that employee may be under the influence of a drug. If employee insists on driving, a supervisor should notify the proper local law enforcement authority.

## 1.11.5 Return-to-Duty Testing

- 1.11.5.1 TERRY R PITT CONSTRUCTION will conduct a return-to-duty test prior to an employee returning to safety-sensitive duty following a DOT violation.
- 1.11.5.2 When an employee has a DOT violation, the employee cannot work again in any DOT safety-sensitive function until successfully completing the SAP return-to-duty requirements.
- 1.11.5.3 Only after the SAP has reported to TERRY R PITT CONSTRUCTION that the employee is eligible to return to safety-sensitive duties, is TERRY R PITT CONSTRUCTION authorized to return the employee to a covered function. However, whether or not to do so is a business decision of TERRY R PITT CONSTRUCTION, not the DOT. When TERRY R PITT CONSTRUCTION makes the decision to return the employee to safety-sensitive duty, TERRY R PITT CONSTRUCTION will initiate the order for the return-to-duty test. All return-to-duty tests will be conducted using direct-observation collection procedures.
- 1.11.5.4 A return-to-duty test, as a minimum, will be for the substance(s) associated with the violation.
- 1.11.5.5 A return-to-duty test may be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. Results of a return-to-duty drug test must be negative in order to count and allow the employee to return to work. A canceled test must be recollected; a positive test or refusal-to-test will be considered as a new, separate violation. When the employee passes his return-to-duty test, his/her name is immediately placed into TERRY R PITT CONSTRUCTION's random testing pool.

## 1.11.6 Follow-up Testing

- 1.11.6.1 TERRY R PITT CONSTRUCTION will conduct follow-up testing, as a series of tests that occur after an employee returns to safety-sensitive work, following a negative result on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.
- 1.11.6.2 Follow-up testing is TERRY R PITT CONSTRUCTION's responsibility to conduct. Follow-up testing will run concurrently with random testing. All follow-up tests will be conducted using direct-observation collection procedures.
- 1.11.6.3 The number and frequency of the follow-up tests will be determined by the SAP, but will consist of at least six tests in the first 12 months following the covered employee's return to duty. The follow-up plan will give both the number of tests and their frequency; TERRY R PITT CONSTRUCTION will select the actual day and time of the test and the tests are unannounced.
- 1.11.6.4 Follow-up testing will not exceed 60 months from the date of the covered employee's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

## 1.12 DIRECT OBSERVATION PROCEDURES

- 1.12.1 TERRY R PITT CONSTRUCTION will conduct all return-to-duty and follow-up drug tests using the direct observation collection procedures specified by Part 40. Pre-employment, post-accident, reasonable suspicion/cause, and random drug tests are normally conducted by giving the employee the privilege of privacy when providing the urine specimen. TERRY R PITT CONSTRUCTION will convey instructions to the collector if it is required that these collections be conducted under direct observation procedures.
- 1.12.2 Direct observation procedures will also be used for collections when a specimen is provided and temperature is out of range, when specimen appears to have been tampered with, or when a previous specimen has been reported as invalid, adulterated, substituted, or negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40.

## 1.13 SPECIMEN COLLECTION PROCEDURES

- 1.13.1 TERRY R PITT CONSTRUCTION will ensure that collection sites, utilized by its employees, are aware of their responsibilities with regard to the DOT specimen collection process. These responsibilities are to collect urine specimens using Part 40 procedures, ship the specimens to a certified laboratory for analysis, and distribute copies of the Federal Drug Testing CCF to the laboratory, MRO, C/TPA and employee in a confidential manner.
- 1.13.2 TERRY R PITT CONSTRUCTION or their C/TPA will ask the collection sites conducting DOT collections to attest to the fact that they comply with DOT standards of practice. The direct

supervisor of a covered employee will not serve as a collector in conducting any required drug test unless it is otherwise impracticable.

- 1.13.3 TERRY R PITT CONSTRUCTION will provide the employee with the specific location of the collection site where the drug test will take place. In most cases, TERRY R PITT CONSTRUCTION will provide the employee with a drug testing kit, which includes the CCF, to present to the collector. The only specimen that will be collected for any DOT collection is urine; the only form that will be used is the federal CCF.
- 1.13.4 TERRY R PITT CONSTRUCTION will inform every employee that they are required to carry and present a current valid photo ID issued by the company (other than in the case of an owner-operator or other self-employed individual) or federal, state, or local government (driver's license) to the collection site. The collector shall not accept faxes or photocopies of identification. Positive identification by an employer representative (not a coworker or another employee being tested) is also acceptable. Employees will be advised to empty their pockets, remove any unnecessary garments (the employee may retain their wallet), and wash and dry their hands prior to the collection. Employees will be instructed to follow collector's instructions throughout collection process. Employees will be afforded privacy to provide a urine specimen. Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where questions of specimen validity arise, like an unusual specimen temperature.
- 1.13.5 After the employee has provided the specimen (a minimum of 45 mL) of their urine into a collection container, the collector will check the temperature and color of the urine. All DOT collections are *split specimen collections*. The collector will pour the urine into two separate bottles (bottle A as the primary specimen and bottle B as split specimen), seal them with tamper-evident tape and then ask the employee to initial the seals after they have been placed on the bottles. (Remember: Neither the employee nor the collector should let the specimen out of their sight until it has been poured into two separate bottles and sealed.) Next, the employee will write their name, date of birth, and daytime and evening phone numbers on the MRO copy of the CCF. This is so the MRO can contact the employee directly if any questions arise about their test.
- 1.13.6 Lastly, the collector will complete the necessary documentation on the CCF and package the CCF and the two specimen bottles in the plastic bag and seal the bag for shipment to the laboratory. Copies of the CCF will be distributed: Copy to the MRO and copy to the employer or the employer's C/TPA; the collector keeps a copy and the employee gets a copy. The employee may list any prescription and over-the-counter medications they may be taking on the back of their copy of the CCF (this may serve as a reminder for the employee in the event the MRO calls to discuss their test results).
- 1.13.7 If the employee is unable to provide 45 mL of urine on the first attempt, the time will be noted and they will be required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from TERRY R PITT CONSTRUCTION (ex. supervisor accompanying the employee). Leaving the testing area without authorization may be considered a refusal to test. The employee will be urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours and asked to provide a new specimen (into a new collection container). If the employee does not provide a sufficient specimen within three hours, TERRY R PITT CONSTRUCTION, in consultation with the MRO, will direct the employee to obtain a

medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no acceptable physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

- 1.13.8 If a direct observation collection is required of the employee, TERRY R PITT CONSTRUCTION will ensure that the DOT requirements (ex. direct observation by same-sex collector, observation of body-to-bottle urination, and use of full turn-around observation) and procedures are followed.
- 1.13.9 Those who collect urine samples must be knowledgeable about DOT regulations. Collectors shall receive qualification training that meets the requirements of 49 CFR Part 40 Section 40.33. Collectors shall demonstrate proficiency in collections by completing 5 consecutive error-free mock collections.
- 1.13.10 Collectors shall complete refresher training no less than every 5 years from the date of the original training and performance of the 5 consecutive error-free mock collections.

## 1.14 DRUG TESTING LABORATORY

- 1.14.1 TERRY R PITT CONSTRUCTION will employ a laboratory that will follow the requirements of Part 40 for DOT drug tests.
- 1.14.2 TERRY R PITT CONSTRUCTION will ensure that all DOT testing is conducted only by a laboratory that is certified by HHS under the National Laboratory Certification Program (NLCP). Doing so ensures that TERRY R PITT CONSTRUCTION complies with the requirements of Part 40 and with all applicable requirements of HHS in testing DOT specimens, whether or not those requirements are explicitly stated in the plan. The laboratory will report the certified results to the MRO and only to the MRO, at the address provided on the federal CCF. Results will not be reported directly to TERRY R PITT CONSTRUCTION or to the C/TPA.
- 1.14.3 The qualifications of a medical review officer shall include being a licensed physician (Doctor of Medicine or Osteopathy) and licensed as a physician in any U.S., Canadian, or Mexican jurisdiction. The physician shall be knowledgeable in the following areas in order to be qualified as an MRO:
  - 1.14.3.1 Knowledgeable about and having clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results.
  - 1.14.3.2 Knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result.
  - 1.14.3.3 Knowledgeable about the applying regulations, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom evaluations of drug test results are performed, and must keep current on any changes to these materials, and must subscribe to the ODAPC list-serve at <https://www.transportation.gov/odapc/get-odapc-email-updates>. DOT agency regulations, DOT MRO Guidelines, and other materials are available from ODAPC (Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-3784), or on the ODAPC website

(<http://www.transportation.gov/odapc>).

- 1.14.3.4 Required to complete qualification training to include the following subjects: collection procedures for urine specimens; chain of custody, reporting, and recordkeeping; interpretation of drug and validity tests results; the roles and responsibilities of the MRO in the DOT drug testing program; the interaction with other participants in the program (e.g., DERs, SAPs); and provisions of the laws and DOT agency rules applying to employers for whom the MRO reviews test results, including changes and updates to this part and DOT agency rules, guidance, interpretations, and policies affecting the performance of MRO functions, as well as issues that MROs confront in carrying out their duties under this part and DOT agency rules.
- 1.14.3.5 Has satisfactorily completed an examination administered by a nationally recognized MRO certification board or subspecialty board for medical practitioners in the field of medical review of DOT-mandated drug tests. The examination must comprehensively cover all the elements of qualification training listed in the applying regulation.
- 1.14.3.6 Urine is the only specimen that is authorized for DOT drug testing. TERRY R PITT CONSTRUCTION will not use any other specimen (ex. hair or saliva) for a DOT-required drug test.

TYPE OF DRUG Initial Test Analyte	INITIAL TEST	CONFIRMATORY TEST Analyte	CONFIRMATORY TEST
Marijuana metabolites	50 ng/mL	THCA	15 ng/mL
Cocaine metabolites Opiate Metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
6-acetylmorphine (6-AM)	10 ng/mL	6-acetylmorphine (6-AM)	10 ng/mL
Phencyclidine (PCP)	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines			
AMP/MAMP	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL
MDMA	500 ng/mL	MDMA MDA MDEA	250 ng/mL 250 ng/mL 250 ng/mL

- 1.14.4 A *quick test* (ex. a urine test that produces an immediate test result) is also prohibited by DOT.
- 1.14.5 The laboratory will ensure that, on each DOT test, each specimen is tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP).
- 1.14.6 The testing is a two-step process: all presumptive positive results on the initial test must be confirmed by a confirmation test. The initial and the confirmation tests use different chemical principles and separate portions of the original specimen for testing. DOT specimens will not be tested for any other drugs. DOT specimens will not be subjected to DNA testing.
- 1.14.7 The laboratory will ensure that, on each DOT test, each specimen is also subjected to validity testing. The purpose of validity testing is to determine if the employee tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen. pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.
- 1.14.8 When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process (ex. fatal flaws). If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. DOT specimens are limited to four fatal flaws. They are:
  - 1.14.8.1 Specimen ID numbers on the CCF and the bottles do not match
  - 1.14.8.2 Not enough urine and the bottles cannot be re-designated
  - 1.14.8.3 Signs of tampering and the bottles cannot be re-designated
  - 1.14.8.4 Collector's printed name and signature are missing
- 1.14.9 The laboratory will open only the primary specimen (Bottle A) to conduct the two tests (initial and confirmatory). If the specimen tests negative in either test and does not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid, respectively. These results are also referred to as *non-negative* results.

## 1.15 LABORATORY RETENTION PERIODS AND REPORTS

- 1.15.1 Specimens that are confirmed by the laboratory to be positive, adulterated, substituted, or invalid will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365-day period, the MRO, the employee, TERRY R PITT CONSTRUCTION, or state agencies with jurisdiction, may request in writing that the specimens be retained for an additional period. If the laboratory does not receive the request to retain the specimen within the



365- day period, the specimen will be discarded.

- 1.15.2 All laboratory records pertaining to any test for TERRY R PITT CONSTRUCTION on its covered employees will be retained for two years. The employer-specific data that is created by the laboratory for the laboratory statistical summary will be retained for two years.
- 1.15.3 The laboratory will prepare and send to TERRY R PITT CONSTRUCTION the aggregate employer-specific summary on a semi-annual basis.

## 1.16 LABORATORY QUALITY CONTROL

- 1.16.1 The laboratory will permit inspections by TERRY R PITT CONSTRUCTION, or if TERRY R PITT CONSTRUCTION is subject to the jurisdiction of a state agency, a representative of the state agency.
- 1.16.2 Additionally, if TERRY R PITT CONSTRUCTION uses a C/TPA, that C/TPA may conduct a periodic inspection of the laboratory on the behalf of the companies that are clients of the C/TPA.
- 1.16.3 If TERRY R PITT CONSTRUCTION or any C/TPA employed by TERRY R PITT CONSTRUCTION has 2000 or more covered employees, TERRY R PITT CONSTRUCTION or C/TPA, will submit quality control specimens to any laboratory where they have more than 100 specimens tested each year. The rate of quality control specimens is 1% with a cap at 50 per quarter. At any time that TERRY R PITT CONSTRUCTION or any C/TPA employed by TERRY R PITT CONSTRUCTION reaches the 2000 employee threshold, quality control specimens will be submitted following the specifications of Part 40.
- 1.16.4 Quality control specimens, known as *blind* specimens, submitted to the laboratory, will appear to be real, employee specimens. The MRO will be informed of each test result and expected outcome.
- 1.16.5 The MRO will inform TERRY R PITT CONSTRUCTION or its C/TPA of any discrepancy in the expected result of any blind specimen. The MRO and C/TPA will resolve any discrepancies in the expected outcomes with this testing. If the unexpected outcome is positive, adulterated, or substituted where the expected outcome was to be negative, the MRO will report this result directly to DOT/ODAPC, in accordance with Part 40.

## 1.17 MRO REVIEW OF DRUG TEST RESULTS

- 1.17.1 TERRY R PITT CONSTRUCTION will have an MRO who is a licensed physician with knowledge of drug abuse and who is qualified under Part 40. The MRO will follow the requirements of Part 40 in carrying out the functions of the *independent and impartial gatekeeper of the drug testing process*.
- 1.17.2 All confirmed drug test results for TERRY R PITT CONSTRUCTION are received by the MRO directly from the laboratory.
- 1.17.3 The MRO is responsible for the review of both negative and non-negative test results, review of the CCFs associated with each test, and to conduct quality control reviews of the MRO staff.
- 1.17.4 The MRO will review and interpret confirmed positive, adulterated, substituted, and invalid test

results. In carrying out this responsibility, the MRO will examine alternate medical explanations for any positive, adulterated, substituted, or invalid test result. This action would include conducting a medical interview with the employee and review of the employee's medical history or review of any other relevant biomedical factors, such as the results of a physical examination following an opiate positive. The MRO will review medical records made available by the tested employee when the source of the confirmed result could have been from legally prescribed medication. The MRO will not, however, consider the results of urine or other specimens that are not obtained or processed in accordance with DOT regulations.

1.17.5 The MRO will use staff under his direct supervision to handle administrative processes for negative test results including receiving the result from the laboratory, reviewing the paperwork for accuracy, and reporting of the result to TERRY R PITT CONSTRUCTION.

1.17.6 The MRO staff may make the initial contact with employees having confirmed positive, adulterated, substituted, and invalid test results, for the purposes of setting up an interview for the MRO. The MRO will personally conduct the interview with the employee to determine whether there is a legitimate medical explanation for these results. This interview will be conducted, in most cases, before TERRY R PITT CONSTRUCTION is notified.

1.17.7 If the result is confirmed positive by the laboratory and a legitimate medical explanation is established, the MRO will report the result to TERRY R PITT CONSTRUCTION as negative. If not, the MRO will report the result to TERRY R PITT CONSTRUCTION as positive. If the confirmed result is adulterated or substituted and a legitimate medical explanation is established, the MRO will report the result to TERRY R PITT CONSTRUCTION as canceled and notify ODAPC, in accordance with Part 40 procedures. If not, the MRO will report the result to TERRY R PITT CONSTRUCTION as a refusal to test. If the result is invalid and an acceptable reason is established, the MRO will report the result to TERRY R PITT CONSTRUCTION as canceled and the process will stop, unless a negative test result is needed (ex. pre-employment, return-to-duty, and follow-up). If an acceptable reason is not established, the MRO will report the result to TERRY R PITT CONSTRUCTION as canceled and order an immediate recollection under direct observation.

1.17.8 All drug test results will be reported to TERRY R PITT CONSTRUCTION in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the employee has signed the form.

1.17.9 The time period from collecting the specimen to reporting the verified test result is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to TERRY R PITT CONSTRUCTION until all information required for the employee interview is received and approved by the MRO. TERRY R PITT CONSTRUCTION may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use a copy of the CCF for reporting results, the MRO will maintain a copy of the signed or stamped report in addition to the signed or stamped and dated copy. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.

## 1.18 SPLIT SPECIMEN TESTING

- 1.18.1 When the MRO has verified a result as positive, adulterated, or substituted, the MRO will notify the employee of their right to have the split specimen tested. The employee must notify the MRO within 72 hours of the result being verified in order to have this testing conducted.
- 1.18.2 If employee requests that the split specimen be tested within the 72-hour period, the MRO will ensure that the split specimen is tested. Testing of the split specimen is only conducted at the request of the employee and then only after using the MRO as the requesting agent for the employee.
- 1.18.3 TERRY R PITT CONSTRUCTION is responsible for making sure that the MRO, first laboratory, and second laboratory perform the functions noted in Part 40 in a timely manner, once the employee has made a timely request for a test of the split specimen (ex. by establishing appropriate accounts with laboratories for testing split specimens).
- 1.18.4 TERRY R PITT CONSTRUCTION must not condition compliance with these requirements on the employee's direct payment to the MRO or laboratory or the employee's agreement for reimbursement of the costs of testing. For example, if TERRY R PITT CONSTRUCTION asks the employee to pay for some or all of the cost of testing the split specimen and the employee is unwilling or unable to do so, TERRY R PITT CONSTRUCTION must ensure that the test takes place in a timely manner, which means that TERRY R PITT CONSTRUCTION will pay for the split testing. TERRY R PITT CONSTRUCTION may seek payment or reimbursement of all or part of the cost of the split specimen from the employee. Part 40 takes no position on who ultimately pays the cost of the test, so long as TERRY R PITT CONSTRUCTION ensures that the testing is conducted as required and the results released appropriately.
- 1.18.5 The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. TERRY R PITT CONSTRUCTION will select the second laboratory. The split specimen will be tested for the same substance or condition that was found in the primary specimen. The MRO will report back to TERRY R PITT CONSTRUCTION and the employee whether the split reconfirms the primary. If the test of the split does not reconfirm the primary, both tests will be canceled as if they never occurred.

## 1.19 MEDICAL MARIJUANA

- 1.19.1 The DOT and TERRY R PITT CONSTRUCTION do not accommodate the use of medical marijuana by DOT-covered employees.

## 1.20 DOT REQUIRED ALCOHOL TEST

### 1.20.1 Pre-employment

- 1.20.1.1 If TERRY R PITT CONSTRUCTION decides to conduct pre-employment alcohol testing, all applicants will be advised of the test prior to the test occurring and all tests will be conducted before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions). TERRY R PITT CONSTRUCTION will

treat all covered employees the same for the purpose of pre-employment alcohol testing. TERRY R PITT CONSTRUCTION will not test some covered employees and not others. TERRY R PITT CONSTRUCTION will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test. A result of less than 0.02 alcohol concentration is required prior to performing covered functions.

## 1.20.2 Post-accident

1.20.2.1 TERRY R PITT CONSTRUCTION will conduct both a drug test and an alcohol test, after an accident or incident, on each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.

1.20.2.2 The decision whether to test or not to test any employee will be based on TERRY R PITT CONSTRUCTION's determination, using the best available information immediately following the accident, that the covered employee's performance could or could not have contributed to the accident. TERRY R PITT CONSTRUCTION will explain to each employee to be tested there is reason to believe their performance contributed to the accident or cannot be completely discounted as a contributing factor to the accident. TERRY R PITT CONSTRUCTION will document the decisions that support the determination to conduct a post-accident test.

1.20.2.3 A post-accident alcohol test will be conducted on each employee as soon as possible but no later than 8 hours after the accident. If the test is not completed within 2 hours, TERRY R PITT CONSTRUCTION will prepare and maintain a written statement documenting the reason the test was not conducted. If the test is not completed within 8 hours, TERRY R PITT CONSTRUCTION will cease attempts to do so. TERRY R PITT CONSTRUCTION will take all reasonable steps to obtain a breath test from an employee after an accident, but any injury should be treated first.

1.20.2.4 Nothing in this section will be construed to require the delay of necessary medical attention for injured people following an accident, to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

1.20.2.5 The affected employee will not be allowed to proceed alone to the testing site. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a TERRY R PITT CONSTRUCTION supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed by TERRY R PITT CONSTRUCTION to have refused to submit to testing.

## 1.20.3 Reasonable Suspicion/Cause Testing

1.20.3.1 TERRY R PITT CONSTRUCTION will conduct reasonable suspicion testing, also known as reasonable cause testing, based on a supervisor's observation of signs and

symptoms of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

1.20.3.2 A supervisor trained in detection of the possible signs and symptoms of alcohol use will make the decision to test an employee. The decision to test will only be made on an employee during, just before, or just after his performance of DOT functions. The supervisor making determination to test will document, in writing, the behavioral signs and symptoms that support determination to conduct a reasonable suspicion/cause test. The documentation of employee's conduct should be prepared and signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. The potentially affected employee should not be allowed to proceed alone to or from the test site.

1.20.3.3 If reasonable suspicion test is not administered within 2 hours following the determination, TERRY R PITT CONSTRUCTION will prepare and maintain on file a record stating the reasons test was not promptly administered. If a test is not administered within 8 hours, TERRY R PITT CONSTRUCTION will cease attempts to administer an alcohol test and record the reasons for not testing.

1.20.3.4 If the test results are 0.02 or greater, the employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable belief that he may be under the influence of alcohol. If the employee insists on driving, a supervisor should notify the proper local law enforcement authority that an employee believed to be under the influence of alcohol is leaving TERRY R PITT CONSTRUCTION premises driving a motor vehicle.

#### 1.20.4 Return-to-Duty Testing

1.20.4.1 TERRY R PITT CONSTRUCTION will conduct a return-to-duty test prior to an employee returning to safety-sensitive duty following a DOT violation. When an employee has a DOT violation the employee cannot work again in any DOT safety-sensitive function until successfully completing the SAP/return-to-duty requirements. Only after the SAP has reported to TERRY R PITT CONSTRUCTION that the employee is eligible to return to safety-sensitive duties is TERRY R PITT CONSTRUCTION authorized to return the employee to a covered function. However, whether or not to do so is a business decision of TERRY R PITT CONSTRUCTION, not the DOT. When TERRY R PITT CONSTRUCTION makes the decision to return the employee to safety-sensitive duty, TERRY R PITT CONSTRUCTION will initiate the order for the return-to-duty test.

1.20.4.2 A return-to-duty test, as a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty alcohol test must be less than 0.02 in order to count and allow employee to return to work. A canceled test does not meet this criterion and requires a retest; a result greater than 0.02 but less than 0.04 must be retested until the result is less than 0.02; a result of 0.04 or greater is a new, separate

violation.

## 1.20.5 Follow-up Testing

1.20.5.1 TERRY R PITT CONSTRUCTION will conduct follow-up testing, as a series of tests that occur after an employee returns to safety-sensitive work, following a negative result on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.

1.20.5.2 Follow-up testing is TERRY R PITT CONSTRUCTION's responsibility to conduct. The number and frequency of the follow-up tests will be determined by the SAP but will consist of at least six tests in the first 12 months following the covered employee's return to duty. The follow-up plan will give both the number of tests and their frequency; TERRY R PITT CONSTRUCTION will select the actual day and time of the test and the tests are unannounced. Follow-up testing will not exceed 60 months from the date of the covered employee's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

## 1.21 ALCOHOL TEST

1.21.1 TERRY R PITT CONSTRUCTION will only use qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will only conduct the test using DOT approved devices. Devices are approved by the National Highway Traffic Safety Administration (NHTSA), an agency of DOT, and placed on the Conforming Products List (CPL). The devices used by TERRY R PITT CONSTRUCTION will be maintained according to the particular manufacturer's specifications. External calibration checks will be performed at the intervals specified in the manufacturer's instructions.

1.21.2 TERRY R PITT CONSTRUCTION will provide employees with the specific location where the test will take place. Tests will be conducted in an area to prevent unauthorized people from hearing or seeing employee's test result.

1.21.3 TERRY R PITT CONSTRUCTION will remind employees that failure to sign the DOT Alcohol Testing Form (ATF) at the instruction of the testing technician will be viewed as a refusal to test. The alcohol-screening test may be conducted with breath or saliva, as applicable for the device used by the testing technician. Only breath will be used for the confirmation test, which is conducted by a BAT.

1.21.4 TERRY R PITT CONSTRUCTION will inform the employee that they are required to carry and present a current valid picture ID, such as a driver's license, passport, or employer-issued picture ID to the testing site.

1.21.5 The testing technician will perform a screening test and show the employee the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide

the employee a copy, and also provide TERRY R PITT CONSTRUCTION and/or the C/TPA a copy. If the screening test result is 0.02 or greater, the employee will be required to take a confirmation test, which can only be administered by a BAT using EBT (Evidential Breath Testing). The BAT will wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the employee will not be allowed to eat, drink, smoke, belch, put anything in their mouth, or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will perform an *air blank* (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it. The confirmation test result is the final result of the test and will be shown to the employee and on the printout from the EBT. If the result is less than 0.02, no action is taken under Part 199. Any result of 0.02 or greater will be immediately reported to TERRY R PITT CONSTRUCTION.

## 1.22 INSPECTION PROTOCOL FOR TESTING SITES

- 1.22.1 TERRY R PITT CONSTRUCTION will ensure that only qualified STTs and BATs are used to conduct TERRY R PITT CONSTRUCTION DOT tests. STTs and BATs are responsible to maintain their own verification documentation and will make it available to TERRY R PITT CONSTRUCTION on request. A supervisor of an employee may not be used to conduct a reasonable suspicion/cause test if that supervisor was the one who made the determination to test.
- 1.22.2 The testing site will ensure visual and aural privacy to the employee being tested to prevent unauthorized persons from seeing or hearing test results.
- 1.22.3 The site will have the needed personnel, materials, equipment, and facilities to provide for the collection and analysis of breath and/or saliva samples and a suitable clean surface for writing.
- 1.22.4 The site will be able to prevent unauthorized personnel from entering the testing site and ensure no unauthorized employee has access to an unsecured EBT and that when an EBT or ASD (Alcohol Screening Device) is not being used for testing, it is stored in a secure place.
- 1.22.5 Tests will be conducted on only one employee at a time.
- 1.22.6 Only EBTs and ASDs listed on the NHTSA CPL will be used for DOT alcohol testing and only an EBT must be used for conducting the confirmation tests.
- 1.22.7 The manufacturer's instructions will be followed for all EBTs and ASDs used by TERRY R PITT CONSTRUCTION. It is the responsibility of the testing sites used by TERRY R PITT CONSTRUCTION to carry out this responsibility for TERRY R PITT CONSTRUCTION.
- 1.22.8 Only the DOT-approved ATF will be used for all TERRY R PITT CONSTRUCTION alcohol tests.
- 1.22.9 Employee will provide a positive identification through the use of photo ID or by employer representative prior to test. The BAT/STT will explain the testing process to the employee, including showing the employee the instructions on the back of the ATF. If the employee has a designated testing time and does not appear, the BAT or STT will notify TERRY R PITT CONSTRUCTION.
- 1.22.10 Testing will begin without undue delay. An alcohol test will be given prior to a drug test and medical attention, if it is required, will not be delayed in order to conduct a test. The testing technician will

explain the testing procedure to the employee, including showing the employee the instructions on the back of the ATF. The ATF will be completed and the employee will be asked to sign the ATF. Failure to sign is a refusal to test.

- 1.22.11 The BAT or STT will select or allow the employee to select an individually wrapped or sealed mouthpiece from the testing materials and insert it into the device in accordance with the manufacturer's instructions. The employee will be instructed 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. The employee will be shown the displayed test result. The device will print a label with, or the technician will write, the result and pertinent information on the ATF.
- 1.22.12 It is not the intent of TERRY R PITT CONSTRUCTION to use an ASD for an alcohol test. However, it is possible that, when necessary, one may have to be used to conduct the test. In those cases the STT or BAT will follow the manufacturer's instructions, and only use a device that has been under their control. The ASD may be either a saliva device or a breath tube. The expiration date will be shown to the employee. A device will not be used after its expiration date. The device will be opened in the presence of the employee, and the employee will be offered the opportunity to use the device, according to instructions. In any case where the technician uses the device, the device will be inserted into the employee's mouth and gather saliva, with the technician wearing single-use examination gloves while doing so and changing them following each test. Assurance will be made that the device has properly activated and that the correct amount of time will be allowed to elapse before reading the result. If problems occur (ex. the device does not activate, it is dropped on the floor), it will be discarded and a new test will be conducted using a new device. The STT or BAT will note on the ATF the reason for the new test. If efforts to get the ASD to work properly fail, the technician will direct the employee to take a new test immediately, using an EBT for the screening test. Devices, swabs, gloves, or other materials used in the prior saliva or breath tube testing will not be used in subsequent tests.
- 1.22.13 A result with an alcohol concentration of less than 0.02 will be recorded on the ATF and the result will be transmitted to TERRY R PITT CONSTRUCTION, with the test concluded without consequence. A result with an alcohol concentration of 0.02 or higher requires the employee to take a confirmation test. If the same BAT who conducted the alcohol-screening test will also conduct the confirmation test, the test will begin immediately. If a different BAT will conduct the confirmation test, the technician conducting the screening test will direct the employee to the site where the test will take place. The technician will also advise the employee not to eat, drink, put anything (ex. cigarette, chewing gum) into the employee's mouth, or belch during the 15-minute waiting period until the test occurs. The employee will be observed by the technician or an employer representative on the way to the confirmation testing site. The employee will be directed not to attempt to drive a motor vehicle to the confirmation testing site.
- 1.22.14 All alcohol confirmation tests will be conducted by BATs using EBTs. The BAT will ensure that the time since the screening test has been at least 15 minutes, and the employee has been advised not to eat, drink, put anything (ex. cigarette, chewing gum) into the employee's mouth, or belch. The BAT will conduct an air blank on the EBT in the presence of the employee. The reading must be 0.00 for the test to proceed. If the reading is greater than 0.00, another air blank must be conducted. The EBT must not be used (must be taken out of service) if the second reading is greater than 0.00. The EBT cannot be used for testing until it is found to be within tolerance limits on an external check



of calibration. A new sealed mouthpiece will be opened, in view of the employee, and used for the test. The employee will be instructed 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. The results will be shown to the employee and printed for application to the ATF.

1.22.15 If the alcohol confirmation test result is lower than 0.02, nothing further is required of the employee. If the alcohol confirmation test result is 0.02 or higher, the BAT will immediately transmit the result directly to the DER in a confidential manner.

1.22.16 The plan addresses the situations in which an employee has refused to take an alcohol test.

1.22.16.1 In situations where an employee is unable to provide sufficient saliva to complete a screening test, TERRY R PITT CONSTRUCTION will ensure that employee takes a breath test immediately.

1.22.16.2 In situations where an employee is unable to provide sufficient breath to complete a test, the employee will be sent for an evaluation by a licensed physician who is acceptable to TERRY R PITT CONSTRUCTION.

1.22.16.3 The physician will have expertise in the medical issues raised by the employee's failure to provide a breath specimen, as well as be apprised of the consequences of the appropriate DOT agency regulation for refusing to take the required alcohol test.

1.22.16.4 The physician will provide TERRY R PITT CONSTRUCTION with a signed statement of their conclusions. If it is the reasonable medical judgment of the physician, that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, the test will be canceled by TERRY R PITT CONSTRUCTION.

1.22.16.5 If there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, this constitutes a refusal to test.

1.22.17 TERRY R PITT CONSTRUCTION will ensure that an alcohol test is canceled if a fatal flaw occurs. Fatal flaws are:

1.22.17.1 In the case of a screening test conducted on a saliva ASD or a breath tube ASD, the STT or BAT reads the result either sooner than or later than the time allotted by the manufacturer; the saliva ASD does not activate, the device is used for a test after its expiration date or in the case of a screening or confirmation test conducted on an EBT, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result

1.22.17.2 In the case of a confirmation test, the BAT conducts the confirmation test before the end of the minimum 15-minute waiting period, the BAT does not conduct an air blank before the confirmation test; there is not a 0.00 result on the air blank conducted before the confirmation test, or the EBT does not print the result. In this case, every result of 0.02 or above obtained on the EBT since the last valid external calibration check is

anceled.

- 1.22.18 TERRY R PITT CONSTRUCTION will ensure that an alcohol test is canceled if a correctable flaw occurs and is not corrected. Correctable flaws are:
  - 1.22.18.1 The BAT or STT does not sign the ATF
  - 1.22.18.2 The BAT or STT fails to note on the *Remarks* line of the ATF that the employee has not signed the ATF after the result is obtained
  - 1.22.18.3 The BAT or STT uses a non-DOT form for the test
- 1.22.19 Error correction training shall be completed within thirty days of a collection error that causes a test to be canceled (i.e. fatal or uncorrected flaw). Error correction training shall be conducted by a qualified person under DOT regulations and proficiency and documented in writing. The error correction training must cover the subject matter in which the error occurred. As part of error correction training, the collector will demonstrate proficiency in collection procedures by performing three consecutive error-free mock collections. These mock collections must include one uneventful scenario and two scenarios related to the area in which the prompting error occurred. The qualified person who is monitoring the performance evaluation will attest in writing that the mock collections were "error free."
- 1.22.20 TERRY R PITT CONSTRUCTION will ensure that BATs and STTs will try to successfully complete each alcohol test for an employee. If they become aware of a problem that will cause the test to be canceled, they will try to correct the problem promptly, if practicable.
- 1.22.21 Repeating the test is an acceptable part of this process. If repeating the testing process is necessary, a new test (new ATF, new device) must begin as soon as possible. If repeating the testing process is necessary, the technician is not limited in the number of attempts to complete the test, provided that the employee is making a good faith effort to comply with the testing process. If another testing device is not available for the new test at the testing site, the technician will immediately notify TERRY R PITT CONSTRUCTION and advise TERRY R PITT CONSTRUCTION that the test could not be completed.
- 1.22.22 TERRY R PITT CONSTRUCTION will make all reasonable efforts to ensure that the test is conducted at another testing site as soon as possible. If TERRY R PITT CONSTRUCTION or its service agent administering the testing process becomes aware of a correctable flaw that has not been corrected, all practicable action will be taken to correct the problem so that the test is not canceled. If the problem resulted from the omission of required information, the person responsible for providing the information must supply in writing the missing information and a signed statement that it is true and accurate.
- 1.22.23 If the problem is the use of a non-DOT form, the technician must, as the person responsible for the use of the incorrect form, certify in writing that the incorrect form contains all the information needed for a valid DOT alcohol test. The technician must also provide a signed statement that the incorrect form was used inadvertently or as the only means of conducting a test, in circumstances beyond the technician's control, and the steps the technician has taken to prevent future use of non-DOT forms

for DOT tests. The technician must supply this information on the same business day on which the collector was notified of the problem, transmitting it by fax, e-mail, or courier. If the technician cannot correct the problem, the technician must cancel the test.

## 1.23 SUBSTANCE ABUSE PROFESSIONAL

- 1.23.1 TERRY R PITT CONSTRUCTION will refer employees only to SAPs who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses, for DOT violations. The SAP will not be an advocate for TERRY R PITT CONSTRUCTION or the employee. The SAP's function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education/treatment, follow-up tests, and aftercare.
- 1.23.2 TERRY R PITT CONSTRUCTION will provide to each employee who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to TERRY R PITT CONSTRUCTION. The list will include SAP names, addresses, and telephone numbers.
- 1.23.3 There will not be a charge to the employee for compiling or providing this list. TERRY R PITT CONSTRUCTION may use its C/TPA or other service agent to provide this information. Any covered employee who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for TERRY R PITT CONSTRUCTION until and unless the employee successfully completes the SAP evaluation, referral, and education/treatment process.
- 1.23.4 TERRY R PITT CONSTRUCTION is not required to pay for an SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation.
- 1.23.5 TERRY R PITT CONSTRUCTION is only bound by DOT to ensure that if the employee is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that TERRY R PITT CONSTRUCTION ensures that the employee receives an evaluation by an SAP meeting the requirements of Part 40 and that the employee successfully complies with the SAP's evaluation recommendations before returning to the safety-sensitive job. Even if an SAP believes that the employee is ready to return to safety-sensitive work, TERRY R PITT CONSTRUCTION is under no obligation to return the employee to work. Under the DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to TERRY R PITT CONSTRUCTION and the employee to resolve.
- 1.23.6 The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use. The SAP will refer the employee to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the employee actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations. Reports will be provided to TERRY R PITT CONSTRUCTION on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide TERRY R PITT CONSTRUCTION with a written follow up drug and/or alcohol testing plan for the employee and if deemed necessary, will

also provide the employee and TERRY R PITT CONSTRUCTION with recommendations for continuing education and/or treatment.

## 1.24 EMPLOYEE ASSISTANCE PROGRAM

- 1.24.1 TERRY R PITT CONSTRUCTION will provide an Employee Assistance Program (EAP) for its employees and supervisors.
- 1.24.2 The EAP will be contracted to an entity that provides EAP services at other locations. The function of the EAP will be to provide employees with informational material on the awareness and danger of drug and alcohol use. General EAP information material, such as the availability of brochures or videos and community service hotline telephone numbers, will be displayed in common areas and distributed to employees. Employees will be encouraged to call the hotline if needed.
- 1.24.3 This plan will be displayed and made available to all employees. The plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, break rooms, locker rooms, or other areas designated by TERRY R PITT CONSTRUCTION.

## 1.25 SUPERVISOR TRAINING

- 1.25.1 Each supervisor who will determine whether an employee must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the signs and symptoms of each substance. Each supervisor will receive one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use and one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable alcohol use. The two 60-minute training periods may run concurrently.

## 1.26 RECORDKEEPING

- 1.26.1 TERRY R PITT CONSTRUCTION will ensure that all records required by the DOT are maintained.
- 1.26.2 TERRY R PITT CONSTRUCTION is not required to keep records related to a program requirement that does not apply to Part 40 or 199. TERRY R PITT CONSTRUCTION or its C/TPA will maintain the records in a locked file system and will be accessed only on a strict need to know basis. TERRY R PITT CONSTRUCTION or its C/TPA will not release an employee's drug and alcohol records to third parties without the employee's specific written consent.
  - 1.26.2.1 A *third party* is any person or organization to whom Parts 40 or 199 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process.
  - 1.26.2.2 *Specific written consent* means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.
- 1.26.3 TERRY R PITT CONSTRUCTION or its C/TPA will release the employee's information without consent to the DOT or other government agency having regulatory authority over TERRY R PITT

CONSTRUCTION or employee without consent. TERRY R PITT CONSTRUCTION or its C/TPA will release the employee's information without consent as a part of an accident investigation by the National Transportation Safety Board. TERRY R PITT CONSTRUCTION or its C/TPA will release the employee's information without consent in certain legal proceedings.

1.26.3.1 These proceedings include a lawsuit, grievance, administrative proceeding (ex. an unemployment compensation hearing brought by or on behalf of an employee resulting from a positive drug or alcohol test or refusal to test), a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing TERRY R PITT CONSTRUCTION to produce the information. In such a proceeding, information will be released to the decision maker with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding. After releasing the information, TERRY R PITT CONSTRUCTION or its C/TPA will notify employee.

1.26.4 If TERRY R PITT CONSTRUCTION chooses to use a C/TPA to maintain the records, TERRY R PITT CONSTRUCTION will ensure that the C/TPA can produce these records at TERRY R PITT CONSTRUCTION's principal place of business in the time required by the DOT agency for an inspection. The records will be provided within two business days after receipt of the request. Records may be stored electronically, where permitted by Part 40 and 199.

1.26.5 TERRY R PITT CONSTRUCTION will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. TERRY R PITT CONSTRUCTION will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

1.26.6 TERRY R PITT CONSTRUCTION or its C/TPA will maintain the following records for the noted time periods, as a minimum:

1.26.6.1 Records kept for five years:

1.26.6.1.1 Records of alcohol test results indicating an alcohol concentration of  $\geq 0.02$

1.26.6.1.2 Records of the inspection, maintenance, and calibration of EBTs

1.26.6.1.3 Records of verified positive drug test results

1.26.6.1.4 Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results)

1.26.6.1.5 SAP reports

1.26.6.1.6 Follow up tests and schedules for follow-up tests

1.26.6.1.7 Statistical data related to TERRY R PITT CONSTRUCTION's testing program will be available to a representative of the DOT or a state agency having regulatory authority over TERRY R PITT CONSTRUCTION, upon

request.

1.26.6.2 Records kept for three years:

1.26.6.2.1 Records of information obtained from previous employers under Part 40 concerning drug and alcohol test results of employees

1.26.6.2.2 Records that demonstrate the drug-testing collection process

1.26.6.2.3 Records related to signs/symptoms of alcohol and drug training for supervisors.

1.26.6.3 Records kept for two years:

1.26.6.3.1 Records related to alcohol collection process (ex. calibration documentation for evidential breath testing devices, documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing)

1.26.6.4 Records kept for one year:

1.26.6.4.1 Negative drug test results

1.26.6.4.2 Alcohol results less than 0.02

1.26.7 All employees have the right to request and obtain copies of any records pertaining to the employee's use of alcohol and/or drugs, including records of the employee's DOT mandated drug and/or alcohol tests and copies of SAP reports.

1.26.8 Requests for records must be made in writing to TERRY R PITT CONSTRUCTION. A laboratory must provide, within 10 business days of receiving a written request from an employee and made through the MRO, the records relating to the results of the employee's drug test (ex. laboratory report and data package). Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. SAPs must redact follow-up testing information from the report before providing it to the employee.

## 1.27 MANAGEMENT INFORMATION SYSTEM

1.27.1 TERRY R PITT CONSTRUCTION will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol-testing program.

1.27.2 If TERRY R PITT CONSTRUCTION uses a C/TPA, then C/TPA may prepare and maintain the MIS, reporting as TERRY R PITT CONSTRUCTION requires. TERRY R PITT CONSTRUCTION will certify each report for accuracy and completeness.

## 1.28 NON-DOT TESTING PROGRAM

- 1.28.1 TERRY R PITT CONSTRUCTION may implement an additional drug and/or alcohol-testing program, referred to as a *non-DOT program*. Any additional testing program would be completely independent of the DOT testing program. Such a testing program would be developed under TERRY R PITT CONSTRUCTION's own authority and kept separate from the DOT program.
- 1.28.2 All DOT testing would be accomplished first. TERRY R PITT CONSTRUCTION's non-DOT program would commence afterwards. The non-DOT program would use different forms and not use the federal CFF or the DOT Alcohol Testing Form.
- 1.28.3 The non-DOT program could test different people for different drugs and different reasons-for-testing. If TERRY R PITT CONSTRUCTION implements its own non-DOT testing program, they will define the program and notify all employees through a non-DOT drug and alcohol policy.



## FMCSA Drug and Alcohol Testing Policy

### 1.29 PURPOSE STATEMENT

1.29.1 The U.S. Department of Transportation (DOT) has issued regulations (49 CFR, Part 40 and Part 382) which govern the use of drugs and alcohol by employees who hold a Commercial Driver's License (CDL) and who perform safety-sensitive transportation functions, including driving a Commercial Motor Vehicle (CMV). The agency's regulations require drug and alcohol testing of specified employees as described in this policy. The goal of TERRY R PITT CONSTRUCTION's policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, and to reduce and eliminate drug and alcohol related accidents, injuries, fatalities, and damage to Company property.

### 1.30 AUTHORITY

1.30.1 It is the Company's (TERRY R PITT CONSTRUCTION) intention to comply fully with the DOT regulations. However, federal regulations do not preclude the Company from taking additional drug-free workplace actions beyond what may be contained in this policy. The Company will advise employees and applicants when any drug-free workplace policy or practice is mandated by DOT or whether it be by the independent authority of the Company. Outside of the requirements of the federal regulations the Company will comply with all applicable state and local laws.

1.30.2 In compliance with the DOT regulations, the Company has a designated employer representative (DER). The DER is an individual authorized to receive communications and test results from service agents. The DER is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. Please direct all questions regarding this Policy to the DER. The DER's name and contact information are included in Appendix A of this policy.

### 1.31 COVERAGE: EMPLOYEES & APPLICANTS SUBJECT TO TESTING

1.31.1 The Federal Motor Carrier Safety Administration (FMCSA) regulations require drug and alcohol testing of drivers who hold a CDL and operate a CMV. Please refer to the Definitions Section for more information about "drivers." Other individuals may also be subject to DOT-mandated testing. For purposes of the regulations, a CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property as defined in the Criteria for Employees Subject to Testing section below.

#### 1.31.2 Employees

1.31.2.1 Participation in this program is a requirement of employment. Refusal to participate in any way is a violation of the federal regulation and will result in adverse employment action.



## 1.31.3 Applicants

- 1.31.3.1 All applicants for positions as a driver or for a safety-sensitive positions, which includes driving, will be notified of the Company's Drug-Free Workplace Program (DFWP) at the time they apply for a position.

## 1.32 REPORTING TEST RESULTS TO THE STATE

- 1.32.1 The Company is authorized by DOT regulations to disclose to the state commercial driver licensing (CDL) authorities the drug and alcohol violations of employees who hold a commercial driver's license and operate commercial motor vehicles when a state law requires such reporting.

## 1.33 CRITERIA FOR EMPLOYEES SUBJECT TO TESTING

- 1.33.1 Under the Company's Policy and DOT Federal Motor Carrier Safety Administration (FMCSA) regulations, drivers who hold a CDL and drive a CMV are subject to the drug and alcohol testing in accordance with federal regulations. CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- 1.33.1.1 Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- 1.33.1.2 Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- 1.33.1.3 Is designed to transport 16 or more passengers, including the driver; or
- 1.33.1.4 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 and which require the motor vehicle to have a placard under the Hazardous Materials Regulations.

## 1.34 DEFINITIONS

- 1.34.1 Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §§ 40.3 and 382.107.
- 1.34.2 Drug
  - 1.34.2.1 For purposes of this Policy, "drug" means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The term includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes, and any prescribed drugs not taken in accordance with a prescription. In other words, medications prescribed for someone other than the driver will be considered unlawfully used under any circumstances. Pursuant to DOT regulations, all DOT-required drug tests must test for the following substances identified in 49 CFR § 40.85: marijuana, cocaine, amphetamines, opioids, and phencyclidine (i.e. PCP). The Company reserves its independent authority and discretion to prohibit and

test for other drugs, as defined above, within the limits of applicable state law.

### 1.34.3 Confirmation Test

#### 1.34.3.1 Alcohol

1.34.3.1.1 A second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

#### 1.34.3.2 Drugs

1.34.3.2.1 A second analytical procedure to identify and quantify the presence of a specific drug or metabolite that is independent of the screening test.

### 1.34.4 Disabling Damage

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

#### 1.34.4.1.1 Included

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

#### 1.34.4.1.2 Excluded

1.34.4.1.2.1 Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.

1.34.4.1.2.2 Tire disablement without other damage even if no spare tire is available.

1.34.4.1.2.3 Headlight or taillight damage.

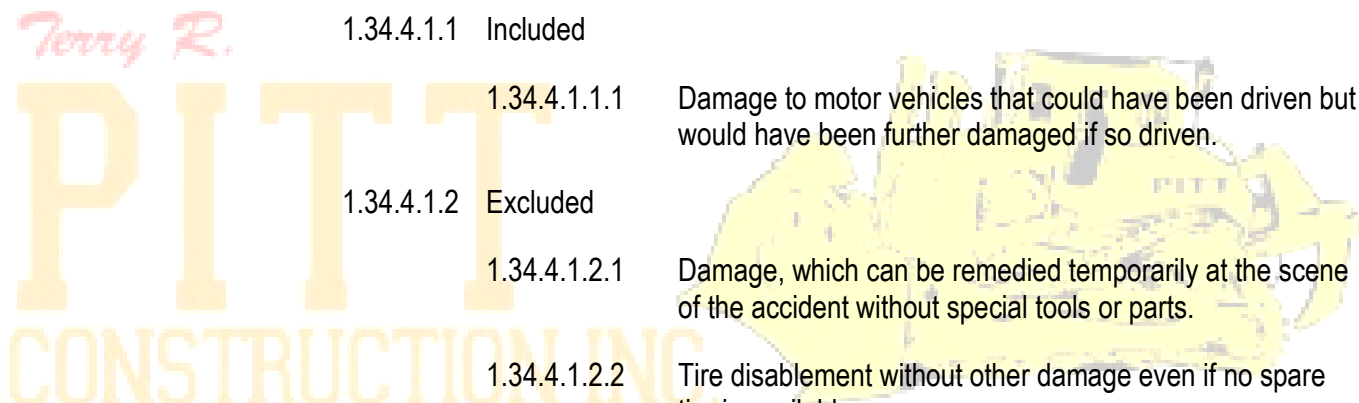
1.34.4.1.2.4 Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

### 1.34.5 Driver

1.34.5.1 Any person who holds a CDL and operates a CMV, which falls under the specific DOT criteria. This includes, but is not limited to, full-time or part-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors.

### 1.34.6 Refusal to Submit

1.34.6.1 A refusal to submit to a required drug and/or alcohol test (also "refusal to test") means any circumstance outlined in 49 CFR §§ 40.191 or 40.261, including circumstances in

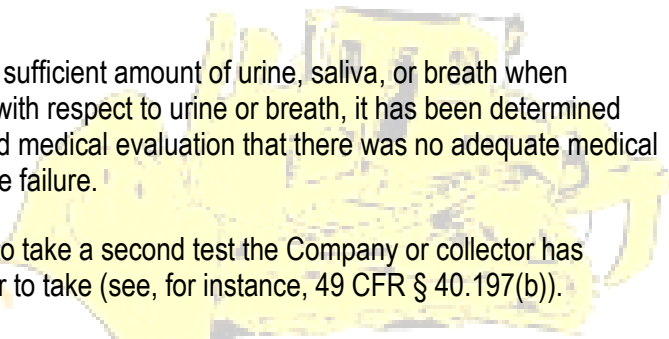


which a driver:

- 1.34.6.1.1 Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company, consistent with applicable DOT agency regulations, after being directed to do so by the Company. This includes the failure of an employee (including an owner-operator) to appear for a test when called by the Company's Consortium/Third-Party Administrator (C/TPA).
- 1.34.6.1.2 Fails to remain at the testing site until the testing process is complete (excluding a pre-employment test prior to commencement of the test).
- 1.34.6.1.3 Fails to provide a urine specimen for any drug test or fails to provide an adequate amount of saliva or breath for any alcohol test required by Part 382 or other DOT agency regulations (excluding a pre-employment test prior to commencement of the test).
- 1.34.6.1.4 In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen.
- 1.34.6.1.5 Fails to provide a sufficient amount of urine, saliva, or breath when directed, and/or, with respect to urine or breath, it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
- 1.34.6.1.6 Fails or declines to take a second test the Company or collector has directed the driver to take (see, for instance, 49 CFR § 40.197(b)).
- 1.34.6.1.7 Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER pursuant to 49 CFR § 40.193 or 49 CFR § 40.265(c).
- 1.34.6.1.8 Fails to sign the certification at Step 2 of the ATF.
- 1.34.6.1.9 Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector).
- 1.34.6.1.10 For an observed collection, fails to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process.
- 1.34.6.1.11 Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.

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- 1.34.6.1.12 Admits to the collector or MRO that you adulterated or substituted the specimen.
- 1.34.6.1.13 Is reported by the MRO as having a verified adulterated or substituted test result.
- 1.34.6.1.14 Any driver who refuses to submit to a required drug and/or alcohol test or otherwise fails to cooperate with any part of the testing process is in violation of this Policy. Any driver who refuses such a test will be subject to the consequences described in the "Consequences for Policy Violations" section, including removal from safety-sensitive functions.

## 1.34.7 Safety-Sensitive Function

- 1.34.7.1 All time, from the time a driver begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.
- 1.34.7.2 For the purpose of this Policy and the Company's drug and alcohol testing program, employees are considered to be performing a safety-sensitive function and subject to drug and/or alcohol testing at the following times:

- 1.34.7.2.1 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;
- 1.34.7.2.2 All time inspecting equipment as required by 49 CFR §§ 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 1.34.7.2.3 All time spent at the driving controls of a commercial motor vehicle in operation;
- 1.34.7.2.4 All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- 1.34.7.2.5 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
- 1.34.7.2.6 All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## 1.35 PROHIBITED BEHAVIOR

- 1.35.1 A violation of any of the prohibited behaviors described below may result in adverse employment action, including possible termination. Please see the Consequences section of this policy for more information.

## 1.35.2 Controlled Substances

- 1.35.2.1 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.
- 1.35.2.2 The Company will not permit the driver to perform or continue to perform a safety-sensitive function if it has actual knowledge that a driver has used a controlled substance. The Company may require a driver to inform the Company of any therapeutic drug use.

## 1.35.3 Controlled Substances Testing

- 1.35.3.1 A covered employee will not report for duty, remain on duty, or perform a safety-sensitive function if the individual tests positive or has adulterated or substituted a test specimen for controlled substances. When the Company becomes aware that an individual has tested positive or has adulterated or substituted a test specimen for controlled substances, it will not permit the individual to perform or continue to perform safety-sensitive functions unless and until the required Return-to-Duty Procedures are followed.

## 1.35.4 Alcohol

- 1.35.4.1 A covered employee must not consume alcohol while on duty, four hours prior to coming on duty time, and up to eight hours following an accident or until the individual undergoes a post-accident test, whichever occurs first. Proof of alcohol consumption in violation of this policy will include, among other possible means, a positive alcohol test as described in this policy.

### 1.35.4.1.1 Alcohol Concentration

- 1.35.4.1.1.1 Employees may not report for duty or remain on duty if such duty requires the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The Company will not permit such an individual to perform or continue to perform safety-sensitive functions when it has actual knowledge that the individual has an alcohol concentration of 0.04 or greater.

- 1.35.4.1.1.2 A covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will not be allowed to perform safety-sensitive functions for at least twenty-four (24) hours.

### 1.35.4.1.2 On-Duty Use

1.35.4.1.2.1 Employees may not use alcohol while performing safety-sensitive functions. The Company will not permit such individuals to perform or continue to perform safety-sensitive functions when it has actual knowledge that such an employee is using alcohol while performing safety-sensitive functions.

#### 1.35.4.1.3 Pre-Duty Use

1.35.4.1.3.1 A covered employee will not perform safety-sensitive functions within four hours after using alcohol. The Company, having actual knowledge that a covered employee has used alcohol within four hours, will not permit the individual to perform or continue to perform safety-sensitive functions.

#### 1.35.4.1.4 Use Following an Accident

1.35.4.1.4.1 A covered employee required to take a post-accident alcohol test will not use alcohol for eight hours following the accident or until the individual undergoes a post-accident alcohol test, whichever occurs first.

#### 1.35.5 Adulterated, Substituted, or Diluted Specimens

1.35.5.1 Individuals who tamper with, switch or in any way adulterate a specimen are in violation of this policy and may be subject to disciplinary action, up to and including termination.

#### 1.35.6 Use of Marijuana

1.35.6.1 The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40 does not authorize the use of Schedule I drugs, including marijuana for any reason. Therefore, Medical Review Officers (MRO) will not verify a drug test as negative based upon learning that the employee used "medical marijuana" and/or "recreational marijuana" when a state law passed medical marijuana or recreational marijuana initiatives. Marijuana remains unacceptable for any safety-sensitive employee subject to drug testing under the DOT.

### 1.36 CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROCEDURES

1.36.1 The Company will conduct controlled substances (drug) and alcohol testing within the parameters established by DOT and FMCSA. In accordance with the regulation, the Company will use scientifically valid methods and procedures employed by laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

1.36.2 The Company will also utilize the services of specimen collection personnel who are trained in and comply with the specific collection requirements described in the federal regulations. (See Subparts C, D, and E of 49 CFR Part 40).

1.36.3 Furthermore, the Company will utilize the services of trained and certified medical review officers (MRO) to verify confirmed positive controlled substances test results (See Subpart G of 49 CFR Part 40), Substance Abuse Professionals (SAP) (See Subpart O of 49 CFR Part 40) to assist in evaluating workers who test positive and who are not immediately terminated, and Breath Alcohol Technicians (BAT) and Screening Test Technicians (STT) to conduct alcohol tests. (See Subpart J of 49 CFR Part 40). Appendix A contains the contact information for the service agents under contract with The Company.

#### 1.36.4 Confirmation and Medical Review

1.36.4.1 The Company will test urine specimens for the presence of controlled substances. All initial test non-negatives will be confirmed by gas chromatography/mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a medical review officer ("MRO") to determine whether there is any legitimate medical explanation for the confirmed positive, adulterated, substituted, or invalid test result.

1.36.4.2 At the beginning of the confidential verification interview, the MRO will explain to the employee that the laboratory has determined that the employee's test result is positive, adulterated, substituted, or invalid. The MRO will tell the employee the drug(s) for which their specimen tested positive or the basis for the finding of adulteration or substitution.

1.36.4.3 The MRO will explain the verification interview process to the employee and inform the employee that the MRO's decision will be based on information the employee provides during the interview.

1.36.4.4 The MRO will explain that, if further medical evaluation is needed for the verification process, the employee must comply with the MRO's request for this evaluation and that failure to do so is equivalent of expressly declining to discuss the test result.

1.36.4.5 The MRO will warn the employee who has a confirmed positive, adulterated, substituted, or invalid test that the MRO is required to provide to third parties drug test result information and medical information affecting the performance of safety-sensitive duties that the employee gives to the MRO in the verification process without the employee's consent. This means that any information provided by the employee to the MRO such as medications or other substances that will or may present a significant safety risk or may be medically disqualifying for the position, the MRO will report a safety concern to the Company.

1.36.4.6 The MRO must also advise the employee that, before informing any third party about any medication the employee is using pursuant to a legally valid prescription consistent with the Controlled Substances Act, the MRO will allow 5 business days from the date he/she reports the verified negative result for the employee to have the prescribing physician contact the MRO to determine if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If, in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk remains after he/she communicates with the employee's

prescribing physician or after 5 business days, whichever is shorter, the MRO must follow § 40.327. If the MRO receives information that eliminates the medical qualification issue or significant safety risk, the MRO must transmit this information to any third party to whom he/she previously provided information under § 40.327.

## 1.36.5 Stand-Down Policy

- 1.36.5.1 The Company is not permitted under the authority of the DOT regulations to "stand down" an employee prior to receiving the test result from the MRO. However, the Company may request a waiver of this policy by a direct appeal to DOT. A waiver, if granted, permits the Company to stand down an employee following the MRO's receipt of a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test pertaining to the employee. For further details, refer to 49 CFR Part 40, §40. 21.

## 1.36.6 Shy Bladder

- 1.36.6.1 After the employee's first unsuccessful attempt to provide an acceptable specimen, he/she has up to 3 hours to produce a single specimen of sufficient volume (you can't combine specimens). The employee can consume up to 40 ounces of fluid. If the employee does not provide a specimen within those 3 hours, the employee must undergo a medical evaluation to determine if there was a medical reason for the inability to do so. If a physician determines that there was no medical reason for not providing the sample, this will be considered a refusal to test, and the employee will be immediately removed from performing safety-sensitive functions and could result in termination of employment.

- 1.36.6.2 If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collector must discontinue the collection, note the fact on the "Remarks" line of the CCF (Step 2), and immediately notify the DER. The collector must also discard any specimen the employee previously provided to include any specimen that is "out of temperature range" or shows signs of tampering. In the remarks section of the CCF that the collector will distribute to the MRO and DER, he/she must note the fact that the employee provided an "out of temperature range specimen" or "specimen that shows signs of tampering" and that it was discarded because the employee did not provide a second sufficient specimen.

## 1.36.7 Direct Observation Collections

- 1.36.7.1 Under DOT's 49 CFR Part 40 directly observed collections are authorized and required in specific situations. Please refer to 49 CFR Part 40 (§ 40.67) for a complete explanation of those situations and what the Company's obligations are in such circumstances. In the event of a direct observed collection the employee will not be given advance notice.
- 1.36.7.2 A direct observed collection will take place if:



- 1.36.7.2.1 Directed by the DER to perform an observed collection.
  - 1.36.7.2.2 The employee attempts to tamper with his/her specimen at the collection site.
  - 1.36.7.2.3 The specimen was out of normal temperature range.
  - 1.36.7.2.4 The specimen shows signs of tampering.
  - 1.36.7.2.5 The collector finds an item in the employee's pocket or wallet which appears to be brought into the site to contaminate a specimen or the collector notes suggest tampering.
  - 1.36.7.2.6 The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to you that there was not an adequate medical explanation for the result.
  - 1.36.7.2.7 The Medical Review Officer (MRO) orders the direct observation because the employee has no legitimate medical explanation certain atypical laboratory results or the employee's split specimen could not be tested following a positive or refusal (including adulterated/substituted) test result.
  - 1.36.7.2.8 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 to the Company as negative-dilute and that a second collection must take place under direct observations.
- 1.36.7.3 Additionally, specimen collections for all return-to-duty and follow-up drug testing will be conducted under direct observation. The collector (or the observer) must be of the same gender as the employee for direct observation collections.

## 1.36.8 Split Specimen

- 1.36.8.1 In drug testing, the urine specimen is split into two specimens. When the sample is sent to the first laboratory for testing, the split portion of that sample is retained unopened. It can then be transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

## 1.36.9 Cost of Drug Testing

- 1.36.9.1 The Company will comply with all federal, state, and local laws and regulations regarding payment for drug and alcohol testing services. In the event that an employee requests that a split specimen be tested, the Company is responsible to ensure that the MRO, first laboratory, and second laboratory perform all applicable functions in a timely manner. Under the DOT regulations the Company may not condition its compliance with these requirements on the employee's direct payment to the MRO or laboratory or

the employee's agreement to reimburse the Company for the costs of testing. If the employee is asked to pay for any of these services and is either unwilling or unable to do so the Company remains responsible to ensure that the test takes place in a timely manner.

## 1.36.10 Drug Collection Procedures

- 1.36.10.1 When a specific time for an employee's test has been scheduled, or the collection site is at the employee's worksite, and the employee does not appear at the collection site at the scheduled time, the collector will contact the DER to determine the appropriate interval within which the DER has determined the employee is authorized to arrive. If the employee's arrival is delayed beyond that time, the collector will notify the DER that the employee has not reported for testing. The DER will make the call as to whether it is a refusal to test.
- 1.36.10.2 If the employee requires medical attention (e.g., an injured employee in an emergency medical facility who is required to have a post-accident test), treatment must be performed before a drug test can be conducted.
- 1.36.10.3 The employee will be asked to provide appropriate identification to the collector upon arrival at the collection site. Acceptable forms of identification include a photo identification (e.g., driver's license, employee badge issued by the employer, or any other picture identification issued by a Federal, state, or local government agency), or identification by an employer or employer representative. If the employee cannot produce positive identification, the collector will contact the DER to verify the identity of the employee.
- 1.36.10.4 The urine specimen will be collected by a trained collection site person (the Collector) in accordance with DOT rules, using a DOT Custody and Control Form (CCF). The Collector will explain the procedures and review the back of the CCF with the employee.
- 1.36.10.5 The collector will ask the employee to remove any unnecessary outer clothing (e.g., coat, jacket, hat, etc.) and to leave any briefcase, purse, or other personal belongings he or she is carrying with the outer clothing. The employee can retain his or her wallet. In most cases, lockers are provided for the employee and the employee is provided the key. If the employee asks for a receipt for any belongings left with the collector, the collector must provide one.
- 1.36.10.6 The collector will direct the employee to empty his or her pockets and display the items to ensure that no items are present that could be used to adulterate the specimen. If nothing is there, the employee places the items back into the pockets and the collection procedure continues. If the employee refuses to empty his or her pockets, this is considered a refusal to cooperate in the testing process. Refusals are considered a positive result that has the same requirements as if the employee tested positive for a drug substance.

- 1.36.10.7 The collector will instruct the employee to wash and dry his or her hands while the collector observes, and the collector will direct the employee that they cannot wash their hands again until directed to do so.
- 1.36.10.8 The collector will either give the employee or allow the employee to select the collection kit or collection container (if it is separate from the kit) from the available supply. Either the collector or the employee, with both present, then unwraps or breaks the seal of the kit or collection container and the collector will direct the employee to go into the room used for urination and provide a specimen of at least 45 mL. The employee will be directed to not flush the toilet and return with the specimen as soon as possible after completing the void. The collector will check the temperature of the specimen as soon as the employee hands over the specimen, but no later than four minutes after the employee comes out of the restroom.
- 1.36.10.9 The collector then pours at least 30 mL of urine from the collection container into a specimen bottle and places the lid/cap on the bottle. This will be the primary specimen or "A" bottle. The collector then pours at least 15 mL into a second bottle and places the lid/cap on the bottle. This will be the "B" bottle used for the split specimen. The tamper-evident seals from the CCF are placed on each bottle. The collector writes the date on the seals and the employee will be asked to initial the seals. If the employee fails or refuses to initial the seals, the collector will note this in the "Remarks" line of the CCF and complete the collection process. This is not considered a refusal to test.
- 1.36.10.10 The collector will now direct the employee to read, sign, and date the certification statement, and provide date of birth, printed name, and day and evening contact telephone numbers in Step 5 of Copy 2 of the CCF. The collector completes the collector's portion of the chain of custody on the CCF and ensures that all copies of the CCF are legible and complete and will remove Copy 5 from the CCF and give it to the employee. The collector may suggest the employee to list any prescription or over-the-counter drugs on the employees copy of the CCF. This information may help the employee remember what medications he or she may have taken if a positive result is reported by the laboratory to the MRO.
- 1.36.10.11 The collector will place the specimen bottles and Copy 1 of the CCF inside the appropriate pouches of the leak-resistant plastic bag, and will seal both pouches. The collector will allow the employee to wash his or her hand now and can leave the collection site.

## 1.36.11 Alcohol Testing

- 1.36.11.1 The Company will only use DOT-approved ATFs and ensure only qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) perform DOT alcohol tests and will require all training verification documents be available upon request. Alcohol tests will be conducted using devices found on the Conforming Products List (CPL) issued by the National Highway Traffic Safety Administration (NHTSA) in accordance with DOT regulations. The devices used by the Company will be maintained according to the particular manufacturer's specifications in the Quality Assurance Plan (QAP).

1.36.11.2 In addition, a supervisor of an employee may not be used to conduct reasonable suspicion/cause test if that supervisor was the one who made the determination for the test.

## 1.36.12 Alcohol Collection Procedures

1.36.12.1 The Company will provide the employee with the specific location where the test will take place. The tests will be conducted in a private setting with controlled access. The alcohol screening test may be conducted with breath or saliva specimen for the initial screen but only breath specimens are allowed for the confirmation test.

1.36.12.2 When a specific time for an employee's test has been scheduled, or the collection site is at the employee's worksite, and the employee does not appear at the collection site at the scheduled time, the collector will contact the DER to determine the appropriate interval within which the DER has determined the employee is authorized to arrive. If the employee's arrival is delayed beyond that time, the collector will notify the DER that the employee has not reported for testing. The DER will make the call as to whether it is a refusal to test.

1.36.12.3 If the employee requires medical attention (e.g., an injured employee in an emergency medical facility who is required to have a post-accident test), treatment must be performed before an alcohol test can be conducted.

1.36.12.4 The employee is to provide positive identification by way of a photo ID issued by the employer (other than in the case of an owner-operator or other self-employer individual) or a Federal, state, or local government (e.g., a driver's license). No fax or photocopies are allowed. Positive identification by an employer representative (not a coworker or another employee being tested) is also acceptable. If the employee cannot produce positive identification, the DER can verify the identity of the employee.

1.36.12.5 The BAT or STT will explain the testing procedure to the employee, including showing the employee the instructions on the back of the ATF and will complete Step 1 of the ATF. The BAT will direct the employee to complete Step 2 on the ATF and sign the certification. If the employee refuses to sign this certification, they will document this refusal on the "Remarks" line of the ATF and immediately notify the DER. This is a refusal to test.

1.36.12.6 The BAT or STT will select, or allow the employee to select, an individually wrapped or sealed mouthpiece from the testing materials and insert it into the device in accordance with the manufacturer's instructions. The employee will be instructed 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. The employee will be shown the displayed test result. The device will print a label with, or the technician will write, the result and pertinent information on the ATF and ensure the information printed correctly onto the ATF.

1.36.12.7 In the case an ASD is used, the STT or BAT will check the expiration date and show it

to the employee. The STT or BAT will follow the manufacturer's instructions, and only use a device that has been under their control. The device will be opened in the presence of the employee, and the employee will be offered the opportunity to use the device, according to instructions. In any case where the technician uses the device, the device will be inserted into the employee's mouth and gather saliva, with the technician wearing single-use examination gloves while doing so and change them following each test. Assurance will be made that the device has properly activated and that the correct amount of time will be allowed to elapse before reading the result. If problems occur (e.g., the device does not activate, it is dropped on the floor), it will be discarded, and a new test will be conducted using a new device. The STT or BAT will note on the ATF the reason for the new test. If efforts to get the ASD to work properly fail, the technician will direct the employee to take a new test immediately, using an EBT for the screening test. Devices, swabs, gloves, or other materials used in the prior saliva or breath tube testing will not be used in subsequent tests.

- 1.36.12.8 A result with an alcohol concentration of less than 0.02 will be recorded on the ATF; the result will be transmitted to the DER, with the test concluded without consequence. A result with an alcohol concentration of 0.02 or higher requires the employee to take a confirmation test. If the same BAT who conducted the alcohol screening test will also conduct the confirmation test, the test will begin immediately. If a different BAT will conduct the confirmation test, the technician conducting the screening test will direct the employee to the site where the test will take place. The technician will also advise the employee not to eat, drink, put anything (e.g., cigarette, chewing gum) into the employee's mouth, or belch, during the 15-minute waiting period until the test occurs. The employee will be observed by the technician or an employer representative on the way to the confirmation testing site. The employee will be directed not to attempt to drive a motor vehicle to the confirmation testing site.
- 1.36.12.9 The BAT will ensure that the time since the screening test has been at least 15 minutes, and the employee has been advised not to eat, drink, put anything (e.g., cigarette, chewing gum) into the employee's mouth, or belch. The BAT will conduct an air blank on the EBT in the presence of the employee. The reading must be 0.00 for the test to proceed. If the reading is greater than 0.00, another air blank must be conducted; the EBT must not be used (taken out of service) if the second reading is greater than 0.00. The EBT cannot be used for testing until it is found to be within tolerance limits on an external check of calibration. A new sealed mouthpiece will be opened, in view of the employee, and used for the test. The employee will be instructed 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. The results will be shown to the employee and printed for application to the ATF.
- 1.36.12.10 If the alcohol confirmation test result is lower than 0.02, nothing further is required of the employee. If the alcohol confirmation test result is 0.02 or higher, the BAT will immediately transmit the result directly to the DER in a confidential manner.
- 1.36.12.11 In situations where an employee is unable to provide sufficient saliva to complete a screening test, the Company will ensure that the employee takes a breath test

immediately. In situations where an employee is unable to provide sufficient breath to complete a test, the employee will be sent for an evaluation, by a licensed physician who is acceptable to the Company. The physician will have expertise in the medical issues raised by the employee's failure to provide a breath specimen, as well as be apprised of the consequences of the appropriate DOT agency regulation for refusing to take the required alcohol test. The physician will provide the Company with a signed statement of their conclusions. If it is the reasonable medical judgment of the physician, that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, the test will be canceled by the Company. If there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, this constitutes a refusal to test.

- 1.36.12.12 The Company will ensure that an alcohol test is canceled if a fatal flaw occurs. Fatal flaws are: 1) in the case of a screening test conducted on a saliva ASD or a breath tube ASD, the STT or BAT reads the result either sooner than or later than the time allotted by the manufacturer; the saliva ASD does not activate; the device is used for a test after its expiration date; or, in the case of a screening or confirmation test conducted on an EBT, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result; 2) in the case of a confirmation test the BAT conducts the confirmation test before the end of the minimum 15-minute waiting period; the BAT does not conduct an air blank before the confirmation test; there is not a 0.00 result on the air blank conducted before the confirmation test; the EBT does not print the result; or, the next external calibration check of the EBT produces a result that differs by more than the tolerance stated in the QAP from the known value of the test standard. In this case, every result of 0.02 or above obtained on the EBT since the last valid external calibration check is canceled.
- 1.36.12.13 The Company will ensure that an alcohol test is canceled if a correctable flaw occurs and is not corrected. Correctable flaws are: the BAT or STT does not sign the ATF; the BAT or STT fails to note on the "Remarks" line of the ATF that the employee has not signed the ATF after the result is obtained; and the BAT or STT uses a non-DOT form for the test.
- 1.36.12.14 The Company will ensure that BATs and STTs will try to successfully complete each alcohol test for an employee. If they become aware of a problem that will cause the test to be canceled, they will try to correct the problem promptly, if practicable. Repeating the test is an acceptable part of this process. If repeating the testing process is necessary, a new test (new ATF, new device) must begin as soon as possible. If repeating the testing process is necessary, the technician is not limited in the number of attempts to complete the test, provided that the employee is making a good faith effort to comply with the testing process. If another testing device is not available for the new test at the testing site, the technician will immediately notify the DER and advise the DER that the test could not be completed. The DER will make all reasonable efforts to ensure that the test is conducted at another testing site as soon as possible.
- 1.36.12.15 If the Company or its service agent administering the testing process becomes aware of

a correctable flaw that has not been corrected, all practicable action will be taken to correct the problem so that the test is not canceled. If the problem resulted from the omission of required information, the person responsible for providing the information must supply in writing the missing information and a signed statement that it is true and accurate. If the problem is the use of a non-DOT form, the technician must, as the person responsible for the use of the incorrect form, certify in writing that the incorrect form contains all the information needed for a valid DOT alcohol test. The technician must also provide a signed statement that the incorrect form was used inadvertently or as the only means of conducting a test, in circumstances beyond the technician's control, and the steps the technician has taken to prevent future use of non-DOT forms for DOT tests. The technician must supply this information on the same business day on which the collector was notified of the problem, transmitting it by fax or email.

## 1.37 CONTROLLED SUBSTANCES & ALCOHOL TESTS

1.37.1 Before performing each alcohol or controlled substances test under Part 382, the Company will notify the covered employee that the alcohol or controlled substances test is required by DOT and Part 382. The Company will not falsely represent that a test is administered under Part 382. Non-DOT drug and alcohol tests will be conducted separately, and individuals will be informed of such before the test is administered.

### 1.37.2 Pre-Employment Drug Testing

1.37.2.1 Prior to the first time a driver performs safety-sensitive functions for the Company, the driver must pass a drug test as a condition of employment. The Company will not allow a driver to perform a safety-sensitive function unless it has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.

### 1.37.3 Optional-Pre-employment Alcohol Testing

1.37.3.1 Under TERRY R PITT CONSTRUCTION'S independent authority, an applicant or employee transferring to a CDL safety-sensitive position will perform pre-employment alcohol testing under this policy.

1.37.3.2 Every applicant or employee transferring from a non-DOT function to a CDL safety-sensitive position will receive a pre-employment alcohol test. The alcohol test will be performed after a contingent offer of employment or transfer has been made and is subject to the employee having an alcohol test with a concentration below 0.02.

1.37.3.3 Pursuant to DOT regulations, the Company must make a "good faith effort" to obtain a covered employee's previous testing information from the employee's prior DOT-regulated employers, and such prior employers are required to provide the previous testing information to the Company. This information should be retained before the employee first performs safety-sensitive functions, unless this is not feasible, in which case the information should be obtained as soon as possible. In any event, an employee will not be allowed to perform a safety-sensitive function after 30 days from

the date he or she first performed a safety-sensitive function, unless the Company has obtained or made and documented a good faith effort to obtain the previous testing information. A separate release for each prior employer must be signed by the applicant for the prospective employer to legally receive and utilize the information.

- 1.37.3.4 In addition, the DOT requires the Company to ask applicants if they have failed or refused to participate in a DOT drug or alcohol pre-employment test within the past three (3) years with an employer who did not hire them.

#### 1.37.4 Post-Accident Drug Testing

- 1.37.4.1 Post-Accident drug testing is required of workers in safety-sensitive positions as soon as practicable following an occurrence that meets the description of a "DOT Accident." Such an accident would be one involving a CMV operating on a public road in commerce. The Company will test for controlled substances for each surviving driver:

- 1.37.4.1.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

- 1.37.4.1.2 Who receives 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:

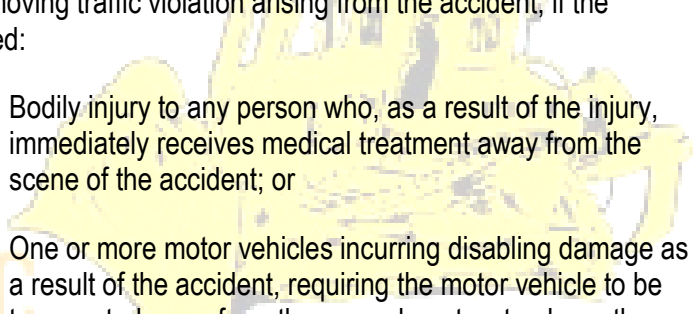
- 1.37.4.1.2.1 Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- 1.37.4.1.2.2 One or more motor vehicles incurring 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.

- 1.37.4.2 Tests should be administered as soon as possible but not to exceed 32 hours after an accident. If the test cannot be performed within 32 hours, the Company will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted. This record will be submitted to FMCSA upon request.
- 1.37.4.3 A driver who is subject to post-accident testing must remain available to be tested or the Company may consider the driver to have refused to submit to testing. Nothing in the regulations should 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 medical care.
- 1.37.4.4 The Company will provide drivers with necessary post-accident information, procedures, and instructions prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of the regulations.

Terry R.

PIT  
CONSTRUCTION INC.





## 1.37.5 Post-Accident Alcohol Testing

1.37.5.1 Post-accident alcohol testing is required of workers in safety-sensitive positions as soon as practical after any occurrence that meets the description of a "DOT Accident." An accident as defined by the regulation is an occurrence involving a CMV operating on a public road in commerce. The Company will test for alcohol for each surviving driver:

1.37.5.1.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

1.37.5.1.2 Who receives a citation within 8 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:

1.37.5.1.2.1 Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

1.37.5.1.2.2 One or more motor vehicles incurring 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.

1.37.5.2 A post-accident alcohol test should be administered within two (2) hours of an accident. If the test cannot be conducted within the two (2) hour time period, the Company will document the reason(s) for the time delay and maintain this information on file. If the test cannot be performed within eight (8) hours, all attempts to administer the test will be discontinued and the reason(s) why the test was not conducted will be documented. This record will be submitted to FMCSA upon request.

1.37.5.3 The driver must refrain from consuming alcohol for eight (8) hours after an accident or until the test has been completed. A driver who is subject to post-accident testing must remain available or the Company may consider the driver to have refused to submit to testing.

## 1.37.6 Post-Accident Tests Administered by Law Enforcement Officials

1.37.6.1 A driver may be directed to submit to a drug and/or alcohol test at an accident scene by any law enforcement officer. Whenever a law enforcement officer conducts a drug or alcohol test involving a driver covered by this policy, the driver must contact his/her supervisor or other Company official to report the test result.

1.37.6.2 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, will be considered to meet the requirements of the DOT/FMCSA regulations, provided such tests conform to the applicable Federal, State, or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

1.37.6.2.1 Whenever a driver is involved in an accident as defined by this policy and is not tested for drugs and/or alcohol by a law enforcement officer, the driver is required to immediately contact his/her supervisor or other Company official and remain available to be tested per the conditions outlined in this policy. The Company will provide instructions, so the driver can participate in a drug and/or alcohol test.

## 1.37.7 Random Testing

1.37.7.1 The Company will conduct random alcohol and controlled substances testing in accordance with DOT regulations. All such tests will be unannounced and performed at reasonable intervals throughout the year. The selection of drivers for random alcohol and controlled substances testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

1.37.7.2 Each driver selected for random alcohol and controlled substances testing under the selection process used will have an equal chance of being tested each time selections are made. Each driver selected for testing will be tested during the selection period. Drivers performing safety-sensitive functions will be subject to unannounced random testing at the minimum annual percentage rates established by the FMCSA (the current FMCSA annual random testing rates are ten percent (10%) for alcohol and fifty percent (50%) for drugs).

1.37.7.3 Whenever a driver is selected for a Random test, he or she will be notified of their selection and instructed to report to a collection site immediately. If the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the driver will be instructed to cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

1.37.7.4 Drivers are permitted to drive their CMV to collection sites for the purpose of providing a breath or saliva sample for an alcohol test or a urine specimen for a drug test after being notified of a random selection. A driver who tests positive or refuses to submit to a test is considered medically unqualified to drive and/or perform any other DOT-related safety-sensitive functions.

1.37.7.5 Random tests will be conducted without notice throughout the calendar year. Drivers may be tested at any time while the employee is at work for the Company. Random *alcohol* testing will only take place just before, during, or just after an employee has conducted a safety-sensitive function.

## 1.37.8 Reasonable Suspicion Testing

1.37.8.1 A covered employee is required to submit to a drug and/or alcohol test whenever the Company has reasonable suspicion to believe that the individual has used controlled substances and/or alcohol in violation of DOT regulations. The decision to conduct a

reasonable suspicion test must be based on "specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors" of a driver. Such observations may include indications of the chronic and withdrawal effects of controlled substances.

- 1.37.8.2 A supervisor or Company official who is trained in accordance with the regulations must make the required observations for a reasonable suspicion drug test. The person who makes the reasonable suspicion determination may not be the person who administers an alcohol test.
- 1.37.8.3 Whenever a driver is notified that there is reasonable suspicion to be tested, the driver is expected to report to the test site immediately and must be escorted by a supervisor, manager, or other person designate by the Company.
- 1.37.8.4 A reasonable suspicion alcohol test may only take place just before, during, or just after the period of the workday that the driver is required to be in compliance with the regulations.

#### 1.37.8.4.1 Alcohol

##### 1.37.8.4.1.1

Alcohol tests should be administered within two-hours of observation. If the Company is unable to conduct the test within the two-hour period, the Company will document the reasons for the time delay. If the test is not performed within eight hours, the Company will cease attempts to administer the test and document the reason(s) why the test was not conducted.

##### 1.37.8.4.1.2

If reasonable suspicion is observed and a test has not yet been performed, a driver will not be permitted to perform any safety-sensitive functions until an alcohol test has been performed and the result is less than 0.02; or 24 hours have passed following the reasonable suspicion determination.

##### 1.37.8.4.1.3

The Company will create a written record of the observations leading to an alcohol Reasonable Suspicion test—which will be signed by the supervisor or Company official who made the observations—within 24 hours of the observed behavior or before the results of the alcohol test is released, whichever is earlier.

#### 1.37.8.4.2 Controlled Substances

##### 1.37.8.4.2.1

Controlled substances (or drug) testing should be administered as soon as possible after making a reasonable suspicion determination. The documentation

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of the employee's conduct must be prepared and signed by a witness within twenty-four hours of the observed behavior or before the results of the drug test are released, whichever is earlier. If the drug test does not occur within thirty-two hours, the Company will cease attempts to have the test performed and document the reason(s) why the test was not conducted.

- 1.37.8.4.2.2 The Company will create a written record of the observations leading to a controlled substances Reasonable Suspicion test—which will be signed by the supervisor or Company official who made the observations—within 24 hours of the observed behavior or before the result of the controlled substances test is released, whichever is earlier.

#### 1.37.8.5 Return-to-Duty Testing

- 1.37.8.5.1 If the Company decides to permit an employee who has tested positive to return to the performance of safety-sensitive functions, it must ensure that the employee takes a Return-to-Duty test. This test must be completed after an evaluation by a Substance Abuse Professional (SAP), be consistent with any recommended rehabilitation, and be conducted before the performance of a safety-sensitive function. The result of a drug test must be negative; the result of an alcohol test must be less than 0.02.

- 1.37.8.5.2 The Return-to-Duty test may not be limited to a specific substance (i.e., controlled substances or alcohol separately). If the SAP determines that a multiple-substance abuse problem exists, a drug test may be performed in conjunction with an alcohol test. All Return-to-Duty tests must include an observed collection. Please refer to 49 CFR Part 40 (§ 40.67) in Subpart E for detailed information.

- 1.37.8.5.3 NOTE: The Company is not required to return an employee to safety-sensitive duties because the employee has met all of the conditions established by the SAP. That is a personnel decision that the Company has the discretion to make, subject to collective bargaining agreements or other legal requirements.

#### 1.37.8.6 Follow-Up Testing

- 1.37.8.6.1 A driver who tests positive must be evaluated by an SAP and follow a prescribed rehabilitation/treatment program. Following the determination that an employee needs to resolve problems associated with drug abuse and/or alcohol misuse, the Company will, when choosing to retain the individual, ensure that the employee is subject to unannounced, Follow-Up drug and/or alcohol testing as determined by the SAP.

- 1.37.8.6.2 The employee must, at a minimum, be subject to six unannounced Follow-Up tests in the first 12 months of safety-sensitive duty following the employee's return to safety-sensitive functions. The SAP may require a greater number of Follow-Up tests during the first 12-month period of safety-sensitive duty. The SAP may also require Follow-Up tests during the 48 months of safety-sensitive duty following this first 12-month period. The SAP can modify and/or terminate any testing requirements imposed by the SAP after the initial 12-month period.
- 1.37.8.6.3 The Company will not impose additional testing requirements (e.g., under Company authority) of the employee beyond those included in the Follow-Up testing plan directed by the SAP.
- 1.37.8.6.4 The choice of the SAP and the assignment of costs shall be made in accordance with Company agreements with its employees. Follow-Up alcohol testing must only be conducted just before, during, or just after a driver performs a safety-sensitive function. All Follow-Up tests must include an observed collection. Please refer to 49 CFR Part 40 (§ 40.67) in Subpart E for detailed observed collection information.

## 1.38 DRUG TESTING LABORATORY

- 1.38.1 TERRY R PITT CONSTRUCTION shall use for the drug testing required by the FMCSA regulation drug testing laboratories certified by the Department of Health and Human Services under the DOT Procedures. TERRY R PITT CONSTRUCTION utilizes the laboratory services listed in Appendix A to analyze the results according to 49 CFR Part 40 regulations.
- 1.38.2 Urine specimens are only authorized for DOT testing. All testing must be performed at a certified laboratory. The laboratory tests for the drugs required by DOT regulations of drug classifications for cocaine, marijuana, opioids, amphetamines, and PCP. All initial non-negatives will be confirmed using gas chromatography/mass spectrometry (GC/MS). The initial and confirmatory testing will use different chemical principles. DOT specimens will not be tested for any other drugs. DOT specimens will not be subject to DNA testing.
- 1.38.3 The laboratory will ensure that, on each DOT test, each specimen is also subjected to "validity testing." The purpose of validity testing is to determine if the employee tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen; pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.
- 1.38.4 When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process. When a laboratory discovers a "correctable flaw" (signature is omitted on the certification statement on the CCF) during its incoming specimens, the laboratory will attempt to correct it. If the laboratory is

unsuccessful in this attempt, it will report to the MRO that the specimen has been “Rejected for Testing” (with the reason stated).

1.38.5 If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. The DOT fatal flaws are as follows:

1.38.5.1 Specimen ID numbers on the CCF and the bottles do not match.

1.38.5.2 Not enough urine and the bottles cannot be re-designated.

1.38.5.3 Signs of tampering and the bottles cannot be re-designated.

1.38.5.4 Collector’s printed name and signature are missing.

1.38.5.5 No CCF (and a specimen was collected).

1.38.5.6 Two separate collections were performed using one CCF.

1.38.5.7 No specimen submitted with the CCF (and a specimen was collected).

1.38.6 The laboratory will open only the primary specimen (Bottle “A”) to conduct the two tests (initial and confirmatory). If the specimen tests negative in either test and does not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid.

1.38.7 The laboratory will report all results directly to our Medical Review Officer through a secured mechanism designed by the Laboratory and the MRO office.

## 1.39 CUT-OFF LEVELS

1.39.1 The following is the list of the 5 drugs required as part of a DOT drug test panel. Initial and confirmation cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA	15 ng/mL
Cocaine metabolites (Benzoyllecgonine)	150 ng/mL	Benzoyllecgonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL

Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone	100 ng/mL
		Hydromorphone	100 ng/mL
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone	100 ng/mL
		Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine	250 ng/mL
MDMA/MDA	500 ng/mL	MDMA	250 ng/mL
		MDA	250 ng/mL

## 1.40 MEDICAL REVIEW OFFICER (MRO)

1.40.1 TERRY R PITT CONSTRUCTION has designated a medical review officer (MRO) listed in Appendix A to verify results according to 49 CFR Part 40 regulations. Our MRO is a licensed physician who has the qualifications required by DOT Procedures which require the MRO to go through training and re-qualification meeting the requirements of 40 CFR Part 40. TERRY R PITT CONSTRUCTION utilizes the MRO services listed in Appendix A.

### 1.40.2 MRO Duties

- 1.40.2.1 Acts as an independent and impartial "gatekeeper" and advocate for the accuracy and integrity of the drug testing process.
- 1.40.2.2 Provides a quality assurance review of the drug testing process for the specimens under the MROs review. This includes, but is not limited to:
  - 1.40.2.2.1 Ensures the review of the CCF on all specimen collections for the purposes of determining whether there is a problem that may cause a test to be canceled
  - 1.40.2.2.2 Provides feedback to employers, collection sites, and laboratories regarding performance issues where necessary; and
  - 1.40.2.2.3 Reports to and consults with the ODAPC or a relevant DOT agency when requiring DOT assistance in resolving any program issue. As an employer or service agent, are prohibited from limiting or attempting to limit the

MRO's access to DOT for this purpose and from retaliating in any way against an MRO for discussing drug testing issues with DOT.

- 1.40.2.3 The MRO must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug tests results from the laboratory.
- 1.40.2.4 Even though the MRO reviews employees' test results, this does not deem that MRO has an established a doctor-patient relationship with the employees whose tests the MRO reviews.
- 1.40.2.5 The MRO must act to investigate and correct problems where possible and notify appropriate parties (e.g., HHS, DOT, employers, service agents) where assistance is needed, (e.g., canceled or problematic tests, incorrect results).
- 1.40.2.6 The MRO must ensure the timely flow of test results and other information to employers while protecting the confidentiality of the drug testing information.
- 1.40.2.7 The MRO must perform all the functions in compliance with Part 40 and other DOT agency regulations.

## 1.40.3 Negative Results

- 1.40.3.1 The MRO reviews 5% of all negative drug tests outlined by the 49 CFR Part 40 regulations. The MRO staff releases all negative drug test results as allowed by the regulations. A legible Copy 1 of the CCF or the electronic laboratory results and a legible Copy 2, must be in hand before releasing negative results to perform a QC function to ensure no discrepancies have occurred.
- 1.40.3.2 Option 1:
  - 1.40.3.2.1 If the MRO reports a negative dilute test that has a creatinine concentration greater than 5 mg/dL per 49 CFR Part 40.197 (b)(2), the Company has the opportunity to have an immediate recollection of the employee. This test will not be conducted under direct observation per the regulations unless the MRO directs you to do so. All employees with a negative dilute test for the test purpose(s) listed below will be asked by the DER to proceed to the collection facility for the recollection under the original reason for test with the most minimum possible advanced notice.
  - 1.40.3.2.2 TERRY R PITT CONSTRUCTION requires a recollection for negative dilutes on every list test. The recollection will be performed as a normal collection. It will not be direct observed in these events.
  - 1.40.3.2.3 The DER will explain to the employee the reason for recollection. Any employee that refuses to have the additional test will be immediately relieved from performing safety-sensitive functions, will be terminated, and referred to the SAP and complete the return to duty process before



performing covered functions for any employer as this is a refusal to test which is the same as testing positive for a substance.

1.40.3.2.4 The second test result is the result of record even if it is a negative dilute. A subsequent test will not be required.

1.40.3.3 Option 2:

1.40.3.3.1 This Company will not require a re-collection of a urine specimen if the result is negative-dilute.

1.40.3.3.2 If the dilute specimen has a creatinine concentration equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL, the MRO shall require a recollection of the specimen **under direct observation**.

#### 1.40.4 Positive Results

1.40.4.1 The MRO is required to review all positive, adulterated, substituted, and invalid drug test results provided by the laboratory. The MRO reviews Copy 1 of the Federal Custody and Control form to determine if there are any fatal or correctable errors that may require the test to be canceled.

1.40.4.2 The MRO reviews Copy 1 of the Federal Custody and Control form ensure that it is consistent with the information contained on Copy 2, that the test result is legible, and that the certifying scientist signed the form.

1.40.4.3 The MRO conducts a confidential verification interview with the employee if the employee wants to discuss the result. The MRO, when in contact with the employee, will explain to the employee that if he or she declines to discuss the result, the MRO will be required to verify the test as positive or as a refusal to test because of adulteration or substitution, as applicable.

1.40.4.4 The MRO's staff may conduct this initial contact for MRO under the MRO's direction. The staff contact is to schedule the discussion between the MRO and the employee and explain the consequences of the employee declining to speak with the MRO. (i.e., that the MRO will verify the test without input from the employee). If the employee declines to speak with the MRO, the MRO's staff person will document the employee's decision, including the date and time.

1.40.4.5 The MRO's staff person may advise an employee to have medical information (e.g., prescriptions, information forming the basis of a legitimate medical explanation for a confirmed positive test result) ready to present at the interview with the MRO.

1.40.4.6 The MRO will make three attempts spread reasonably during a 24-hour period to contact the employee. If after the 24-hour period and the employee did not contact the MRO, the MRO will contact the DER with a statement that he has made three attempts to contact the employee with no response. The MRO will direct the DER to contact the employee for the employee to call the MRO.

- 1.40.4.7 The DER is to make three attempts within the next 24-hour period. If successful contact is made (talks to the employee), the DER is to notify the MRO that contact was made with documentation of the date and time the contact was made. The DER must inform the employee that he or she should contact the MRO immediately. The DER must also inform the employee of the consequences of failing to contact the MRO within the next 72 hours. The consequences are that the MRO will report the non-negative test event to the DER after 72 hours has passed if no contact has been made with the MRO.
- 1.40.4.8 If the employee does not call the DER within the 24-hour period, the DER may leave a message for the employee such as leaving a voicemail on the employee's personal cell phone, by personal email, or by letter by US mail. Because the DER has exhausted all reasonable efforts to contact the employee but failed to do so, the employee may be placed on temporary medically unqualified status or medical leave.

## 1.40.5 MRO Notification to Employee

- 1.40.5.1 At the beginning of the confidential verification interview, the MRO will explain to the employee that the laboratory has determined that the employee's test result is positive, adulterated, substituted, or invalid. The MRO will tell the employee the drug(s) for which their specimen tested positive or the basis for the finding of adulteration or substitution.
- 1.40.5.2 The MRO will explain the verification interview process to the employee and inform the employee that the MRO's decision will be based on information the employee provides during the interview.
- 1.40.5.3 The MRO will explain that, if further medical evaluation is needed for the verification process, the employee must comply with the MRO's request for this evaluation and that failure to do so is equivalent of expressly declining to discuss the test result.
- 1.40.5.4 The MRO will warn the employee who has a confirmed positive, adulterated, substituted, or invalid test that the MRO is required to provide to third parties drug test result information and medical information affecting the performance of safety-sensitive duties that the employee gives to the MRO in the verification process without the employee's consent. This means that any information provided by the employee to the MRO such as medications or other substances that will or may present a significant safety risk or may be medically disqualifying for the position, the MRO will report a safety concern to the Company.

## 1.40.6 MRO Notification of Employee Right to Test the Split Specimen

- 1.40.6.1 If the MRO determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO will inform the employee of the following procedure in which to request a test of the split specimen if the employee desires.
- 1.40.6.2 The MRO informs the employee they have up to 72 hours from the time the MRO

interviews the employee regarding the test result. The MRO gives the employee the MRO's phone number to call to request another SAMHSA certified laboratory to test the split specimen which is Bottle B performed during the collection. The MRO will immediately order the split sample testing when the employee informs the MRO of the request. The MRO also will inform the employee that the company may require the employee to pay for the cost of shipment (if any) and reanalysis of the sample. The MRO will inform the employee that the laboratory is not allowed to perform additional tests of the specimen nor will DNA tests be authorized.

## 1.40.7 MRO Correctable Flaws

1.40.7.1 When the MRO discovers a "correctable flaw" during their review of the CCF, the MRO must cancel the test unless the flaw is corrected. The following are correctable flaws that the MRO must attempt to correct:

1.40.7.1.1 The employee's signature is omitted from the certification statement, unless the employee's failure or refusal to sign is noted on the "Remarks" line of the CCF.

1.40.7.1.2 The certifying scientist's signature is omitted on the laboratory copy of the CCF for a positive, adulterated, substituted, or invalid test result.

1.40.7.1.3 The collector uses a non-Federal form or an expired Federal form for the test. The flaw may be corrected using the following procedure, provided that the collection testing process has been conducted at an HHS-certified laboratory:

1.40.7.1.3.1 If the problem is the use of a non-Federal form or an expired Federal form, you must provide a signed statement (i.e., a memorandum for the record). It must state that the incorrect form contains all the information needed for a valid DOT drug test, and that the incorrect form was used inadvertently or as the only means of conducting a test, in circumstances beyond your control. The statement must also list the steps you have taken to prevent future use of non-Federal forms or expired Federal forms for DOT tests. For this flaw to be corrected, the test of the specimen must have occurred at an HHS-certified laboratory where it was tested consistent with the requirements of this part. You must supply this information on the same business day on which you are notified of the problem, transmitting it by fax or courier.

1.40.7.1.4 Written documentation of a correction with the CCF must be maintained.

1.40.7.1.5 The CCF is to be marked and to make it obvious on the face of the CCF that the flaw has been corrected.

1.40.7.1.6 If the test cannot be corrected, the MRO must cancel the test.

## 1.40.8 MRO Reporting of Results

1.40.8.1 All drug test results will be reported to the Company DER in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the employee has signed the form. The time period from collecting the specimen to reporting the verified test result is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to the DER until all information required for the employee interview is received and approved by the MRO. The Company may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use Copy 2 of the CCF for reporting results, the MRO will maintain a copy of the signed or stamped report in addition to the signed or stamped and dated Copy 2. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a suitable format for inspection and auditing by a DOT representative.

## 1.41 CONSEQUENCES FOR POLICY VIOLATIONS

1.41.1 NOTE: In accordance with DOT regulations, "any employer or driver who violates the requirements of [Part 382] 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 Part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b)."

### 1.41.2 Removal from Safety-Sensitive Function

- 1.41.2.1 Upon receiving notice of a verified positive drug test result or a verified adulterated or substituted drug test result, the Company will immediately remove the individual involved from performing safety-sensitive job functions. This action will occur when the Company receives the initial report of the verified positive test result. The Company will not wait to receive the written report or the result of a split specimen test.
- 1.41.2.2 Upon receiving notice of an alcohol test result of 0.04 or higher, the Company will immediately remove the individual involved from performing safety-sensitive functions. If the Company receives an alcohol test result of 0.02—0.039, it will temporarily remove the employee involved from performing safety-sensitive functions. The Company will not wait to receive the written report of the result of the test.
- 1.41.2.3 When an employee violates this policy in any way, including producing a verified positive, adulterated, or substituted test result, the Company will not permit the individual to perform safety-sensitive functions until or unless the individual successfully completes the return-to-duty process explained below in this policy.
- 1.41.2.4 Employees who are prohibited from performing safety-sensitive functions due to violations of this policy will be advised by the Company of the resources available in evaluating and resolving the drug and/or alcohol problem. This will include the names,

addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

- 1.41.2.5 The Company is not required to directly provide or pay for SAP services. The Company will not charge the employee for providing listings of SAP services.

### 1.41.3 Return-to-Duty Procedures

- 1.41.3.1 Before the driver who has tested positive for controlled substances or who has an alcohol concentration of 0.04 or greater can return to a safety-sensitive position, he or she must:

- 1.41.3.1.1 Meet with a Substance Abuse Professional (SAP) for an initial evaluation;

- 1.41.3.1.2 Properly follow all recommended education, rehabilitation, or treatment;

- 1.41.3.1.3 Meet with the SAP for a follow-up evaluation to determine whether the individual has successfully complied with the SAP's education and/or treatment program;

- 1.41.3.1.4 Take and provide a negative Return-to-Duty drug and/or alcohol test, which will involve a directly observed collection; and

- 1.41.3.1.5 Be subject to Post-Rehabilitation/Follow-Up testing for up to sixty (60) months, to include a minimum of six (6) Follow-Up tests in the first twelve (12) months after the Return-to-Duty test with an alcohol concentration of less than 0.02 and a negative drug test. The SAP may terminate the requirement for the Follow-Up testing at any time after the first 12 months if the SAP determines that such testing is no longer necessary.

### 1.41.4 Alcohol Positive between 0.02 and 0.04

- 1.41.4.1 A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to perform a safety-sensitive transportation function for at least twenty-four (24) hours.

- 1.41.4.2 Except as provided in the above paragraph, the Company will not take any action under the DOT regulatory authority against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the Company, with authority independent of the regulation, from taking any action. If the Company chooses to take such action it will do so in accordance with all applicable state and local laws.

## 1.42 (OPTIONAL) VOLUNTARY ADMISSION OF SUBSTANCE ABUSE

- 1.42.1 The Company encourages all employees who need assistance in dealing with alcohol abuse or drug dependency problems to seek appropriate counseling and/or treatment through various private and public organization that are available. Employees who voluntarily come forward and admit to alcohol misuse or controlled substances use are not subject to disciplinary action or the referral, evaluation,

and treatment requirements of the DOT regulations, provided that:

- 1.42.1.1 The admission is in accordance with a written Company-established voluntary self-identification program or policy that meets the requirements of the regulation;
- 1.42.1.2 The driver does not self-identify in order to avoid alcohol or controlled substances testing under the requirements of the regulation;
- 1.42.1.3 The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- 1.42.1.4 The driver does not perform a safety-sensitive function until the Company is satisfied that the individual has been evaluated and has successfully completed all education and/or treatment requirements.
- 1.42.1.5 Prior to returning the employee to safety-sensitive functions, the employee must undergo a return-to-duty test with a result indicating an alcohol concentration of less than .02 and/or a verified negative drug test result.
- 1.42.1.6 NOTE: Refer to § 382.401 of the FMCSA regulations for the qualifications of an employer-established voluntary self-identification program or policy.

## 1.43 RETENTION OF RECORDS

- 1.43.1 The Company will maintain records of its alcohol misuse and controlled substances use prevention programs as required by DOT. The records will be maintained in a secure location with controlled access. For complete details regarding the requirements of the retention of records see § 382.401 of the FMCSA regulations.

## 1.44 EMPLOYER NOTIFICATIONS

- 1.44.1 The Company is required to notify a driver of the results of a Pre-Employment controlled substances test if the individual requests such results within 60 calendar days of being notified of the employment application status.
- 1.44.2 Regarding employees, the Company must notify a driver of the results of random, reasonable suspicion, and post-accident controlled substances tests if the test results are verified positive. As part of this report the Company will inform the employee which controlled substance or substances were verified as positive.
- 1.44.3 The DER will make reasonable efforts to contact a driver, regardless of that individual's employment status, to let him or her know of their right to discuss the results of the test with a medical review officer who has been unable to contact that person.
- 1.44.4 The DER will immediately notify the medical review officer that the driver has been notified to contact the MRO within 72 hours.

## 1.45 SUPERVISOR TRAINING

1.45.1 The Company will provide to each supervisor at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. The intent of the training is to help supervisors to determine whether reasonable suspicion exists to require a driver to undergo drug and/or alcohol testing. As such, training will cover the physical, behavioral, speech, and performance indicators of alcohol misuse and use of controlled substances.

## 1.46 EMPLOYEE EDUCATION

1.46.1 Each covered employee will be provided with information regarding the content of this policy. Additionally, covered employees will receive information regarding the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

### 1.46.2 Certificate of Policy Receipt

1.46.2.1 The Company will ensure that each driver signs a statement certifying that he or she has received a copy of the Company's policy, as well as applicable educational materials. The Company will maintain the original of the signed certificate and will provide a copy of the certificate to the driver upon request.

## 1.47 CONFIDENTIALITY

1.47.1 Except as otherwise provided for by DOT, the Company is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.

1.47.2 A "third party" is any person or organization not explicitly authorized or required by the regulations to be informed of controlled substances and/or alcohol testing results or any other matters regulated to this policy.

1.47.3 "Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified person or organization at a particular time. "Blanket releases," in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties (e.g., other employers who are members of a consortium, companies to which the employee may apply for employment), are prohibited by DOT.

1.47.4 The Company may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings, including: a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the Company), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).

- 1.47.5 Included in these proceedings are criminal or civil actions resulting from an employee's performance of safety-sensitive duties, in which a court determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information.
- 1.47.6 The Company may be required to release information under certain circumstances, such as when it receives a specific, written consent from an employee authorizing the release of information about that employee's drug or alcohol tests to an identified person, upon request of DOT agency representatives, when requested by the National Transportation Safety Board as part of an accident investigation, and when requested by a federal, state, or local safety agency with regulatory authority over the Company or the employee.

## 1.48 RESERVATION OF RIGHTS

- 1.48.1 This policy, with specific DOT-related application, supersedes and revokes any other practice or policy of the Company relating to the use of controlled substances and/or alcohol in the workplace and drug and/or alcohol testing. This policy automatically incorporates any changes to 49 CFR Part 40 and/or 49 CFR Part 382 or related regulations or statutes which govern the use of controlled substances and alcohol by employees who hold a CDL and who drive a CMV.
- 1.48.2 This policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this policy does not in any way affect or change the status of any at-will employee. Nothing in this policy is a promise or guarantee or should be construed as a promise or guarantee that the Company will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative, or otherwise.

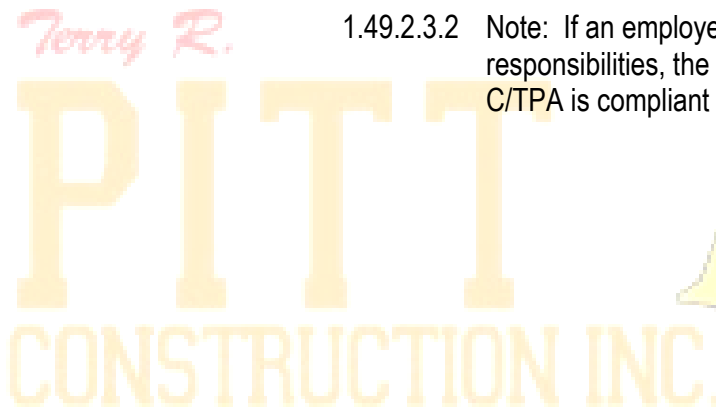
## 1.49 CLEARINGHOUSE REPORTING REQUIREMENTS

- 1.49.1 As part of the continuing efforts to promote safe roadways and to ensure only qualified CDL drivers are performing safety-sensitive duties, a database was created that will contain pertinent information containing CDL drivers' drug and alcohol testing violations. Employers will be required to query the database on an annual basis for current employees and as part of the pre-employment screening process for all covered prospective employees.
- 1.49.2 The following outlines the responsibilities for the reporting entity and when and what information is required to be reported to the clearinghouse. They are as follows:
  - 1.49.2.1 Prospective/Current Employer of CDL Driver must report within 3 business days:
    - 1.49.2.1.1 An alcohol confirmation test with a concentration of 0.04 or higher.
    - 1.49.2.1.2 Refusal to test (alcohol) as specified in 49 CFR 40.261.
    - 1.49.2.1.3 Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
    - 1.49.2.1.4 Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used



alcohol prior to post-accident testing, or has used a controlled substance.

- 1.49.2.1.5 Negative return-to-duty test results (drug and alcohol testing, as applicable)
- 1.49.2.1.6 Completion of follow-up testing.
- 1.49.2.2 Medical Review Officer (MRO) must report within 2 business days:
  - 1.49.2.2.1 Verified positive, adulterated, or substituted drug test result.
  - 1.49.2.2.2 Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191.
- 1.49.2.3 Substance Abuse Professional (SAP) must report within one business day:
  - 1.49.2.3.1 Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing (identification of driver and date the initial assessment was initiated).
  - 1.49.2.3.2 Note: If an employer uses a C/TPA to comply with the employer reporting responsibilities, the employer remains responsible for ensuring that the C/TPA is compliant for such reporting



## Attachment to FMCSA Drug-Free Workplace Policy

### Signs and Symptoms of Drug and Alcohol

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents. Problems relating to or communicating with supervisors, coworkers, or customers, following directions, concentrating, or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills, and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, "hyper" or unusually anxious, hostile, or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections, and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs, or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders, and empty alcohol containers. Physical symptoms of use can include:

Marijuana and alcohol odors

Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils

Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores

Needle tracks or blood spots on clothing

Tremors, racing, or irregular heartbeats

Slurred or incoherent speech

Confusion, anxiety, paranoia

Coordination problems

Lethargy and sleepiness

### Effects of Drugs and Alcohol

Drugs and alcohol can harm health and the workplace in a variety of ways.

#### Alcohol

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse.



Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol, i.e., a single drink, can harm driving performance. In large doses, alcohol significantly impairs coordination, memory, and judgment.

Over time, alcohol misuse damages the liver, the heart, the digestive system, and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment, and can affect the ability to get along with and work constructively with coworkers and customers. Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment, and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer, and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each "drink" of alcohol. Coffee, exercise, and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration in excess of DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

## **Cocaine**

Cocaine is a powerful stimulant that can be inhaled up the nose, injected, or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting, and raises the body's temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated overconfidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid, and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands, or engage in other compulsive behaviors.

## **Amphetamines/Methamphetamine**

Amphetamines, also known as "speed," are powerful stimulants that are often abused by employees because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses, or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia, and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user's blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems, and may exhibit symptoms of permanent brain damage.

Methamphetamine is a dangerous stimulant that is double synthesized from amphetamine and is not used for any medical purposes. Unlike amphetamines, which does have a potential for causing tolerance and abuse but only with time, methamphetamine use can quickly lead to tolerance and addiction. Abusers who use meth will often require higher dose of the drug, more often with only a couple of uses.

## **Marijuana**

Marijuana is a hallucinogen that alters the user's sense of time and reduces the user's ability to perform tasks requiring coordination, swift reactions, and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains a number of known carcinogens. Many experts believe that marijuana is actually healthier to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user's ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

## **Opiates/Opioids**

An opiate is a narcotic analgesic that directly depresses the central nervous system and the processes associated with the entire central nervous system. There are three types of opiates: natural, synthetic, and semi synthetic. While some of these drugs are used for medicinal purposes, others are illegal and highly dangerous. However, all opiates can become addictive when abused.

Natural opiates are substances that occur naturally within the poppy plant. While they are often thought to be less harmful than synthetics, they can still become addictive and cause dangerous respiratory depression. The natural opiates include opium, morphine, and codeine.

Synthetic opiates are drugs that are completely manmade in "chemical laboratories" with a similar "chemical structure" to the natural opiates. These drugs are widely used and cause the same basic effects that natural opiates produce. Some examples of synthetic opioids include methadone and fentanyl.

Semi synthetic opiates are derived from natural opiates to make other substances. They have a combination of natural opiates and synthetic opiates. Semi synthetic opiates were developed in the early 20<sup>th</sup> century. They were meant to be safer and more effective than the use of natural opiates for medical purposes but can still have the same side effects as opiates.

Heroin is a semi synthetic opiate and is the strongest opiate and the most abused opiate drug derived from morphine. Heroin use has been increasing in recent years because of the availability and is rather inexpensive. This new stronger heroin can be smoked or snorted.

Heroin can also be injected using needles. There is no medicinal use for this drug. Other common semi synthetic opiates include meperidine, oxycodone, oxymorphone, hydrocodone, and hydromorphone.

Opiates and opioids are not the same thing, although many people use the terms interchangeably. Opiates or opiate drugs originate from naturally occurring alkaloids found in the opium poppy plant. Whereas opioids are synthetic or partly synthetic drugs that are manufactured to work in a similar way to opiates.

All types of opiate drugs alter the way that pain is perceived, thus making the individual who has taken the drug experience less pain. The drugs may also calm anxiety, cause relaxation, and induce a pleasant sense of euphoria. Opioids are among the most commonly prescribed drugs in the world and are highly addictive. Therefore, it may not come as a surprise that abuse and addiction of opioids has increased in the recent years.

## PCP

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950s and used for a while as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and policemen or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see, and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion, and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech, or engage in some of the violent and bizarre behaviors mentioned above.

## TERRY R. PITT CONSTRUCTION INC.

### Acknowledgement of Receipt of Policy

I hereby acknowledge that I have received, read, and understand my Company's Drug-Free Workplace Program Policy required by Department of Transportation (DOT) regulations. I understand that I am subject to and must adhere to the DOT regulations and must abide by terms of the Company's Policy as a condition of employment with TERRY R PITT CONSTRUCTION.

I understand:

I may be required to submit to drug and/or alcohol tests based on Department of Transportation regulations as directed by the Company;

Laboratory test results will be released in accordance with the Policy and based on Department of Transportation regulations to the Medical Review Officer (MRO) selected by TERRY R PITT CONSTRUCTION and I authorize the release of the results of a saliva or breath alcohol test by a certified technician to TERRY R PITT CONSTRUCTION;

The Company's Policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination, in addition to any action required by DOT regulations; and

Refusal to submit to a drug and/or alcohol test in accordance with the Policy is a violation of DOT regulations and the Policy, and may result in disciplinary action, including but not limited to suspension (with or without pay) or termination of employment, in addition to action required by DOT regulations.

**THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND UNDERSTANDS THE CONTENTS THEREOF.**

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Company Name: TERRY R PITT CONSTRUCTION

**NOTE:** This certificate should be retained in a secured file.

## Appendix A DRUG PERSONNEL AND SERVICES

### 1. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

Shoni Roundy

180 Pollux Dr Rock Springs, WY 82901

307-362-8077

### 2. THIRD-PARTY ADMINISTRATOR (TPA)

DISA Global Solutions, Inc.

10900 Corporate Centre Drive, Suite 250

Houston, Texas 77041

281-673-2400

### 3. MEDICAL REVIEW OFFICER (MRO) University Services-Terri Hellings, MD.

2837 Southhampton Road

Philadelphia, Pennsylvania 19154

800-624--3784

### 4. HHS-CERTIFIED LABORATORY [Name]

[Address]

[Telephone Number]

### 5. COLLECTION FACILITIES

[Name]

[Address]

[Telephone Number]

EBT DEVICE:



6. EMPLOYEE ASSISTANCE PROGRAM (EAP)

[Name]

[Address]

[Telephone Number]

7. SUBSTANCE ABUSE PROFESSIONAL (SAP)

[Name]

[Address]

[Telephone Number]

*Terry R.*  
**PITT**  
CONSTRUCTION INC.

