

U.S. Department of Transportation Federal
Motor Carrier Safety Administration (FMCSA)
Drug and Alcohol Testing Policy

Adopted by Web-Co Custom Industries, Inc. on
24 October 2016

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PURPOSE AND COVERAGE

Web-Co Custom Industries, Inc. (hereinafter will be referred to as "The Company") is dedicated to providing both our employees and the general public a safe, dependable and economical transportation services. The goal is to ensure our drivers are fit for duty and establish a drug and alcohol free transportation and work environment, to reduce and eliminate drug and alcohol related accidents. In meeting this goal it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) have issued regulations (49 CFR, Parts 40 & 382, hereinafter referred to as "DOT regulations" which govern the use of drugs and alcohol by employees who hold a Commercial Driver's License (CDL) and drive a Commercial Motor Vehicle (CMV). The FMCSA requires an employer conduct drug and alcohol testing of its drivers at the times and under the conditions described in this Policy. The regulations apply to every person who operates a CMV in interstate, foreign, or intrastate commerce, to all employers of such persons and to all states. For the purpose of this Policy, any employee performing under the definitions described below will be referred to as "the Driver." Any person who holds a CDL and operates a CMV, which falls role were 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.

Please direct all questions regarding this policy to The Company's Designated Employer Representative (DER) listed in Attachment C.

It is the Company's intention to comply fully with DOT regulations. In the event DOT regulations are amended or revised, the Policy and the applicable terms, conditions, and/or requirements shall be deemed to have been amended automatically. Redrafting will not be necessary in order to reflect and be in compliance with DOT regulations. The Company reserves the right to apply the amended or revised requirements immediately, and will give written notice of substantive changes to drivers and/or applicants or other employees covered by the Company Policy as soon as possible.

Adherence to this policy is a condition of employment although it should not be considered an offer of employment. **Violation of this policy by having a verified positive drug test result or confirmed positive alcohol test result or refusing to submit to a required test will result in termination of employment.**

APPLICABILITY

Under the Company's Policy and DOT and FMCSA regulations, drivers who hold a Commercial Driver's License (CDL) and drive a vehicle that is designed to transport 16 or more passengers, including the driver.

All applicants for positions as a driver or for a safety-sensitive position, which includes driving, will be notified of the Company's policy at the time they apply for the position.

A 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 or she is relieved from work and all responsibility for performing work.

FMCSA (required by 49 CFR §§ 392.7 and 392.8) defines the time a driver is considered performing safety-sensitive functions and subject to drug and alcohol testing as follows:

- Driving or required to be ready to drive
- Waiting to be dispatched
- Inspecting, repairing, securing assistance, loading or unloading the CMV
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

PROHIBITED SUBSTANCES

Drugs:

For purposes of this Policy, "drug" means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The term includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes, and any prescribed drugs not taken in accordance with a prescription. In other words, medications prescribed for someone other than the driver will be considered unlawfully used under any circumstances. Pursuant to DOT regulations, all DOT-required drug tests must test for the following substances and at the defined cutoff levels identified in 49 CFR § 40.85: **marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP).**

All employees/applicants with a dilute negative drug test result will be required to retest. The second test result will stand as the test of record and no additional testing will be required unless directed to do so by the Medical Review Officer (MRO).

A dilute positive result is treated the same as any other positive drug test result.

Instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, The Company reserves the right under its authority to request a separate sample, using standard laboratory testing protocols, and to test for additional drugs within the limits of applicable state laws. The Company also reserves the right to require a fitness-for-duty examination by a licensed medical professional when an employee's observable behavior and actions are considered to be inconsistent with a safe workplace.

Medications prescribed for someone other than the driver, will be considered unlawfully used under any circumstance. The DOT also indicates that a driver's purported use of marijuana for medical purposes (even if pursuant to state "medical marijuana" law) or use of hemp or marijuana-related products does not constitute a legitimate medical explanation for a positive test result and these are insufficient grounds for the MRO to verify the test result as negative.

Alcohol Use:

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. An employee with an alcohol test result of 0.04 or greater is considered to have a positive alcohol test result and is in violation of this policy. No safety-sensitive employee shall use alcohol while on duty, while performing safety-sensitive functions as defined in this policy.

A safety-sensitive employee who has a confirmed alcohol concentration of 0.02 or greater, but less than 0.04 will be immediately removed from his/her safety-sensitive duties until the start of the employee's next regularly scheduled duty period, but not less than 24 hours.

Legal Drugs:

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning,

motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related safety-sensitive duties.

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

DRUG AND ALCOHOL TESTING EVENTS

Pre-Employment:

A drug test is required before any driver-applicant will be hired to perform a safety-sensitive function. A drug test will also be required before any current employee in a non-regulated position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the Company for the first time. Exception for the administration of a pre-employment test is acceptable if the guidelines found in 382.301(b) are followed. All offers by the Company to hire an applicant for, or to assign or transfer an applicant to, a driver position are conditioned upon the requirements defined in CFR Part 391.23 as follows:

- Taking and providing a negative drug test as directed by the Company. The Company will not allow an employee to perform a safety-sensitive function unless and until the Company has received a negative test result for the applicant/employee. A verified positive drug test will disqualify an applicant/employee from a safety-sensitive position and the conditional offer of employment in such a position will be withdrawn. Before an applicant/employee with a verified positive pre-employment drug test may be reconsidered for a safety-sensitive position with the Company or any other DOT-regulated employer, the applicant/employee must complete, and provide proof of having successfully completed, the SAP recommendations and had a negative Return to Duty Test result as required by the DOT regulations.
- 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 using the Pre-Employment Testing History Form.
- Passing DOT-required physical exam required for driver positions.
- Authorizing the company to obtain the following:
 - Past drug and alcohol test results including information on any test refusal from each DOT-regulated employer for whom the driver either worked, took, or refused to take, a drug and/or alcohol test during the past three (3) years per §391.23 (e)
 - 3 Year State Driving Records
 - 3 Year Safety Performance from previous employers

Complying with any other conditions or requirements of which the Company advises the applicant at the time of the offer.

Post-Accident:

A Driver who is performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a "DOT Accident." For purposes of this Policy and the Company's drug and alcohol testing program, a "DOT Accident" is defined as an occurrence involving a commercial motor vehicle operating on a public road in commerce which results in:

A loss of human life; or

The driver receiving a citation under state or local law for a moving traffic violation arising from the accident if the accident involved:

1. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or;
2. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Disabling Damage Definition:

- Damage which will preclude departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
- Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Excluded:

- Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.
- Tire disablement without other damage even if no spare tire is available.
- Headlight or taillight damage.
- Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

If a Company supervisor is not at the scene of the accident and the driver is directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to immediately contact his/her supervisor or other Company official to report the drug and/or alcohol test is being required and to provide the Company with the name, badge number, and telephone number of the law enforcement officer who conducted the test.

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, shall be considered to meet the requirements of this section, 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 a DOT Accident and is not tested for drugs and/or alcohol by a law enforcement official, the driver is required to follow the Company's procedures and immediately contact his/her supervisor or other Company official and remain available to be tested. A driver who is subject to post-accident testing must remain available for testing or the Company may consider the driver to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

As permitted by DOT guidance and required by the Company's independent authority, drivers involved in a DOT Accident and required to take a Post-Accident drug and alcohol test will be removed from safety-sensitive duties until the Post-Accident test results are reported to the Company. While awaiting the Post-Accident test results, the driver will be placed on non-disciplinary suspension.

Alcohol Testing Timeframe:

Tests should be administered as soon as possible but within two (2) hours of an accident. If unable to test within the two (2) hour time period, the employer must document the reason(s) for the time delay. If the test was not performed within eight (8) hours, cease all attempts to administer the alcohol test and document the reason(s) why the test was not conducted.

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

Drug Testing Timeframe:

Tests should be administered as soon as possible but within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the employer will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted.

In the event of a DOT Accident that involves a traffic citation, the citation must have been issued within the foregoing prescribed time periods (8 hours for alcohol and 32 hours for drugs from the time of the accident) to trigger a referral for a DOT post-accident test.

In the event a traffic citation is not issued within the prescribed time periods and no DOT post-accident test is performed, the Company reserves the right, as permitted by the DOT, to require a non-DOT post-accident test based on its independent authority and discretion, and within the limits, if any, of applicable law. Drivers may refer to the Company's non-DOT policy, if any, concerning non-DOT testing.

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Random:

Every driver shall submit to random testing as directed by the Company pursuant to DOT regulations. All such tests will be unannounced and performed at reasonable intervals throughout the workday, workweek and year. Whenever a driver is randomly selected to be tested, he/she will be notified of their selection and instructed to immediately report to the collection site. A driver who tests positive or refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

Each driver selected for random testing shall be tested during the selection period. If a driver selected for random testing is on vacation, temporary layoff, medical leave or otherwise not at work, the driver must be referred for a random test upon his/her return to work. The Company will not skip or select an alternate in the event a selected driver is unavailable for testing on any particular day during the random selection period. If a driver selected for random testing does not return to work before the beginning of a new random selection period (i.e., the next random draw), the Company will ensure that a sufficient number of drivers are subsequently selected so the annual testing rate is

not less than the minimum annual percentage rates established by the FMCSA for random drug and alcohol testing.

The Driver, once notified of his/her selection must proceed immediately to the collection site.

There is no discretion on the part of management or operations in the selection and notification of individuals for testing. Random alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

Alcohol:

The annual minimum rate for random alcohol testing is set by the FMCSA. Drivers may be tested just before, during, or just after performing a safety-sensitive function.

Drugs:

The annual rate for random drug testing is set by the FMCSA. Drivers may be tested at any time while the employee is at work for the employer and may be called when on off duty status and counts towards hour of service.

Reasonable Suspicion:

Each driver is required to submit to a drug and/or alcohol test whenever the Company has reasonable suspicion (also referred to as "reasonable cause") to believe that a driver has used drugs/alcohol in violation of DOT regulations. Reasonable suspicion will exist when a driver's appearance, behavior, speech, and/or body odors indicate drug/alcohol use, or the chronic and withdrawal effects of drugs/alcohol. Whenever a driver is notified that there is reasonable suspicion to be tested, the driver is expected to report to the test/collection site immediately and will be escorted. Documentation of the employee's conduct and/or appearance leading to a reasonable suspicion drug/alcohol test must be prepared and signed by the supervisor or Company official who made the observations within twenty-four (24) hours of the observed behavior, or before the results of the drug/alcohol test are released, whichever is earlier.

As allowed by DOT guidance and based on the Company's independent authority, following a reasonable suspicion determination that leads to a Reasonable Suspicion drug and/or alcohol test, a driver will be removed from safety-sensitive duties until the Reasonable Suspicion test results are reported to the Company

Alcohol Testing Timeframes:

Observations must be made just before, during, or just after the driver performs a safety-sensitive function. The person who makes the reasonable suspicion determination cannot conduct the alcohol test.

Alcohol tests should be administered within two (2) hours of observation. If unable to test within the two (2) hour period, the employer must document the reasons for the time delay. If the test is not performed within eight (8) hours, 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 perform a safety-sensitive function until: An alcohol test has been performed and the result is less than 0.02; or Twenty-four (24) hours have passed following the reasonable suspicion determination.

Drug Testing Timeframes:

Drug testing should be administered as soon as possible after making a reasonable suspicion determination. If unable to drug test within thirty-two (32) hours, the employer must cease attempts and document the reason(s) why the test was not conducted.

Return-To-Duty Testing:

Before any safety-sensitive employee is allowed to return to performing safety-sensitive duties following a verified positive drug or alcohol test or if the employee refused to submit to testing, they must be evaluated by a SAP according to CFR Part 40, Subpart O, complete any recommended treatment and provide a negative return to duty test. Return-to-duty testing is done after the recommendation of the SAP and decided upon by the DER and may be for drugs and/or alcohol.

The return-to-duty drug test is not limited to a specific substance (i.e., the particular drug for which the driver tested positive). Additionally, if the SAP determines that a multiple-substance abuse problem exists, a drug test may be performed in conjunction with an alcohol test. As required by DOT drug testing procedures, specimen collection for all return-to-duty drug tests will be conducted under direct observation (See 49 CFR § 40.67(b)).

Follow-up Testing:

Once a safety-sensitive employee is allowed to return to duty, they shall be subjected to unannounced random follow-up testing for at least 12 months, but not more than 60 months with a minimum of 6 tests being done during the first 12 months. The SAP will determine the frequency and duration of the follow-up testing. Follow-up testing is separate from and in addition to the ongoing, FMCSA regulated, random, post-accident and reasonable suspicion testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week, or month.

As required by DOT drug testing procedures, specimen collection for all follow-up drug tests will be conducted under direct observation (See 49 CFR § 40.67(b)).

PROHIBITIONS

Drug Prohibitions:

The DOT regulations prohibit any drug use that could affect performance of a safety-sensitive function. Listed below are the prohibitions with respect to drug use.

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the drug will not adversely affect the driver's ability to safely operate a CMV.
- No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- If the driver has tested positive for controlled substances, No employer having actual knowledge that a driver has tested positive for controlled substances or refused to test shall permit the driver to perform or continue to perform safety-sensitive functions unless and until the required Return-to-Duty procedures defined in the the DOT regulations are followed.
- No driver shall refuse to submit to a drug test required pursuant to DOT regulations.

Alcohol Prohibitions:

The DOT regulations prohibit any alcohol use that could affect performance of a safety-sensitive function. Listed below are the prohibitions with respect to alcohol use.

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No

employer having actual knowledge that a driver has been using alcohol shall permit the driver to perform or continue to perform safety-sensitive functions.

- No driver shall use alcohol while performing safety-sensitive functions or perform such functions within four (4) hours after using alcohol. No employer having actual knowledge that a driver has used alcohol while performing safety-sensitive functions, or used alcohol within four (4) hours immediately preceding the performance of such functions, shall permit a driver to perform or continue to perform safety-sensitive functions.
- No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- No driver shall refuse to submit to an alcohol test required pursuant to DOT regulations.

NOTE: A regulated employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least twenty-four (24) hours.

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:

- 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).
- Fails to remain at the testing site until the testing process is complete (excluding a pre-employment test prior to commencement of the test).
- 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).
- 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.
- 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.
- 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)).
- Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER pursuant to 49 CFR § 40.193 or 49 CFR § 40.265(c).
- Fails to sign the certification at Step 2 of the ATF.
- 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).
- 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.

- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that you adulterated or substituted the specimen.
- 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.

CONSEQUENCES FOR POLICY VIOLATIONS

Removal from Safety-Sensitive Function:

Employees and applicants shall not perform, nor be permitted to perform, a safety-sensitive function, including driving a commercial motor vehicle as previously defined in this Policy, if any of the above prohibitions, or the drug and/or alcohol rule of another DOT agency, are violated. Employees and applicants who violate a DOT drug and alcohol regulation will be advised by the Company of the and referred to resources available in evaluating and resolving drug and/or alcohol problems, including the names, addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

Additionally, employees subject to Post-Accident or Reasonable Suspicion testing will be removed from safety-sensitive functions and receive a non-disciplinary suspension until the Company receives the test results.

Return-to-Duty Procedures:

An employee who has violated a DOT drug and/or alcohol regulation cannot again perform any DOT safety-sensitive duties for the Company or any DOT-regulated employer until and unless the employee has completed the SAP procedures defined in 49 CFR Part 40 Subpart O, including, evaluation, referral and education/treatment process. For purposes of this Policy, a DOT drug and/or alcohol regulation violation includes a verified positive DOT drug test, a DOT alcohol test with a result indicating an alcohol concentration of .04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition on the use of alcohol or drugs under a DOT agency regulation.

Before a driver who has violated a DOT drug and/or alcohol regulation can return to a safety sensitive position (whether for this Company or any DOT-regulated employer), he or she must:

- Meet with a Substance Abuse Professional (SAP) for an initial evaluation
- Properly follow all SAP evaluation recommendations for assistance and referrals, to an education and/or treatment program
- 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 recommendations
- Take and provide a negative return-to-duty drug and/or alcohol test
- Be subject to post-rehabilitation/follow-up testing as determined by the SAP 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 six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

Employee Discipline:

Employees who engage in any of the prohibited conduct listed above are in violation of this Policy and are subject to discipline, up to and including termination, at the Company's sole discretion pursuant to the Company's authority independent of federal requirements.

Any employee who refuses to submit to testing or attempts to adulterate or substitute a specimen will be terminated.

A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform nor be permitted to work for at least twenty-four (24) hours.

VOLUNTARY ADMISSION OF DRUG/ALCOHOL USE

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 organizations that are available. Accordingly, employees who voluntarily come forward and admit to alcohol misuse or drug use will not be subject to disciplinary action or the Return-to-Duty Procedures described above (i.e. the SAP evaluation, referral and treatment requirements set forth in Parts 40 Subpart O and 382). Rather, employees who self-identify their need for assistance will be allowed sufficient opportunity to seek evaluation, education or treatment to establish control over their drug or alcohol problem.

Employees must make any such admission or self-identification of a drug and/or alcohol problem prior to performing a safety-sensitive function (i.e. prior to reporting for duty). Employees may not self-identify a drug or alcohol problem to avoid testing required under DOT regulations. Employees also may not escape discipline or the Post-Violation/Return-to-Duty Procedures by self-identifying a drug or alcohol problem after being referred for testing or after a DOT drug and alcohol regulation violation has occurred. Costs associated with any counseling or treatment program may be covered by the employee's medical insurance plan (if any); however, any costs not covered by the employee's medical insurance plan and which are not otherwise required to be paid by any applicable plan are entirely the employee's sole responsibility. The Company will comply with any applicable medical leave law, disability discrimination law or applicable leave law in the event a leave is requested.

Employees who admit to a drug or alcohol problem will be referred to a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, SAP, or qualified drug and alcohol counselor) for evaluation and recommendations for an appropriate education or treatment program. Such employees will not be permitted to return to a safety-sensitive function until the Company is satisfied that the employee has been evaluated by a drug and alcohol abuse evaluation expert and successfully completed the expert's recommendations for an educational or treatment program. Before the employee's return to a safety-sensitive function, the employee must also 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. Except as otherwise required by applicable law or policy, the Company cannot guarantee that the employee will return to the same or a comparable position upon return to duty. The Company reserves the right, as recognized by the DOT, to require employee monitoring and/or non-DOT follow-up testing based on its independent authority and discretion, and within the limits, if any, of applicable law. All returning employees are required to comply with the Company's normal standards with respect to work performance and conduct.

TESTING PROCEDURES

Alcohol Testing Procedures:

All alcohol testing procedures will be done according to the standards set forth in 49CFR Part 40 as amended. An overview to the procedures is available in Attachment A.

Drug Testing Procedures:

Urine collections will be performed to the standards defined 49CFR Part 40 as amended. An overview of the procedures are available in Attachment A to this policy. A copy of 49 CFR Part 40 is available upon request from Drug & Alcohol Program Administrator or Designated Employer Representative identified in this policy.

EMPLOYEE REQUESTED TESTING

Any safety-sensitive employee, who has been notified by the MRO of a verified positive drug test and/or refusal to test due to adulteration or substitution, has 72 hours from the time of notification to request a test of the split specimen. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee is responsible for all costs for such testing unless the result of the split sample test invalidates the result of the original test. However, if the employee is unable or refuses to pay for the testing, The Company will pay and ensure that the testing is done in a timely manner. The Company may require reimbursement for the cost from the employee. The method of collecting, storing, and testing of the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

TRAINING FOR SAFETY-SENSITIVE EMPLOYEES & SUPERVISORS

All safety-sensitive employees shall receive a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and indicators of prohibited drug use.

Supervisors responsible for making the decision to generate a reasonable suspicion test must receive a minimum of 60 minutes of training on drug and 60 minutes of training on alcohol information regarding the physical, behavioral, speech and performance indicators of probable drug and alcohol misuse.

EMPLOYEE ACCESS TO RECORDS

Drug testing records must be kept in a secure location with controlled access. Drug and alcohol test results may be released only under the following circumstances:

- Employer shall release information or copies of records regarding an employee's test results to a third party only as directed by specific, written instruction of the employee.
- Employer may disclose information related to a test result to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested.
- Upon written request, employer must promptly provide any employee with any records relating to his/her test, including calibration records and laboratory certification records.
- Employer must release information to the National Transportation Safety Board (NTSB) about any post-accident test performed for an accident under NTSB investigation.

- Employer shall make available copies of all results of employer testing programs, and any other records pertaining to testing programs when requested by DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency.

RESERVATION OF RIGHTS

This Policy supersedes and revokes any other Company practice or policy relating to the use of drugs and alcohol in the workplace and drug and/or alcohol testing. The Company reserves the right to interpret and administer this Policy, and at any time and at its sole discretion, amend or change this Policy, in whole or in part, with or without notice. This Policy automatically incorporates any changes to DOT or FMCSA regulations (49 CFR, Parts 40 and 382) or related regulations or statutes that govern the use of drugs and alcohol by employees who hold a COL and 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 particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

Attachment A

URINE COLLECTION AND ALCOHOL TESTING PROCEDURES

DRUG TESTING PROCEDURES

Urine collection for drug testing shall be done at a location that provides:

- a privacy enclosure for urination
- a toilet receptacle large enough to contain a complete void
- a source for washing hands
- a suitable surface for writing

The collection site personnel shall be trained in the proper procedures for preparing the collection site, collecting the urine specimen, sealing and preparing the specimen for shipment and completing the custody and control form as required in 49 CFR Part 40.

A Federal drug testing custody and control form will be used for the collection unless the test is being performed under the authority of the Company and does not meet the FMCSA guidelines.

The collection room shall be inspected by the collector before and after each specimen collection for removal of any unauthorized persons and materials that could be used to adulterate the specimen. The collection site will be secure to prevent unauthorized access during the collection process.

The collector will verify the employee's identity by photo identification or by a Company representative. The collection will not proceed if identity is not verified. The collection site will notify the employer if the employee fails to report in timely manner for a scheduled appointment.

The employee will be requested to check belongings (purses & briefcases) and remove any unnecessary outer clothing (sweaters, jackets, vests, etc.). The employee may retain their wallet.

The employee will be directed to wash their hands.

The collector will unwrap the collection cup or specimen bottle in front of the employee and direct them to the privacy enclosure. The collector remains outside the enclosure. The employee is instructed to provide at least 45 ml (about 2 ounces) of urine.

If the employee is unable to provide at least 45 ml of urine they will be given up to 40 ounces (measured) of fluids and remain at the collection site for up to 3 hours in an attempt to provide the specimen. If the required amount is provided, the specimen is forwarded to the laboratory. If the employee is unable to provide an adequate specimen within 3 hours, the insufficient specimen is discarded, testing discontinued and the employer notified. The MRO/DER shall refer the employee for a medical evaluation to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test. The examining physician shall provide the MRO a brief statement setting forth his/her conclusion and the basis for it. Upon receipt of the statement the MRO shall report his/her conclusions to the employer in writing. If the MRO determines there is no medical explanation for the inability to provide an adequate specimen, this will be considered a refusal to test.

Within four (4) minutes of receiving the specimen from the employee, the collector will record the temperature of the specimen on the custody and control form. The temperature must be between 90°-100°F. Any specimen temperature out of that range requires a second specimen to be collected immediately under direct observation by a collector of the same gender. The incident is noted in the remarks section of the custody and control form and both specimens are sent to the laboratory, unless the donor refuses to submit to a directly observed test; which in this case the first specimen will be discarded and the test ruled as a refusal. The collector shall also visually examine the specimen for any unusual color or sediment, and note anything unusual on the custody and control form.

If the employee refuses to cooperate with the collection process the collector notifies the employer immediately and documents the non-cooperation on the custody and control form.

The collection site person, in the presence of the donor, pours the urine from the collection cup into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen.

Both bottles must be sealed and labeled in the presence of the donor. The labels must be printed with the same specimen identification number as the custody and control form. The collector dates and the donor initials the seals on the bottles verifying the specimen is his/hers.

The custody and control form is completed. The donor and collector and the donor must sign the appropriate certification statements on the form regarding authenticity of the specimen and information provided and the integrity of the collection process. Each transfer of custody must be noted on the chain of custody portion of the urine custody and control form. Every effort should be made to minimize the number of persons handling the specimen.

The specimen must be stored in a secured location until transport to the laboratory. Both the primary specimen and the split specimen shall be sealed in a single shipping container, together with the appropriate pages of the custody and control form

Observed Collections

Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided.

In the following circumstances the collector must observe the collection.

- The employee has presented a urine sample that falls outside the normal temperature range (90°-100°F).
- The collector observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.)
- Previous sample is invalid and there is no medical reason: the collector is informed by the employer or MRO.
- The employee has previously violated the DOT regulations and the testing that is being performed is a return to duty or follow-up test.

The direct observation must be by a collector (or observer) of the same gender as the employee being tested. The observed collection procedure must adhere to the requirements of 49 CFR Part 40 as amended. This requires the employee to raise his or her shirt, blouse or dress / skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have a prosthetic device.

ALCOHOL TESTING PROCEDURES

Alcohol testing shall be done at a location that provides:

- Privacy to the individual being tested
- Security with no unauthorized access at any time to EBT
- BAT conducting only one test at a time who must not leave the testing site while the preparations for testing or the test itself are in progress.

Upon arrival at the testing site the employee must provide positive identification in the form of a photo identification or identification by The Company's Supervisor.

The BAT will explain the testing procedures to the employee.

The BAT and the employee will complete, date and sign Step #1 and Step #2 of the alcohol testing form indicating the employee is present and providing a breath specimen. Refusal by the employee to sign Step #2 of the alcohol testing form will be noted by the BAT in the remarks section and is considered a refusal to test.

Screening Test

Employee is informed that testing will begin with a screening test. The BAT will open an individually sealed, disposable mouthpiece in view of the employee and attach it to the EBT.

The employee will be instructed to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. The BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required. The BAT and the employee will finish filling out the alcohol testing form. The employee may return to their safety-sensitive position and the test will be reported to the employer as a negative.

Note: Alcohol screens may be performed by certified Screening Test Technicians (STT) using alternative alcohol screening devices approved by the Department of Transportation. The alternative methods may test either breath or saliva. If the screening tests results are 0.02 or greater a confirmation test by a BAT, using an evidential breath testing device, must be performed.

Confirmation Test

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading.

The BAT will inform the employee of the need to conduct a confirmation test. The employee will be instructed not to eat, drink, or put any object or substance in his/her mouth. The BAT will also instruct the employee not to belch to the extent possible while awaiting the confirmation test. The BAT will inform the employee that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions.

Before the confirmation test is administered, the BAT shall conduct an airblank on the EBT. If the reading is greater than 0.00, the BAT shall conduct one more airblank. If the second airblank reading is greater than 0.00, the EBT must not be used to conduct the test.

The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.

If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.

If the result displayed on the EBT is not the same as that on the printed form, the test will be cancelled, and the EBT removed from service.

The BAT will sign and date the form. The employee will sign and date the certification statement, which includes a notice that the employee cannot perform safety-sensitive duties or operate a motor vehicle if the results are 0.02 or greater. Refusal by the employee to sign the certification statement is not considered a "refusal to test", but it will be noted in the remarks section by the BAT.

The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamperproof tape (unless the EBT prints the results directly on the form).

Reporting

The BAT will transmit all results to the Designated Employer Representative in a confidential manner. In the event an individual must be removed from safety-sensitive duties as a result of the alcohol test, the BAT will notify the Designated Employer Representative immediately.

Attachment B

SIGNS AND SYMPTOMS OF A DRUG-ALCOHOL PROBLEMS

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, DUI(s) or family problems.

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

- Marijuana and alcohol odors
- Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
- Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
- Needle tracks or blood spots on clothing
- Tremors, racing or irregular heartbeats
- Slurred or incoherent speech
- Confusion, anxiety, paranoia
- Coordination problems
- Lethargy and sleepiness

EFFECTS OF ALCOHOL AND DRUGS

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 in excess of DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

Cocaine

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises 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

Amphetamines, also known as "speed," are powerful stimulants that are often abused by truck drivers 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.

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

Opiates are a class of narcotics and sedatives derived from the opium poppy plant. Heroin is the strongest opiate. Heroin use has been increasing in recent years because of the availability of cheap, strong heroin from Asia. This new stronger heroin can be smoked or snorted. Heroin can also be injected using needles.

Morphine and codeine are opiates that are often used to relieve pain or induce sleep. However, they can be stolen from hospitals or pharmacies and abused.

Opiate misuse causes a number of health problems. Because of variations in dosages and strength, heroin use carries a risk of overdose and death. Addicts who use needles also risk contracting AIDS or hepatitis. Heroin is often contaminated with other drugs or toxins or combined with other narcotics.

Opiate use slows down and depresses a number of body functions, including brain functioning. Heroin users may act sleepy or euphoric for a while and then become anxious or irritated after the heroin wears off. Heroin users tend to have a number of related health problems and tend to also abuse alcohol and tobacco. Together, these drugs and the unhealthy lifestyles of heroin users result in decreased life expectancy.

PCP

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

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

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

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

Attachment C

COMPANY CONTACTS

Drug and Alcohol Program Manager (DAPM) / (DER) Designated Employer Representative):

Name: Mike Mitchell
Title: HR
Address: 948 S. Prairie Ln., Marshfield, MO 65706
Telephone: (417) 468-5890

Medical Review Officer (MRO): Services Will Be Provided by:

Name: Cox Health, Work Complete
Address: 3801 S. National Ave., Springfield, MO 65807
Telephone: (800) 269-2667

Substance Abuse Professional (SAP):

Name: Mike Mitchell
Title: HR
Address: 948 S. Prairie Ln., Marshfield, MO 65706
Telephone: (417) 468-5890

DHHS Certified Laboratory:

Name: Alere
Address: 450 Southlake Blvd., Richmond, VA 23236
Telephone: (800) 433-3823

Collection Site:

Name: varies
Address:
Telephone:
Contact:

Attachment D

**EMPLOYEE RECEIPT OF
DRUG AND ALCOHOL TESTING POLICY**

Return this completed form to your immediate supervisor

Print Employee Name: _____

I have received and will read The Company's Drug and Alcohol Abuse Testing Policy. I understand that I will be held responsible for the content of the policy and I agree to abide by drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the Company's Drug and Alcohol Program Manager.

I understand that violation of this Policy may be grounds for immediate termination of my employment.

This policy adheres to the Department of Transportation's and Federal Motor Carrier Administration mandated regulations for drug and alcohol testing.

Employee Signature: _____

Date Signed: _____