

# **Colas Inc.**

## **Controlled Substances and Alcohol Misuse Testing Policy**

### **U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) Regulations**

**49 CFR Parts 40 & 382**

**Effective:  
January 1, 2020**

**The Company's drug testing provider is:**

**Applicant Insight**

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# **Colas Inc.**

## **FMCSA Drug and Alcohol Testing Policy**

### **I. PURPOSE STATEMENT**

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 Colas Inc. and its subsidiaries (The Company) 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.

### **II. AUTHORITY**

It is the Company's 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. The Company will also comply with all applicable state and local laws.

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 name and contact information are included in Appendix A of this Policy.**

### **III. COVERAGE: EMPLOYEES & APPLICANTS SUBJECT TO TESTING**

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.

**A. Employees.** 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 discipline up to and including termination from employment.

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

### **IV. DRUG AND ALCOHOL TEST BACKGROUND CHECKS**

DOT requires the Company to obtain drug and alcohol testing information from an applicant's prior DOT employer(s) for a three-year period prior to the date of application. The Company will make a

good faith effort to obtain past drug and alcohol testing information for each DOT job applicant. This information should be retained before the driver 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, a driver 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 information.**

In addition, DOT requires the Company to ask DOT applicants if they have failed or refused to participate in a DOT drug or alcohol pre-employment test within the past three years with an employer who did not hire them. Regardless of the answer to such inquiries, the Company is still required to complete the three-year background check.

When the Company discovers that a recently hired individual has a violation on his or her record, and that the person has not successfully completed the return-to-duty process, the Company will immediately stop using the employee to perform safety-sensitive functions. The Company may work with the individual to determine what return-to-duty requirements have not been successfully met. The completion of such requirements is the sole responsibility of the individual involved. The Company is not responsible for providing or paying for any treatment or counseling services required in the return-to-duty process.

When the return-to-duty requirements have been successfully completed the individual *may* be allowed to perform DOT safety-sensitive functions for the Company. Employees who refuse to complete the appropriate return-to-duty functions will face disciplinary action up to and including termination.

When the Company receives a specific written consent from a current or former employee authorizing the release of information about that employee's drug or alcohol tests to an identified person at another company, the Company will provide the information to the identified person in accordance with DOT regulations.

**V. REPORTING TEST RESULTS TO THE STATE**

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.

**VI. CRITERIA FOR EMPLOYEES SUBJECT TO TESTING**

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:

- A. 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
- B. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or

- C. Is designed to transport 16 or more passengers, including the driver; or
- D. 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.

## VII. DEFINITIONS

Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §§ 40.3 and 382.107.

**A. Drug.** 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. (See also Section VIII.E – marijuana.) 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.

### B. Confirmation Test

- i. **Alcohol:** A second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.
- ii. **Drugs:** A second analytical procedure to identify and quantify the presence of a specific drug or metabolite that is independent of the screening test.

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

- i. **Included:**
  - a. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- ii. **Excluded:**
  - a. Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.
  - b. Tire disablement without other damage even if no spare tire is available.
  - c. Headlight or taillight damage.
  - d. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

**D. Driver.** 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.

**E. Refuse to Submit.** 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:

- i.** 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).
- ii.** Fails to remain at the testing site until the testing process is complete (excluding a pre-employment test prior to commencement of the test).
- iii.** 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).
- iv.** 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.
- v.** 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.
- vi.** 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)).
- vii.** Fails to undergo a medical examination or evaluation as directed by the Medical Review Officer (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).
- viii.** Fails to sign the certification at Step 2 of the ATF.
- ix.** 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).
- x.** 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.
- xi.** Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- xii.** Admits to the collector or MRO that you adulterated or substituted the specimen.

**xiii.** Is reported by the MRO as having a verified adulterated or substituted test result. 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.

**F. Safety-Sensitive Function.** All time, from the time a driver begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.

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:

- i.** 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;
- ii.** 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;
- iii.** All time spent at the driving controls of a commercial motor vehicle in operation;
- iv.** All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- v.** 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
- vi.** All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## **VIII. PROHIBITED BEHAVIOR**

A violation of any of the prohibited behaviors described below may result in discipline up to and including termination of employment. Please see the Consequences for Policy Violations section of this Policy for more information.

**A. Controlled Substances.** 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.

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.



**B. Controlled Substances Testing.** 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.

**C. Alcohol.** 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.

**i. Alcohol Concentration:** 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.

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.

**ii. On-duty Use:** Employees may not use alcohol at any time while working or at work. 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.

**iii. Pre-duty Use:** 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.

**iv. Use Following an Accident:** 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.

**D. Adulterated, Substituted, Dilute Specimens**

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.

**E. Use of Marijuana**

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.

## **IX. CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROCEDURES**

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). All 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 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).

In accordance with the regulation, 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).

**A. Alcohol Testing.** Two tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration are considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The driver and the individual conducting the confirmation breath test (the BAT) complete the alcohol testing form to ensure that the results are properly recorded.

The confirmation test, if required, must be conducted using an Evidential Breath Testing device (EBT) that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken. Certified BATs and STTs will conduct all alcohol tests.

**B. Confirmation and Medical Review.** 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.

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.

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

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

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. **In circumstances that require the MRO to report a safety concern the Company will require the applicant/employee to undergo a fitness for duty evaluation by a physician designated by the Company.**

**C. Stand-Down Policy.** 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.

**D. Direct Observation Collections.** 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 notice.

A direct observed collection will take place if:

- i. Directed by the DER to perform an observed collection.
- ii. The employee attempts to tamper with his/her specimen at the collection site.
- iii. The specimen was out of normal temperature range.
- iv. The specimen shows signs of tampering.
- v. 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 conducts suggesting tampering.
- vi. 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.
- vii. The 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.
- viii. 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.

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.

- E. Split Specimen.** 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 if the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- F. Cost of Drug Testing.** The Company will comply with all federal, state and local laws and regulations regarding payment for drug and alcohol testing services. If 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.
- G. Dilute Negative with Low Creatinine.** If the MRO informs the Company that a negative drug test was dilute, the following will apply.
- **Dilute Negative with Low Creatinine:** If the MRO indicates that a recollection under direct observation is required because the creatinine concentration of the specimen was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL, the Company must immediately instruct the driver to undergo a recollection under direct observation. The DOT's stated purpose for this requirement is so that people who may naturally produce low creatinine levels will not be reported to employers as having substituted their specimens.
  - **Other Dilute Negative:** Otherwise, if the creatinine concentration of the dilute specimen is greater than 5 mg/dL but less than 20 mg/dL, the Company will direct the driver to take another test immediately in the following situations: **All Test Types.** Such recollections will unobserved, unless there is another basis for use of direct observation (see for instance 49 CFR §40.67(b) and (c)). The requirement to undergo a recollection/retest because of a dilute negative will uniformly apply to all individual's subject to a test type; in other words, the Company will treat all drivers subject to the particular test type the same with respect to a recollection/retest. A refusal to submit to the second test as directed by the Company will be deemed a test refusal and a violation of DOT drug regulations. The result of the second test – not the original dilute result – will be the test of record upon which the Company will rely. If the second test is also a dilute negative, the Company will not make the driver take a third test because the second test was dilute, unless the MRO directs a recollection under direct observation.

## **XI. CONTROLLED SUBSTANCES & ALCOHOL TESTS**

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.

**A. Pre-Employment Drug Testing**

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.

Prior to taking a Pre-Employment drug test, the applicant will be given forms notifying the applicant to report for a drug test. All offers by the Company to hire an applicant for or to assign or transfer a current employee to a driver position are conditioned upon the individual:

- i.** Signing the Company's "Pre-Employment Acknowledgement Form"
- ii.** Taking and providing a negative drug test as directed by the Company;
- iii.** Authorizing the Company to obtain past drug and alcohol test results;
- iv.** Providing the Company with information regarding whether they have tested positive or refused to test on any DOT required Pre-Employment drug or alcohol test in which the applicant applied for, but did not obtain a safety-sensitive position in the preceding three (3) years; and
- v.** Complying with all other conditions or requirements as set forth by the Company prior to the hiring of the individual.

NOTE: The Company may choose not to conduct a Pre-Employment drug test under certain circumstances. The criteria for such a decision is found in the regulatory language (§ 382.301). Also, if the Company uses, but does not employ a driver more than once a year to operate commercial motor vehicles the Company must obtain the following information at least once every six months. An employer who exercises this exception shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:

- a.** Name(s) and address(es) of the program(s).
- b.** Verification that the driver participates or participated in the program(s).
- c.** Verification that the program(s) conforms to part 40 of this title.
- d.** Verification that the driver is qualified under the rules of this part, including that the driver has not refused to be tested for controlled substances.
- e.** The date the driver was last tested for controlled substances.
- f.** The results of any tests taken within the previous six months and any other violations of subpart B of the regulations.

The records prepared in compliance with this section will be maintained in accordance with §382.401 of the regulations.

If the Company cannot verify that the driver is participating in a controlled substances testing program in accordance with the regulations, the Company will conduct a pre-employment controlled substances test.

**B. Post-Incident Drug Testing**

Post-Incident drug testing (also known as 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:

- i. Who was performing safety-sensitive functions with respect to the vehicle, if the incident involved the loss of human life; *or*
- ii. Who receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the incident, if the incident involved:
  - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the incident; *or*
  - b. One or more motor vehicles incurring disabling damage as a result of the incident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Tests should be administered as soon as possible but not to exceed 32 hours after an incident. 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.

A driver who is subject to post-incident 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 incident or to prohibit a driver from leaving the scene of an incident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The Company will provide drivers with necessary post-incident 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.

A post-incident alcohol test should be administered within two (2) hours of an incident. 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.

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

For additional post-incident testing circumstances, please refer to the Post-Incident Drug and Alcohol Testing section in the Non-Mandated Drug-Free Workplace Policy.

**C. Post-Accident Tests Administered by Law Enforcement Officials**

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.

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.

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.

**D. Random Testing**

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.

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.

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.

Drivers are permitted to drive their CMV to collection sites for 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.

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.

**E. Reasonable Suspicion Testing**

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.

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.

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.

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.

A driver who is required to take a reasonable suspicion drug and/or alcohol test will, at the Company's discretion, be placed on non-disciplinary suspension without pay, while awaiting the reasonable suspicion test results. Hourly (non-exempt) employees will not be compensated for time missed from work if the test result is positive, adulterated or substituted, but will be compensated if the test result is negative.

**i. Alcohol:**

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.

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.

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.

**ii. Controlled Substances:**



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

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.

#### **F. Return-to-Duty Testing**

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.

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.

NOTE: The Company is not required to return an employee to safety-sensitive duties because the employee has met all 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.

#### **G. Follow-Up Testing**

A driver who tests positive must be evaluated by a 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.

The employee must, at a minimum, be subject to of 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.

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.

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.

## **XII. CONSEQUENCES FOR POLICY VIOLATIONS**

Employees who violate any of the conditions of this Policy will be subject to discipline, up to and including termination, at the Company's sole discretion as described below. The degree of action taken will depend on the circumstances of each case and any applicable state laws.

### **Non-Testing Violations**

Employees should understand that certain Policy violations such as the use of alcohol (including possession of an open container) unless otherwise approved or any illegal drug activities (including the possession, sale, or use of illegal drugs) on Company premises or on Company time may result in immediate termination. Individuals who refuse to cooperate with the Company's policies in any way may be subject to immediate termination.

### **Applicant Positives**

Job applicants who test positive will not be hired. Such individuals may not reapply for employment with the Company for at least one year.

### **Employee Positives**

Employees who are no longer in their introductory period and have a first-time verified positive drug or alcohol test result will be required to participate in an approved substance abuse treatment program at the individual's cost unless otherwise restricted by applicable state law. Such individuals will be required to successfully complete the treatment program, provide a negative Return-to-Duty test, and participate in Follow-Up testing as determined by the SAP. The Company reserves the right, at its sole discretion, to terminate immediately the employment of an individual who tests positive for drugs and alcohol after a first verified test after considering the employee's overall disciplinary and performance history and other relevant considerations.

If an employee tests positive a second time, the employee will be subject to immediate termination.

### **Refusal, Tampering and/or Adulteration**

Individuals who refuse to submit to testing or who attempt to alter a drug or alcohol test result or a test sample by means of tampering with, adulterating, switching, or diluting a specimen will be treated as if they had a positive test result.

### **Suspensions for Reasonable Suspicion Testing**

A driver who is required to take a reasonable suspicion drug and/or alcohol test, at the Company's discretion, be placed on non-disciplinary suspension without pay, while awaiting the reasonable suspicion test results. Hourly (non-exempt) employees will not be compensated for time missed from work if the test result is positive, adulterated or substituted, but will be compensated if the test result is negative.

### **Removal from Safety-Sensitive Function**

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.

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.

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.

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.

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.

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).”

### **Return-to-Duty Procedures**

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. Meet with a Substance Abuse Professional (SAP) for an initial evaluation;
2. Properly follow all recommended education, rehabilitation or treatment;
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;
4. Take and provide a negative Return-to-Duty drug and/or alcohol test, which will involve a directly observed collection; and
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.

Nothing herein requires the Company to return to work an employee who tests positive for drugs or alcohol.

### **Alcohol Positive between 0.02 and 0.04**

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.

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.

**XIII. RETENTION OF RECORDS**

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.

**XIV. EMPLOYER NOTIFICATIONS**

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.

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.

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.

The DER will immediately notify the medical review officer that the driver has been notified to contact the MRO within 72 hours.

**XV. VOLUNTARY ADMISSION OF SUBSTANCE ABUSE**

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 prior to undergoing a test or receiving discipline 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:

- A. The admission is in accordance with a written Company-established voluntary self-identification program or Policy that meets the requirements of the regulation;
- B. The driver does not self-identify in order to avoid alcohol or controlled substances testing under the requirements of the regulation;
- C. 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
- D. 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.

- E. Prior to returning the employee to return 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.

NOTE: Refer to § 382.401 of the FMCSA regulations for the qualifications of an employer-established voluntary self-identification program or Policy.

## **XVI. SUPERVISOR TRAINING**

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.

## **XVII. EMPLOYEE EDUCATION**

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.

### **A. Certificate of Policy Receipt**

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.

## **XVIII. CONFIDENTIALITY**

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.

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.

"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.

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).

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.

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.

**XIX. RESERVATION OF RIGHTS**

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.

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 circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

# **Attachment to FMCSA Drug-Free Workplace Policy**

## **Signs and Symptoms of a 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, co-workers 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:

1. Marijuana and alcohol odors
2. Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
3. Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
4. Needle tracks or blood spots on clothing
5. Tremors, racing or irregular heartbeats
6. Slurred or incoherent speech
7. Confusion, anxiety, paranoia
8. Coordination problems
9. 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 co-workers 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 more than 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 body 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 use.



## **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 a "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, 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 drug 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 1950's 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.

**Colas Inc.**  
**Acknowledgement of Receipt of DOT Controlled Substances and  
Alcohol Testing Policy and Consent to Drug Testing Form**

I \_\_\_\_\_, hereby acknowledge that I have received, read, and understand my Company's Controlled Substances and Alcohol Testing Policy (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 Colas Inc.

In conjunction with my receiving a copy of the Policy, I further understand and acknowledge the following:

1. My compliance with all terms of the Policy is a condition of my employment with Colas, Inc., and I agree to abide to all terms of the Policy.
2. I may be required to submit to drug and/or alcohol tests based on Department of Transportation regulations as directed by the Company as a condition of my employment;
3. I have read the Policy and fully understand the terms contained therein and the consequences for violation any term of the Policy.
4. If a Post-Incident drug test is required under the Policy and I am seriously injured and unable to provide a specimen at the time of the accident, then this Acknowledgement shall be considered my authorization for Colas, Inc. or its designated representative to obtain hospital reports and other documents which would indicate whether there was any controlled substances and/or alcohol in my system.
5. I authorize the collection site, laboratory and/or medical review officer (MRO) retained by Applicant Insight to perform any and all functions which these entities and/or individuals may be required to perform pursuant to the applicable Federal Department of Transportation Regulations. Such authorization shall include, but is not limited to, the release of test result information to Colas, Inc., verification of the use of prescribed medications, obtaining information from my physician, hospital, dentist, or pharmacist and the reporting of negative test results with a qualifying statement in cases wherein I may be taking a legally-prescribed controlled substance.
6. 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
7. 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.

8. I hereby knowingly and voluntarily release and hold harmless Colas, Inc. and its subsidiaries and their respective officers, directors, employees and agents from any and all claims and liability whatsoever which may arise from the procedures and implementation of this Policy.
9. I acknowledge that, in addition to the Policy, Colas, Inc. has provided to me materials with information concerning 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.
10. I acknowledge that I am responsible for reading and familiarizing myself with the Policy and other materials and information related to the Policy provided to me by Colas, Inc.

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

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

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

Company Name: **SIMON – 6215 CLEAR CREEK PARKWAY, CHEYENNE, WY 82007**

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

**Appendix A**

**DRUG PERSONNEL AND SERVICES**

1. DESIGNATED EMPLOYER REPRESENTATIVE (DER) - PRIMARY

Kelly Duplantis, HR Specialist  
SIMON  
6215 Clear Creek Parkway  
Cheyenne, WY 82007  
307-772-3204  
[kduplantis@simonteam.com](mailto:kduplantis@simonteam.com)

2. DESIGNATED EMPLOYER REPRESENTATIVE (DER) – SECONDARY

Casey Turcato, HR Director  
SIMON  
6215 Clear Creek Parkway  
Cheyenne, WY 82007  
307-772-3214  
[cturcato@simonteam.com](mailto:cturcato@simonteam.com)

OR

Julie Penney, HR Manager  
SIMON  
3975 Sturgis Rd, PO Box 2720  
Rapid City SD 57709  
605.718.7418  
[jpenney@simonteam.com](mailto:jpenney@simonteam.com)