

YOUR COMPANY NAME
And LOGO Here

Drug & Alcohol Policy

(For All Company Employees)

DISCLAIMER: TO ALL AADT CLIENTS.

This is a SAMPLE Drug & Alcohol Testing Policy that should be used along with your own general company policy. It is intended to be broad and applicable to a wide variety of industries and work environments. Because policies and procedures may vary based on state laws, company size, industry, organizational culture and other factors, this handbook should be customized to reflect your company's needs. Again, this policy is furnished as a sample for your use, and is not intended as legal advice or opinion, as there is no substitution for your own counsel to review your specific policy. Should the Company decide to adopt it as policy, it is your responsibility to assure it is not in conflict with state, county, local or union labor laws or agreements and updated. It is also in your best interest that legal counsel or labor relations specialists are consulted prior to implementing any type of company policy. **It has been drafted in a MS Word Document format with the Navigation Pane (left) for easy navigation and editing. The areas in red should contain your specific company information. Once edited, don't forget to change the type to black and remove the sections which are not applicable to your company.**

(If you intend to use this document, please remove this disclaimer.)

INTRODUCTION

It is the policy of (**Your Company Name**) (herein referred to as the “Company”) that the use, sale, purchase, transfer, possession, or presence in one’s system of any controlled substance (except medically prescribed drugs) by any (**utilize the definition that is used within your company handbook to describe your employees – they can be just “employees” or e.g. “team member”**) while on the Company’s premises, engaged in Company business, operating Company equipment, or while under the authority of the Company is strictly prohibited.

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

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

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

Aspects of the Company’s operations are subject to regulation by various federal, state and local agencies, therefore certain Company employees are subject to the terms and conditions of this Drug and Alcohol Policy, the terms and conditions of which are hereby incorporated within the (**Company Policy Name**). The serious impact of drug use and alcohol abuse has been recognized by the federal government. Consequently, the Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the Company to enhance its alcohol and controlled substance program. This is a “Supplemental” or addition to the (**Company Policy Handbook**), it is meant to educate the Company’s employees about this enhanced program with the focus on drug and alcohol testing.

It is the Company’s intent that the policies and procedures in this Drug and Alcohol Policy be consistent with provisions contained in the (**Company Policy Name**). In the unlikely event that the terms of this Drug and Alcohol Policy conflict with any provision contained in the Employee Handbook, the terms and conditions of this Drug and Alcohol Policy shall control. Violation of any provision contained in this Drug and Alcohol Policy shall be deemed a violation of the Company’s overall drug and alcohol policy and will result in disciplinary action, up to and including termination.

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

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

For More Information About DOT Requirements or Our Company Policy

Contact the Company’s Safety (**Title**) at (**Phone Number**). As of the date of issuance of this D&A Policy, the Company’s Safety (**Title**) is (**Full Name**). This person also serves as the Company’s role of Designated Employer Representative (DER).

This policy is effective (Date of Hire).

CONFIDENTIALITY/RECORDKEEPING

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

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

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

EMPLOYEE CATEGORIES SUBJECT TO TESTING

This Supplemental Drug and Alcohol Policy applies to all employees, including, but not limited to, (List all company positions/titles subject to testing, including safety sensitive employees, managers etc.).

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

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

DRUG & ALCOHOL PROHIBITIONS

Employees are strictly prohibited from engaging in the following activities:

Drug Prohibitions

- Use of any controlled substance, except when administered by, or under the instructions of, a licensed medical practitioner, who has advised the employee that the substance will not affect the employee's ability to perform a safety-sensitive function. Be advised that the use of marijuana for medicinal purposes is not a legitimate explanation. Under federal law, the use of marijuana does not have a legitimate medical use in the United States.

- These are the drugs that will be tested for. All Testing conducted according to SAMHSA's guidelines checks for a **Five-Panel** illicit drugs plus, alcohol (ethanol, ethyl alcohol, booze).

These five illicit drugs are:

- Amphetamines (meth, speed, crank, ecstasy)
- THC (cannabinoids, marijuana, hash)
- Cocaine (coke, crack)
- Opiates (heroin, opium, codeine, morphine)
- Phencyclidine (PCP, angel dust)

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

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

- Barbiturates (phenobarbital, butalbital, secobarbital, downers)
- Benzodiazepines (tranquilizers like Valium, Librium, Xanax)
- Methaqualone (Quaaludes)

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

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

Testing can also be done for:

- Hallucinogens (LSD, mushrooms, mescaline, peyote)
 - Inhalants (paint, glue, hairspray)
 - Anabolic steroids (synthesized, muscle-building hormones)
 - Hydrocodone (prescription medication known as Lortab, Vicodin, Oxycodone)
 - MDMA (commonly known as Ecstasy)
- Sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the Company's premises, engaged in Company business, operating Company equipment, or while under the authority of the Company.
 - Testing positive for a controlled substance (except medically prescribed drugs).
 - Refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up drug test.

Alcohol Prohibitions

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

Definitions

- *Alcohol* is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- *Alcohol use* is defined as the consumption of any beverage, mixture, or preparation, including any medication (prescribed or over-the-counter, intentional or unintentional), containing alcohol.
- *Covered Employee* shall include all active employees of (**Company/agency name and its parent, subsidiaries and affiliates**) who are subject to the terms and conditions of this Supplemental Drug and Alcohol Policy. Acknowledgement of Receipt of this Drug and Alcohol Policy shall be indication that the employee is subject to the policy.
- *Safety-Sensitive Functions* shall include: (1) all time spent at a distributor warehouse, other property, or on any public property, waiting to be dispatched, unless the employee has been relieved from duty by his or her supervisor; (2) all time spent inspecting, servicing, or conditioning any motor vehicle at any time; (3) all time spent at the driving controls of a motor vehicle in operation; (4) all time, other than driving time, in or upon any motor vehicle; (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) all time fueling, repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. **(7) Remove those functions that may not apply and include all others that do.**
- *General Applicability*: A employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any and all functions described or related to these described here.

TYPES OF DRUG & ALCOHOL TESTING

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

Pre-Employment (drug only)

Employees shall be subject to a drug test prior to employment. No employee shall be permitted to perform any safety-sensitive function, including the driving of any company vehicle, until they have received a negative drug test result.

Post-Accident

In the event of an accident involving a commercial motor vehicle operating on a public road in commerce, the involved employee shall be subject to a drug and alcohol test in the following circumstances:

- If the accident involved the loss of human life;
- If the employee receives a citation for a moving traffic violation arising from the accident, and the accident involves either:
 - Bodily injury to any person who immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage requiring the motor vehicle to be transported away from the scene by tow.

Random

Employees shall be subject to random drug and alcohol testing. Random testing will be conducted without notice to randomly selected employees. Employees may be grouped into drug and alcohol testing pools based on job function, safety sensitive drivers must be in a separate pool and could include (eg. mechanic with a CDL). All employees within each pool have an equal chance of testing.

Reasonable Suspicion

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

Return-to-Duty & Follow-Up

Employees retained by the Company after a positive test result or a test refusal shall be subject to return-to-duty drug and alcohol testing. No employee shall be permitted to perform any safety-sensitive function until they have received a verified negative drug and alcohol test result. Thereafter, such employees will be subject to certain follow-up drug and alcohol testing as established by Substance Abuse Professional (SAP).

DOT DRUG & ALCOHOL CONSEQUENCES

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

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

Consequences of a Verified Positive Drug Test

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

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

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

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

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

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

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

REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

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

Drug Test

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

Alcohol Test

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

DRUG & ALCOHOL TESTING PROCEDURES

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

Drug Testing Procedures

- A DOT drug testing Chain of Custody Form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.
- A collection kit meeting the requirements of Part 40, Appendix A of the DOT regulations must be used for the drug test.
- The collection of the specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security and temporary storage and transportation of the specimen to a certified laboratory.
- The employee should have and present positive identification to the collector. The employee may also request positive identification of the collection site employee.
- The employee must provide a specimen meeting the specified volume and temperature requirements.
- All identifying information must be entered on the CCF by the collection site person. The CCF will be signed by the collector, certifying collection was accomplished in accordance with the instructions provided. The employee must also sign the CCF indicating the specimen was his/hers.
- A urinalysis will be performed by a laboratory certified by the Department of Health and Human Services (DHHS) that has been retained by the Company. The laboratory will be required to maintain strict compliance with federally-approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.
- The laboratory must report all test results directly to the Company's designated medical review officer (MRO). The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternative medical explanations could account for the test results. The MRO must also give the employee who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the Company's designated employer representative (DER).
- A employee who receives a positive, adulterated, or substituted drug test result has 72 hours to request the test of the split specimen (which is provided at the time of original collection). If the employee requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. The employee will pay for the testing of the split specimen.

Alcohol Testing Procedures

Alcohol testing may be conducted by a qualified Screening Test Technician (STT) or Breath Alcohol Technician (BAT). STTs are only permitted to conduct the first test given to an employee by using either a breath or saliva test (Screening Test). A BAT is authorized to conduct a Screening Test, but, unlike a STT, is also authorized to conduct the second test given to an employee whose test result

is **.02** or above (Confirmation Test). For a Screening Test, the STT or BAT may use an approved Alcohol Screening Device (ASD) or an Evidential Breath Testing device (EBT). For a Confirmation Test, the BAT is required to use an EBT.

Screening Tests

- The DOT Alcohol Testing Form (ATF) will be used to document the results of an alcohol screening test.
- The testing will be performed in a private setting. Only authorized personnel will have access and are the only individuals who can see or hear the test results.
- The employee should have and present positive identification to the STT or BAT at the test site. The employee may also request positive identification of the STT or BAT.
- When an ASD is used, the STT or BAT must check the device's expiration date and show it to the employee. A device may not be used after its expiration date.
- The STT or BAT will open an individually wrapped or sealed package containing the device in front of the employee and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.
- The employee must work with the STT or BAT to perform the test, which includes the insertion of the device mouth piece in the employee's mouth and the exhalation (breathing out) must be performed in the manner described by the device's manufacturer.
- The STT or BAT should wear single-use examination gloves and must change the gloves following each test.
- When the device is removed from the employee's mouth, the STT or BAT must follow the manufacturer's instructions to ensure the device is activated.
- If the procedures listed above cannot be successfully completed, the device must be discarded and a new test must be conducted using a new device. The employee will be offered the choice of using the new device or having the STT or BAT use the new device for the test.
- If the new test cannot be successfully completed, the employee will be directed to immediately take a screening test using an EBT.
- When an EBT is used, the mouthpiece of the breath testing device must be sealed before use and opened in the employee's presence. The mouthpiece is then inserted into the breath testing device.
- The employee must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.
- Once the test is completed, the BAT must show the employee the results.
- The result displayed on the device must be read within 15 minutes of the test. The STT or BAT must show the employee the device and its reading and enter the result on the ATF.
- If the reading on the ASD or EBT is less than **.02**, both the employee and the STT or BAT must sign and date the result form. The form will then be confidentially forwarded to the Company's DER. No further testing is authorized.
- If the reading on the ASD or EBT is **.02** or more, a confirmation test must be performed.

Confirmation Tests

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

RETURN-TO-DUTY PROCESS AND FOLLOW-UP PROCEDURES (If Applicable)

The Company is not required to provide a Substance Abuse Professional (SAP) evaluation or any subsequent recommended education or treatment through an employee assistance program for an employee who has violated a DOT drug and alcohol regulation. If the Company, at its sole discretion, offers the employee an opportunity to return to a DOT safety-sensitive duty following a violation, the Company must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of the regulations and that the employee successfully complies with the SAP’s evaluation recommendations.

SAP Responsibility

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

Return-to-Duty Testing

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

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

Follow-Up Testing

- A SAP must establish a written follow-up testing plan for each employee who has committed a DOT drug or alcohol regulation violation and who seeks to resume the performance of safety-sensitive functions. The SAP does not establish this plan until after it is determined that the employee has successfully complied with the education and/or treatment recommendations.
- The SAP must present a copy of the follow-up testing plan directly to the Company's DER.
- The SAP is the sole determiner of the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both, unless otherwise directed by the appropriate DOT agency regulation. For example, if an employee had a positive drug test, but the SAP evaluation or the treatment program professionals determined that the employee has an alcohol problem as well, the SAP should require that the employee have follow-up tests for both drugs and alcohol.
- The SAP must, at a minimum, direct that the employee be subject to six (6) unannounced follow-up tests in the first 12 months of safety-sensitive duty following the employee's return to safety-sensitive functions. The SAP may, however, require a greater number of follow-up tests during the first 12-month period of safety-sensitive duty.
- The SAP may also require follow-up tests during the 48 months of safety-sensitive duty following this first 12-month period. The SAP is not to establish the actual dates for the follow-up tests he/she prescribes. The decision on specific dates to test is the responsibility of the Company.
- The Company will not impose additional testing requirements on the employee that go beyond the SAP's follow-up and random testing plan.

EAP PROGRAM (If Applicable)

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

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

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

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

EAP Expenses & Payments

EAP counseling services are not cheap and are generally set up on a fixed retainer fee between the Company, employee, EAP and C/TPA. In making the referral, (X number of counseling sessions are at (what cost) to the employee (what cost) to the Company). If subsequent counseling sessions are necessary, the expense is the employee’s responsibility, and maybe covered by company or other health care benefits. If not, the expense of the program will be defined within a separate agreement between the Company and employee. This places the responsibility of the expenses (as well as making adjustments to his/her program) directly on the employee for the cost of subsequent sessions.

EAP Program Costs include but are not limited to the following:

Party Responsible & Percentage	<u>Company</u>	<u>Employee</u>	<u>TM Insurance</u>
• Referral and Initial Counseling.....	XX%	XX%	XX%
• Subsequent Counseling.....	XX%	XX%	XX%
• Random Testing Selections.....	XX%	XX%	XX%
• Drug Collections, Test, MRO Report.....	XX%	XX%	XX%
• Breath Alcohol Test	XX%	XX%	XX%
• Return-to-Duty Test	XX%	XX%	XX%

THESE EAP PROGRAM DETAILS MAY CHANGE AT ANY TIME.

INFORMATION ON DRUG ABUSE AND ALCOHOLISM

As indicated in the introduction, drug use and alcohol abuse can have a serious impact on everyone. Either can negatively impact your health, work, personal life and the lives of others. The following information should assist you in identifying individuals at risk and establishing a track to recovery either for yourself or for someone you know.

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

The following represent some of the potential effects that drug and alcohol use may have on the user:

Workplace

- May cause the employee to feel capable of handling tasks that are too much or too dangerous
- May cause lateness and absenteeism, increasing the workload of others
- May cause crime on the job, including theft of Company and personal property
- May cause major errors in the work performed, risking harm to the employee, coworkers and customers

Health

- Neurological problems, including dementia, anxiety and suicide
- Cardiovascular problems, include hypertension
- Increased cancer risk
- Liver diseases, including alcoholic hepatitis and cirrhosis
- Sexual dysfunction

Personal life

- Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love
- If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow

Signs and Symptoms of a drug and/or alcohol problem

Any one or more of the following signs may indicate a drug and/or alcohol problem:

- Appears fearful, anxious or paranoid for no reason
- Blackouts or the inability to remember what has happened
- Cold, sweaty palms; shaking hands
- Lack of motivation; appears lethargic or "spaced out"
- Pattern of absenteeism with vague excuses
- Red, watery eyes; pupils larger or smaller than usual; blank stare
- Regular (or daily) use or consumption
- Secretive or suspicious behavior
- Sudden mood swings, irritability or angry outbursts
- Unexplained need for money; stealing money or items

Intervening when a drug or alcohol problem is suspected

Although (Your Company Name) has a below average history of drug and alcohol abuse problems, the Company recognizes that drug abuse, alcoholism and alcohol misuse are problems throughout America.

There are several good reasons why employees should be concerned if any of their coworkers are using drugs or alcohol on the job:

1. The employee and their coworkers' health and safety may be at risk.
2. Misuse by one employee may negatively impact the income of another.
3. Creates a negative work environment.

No matter what the employee's position is in the organization, there are things that can be done to ensure that drug and alcohol abuse on the job never becomes a problem at the Company.

Acceptance of any misuse puts the employee, the Company, and the public at risk.

Accordingly, the Company requests that any signs or symptoms of drug use or alcohol abuse be reported to the employee's immediate supervisor. Alternatively, employees may report any signs or symptoms to the **Company DER** noted on the bottom of page 2 (or describe another way of reporting this behavior, if none delete this).