

DRUG/ALCOHOL ABUSE POLICY

For DOT Drivers

DRIVER NAME

COMPANY NAME

DER: DESIGNATED EMPLOYER REPRESENTATIVE

DER NAME

To achieve compliance with
DEPARTMENT OF TRANSPORTATION REGULATIONS
as spelled out in 49 CFR PART 382

I. POLICY

It is the Policy of _____ (hereinafter the Company) that the use, sale, purchase, transfer, possession, or presence in one's system of any prohibited drug or other substances (except medications prescribed by one's physician and taken pursuant to the prescription), including alcohol, by any employee while on the Company's premises, engaged in the Company's business, operating the Company's equipment, or while operating under the authority of the Company, is strictly prohibited.

All employees subject to the rules and regulations of the U.S. Department of Transportation (USDOT) must be drug and alcohol free, and be and remain in full compliance with all USDOT drug and alcohol testing regulations. All persons subject to USDOT drug and alcohol testing regulations are required to read this Policy and acknowledge, by their signature, that they have read and understand the Policy, and to conform with all requirements set forth in the Policy.

II. EMPLOYEES SUBJECT TO THE POLICY

All Covered Employees as defined in paragraph IIIA below must be and remain in full compliance with this Policy.

III. DEFINITIONS

A. **Covered Employee(s)** – All drivers who, under the operating authority of the Company, drive commercial motor vehicles requiring a CDL license and/or designed to transport 16 or more passengers.

B. **Safety Sensitive Functions** – All Covered Employees are deemed to be performing safety sensitive functions as follows:

1. All time at the Company or customer waiting to be dispatched, unless the covered person has been relieved from duty by the Company.
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at anytime.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle.

5. All time loading or unloading passengers, supervising, or assisting in the loading or unloading of passengers, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for transportation.

6. All time spent performing the requirements associated with an accident.

7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

C. On Duty – All Covered Employees are considered to be on-duty when they are performing safety sensitive functions as defined above.

D. Refusing to Submit – A Covered Employee is deemed to have refused to submit to an alcohol or drug test when that person:

1. Fails to provide a adequate sample of breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement to submit to breath testing.

2. Fails to provide an adequate urine sample for drug testing without a valid medical explanation after he or she has received notice of the requirement to submit to urine testing.

3. Engages in conduct that clearly obstructs the testing process.

4. Fails to properly notify the Company of their involvement in a commercial motor vehicle accident meeting the criteria for a post-accident alcohol and drug test.

5. Fails to remain available for alcohol and drug testing after a commercial motor vehicle accident meeting the criteria for a post-accident alcohol and drug test.

E. Substance Abuse Professional – A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of or clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

IV. PROHIBITED CONDUCT

A. Alcohol Use and Testing

1. Covered Employees are prohibited from consuming any alcoholic beverage or other product containing alcohol within 4 hours of reporting for duty or performing safety sensitive functions.

2. Covered Employees are prohibited from reporting for duty or remaining on duty with an alcohol concentration of .02 BAC or greater.

3. Covered Employees are prohibited from refusing to submit to alcohol testing when requested to by the Company and/or required to by the regulations of the U.S. Department of Transportation.

B. Drug Use and Testing

1. Covered Employees are prohibited from illegally consuming or using any drugs at any time.

2. Covered Employees are prohibited from refusing to submit to drug testing when requested to by the Company and/or required to by the regulations of the U.S. Department of Transportation.

1. Testing For Controlled Substances – for purposes of this policy and the DOT Federal Regulations, the Company will utilize a five-panel controlled substance screen consisting of the following controlled substances:

Tetrahydrocannabinol (Marijuana Drug)

Cocaine

Amphetamines

Opiates (including heroin)

Phencyclidine (PCP)

MDMA (aka Ecstasy)

In instances where there is reason to believe an employee is abusing a substance other than the six controlled substances listed above, the Company reserves the right to test for additional drugs under the Company's own authority using standard laboratory testing protocols.

Controlled substance testing is conducted by analyzing an employee's urine specimen (through a certified testing lab). This procedure will include use of a split specimen testing procedure. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles will be sent to a certified lab. Only the "primary" specimen bottle is opened and used for the urinalysis. The split specimen bottle will remain sealed and is stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72

hours to request the split specimen be retested at the same lab, or be sent to another certified laboratory for analysis, at the employee's expense. An employee who fails to notify the Medical Review Officer (MRO) within 72 hours of receiving the results of the positive test of the employee's desire to have the split specimen tested shall be deemed to have waived the employee's right to seek testing of the split specimen.

A. Preparation For Controlled Substance Testing – The following procedures summarize the procedures established by the U.S. Department of Transportation (DOT) regulations implementing controlled substance testing under the federal law. These procedures are subject to change in the even the DOT or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.

1. When the employee enters the collection site, the employee will be required to provide positive identification (i.e. photo I.D. or employer identification).
2. The employee will be instructed to provide at least 45 ml of urine under the split sample method of collection. This will be done in a specifically designated "donor" bathroom.
3. If an employee is unable to provide at least 45 ml, they will be instructed to drink not more than 40 ounces of fluids during a period of up to three (3) hours. A fresh collection container will be used to collect the new sample.
4. If the employee is still unable to provide the required specimen, the test will be discontinued and the Compliance Manager notified. The Compliance Manager will then notify the Medical Review Officer (MRO), and the employee will be referred for a medical evaluation to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a controlled substance test.
5. Once the sample is collected the collection site personnel shall divide the sample into a primary specimen (30 ml) and a split specimen (15 ml).
6. If the test result of the primary specimen is positive, the employee may request, within 72 hours of receiving the positive test result, that the MRO direct that the split specimen be tested in the same or a different DHHS-certified laboratory for presence of the controlled substance(s) for which a positive result was obtained in the test of the primary specimen.
7. An employee will be removed from the safety-sensitive position pending the result of the test of the split specimen.

8. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test.

9. Employees will be required to complete and sign various forms used to document the testing and chain of custody process. Refusal to sign the test form(s) will be regarded as a refusal to take the test.

10. Refusal by an employee to complete and sign the test and chain of custody forms, to provide an adequate amount of urine (to be decided on a case-by-case basis) or otherwise failure to cooperate with the testing process in a way that prevents the completion of the test will be considered grounds for disciplinary action, up to and including termination.

In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

Blood Alcohol Testing – blood alcohol testing is authorized only in the following circumstances: driver/employee shall undergo a return-to-duty alcohol and/or controlled substance test with a result indicating an alcohol concentration of less than 0.02, and a verified negative result for drug use.

In any event, an employee will not be allowed to return to duty without first having been evaluated by the company's EAP provider in order to determine the employee's fitness-for-duty. Such follow-up activity may be required if an employee has engaged in conduct prohibited by the company policy above.

E. Follow-Up Testing – following a determination that an employee is in need of assistance in resolving problems associated with alcohol use or misuse and/or use of controlled substances, the Company will ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substance testing in consultation with a substance abuse professional. Consequently, the employee will be subject to unannounced alcohol or controlled substance testing as directed by the Substance Abuse Professional during the 12-month period after returning to duty, with the possibility of follow-up testing for up to 60 months after the employee returns to duty.

Follow-up testing for alcohol or controlled substances shall be conducted only when the employee/driver is performing safety-sensitive functions, just before the employee/driver is to perform safety-sensitive functions, or just after the employee/driver has ceased performing safety-sensitive functions.

DRUG AND ALCOHOL TESTING PROCEDURES

The company will use a controlled substance and alcohol collection site that meets the standards established in 49 CFR Part 40, and a laboratory that is certified by the U.S. Department of Health and Human Services. All controlled substances and alcohol testing will be conducted in conformance with the procedures and rules established by the Federal Omnibus Transportation Employee Testing Act of 1991 and its regulations.

1. Alcohol Testing – employees will be required to submit to breath testing using an approved evidential breath testing (EBT) device. A state-certified Breath Alcohol Technician (BAT) will administer an initial screening test. If the employee tests positive for alcohol, then the BAT will conduct a confirmation test. The Company will take action based only upon the positive results of the confirmation test, alcohol concentration of 0.02 or greater. All procedures and steps used in conducting both the initial and confirmation tests will be performed in conformance with the federal laws and regulations.

A. Preparation for Breath Alcohol Testing – the following procedures summarize the procedures established by the U.S. Department of Transportation regulations implementing drug and alcohol testing under the federal law. These procedures are binding and are subject to change in the event the DOT or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.

1. When the employee enters the collection site, the BAT will require him/her to provide positive identification (i.e. photo I.D., or employer identification).
2. The BAT will explain the test procedures to the employee.
3. Employees will be required to complete and sign various forms used to document the testing process. Refusal to sign the test form(s) will be regarded as refusal to take the test.
4. The screening test will be conducted. The BAT will open an individually sealed, disposable mouthpiece in the view of the employee and attach it to the EBT. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds, or until an adequate amount of breath has been obtained. Following the test, the BAT will show the employee the test results.
5. If the screening test is a breath alcohol concentration of less than 0.02, no further testing is required and the BAT will report the test to the employer as a negative.

6. If the screening test is a breath alcohol concentration of greater than 0.02, a confirmation test must be performed. The confirmation test will be conducted 30 minutes after the completion of the initial test. During this period, the employee must not eat, drink, put any object or substance into his/her mouth, or belch.

7. Refusal by an employee to complete and sign the test form to provide breath, to provide an adequate amount of breath, or other failure to cooperate with the testing process in a way that prevents the completion of the test, the test shall be regarded as a "refusal to take test" and will subject the employee to the terms and conditions of this policy.

8. In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

Blood alcohol testing

1. When policy rules require a post-accident or reasonable suspicion test and an EBT is not readily available for either a screening or confirmation test, or if there is an EBT available only for a screening test.

2. When an employee attempts and fails to provide an adequate amount of breath, blood alcohol testing may be used for both screening and confirmation test purposes.

Upon the conclusive finding of a positive (alcohol concentration level of 0.04 or greater) blood alcohol test result, the employee has 72 hours in which to request a test of the split specimen. (For explanation of "split specimen" refer to the Testing Controlled Substances section below)

An employee who fails to notify the Medical Review Officer (MRO) within 72 hours of receiving the results requesting a split specimen test shall be deemed to have waived the employee's right to seek testing of the split specimen. Pending receipt of the result of the analysis of the split specimen, the employee shall not perform safety-sensitive functions, unless the employee has met conditions set forth in this policy for a return to safety-sensitive functions following a test result of 0.04 or greater.

All blood alcohol testing will be conducted in conformance with the procedures established by the Federal Regulations.

C. Results of Positive Test – any employee who tests positive for alcohol concentrations of 0.02 or higher is subject to discipline, up to and including termination.

If a confirmation alcohol test measures 0.02 or greater, the Company shall:

1. Remove the employee from the safety-sensitive position;
2. Before returning the employee to duty:
 - a. Refer the employee to the Company's EAP for assessment of an alcohol problem and a determination of whether participation in a treatment program is necessary;
 - b. Obtain a verification from a Substance Abuse Professional that the employee has complied with any required rehabilitation or treatment program; and
 - c. Retest to verify that the employee's alcohol concentration is below 0.02.
3. The employee will subsequently be subject to unannounced alcohol testing as directed by the Substance Abuse Professional during the 12-month period after returning to duty, with the possibility of follow-up testing for up to 60 months after the employee returns to duty.

If the confirmation test alcohol level is between 0.02 and 0.039, the employee will be removed from the safety-sensitive position for a minimum of 24 hours

following the administration of the test. The driver will be subject to discipline, up to and including termination.

In the event that an employee is required to comply with breath testing as a result of a law enforcement investigation, the employee must submit to the examination. The test will be considered enforceable for purposes of this policy, if the testing officer is a qualified BAT and the EBT that was used for the test has been certified by the State of Wisconsin or a local law enforcement agency.

V. WHEN COVERED EMPLOYEES WILL BE SUBJECT TO ALCOHOL AND/OR DRUG TESTING

A. Pre-Employment Drug Testing

1. All offers of employment for positions that require the possession of a valid Commercial Driver's License (CDL) are contingent upon the following:

- a. Submitting to and passing a pre-employment drug test.

b. Executing a Consent for Release of Alcohol and Drug Test Results (Appendix "A").

c. Completion of a background check of previous employers that reveals no history of failing USDOT required alcohol or drug tests – unless the applicant is able to produce proof satisfactory to the Company that the applicant has fully complied with all of the return to duty requirements of 49 CFR Part 382 and is otherwise qualified.

2. Failure to comply with one or more of the above listed contingencies shall result in the withdrawal of any offer of employment.

Drug and Alcohol Clearinghouse

Pre-employment query required. _____ cannot qualify or employ a driver without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, altered, or substituted controlled substance test result; as an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 382.211; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty or used a controlled substance.

_____ will conduct a full query as required by the regulations to obtain information the Clearinghouse.

_____ may not query the clearinghouse without first obtaining a perspective drivers consent either written or electronic.

Before an employer may access information contained in the driver Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the employer access to the drivers information in the clearinghouse.

No employer may permit a driver to perform a safety sensitive function if the driver refuses to grant consent required to access the Clearinghouse records of the driver.

_____ is required to report to the Clearinghouse any alcohol confirmation test with the result of an alcohol concentration of 0.04 greater, a negative return to duty test result, a refusal of any required controlled substance or alcohol test, a report the driver successfully completed all follow-up test as prescribed in a SAP report.

A driver may review information in the clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

The FMCSA must notify the driver when information containing that driver has been added to, revised, or removed from the Clearinghouse.

The FMCSA must notify a driver when information concerning that driver has been released from the Clearinghouse to an employer and specify the reason for the release.

Annual query required

Employers must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing.

The employer may obtain the individual drivers consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the individual in the Clearinghouse, but will not release the information to the employer. If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query within 24 hours of conducting the limited query.

To register for the Clearinghouse visit:

<https://clearinghouse.fmcsa.dot.gov/register> and go to login.gov.

B. Random Alcohol and Drug Testing – All Covered Employees shall submit to alcohol and drug testing when randomly selected to do so.

1. All Covered Employees currently employed by the Company will be placed in the random selection pool. Covered Employees will be selected for testing in a manner that ensures that each Covered Employee has an equal opportunity to be selected for a random test. The Company will randomly select Covered Employees for random testing once every three months (quarterly). Because Covered Employees who have been selected return to the random testing pool for the next selection, it is possible that some Covered Employees will be selected more than once. The Company will select a sufficient number of Covered Employees each quarter to ensure that the number of random drug tests conducted each year equals or exceeds fifty (50) percent of the number of driver positions, and that the number of random alcohol tests conducted each year equals or exceeds ten (10) percent of the number of driver positions.

2. A Covered Employee, upon notification that they have been randomly selected to submit to testing, shall immediately proceed to the location designated by the Company for the testing.

3. If a Covered Employee is randomly selected to submit to an alcohol test, the Company will notify the Covered Employee either just before the Covered Employee

is to perform a safety sensitive function, while the Covered Employee is performing a safety sensitive function, or just after the Covered Employee has performed a safety sensitive function.

C. Post-Accident Drug and Alcohol Testing

1. A Covered Employee is required to submit to a post-accident alcohol and drug test if they are involved in a Commercial Motor Vehicle Accident that meets any one of the following criteria:

a. Someone is killed.

b. Someone is injured such that medical treatment is required away from the scene of the accident, and the Covered Employee receives a moving traffic citation or ticket arising from the accident.

c. One of the vehicles involved in the accident is towed away from the scene because of disabling damage, and the Covered Employee receives a moving traffic citation or ticket arising from the accident.

2. A Covered Employee shall notify the Company that they have been involved in an accident meeting one of the above listed criteria as soon as practically possible.

3. The Company shall provide the Covered Employee with all necessary post-accident information, procedures, and instructions so that the Covered Employee can comply with all post-accident testing requirements. The Covered Employee shall remain available so that the Company is able to convey all required information and instructions to the Covered Employee.

4. Upon receipt of post-accident testing procedures and instructions from the Company, the Covered Employee shall promptly comply with the testing procedures and instructions provided.

5. Covered Employees subject to post-accident alcohol and drug testing shall not consume any alcohol for 8 hours following the accident or until he or she submits to a post-accident alcohol test.

6. In addition to that stated above in paragraph III.D, the following shall also be deemed a refusal to submit to post-accident alcohol and/or drug testing:

a. Failing to inform the Company as soon as practically possible that the Covered Employee was involved in an accident that meets one or more of the criteria listed above in paragraphs V.C.1(a-c).

b. Failing to remain available so that the Company is able to convey the required procedures and instructions.

c. Failing to comply with the Company's instructions regarding the testing procedures.

d. Failing to refrain from the consumption of alcohol for 8 hours following the accident or until he or she has submitted to a post-accident alcohol test.

7. If a Covered Employee does not submit to an alcohol test within two hours of the accident, the Company shall document the reason for the delay. If a Covered Employee does not submit to the alcohol test within 8 hours of the accident, the post-accident alcohol test will not be conducted, and the Company shall document the reason(s) why the alcohol test was not performed.

8. If a Covered Employee does not submit to a drug test within 32 hours of the accident, the post-accident drug test will not be conducted and the Company shall document the reason(s) why the drug test was not conducted.

9. Nothing in this policy shall be deemed to justify or authorize delaying necessary medical treatment being provided to any person.

D. Reasonable Cause Alcohol and Drug Testing

1. A Covered Employee shall submit to an alcohol test when a duly trained supervisor or other trained Company official has reasonable cause to believe that the Covered Employee is under the influence of alcohol. The reasonable cause required before a Covered Employee is required to submit to an alcohol test must be present either just before the Covered Employee is to engage in a safety sensitive function, while the Covered Employee is engaging in a safety sensitive function, or just after the Covered Employee has engaged in a safety sensitive function.

2. A Covered Employee shall submit to a drug test when a duly trained supervisor or other Company official has reasonable cause to believe that the Covered Employee is under the influence of drugs.

3. The reasonable cause required for alcohol or drug testing shall be based on specific, contemporaneous, and articulatable observations made by a trained supervisor regarding the Covered Employee's appearance, behavior, speech, or body odors.

4. If a trained supervisor or other trained Company official has reasonable cause to believe that a Covered Employee is under the influence of alcohol or drugs, the supervisor or Company official shall immediately relieve the Covered Employee from the

performance of all safety sensitive functions and immediately make arrangements for the Covered Employee to submit to the alcohol and/or drug test.

5. If there is reasonable cause to believe that a covered employee is under the influence of alcohol, and the Covered employee does not submit to an alcohol test within 2 hours of the observation, the Company shall document the reason for the delay. If the Covered Employee does not submit to a reasonable cause alcohol test within 8 hours of the observation, the reasonable cause alcohol test will not be conducted, and the Company shall document the reason(s) why the alcohol test was not conducted.

6. If a duly trained supervisor or Company official has reasonable cause to believe that a Covered Employee is under the influence of alcohol or drugs, the supervisor or Company official shall promptly prepare and sign a written record of the observations.

7. The Company shall designate certain supervisors and/or Company officials to receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug abuse. The training shall include how to recognize the signs and symptoms of alcohol and drug use. Such duly trained supervisors and Company officials are the only Company officials qualified to make reasonable cause determinations.

VI. PROCEDURES FOR ALCOHOL AND DRUG TESTING – The procedures for conducting all alcohol and drug testing shall be the policies and procedures set forth in 49 C.F.R. Part 40. An amendment or revision to 49 C.F.R. Part 40 shall be considered an amendment or revision to this section of the Policy. A current copy of 49 C.F.R. Part 40 is available for your review upon contacting the safety department.

Prescription drugs

Before performing work-related duties, employees must notify the Company if they are taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which contains any measurable amount of alcohol, or which carries a warning label that indicates the employee's mental functioning, motor skills or judgement may be adversely affected by the use of this medication. A written report of this notification is to be filed by the supervisor with the Compliance Manager. It is the responsibility of the employee to inform his/her physician of the type of safety-sensitive function that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of equipment. However, as required by the DOT Federal Regulations, any employee who uses or possesses medication containing alcohol while on duty, or who tests positive for alcohol, will be removed from his/her position and subject to the provision of this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription or non-prescription medication contains alcohol.

A legally prescribed controlled substance is one where the employee has a prescription or other written approval from a physician for the use of the controlled substance in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs/controlled substances while performing the Company's business is prohibited by the Company's policy.

VII. CONSEQUENCES OF VIOLATING THE POLICY

A. **Termination for Cause** - The following violations of this policy shall result in immediate removal from the performance of safety sensitive functions and termination of employment for cause:

1. Failing an alcohol test (.04 BAC or greater). Mark
2. Failing a drug test.
3. Refusing to submit to an alcohol test.
4. Refusing to submit to a drug test.
5. Engaging in the illegal sale, transfer, use, or possession of drugs while on duty, on Company property, or in possession of Company property.

B. **Immediate Removal From Safety Sensitive Functions and Possible Termination for Cause** – Reporting for duty or remaining on duty with an alcohol concentration of .02 BAC or greater shall result in immediate removal from the performance of safety sensitive functions for at least 24 hours and may result in termination for cause or other disciplinary action.

C. **Substance Abuse Professional Referral** – The Company shall refer any Covered Employee who fails an alcohol or drug test to a Substance Abuse Professional.

D. **Return to Duty Testing** – At the sole discretion of the Company, a Covered Employee who fails an alcohol or drug test may return to performing safety sensitive functions only after satisfactory completion of each of the following:

1. Evaluation by a Substance Abuse Professional.
2. Certification by the Substance Abuse Professional that the Covered Employee has satisfactorily completed all rehabilitation, substance abuse counseling, or other treatment or interventions recommended by the Substance Abuse Professional.

3. Submitting to and passing a Return to Work Alcohol or Drug Test.

E. Follow-up Testing. – A Covered Employee who is permitted to return to performing safety sensitive functions after failing an Alcohol or Drug Test shall also be subject to, in addition to the other required alcohol and drug testing, unannounced follow-up testing.

1. The follow-up testing shall be at a frequency determined by the Substance Abuse Professional, but in no case shall be less than six unannounced follow-up tests in the first twelve months after returning to duty.

2. The follow-up testing shall not continue for a period longer than 60 months.

3. Follow-up alcohol testing shall be conducted either just before, during, or just after the Covered Employee has performed a safety sensitive function.

VIII. THE AVAILABILITY AND DISCLOSURE OF ALCOHOL AND DRUG TEST RESULTS AND OTHER INFORMATION

A. Alcohol and drug test results and other information or documentation relating to alcohol or drug testing conducted pursuant to this policy shall not be disclosed to others except under the following circumstances:

1. The Company receives the signed written consent of the Covered Employee or former Covered Employee authorizing the Company to release the information to a specified third party.

2. The Company is required by statute, regulation, judicial decision, or other legal authority to release the results or information.

3. A legal action or other claim has been brought against the Company by the Covered Employee or former Covered Employee, or someone acting on behalf of the Covered Employee or former Covered Employee, or his or her estate, and the results or information are deemed by the Company or its attorneys to be necessary for the Company to defend itself in the proceedings.

B. All Covered Employees and Former Covered Employees are entitled to the records or information relating to their alcohol or drug tests upon written request to the Company.

C. The custodians of the alcohol and drug test results and other information is _____ Name of company DER and phone #. No employee or other official of the Company shall have access to the alcohol or drug tests results or other documentation of any Covered Employee.

IX. Reservation of Rights – The Company reserves the right to amend, change, modify, or rescind this Policy at any time and in any manner it chooses, in its sole discretion, and with or without notice to any affected employees or others. This Policy does not, in any way, create any contractual rights between the Company and its employees or others. This Policy supersedes all previous Alcohol and/or Drug Testing policies.

X. SUBSTANCE ABUSE INFORMATION

A. Signs and Symptoms of a Substance Abuse Problem

1. Family or social problems caused by substance abuse.
2. Job or financial difficulties related to substance abuse.
3. Loss of a consistent ability to control substance abuse.
4. “Blackouts” or the inability to remember what happened while drinking.
5. Distressing physical and/or psychological reactions while trying to stop drinking or drug abuse.
6. A need to drink increasing amounts of alcohol or increase drug use to get the desired effect.
7. Marked changes in behavior or personality when drinking or abusing drugs.
8. Getting “drunk” or “high” on alcohol and/or drugs frequently.
9. Injuring yourself – or someone else – while intoxicated or abusing drugs.
10. Breaking the law while intoxicated or abusing drugs.
11. Starting the day with a drink or taking illegal drugs.

B. Effects Of a Substance Abuse Problem on Health, Work, and Personal Life

1. Alcohol is a central nervous system depressant. Taken in large quantities it causes the euphoria associated with “being drunk” and adversely affects your judgment, your ability to think, and your motor functions. Drink alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction and other serious medical problems.

3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it gets worse.

4. Workers who use alcohol and illegal drugs affect everyone. Studies show that compared to alcohol-free and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.

5. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the Company's public image mean that workplace substance abuse can further cut profits and competitiveness.

6. Substance abusers can also destroy relationships, lead to serious problems with the law (e.g. drunk driving) and even cause harm to the people you love.

7. If substance abuse affects your work life, it could lead to job loss and all of the financial problems that would follow.

C. Evaluating and Resolving Substance Abuse Problems

1. Outpatient programs exist in a variety of settings:

- a. Community mental health centers
- b. Family service agencies
- c. Private physicians' and therapists' offices
- d. Occupational settings
- e. Specialized alcoholism treatment facilities.

2. Inpatient services, designed for those with more serious substance abuse problems, can be found in:

- a. Hospitals
- b. Residential care facilities
- c. Community halfway houses
- d. Some alcoholism clinics.

3. Your local phone directory will list helpful referral organizations such as:
 - a. Local council on alcoholism and drug abuse
 - b. Alcoholics Anonymous
 - c. Community alcoholism or mental health clinics
 - d. Social service or human resources departments
 - e. Community medical society

D. The Importance of Intervention

1. The Company recognizes that alcoholism, alcohol misuse, and drug abuse are problems throughout America.

2. There are three good reasons why you should be concerned if any of your co-workers is using drugs or alcohol on the job:

- a. Your health and safety may be at risk.
- b. Drug abuse and alcohol misuse costs you money.
- c. Drug abuse and alcohol misuse creates a negative work environment.

3. The U.S. Department of Labor has determined that drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.

4. The U.S. Department of Labor has also determined that absenteeism among problem drug abusers, drinkers, or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.

5. Workers who misuse alcohol and drugs don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of the public, alcohol and drug misuse is an especially serious issue.

6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the Company. Acceptance of any misuse puts you, this Company, and the public at risk.

Right to Search

The Company reserves the right to search any company facilities and property provided for employee use, including but not limited to tractors, trailers, trucks, automobiles, lockers, desks, files and equipment, regardless if locked by company provided or employee supplied locks.

PREVENTION AND REHABILITATION

The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. The Company encourages employees who have an alcohol or other drug problem to seek help to deal with their problem. Help is available 24 hours a day through the Company's Employee Assistance Program. For more details on this program, contact the Compliance Manager, a supervisor, or call direct to our Medical Review Officer at C. Gus Dumas MD, MRO 2809 N. Park Driver Ln, Appleton, WI 54911, 920-380-4999.

An employee shall be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to an approved program for alcoholism or controlled substance use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action.

Leave of absence prior to testing

Employees requesting to return to work from a leave of absence for controlled substance use or alcoholism shall be required to submit to three (3) tests without prior notice on the following basis:

- 2 unannounced tests to occur within 6 months of the employee's return to employment
- 1 unannounced test to occur within 6-12 months after the employee's return to employment

A positive test result or a refusal to submit to any of these three (3) tests may lead to disciplinary action, up to and including discharge.

REPORTING OF DRUG CONVICTION

