Drug and Alcohol Policy

The use of controlled substances or alcohol can cause vehicular accidents, injuries, illness, absenteeism and overall poor work performance. Such use not only endangers the vehicle operator but also the general public with whom our drivers share the road.

Therefore, it is the policy of Centerline Drivers (hereinafter referred to as “Company”) to prevent the use of drugs and abuse of alcohol from having adverse effects on our drivers.

The serious impact of drug use and alcohol abuse has been recognized by the federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations, which require Company to implement an alcohol and controlled substances testing program.

The purpose of the FMCSA issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

The company will comply with these regulations and is committed to maintaining a drug-free workplace.

It is the policy of Company that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the company/client premises, engaged in company business, operating company/client equipment, or while under the authority of Company is strictly prohibited.

Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The company retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective March 1, 2005, and will supersede all prior policies and statements relating to alcohol or drugs.

Drug and Alcohol Procedures

Regulatory Requirements
All drivers who operate commercial motor vehicles that require a commercial driver’s license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 40 and 382.

Non-Regulatory Requirements
The Federal Motor Carrier Safety Regulations (FMCSR) set the minimum requirements for testing. The company's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSR and what is company procedure.

Who is Responsible
It is Company’s responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. The company will retain all records related to testing and the testing process in a secure and confidential matter.

Company's alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is:

Field Compliance Manager
1600 E. Fourth St., Suite 340 Santa Ana, CA  92701
(714) 541-5415
The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation established threshold levels while on duty. The driver will not use alcohol within 4 hours of performing a 'safety-sensitive' function, while performing a 'safety-sensitive' function, or within eight (8) hours following any accident or until he/she has submitted to an alcohol test, whichever occurs first.

Any driver found to be in violation of this policy shall be subject to immediate termination and will not be considered for future employment. Any driver found to be in violation of local, state or federal law will be reported to the appropriate law enforcement agency. All contraband will be confiscated and turned over to law enforcement authorities.

All supervisors must make every effort to be aware of a driver's condition at all times the driver is in service of the company. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary.

Definitions
When implementing and interpreting the drug and alcohol policies and procedures required by the FMCSA as well as the policies and procedures required by the company, the following definitions apply:

- Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- Breath Alcohol Technician (or BAT). An individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).
- Collection site means a place designated by the company, where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs and breath and/or saliva for the presence of alcohol.
- Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
  - Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
  - Is designed to transport 16 or more passengers, including the driver; or
  - 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 be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).
- Consortium means an entity, including a group or association of employers or contractors, that provides alcohol or controlled substances testing as required by Part 382, or other DOT alcohol or controlled substances testing rules, and that acts on behalf of the Company.
- Controlled substances has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V and any subsequent revisions to the list. The list can be found in 21 CFR 1308.
- In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:
  - Marijuana
  - Cocaine
  - Opiates
  - Amphetamines
  - Phencyclidine (PCP).
- Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.29(e)(f).
• Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

• Drug means any substance (other than alcohol) that is a controlled substance as defined in this policy and 49 CFR Part 40.

• EBT (or evidential breath testing device). An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

• FMCSA means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

• Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

• Medical Review Officer (MRO). A licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by the company’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

• Performing a safety-sensitive function means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

• Prescription Medications means the use (by a driver) of legally prescribed medications issued by a licensed health care professional familiar with the driver’s work related responsibilities.

• Refuse to submit (to an alcohol or controlled substances test) means that a driver:
  ▪ Fails to provide adequate breath for alcohol testing as required by Part 40, without a valid medical explanation, after he or she has received notice of the requirement for breath testing in accordance with the provisions of Part 382,
  ▪ Fails to provide an adequate urine sample for controlled substances testing as required by Part 40, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with the provisions of Part 382, or
  ▪ Engages in conduct that clearly obstructs the testing process.

• Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

• Safety-sensitive functions include:
  ▪ 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 Company;
  ▪ All time inspecting equipment as required by Secs. 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  ▪ All time spent at the driving controls of a commercial motor vehicle in operation;
  ▪ All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of Sec. 393.76);
  ▪ 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
  ▪ All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

• Screening test (also known as initial test) in alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

• Substance Abuse Professional (SAP). A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission). The SAP must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
Alcohol Prohibitions
Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

DOT alcohol prohibition includes:
- Use while performing safety-sensitive functions;
- Use during the 4 hours before performing safety-sensitive functions;
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- Use of alcohol for up to 8 hours following an accident or until the driver undergoes a post-accident test; or
- Refusal to take a required test.

Company's policy is that an alcohol test result of 0.01 or greater will result in the immediate removal of the driver from all safety sensitive functions and termination of employment. If an alcohol test result shows any measurable amount of alcohol in the driver's system, he/she will be terminated.

Drug Prohibitions
Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions.

This drug prohibition includes:
- Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under California Proposition 215 or the use of any Schedule I drug under Arizona Proposition 200 is not a legitimate medical explanation. Under federal law, the use of marijuana or any Schedule I drug does not have a legitimate medical use in the United States.);
- Testing positive for drugs; or
- Refusal to take a required test.

All drivers will inform the Service Director or the Field Compliance Manager of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

Condition for Employment
A driver applicant who has refused a drug or alcohol test, failed a random, reasonable suspicion, post accident, return to duty, follow up alcohol test, or tested positive for controlled substances will not be considered for employment with Company.

Circumstances for Testing
Post Offer / Pre-Employment Testing (Sec. 382.301):
Prior to the first time a driver applicant performs a safety-sensitive function for Company, the driver will be required to submit to and pass a urine drug test as a condition of employment. Driver applicant drug testing shall follow the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

An employee of Company transferring to a driving position is also subject to and must pass a urine drug test as a condition of the transfer.

For job applicants, a failure to receive a negative test result will result in the rejection of the employment application.

Reasonable Suspicion Testing (Sec. 382.307):
If the driver's supervisor or another company official designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a breath test and/or urinalysis.

The basis for this decision will be specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the driver.
The driver’s supervisor or another company official will immediately remove the driver from any and all safety-sensitive functions and take the driver, or make arrangements for the driver to be taken, to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test.

Per FMCSA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just proceeding, or after the driver is performing a safety sensitive function.

Company will arrange for suitable transportation for the driver to his/her home. If the driver refuses to cooperate with Company in this regard, and insists on driving his/her personal vehicle, he/she will not be physically restrained. Instead, the local law enforcement agency will be notified and given a description of the driver, his/her vehicle, license number and the direction of travel.

Company’s policy is that an alcohol test result of 0.01 or greater will result in the immediate removal of the driver from all safety sensitive functions and termination of employment. If an alcohol test result shows any measurable amount of alcohol in the driver’s system, he/she will be terminated.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within 2 hours.

If the test was not administered within 8 hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.

A written record of the observations leading to a controlled substance reasonable suspicion test, signed by the supervisor or company official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is first.

A driver awaiting the results of a reasonable suspicion drug test will be suspended without pay. After a reasonable suspicion test with negative results, the driver will be allowed to drive and may be placed back on duty. Any driver who refuses to cooperate with this provision of the policy will be terminated.

A driver who fails or refuses to proceed directly and immediately to the collection site as directed by Centerline Drivers will be terminated immediately. Such a refusal will be documented and made part of the employee’s drug and alcohol testing file.

Post-Accident Testing (Sec. 382.303):
Drivers are to notify the Centerline Drivers Support Center as soon as possible if they are involved in an accident.

The driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn’t readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed, whichever occurs first.

Post-accident drug and alcohol testing is required for DOT-regulated drivers if: (1) the accident involves a human fatality; (2) there is an injury requiring off-site medical attention and the driver receives a citation under state or local law for a moving traffic violation arising from the accident; or (3) any vehicle sustains disabling damage and the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Each surviving driver who was performing safety-sensitive functions with respect to the vehicle involved in the accident must be tested. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by Company to have refused to submit to testing.
Company requires that all drivers who are involved in a vehicle accident, regardless of severity, submit to a post accident drug screen and breath alcohol test. It is the policy of Company that the controlled substance and alcohol test be performed within four (4) hours from the time of accident. Any driver involved in an accident must report the accident immediately to the Centerline Drivers Support Center and remain readily available for testing and will be considered to have refused to submit to testing if he/she fails to do so. This however does not require a driver to delay any necessary medical attention nor is this intended to hinder any investigation following the accident.

If the alcohol test is not administered within 2 hours following the accident the Centerline Drivers Support Center will prepare a report and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within 8 hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease.

The Centerline Drivers Support Center will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

Company's policy is that an alcohol test result of 0.01 or greater will result in the immediate removal of the driver from all safety sensitive functions and termination of employment. If an alcohol test result shows any measurable amount of alcohol in the driver's system, he/she will be terminated.

A driver who fails or refuses to proceed directly and immediately to the collection site as directed by the Central Dispatch office will be terminated immediately. Such a refusal will be documented and made part of the drug and alcohol testing file.

Random Testing (Sec. 382.305):
Company will conduct random testing for all drivers as follows:
- Company will use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.
- Safety First, a Division of Behavioral Health Systems will administer the random testing program, maintaining all pertinent records on random tests administered.

At least 10 percent of the company's average number of driver positions will be tested for alcohol each year. At least 50 percent of the company's average number of driver positions will be tested for drugs each year.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site. Failure or refusal to proceed directly and immediately to the collection site will be considered a refusal to test and will be grounds for termination. Such a refusal will documented and made part of the drug and alcohol testing file.

The nature of random testing, when conducted as prescribed by federal regulations, is such that an individual driver may be randomly chosen more than once throughout the calendar year, or may not be chosen at all. Company and all drivers accept this condition as part of the scope of the random testing program and understand that a driver being chosen one or more times or not at all, is not indicative of any beliefs or suspicions on the part of Company as to the driver's use or non-use of controlled substances or alcohol.
Company's policy is that an alcohol test result of 0.01 or greater will result in the immediate removal of the driver from all safety sensitive functions and termination of employment. If an alcohol test result shows any measurable amount of alcohol in the driver's system, he/she will be terminated.

**Post Injury Testing**
Company policy is that all employees who are involved in a work-related injury, regardless of severity, are required to submit to a post injury drug screen. The Centerline Drivers Support Center will immediately direct the employee(s) to the nearest collection site.

A driver who fails or refuses to proceed directly and immediately to the collection site as directed by Company will be terminated.

**Refusal to Submit**
According to Sec. 382.211, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A driver who refuses to submit to such tests or fails to report to the clinic as directed may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the driver tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs or interferes with any stage of the testing process. This includes adulteration or tampering with a urine or breath sample.

Failure or refusal to proceed directly and immediately to the collection site will be considered a refusal to test, and pursuant to federal regulations, a refusal to test is considered a positive test result. A driver who fails or refuses to proceed directly and immediately to the collection site will be terminated.

**Alcohol Testing Procedures**
Alcohol testing will be conducted at an Industrial Clinic by a qualified breath alcohol technician (BAT), according to 49 CFR Part 40 Subpart C procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) will be utilized for testing under this policy.

The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the breath alcohol technician (BAT) will ask for identification.

The driver may ask the technician for identification.

The BAT will then explain the testing procedure to the driver. The BAT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. The mouthpiece of the evidential breath-testing device (EBT) used in the test must be sealed before use, and opened in the driver's presence.

The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the EBT or may be displayed on the EBT. If the EBT does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the breath alcohol testing form. If the EBT prints results, but not directly onto the form, the BAT must affix the printout to the breath alcohol testing form in the designated space.

If the reading is less than 0.02, both the driver and the BAT must sign and date the result form. The form will then be confidentially forwarded to Company.
If the reading is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests. The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result. A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same, then the confirmation test will be used.

Refusal to complete and sign the testing form or refusal to provide breath will be considered a failed test, and the driver will be terminated.

Results: According to FMCSA regulation, the BAT will transmit all results to the employer in a confidential manner. The results will be transmitted via fax and must be done in a timely fashion so Company can prevent the driver who fails an alcohol test from performing any safety-sensitive functions.

If the initial transmission is not in writing, the BAT must send a copy of the driver's breath alcohol testing form as soon as possible.

**Drug Testing Procedures**

Drug testing will be conducted at an Industrial Clinic or certified collection site. Specimen collection will be conducted in accordance with 49 CFR Part 40, Subpart B, and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain-of-custody guidelines.

A drug testing Custody and Control Form will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory. As well as the use of a custody and control form, test preparation includes:

- Use of a clean, single use specimen bottle that is securely wrapped until filled with specimen.
- Use of a tamperproof seal system designed in a manner that the specimen bottle can be sealed, revealing any unauthorized tampering (including unauthorized opening of the bottle). The system must allow for identification of the test subject, either by number or some other confidential mechanism.
- Use of a shipping container for transporting the specimens and associated paperwork which can be sealed and initialed to prevent undetected tampering.
- Written procedures and instructions for the collection site person.

The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet. The driver will then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The driver is then instructed to provide his/her specimen in the privacy of a stall, or otherwise partitioned area that allows for privacy.

The specimen must consist of at least 45 ml of urine. The sample must then be split in front of the driver into a primary specimen of 30 ml and a second specimen (used as the split) of 15 ml. Both bottles must be shipped in a single shipping container.
Within 4 minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature range is 90 to 100 degrees Fahrenheit. The collection site person will also inspect the specimen for color and look for any signs of contamination or tampering. Unusual signs must be noted on the collection form. Whether the specimen is suspected of being tampered with or not, it must be forwarded to the lab for testing.

If the collection site person believes the specimen was tampered with, a second specimen must be obtained as soon as possible under the direct observation of a same gender collection site person.

The specimen must be kept in the view of the collection site person and driver at all times prior to the specimen being sealed and labeled. The specimen must be sealed and labeled by the collection site person in the presence of the driver.

The identification label must be placed securely on the bottle and must contain the date, the individual specimen number, and any other identifying information required.

The driver must initial the identification label on the specimen bottle, certifying the specimen collected was his/hers.

All identifying information must be entered on the custody and control form by the collection site person.

The form must be signed by the collection site person, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.

Laboratory analysis: As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by Company. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results. The confirmation process is done by gas chromatography/mass spectrometry (GC/MS), revealing a specific, scientific level of drug contained in a collected specimen.

Results: According to FMCSA regulation, the laboratory must report all test results directly to Company’s medical review officer (MRO) within an average of 5 working days. All results, positive and negative, must be reported.

The MRO is responsible for reviewing and interpreting all non-negative results. The MRO must determine whether alternate medical explanations could account for the positive test results. The MRO must also give the driver who tested positive an opportunity to discuss the results prior to making a final determination that the test was positive. After the decision is made, the MRO must notify Company.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver within 24 hours, the MRO shall contact the Field Compliance Manager. A company official will arrange for the driver to contact the MRO.

The MRO may verify a positive test without having communicated with the driver about the test results if:

- The employee expressly declines the opportunity to discuss the test with the MRO; or
- The Company successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the Company contacted the employee; or
- Neither the MRO nor the Company, after making and documenting all reasonable efforts, has been able to contact the employee within ten days of the date on which the MRO receives the confirmed test result from the laboratory.

- Split Sample: As required by FMCSA regulations, the MRO must notify each driver who has tested positive that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split sample, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. The driver will pay for the testing of the split specimen if requested within the 72 hour required period.

If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DOT, Company and the driver.

Specimen Retention: Long term frozen storage will ensure that positive urine specimens will be available for any
necessary retest. Company’s designated drug testing laboratory will retain all confirmed positive specimens for at least 1 year in the original labeled specimen bottle.

**Confidentiality/Record keeping**
All driver alcohol and controlled substance test records are considered confidential (Sec. 382.401). For the purpose of this policy/procedure, confidential record keeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.

If the program administrator is unavailable, the Senior Compliance Administrator will have access to the alcohol and controlled substance records.

Driver alcohol and controlled substance test records will only be released in the following situations:
- To the driver, upon his/her written request;
- Upon request of a DOT agency with regulatory authority over Company;
- Upon request of state or local officials with regulatory authority over Company;
- Upon request by the United States Secretary of Transportation;
- Upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- Upon request by subsequent employers upon receipt of a written consent by a covered driver;
- In a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests; or
- Upon written consent by the driver authorizing the release to a specified individual.

All records will be retained for the time period required in Sec. 382.401.

**Driver Assistance**
Driver Education and Training (Sec. 382.601): All drivers will be given information regarding the requirements of Part 382 and this policy by their supervisor. All drivers will be given a copy of this policy.

Supervisor Training: According to FMCSA regulation, all employees of Company designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on drug use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.

Referral, Evaluation, and Treatment (Sec. 382.605): According to FMCSA regulation, a list of substance abuse professionals will be provided to all drivers who fail an alcohol test or test positive for drugs.

**Discipline**
According to FMCSA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following company disciplinary measures apply to all reasonable suspicion, post-accident, post-injury and random tests.

Controlled Substance Positive Test Result: Upon notification that a driver tested positive for a controlled substance, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be suspended without pay until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive result, the driver will be terminated.
If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

Refusal to Test: A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Any intentional act that delays, obstructs or interferes with the collection of a urine specimen for controlled substance testing, or breath alcohol testing will be considered a refusal to test. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and will also be considered a refusal to test. Failure or refusal to
cooperate with collection site personnel or Breath Alcohol Technicians, at any stage of the process, or failure or refusal to cooperate with Centerline Drivers, as well as failure to proceed directly and immediately to the collection site, will be considered a refusal to test. A driver whose conduct is considered a refusal to test will be terminated.

Failed Alcohol Test Result: Upon notification that a driver has failed an alcohol test (0.01% Breath Alcohol Concentration or greater per Company policy), the driver will be terminated.

Employee Assistance Program
If an employee self-identifies a substance abuse problem, Company will assist an employee by:

- Assisting in the identification of an appropriate treatment program through the employee’s insurance plan. The employee will bear the costs of the rehabilitation program and will be entitled to utilize whatever available vacation; sick and/or medical leave benefits necessary for program participation.
- Granting an unpaid leave of absence for the period required for the rehabilitation.
- Maintaining strict confidentiality regarding the employee’s involvement in a rehabilitation program.

To facilitate the process, the following should be contacted:

- **Field Compliance at (714) 541-5415.**
- The employee’s medical insurance carrier and primary care physician.

The following criteria are for employees during and after his/her involvement in a rehabilitation program:

- Failure to remain in and complete such a program for which time off has been granted will result in disciplinary action up to and including termination.
- Participation does not exempt the employee from meeting defined performance standards, including attendance and safety requirements upon their return to work.
- Employees must pass a return to duty test before returning to work following successful completion of a rehabilitation program.
- Employees will be subject to unannounced follow up testing at the employee’s expense for 60 months from the time the employee returns to work. Failure to pass any of these unannounced tests or failure to proceed to the collection site immediately as directed will result in termination.

Company does not provide for employee assistance after a positive drug test or positive alcohol test.

Drug & Alcohol Program Administration
Company’s drug and alcohol policy administrator is:

**Field Compliance Manager**
1600 E Fourth St., Suite 340
Santa Ana, CA  92701
(714) 541-5415

Any questions regarding this policy, or federal or state regulations of controlled substance/alcohol use and/or testing, should be directed to:

**Field Compliance Manager**
(714) 541-5415

Company’s third party administrator of the controlled substance and alcohol-testing program is:

**Safety First – A Division of Behavioral Health Systems**
Two Metroplex Drive, Suite #507
Birmingham, AL 35209
(215) 879-1150
(800) 245-1150 Toll-free

The Medical Review Officer (MRO) is:

**Michael Cloyd, MD**
(215) 879-1150
(800) 245-1150