

DRUG AND ALCOHOL TESTING POLICY
(Emphasis on CDL Positions)

(GTS) is committed to a drug and alcohol free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with federal law, **(entity name)** has adopted the following policy. We take pride in employees who perform critical duties in a truly effective manner with safety foremost in their minds. This policy strengthens our commitment to a safe and healthy workplace. All covered employees shall receive a copy of this policy as well as educational materials on alcohol and substance abuse.

(Insert title) is designated as the Drug/Alcohol Testing Program Administrator. The Program Administrator is responsible for answering questions from employees or the general public. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide information necessary to enable the appropriate supervisor to take the appropriate action to ensure compliance with this policy.

This policy applies equally to all regular full-time, part-time, seasonal, on-call, temporary employees, and those who are required to hold a Commercial Driver's License (CDL) for their position. All applicants for positions requiring a CDL are required to pass a drug test as a prerequisite of employment prior to final hiring. Any applicant who fails a drug test shall not be hired, although he/she may re-apply for employment in the future.

All CDL employees subject to drug and alcohol testing must be compliance with this policy at all times while working for **(entity name)**. This includes all time spent operating commercial vehicles as well as time spent maintaining or repairing those vehicles.

Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of federal law and are responsible for compliance. **(Entity name)** will not provide or pay for tests, evaluation, or rehabilitation for independent contractors or their employees. We shall make compliance with the law a condition of any contract that requires a CDL driver.

When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:

- Alcohol
- Marijuana
- Cocaine
- Amphetamines
- Phencyclidine (PCP)
- Opiates

Employees covered by this policy may use prescription drugs and over-the-counter medications provided that:

- The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
- The employee does not consume prescribed drugs more often than prescribed by the employee's physician.
- Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her supervisor prior to using these substances.

(Entity name) at all times reserves the right to have a licensed physician determine whether use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, **(entity name)** may notify the employee's doctor (with the employee's permission) to determine if other medications are available that would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, **(entity name)** may limit or suspend the employee's work activities to non-safety sensitive duties.

All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:

- Pre-employment** Drug tests will be conducted when an offer is made to hire an employee for a CDL position. The offer of employment is contingent on the applicant passing these tests. This includes existing employees who are applying for CDL positions.
- Random** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions while the number of annual alcohol tests shall equal 25% of the CDL required positions. **(Entity name)** has entered into an agreement with a third party administrator (TPA) to randomly select CDL employees for testing and then notify the Program Administrator of the person or persons chosen.
- Post-accident** As soon as is practicable after an accident, the employee shall be tested for alcohol and drugs if: (a) the accident involved the loss of human life; or (b) the employee received a citation for a moving traffic violation arising from the accident.
- Reasonable Suspicion** All employees who exhibit to a trained supervisor signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work, or just after work will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations. NOTE: An employee will not be allowed to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee will provide transportation to the testing facility.

Return-to-duty Any employee who previously tested positive for a controlled substance or alcohol will be required to submit to a drug and alcohol test. To return to duty, the employee must test negative and be released by a substance abuse professional.

Follow-up An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.

Drug Testing

Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by **(entity name)**. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of custody document is completed in the presence of the employee, and the specimen is shipped to a laboratory that is certified in accordance with Department of Health and Human Services (DHHS) guidelines or equivalent guidelines.

All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen results in a confirmed positive test, the employee may, within 72 hours, request that the split specimen also be tested at a certified laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case **(entity name)** will reimburse the employee.

All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to **(entity name)**. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be

reported as negative. If the MRO is unable to contact the employee, the employer will be contacted and requested to advise the employee to contact the MRO.

Urine samples shall be provided in a private test room, stall, or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and wear hospital gowns while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

An employee or applicant may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown.

Alcohol Testing

Alcohol testing will be conducted using an evidential breath testing (EBT) device. A certified Breath Alcohol Technician (BAT) trained in the use of EBT and alcohol-testing procedures must perform the breath test. Under certain circumstances, post-accident tests conducted by law enforcement or medical personnel will be acceptable.

Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

CDL employees shall not:

1. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol while on duty;
3. Use any alcohol while on duty;
4. Use any alcohol within four (4) hours before going on duty;
5. Use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;
6. Refuse to submit to the following alcohol and/or controlled substance tests: Random Test, Reasonable Suspicion Test, Post-Accident Test, or Follow-up Test;

Failure to comply with these rules is a violation of this policy and may result in disciplinary action and shall result in referral to a substance abuse professional.

An employee's failure to submit to testing may result in disciplinary action up to and including dismissal and is also grounds for referral to a substance abuse professional. Failure to submit to

a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:

- Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test;
- Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined to be unable to do so; or
- Engaging in conduct that clearly obstructs or delays the testing process.

Any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety-sensitive function for at least 24 hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return-to-work test be required unless there is a reasonable suspicion that the employee is still under the influence of alcohol or drugs.

Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

All recruitment announcements for any CDL position, including in-house recruitment and promotion, will disclose that a drug-screening test will be required of the applicant.

Any employee who violates this policy shall be immediately removed from the safety-sensitive function and will be advised by **(entity name)** of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee is required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's expense unless otherwise agreed by **(entity name)**. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-work alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result.

In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment, or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by **(entity name)**. Factors to be considered in determining the appropriate disciplinary response include, but are not limited, to the following: employee's work history, length of employment, current job performance, and existence of past disciplinary actions.

Further grounds for discipline or dismissal under our policy include, but are not limited to:

- Refusal to submit to a rehabilitation program after testing positive;

- Failure within six (6) months to successfully complete a rehabilitation program after commencing the program, or failure to pass a return-to-duty drug or alcohol test;
- Evidence that the employee has substituted, adulterated, diluted, or otherwise tampered with his/her urine sample;
- Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.

During the period **(entity name)** is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return-to-duty test, **(entity name)** may transfer the employee to another position without a reduction in pay or benefits. **(Entity name)** also reserves the right to place an employee on unpaid suspension to reduce any possible safety hazard. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on, but is not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance; and the existence of past disciplinary actions. Action taken by **(entity name)** under this section is a matter of our policy and is not imposed by federal law.

In the event of a confirmed positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done within 72 hours after notification of a confirmed result. No further action will be taken if there is a justified explanation or if there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee with a positive test result may, upon written request to the Program Administrator, have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within 60 days after the decision on his/her employment application.

Upon successfully completing a rehabilitation program within 6 months after it commences and upon passing a return-to-duty test, the employee is entitled to return to his/her previous job with full pay (but not back pay) and accrued benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible or inappropriate. The rehabilitation or treatment provider in consultation with the Program Administrator shall determine whether the employee has successfully completed the rehabilitation program. **(Entity name)** is not required to hold the employee's job open for more than 6 months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where he or she is unavailable for work due to drug or alcohol abuse rehabilitation.

Unless the employee or applicant consents, all information acquired by **(entity name)** in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the Program Administrator, officials with a need

to know, and the rehabilitation provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law or the use of information in any grievance procedure, administrative hearing, or lawsuit relating to the imposition of the test or the use of the test results.

(Entity name) will provide each person subject to this policy a copy of the policy. We also will provide printed material that describes the effects of alcohol and/or controlled substances on the individual's health, work, and personal life, as well as information on the signs and symptoms of alcohol or controlled substances and methods of treatment or intervention for drug or alcohol abuse.

SAMPLE