

Marathon Petroleum Company

Alcohol Misuse and Controlled Substance Abuse Prevention Plan

Employee Guide

**Department Of Transportation
Federal Motor Carrier Safety Administration
(FMCSA)**

The Prevention Plan contained herein sets forth the requirements of 49 CFR Part 382 and 40. **Areas of the Plan that appear in bold and underlined print reflect the Company's independent Drug and Alcohol Policy and practices. These provisions will be applied consistent with applicable state law. For California and Minnesota sites or employees working in California and Minnesota, all provisions of the Company's independent Drug and Alcohol Policy are in effect, unless and except as modified by the California and Minnesota Employee Guides. Please reference the state Employees Guides for such modifications. All references to the Company's "Drug and Alcohol Policy" or "Company Policy" herein include any applicable state modifications as set forth in the state specific Employee Guides.** This Plan applies to all DOT FMCSA regulated employees of Marathon Petroleum Company LP, Marathon Petroleum Service Company, Marathon Petroleum Logistics Services LLC, Marathon Refining Logistics Services LLC, and any subsidiary or affiliated organizations which expressly adopts it (the "Company").

A. Summary

1. The Federal Motor Carrier Safety Administration (FMCSA) and Department of Transportation (DOT) prohibits certain conduct by, and requires controlled substance and alcohol testing of, persons who perform specified covered functions. Alcohol tests must be conducted by qualified technicians on evidential breath testing devices; controlled substance testing must be conducted in accordance with specimen collection procedures. Persons who violate this regulation will be subject to consequences, including removal from covered functions. In addition, the Company has established its own Drug and Alcohol Policy that includes provisions beyond those required by FMCSA which appear in bold and underlined print.
2. The Company has a long-standing commitment to maintain the highest standards for employee safety and health and to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees who perform covered functions. In addition, the Company must comply with all FMCSA regulations and other DOT regulations which require affirmative actions to eliminate the impact of the misuse of alcohol and controlled substances in the workplace. The purpose of the Alcohol Misuse and Controlled Substance Abuse Prevention Plan is to reduce accidents that result from the misuse of alcohol, thereby reducing fatalities, injuries, and property damage.
3. This *Employee Guide* is a summary of the actual plan.
 - a. The full Plan text governs should there be any discrepancies between it and this summary. Contact your supervisor or Human Resources Consultant should you wish to review the complete Plan.
 - b. This Plan supplements the Company's Drug and Alcohol Policy as required by DOT which contains additional provisions that also apply and govern your employment with the Company.
 - c. This Plan may be amended, terminated or changed at any time at the sole discretion of the Company and/or as required by law. Whenever this occurs, the affected portions of the Plan are specifically superseded.
 - d. This summary and the Plan text are only informational and under no circumstances are they to be construed as creating or constituting a contract of employment, nor shall they be construed as limiting any action the Company may desire to take in administering the employee-employer relationship.
4. A copy of the *Employee Guide* will be distributed to each covered employee and to each person subsequently hired for or transferred to a covered position. Each employee will be required to sign an Acknowledgment form to document they received an *Employee Guide*.
5. Written notice of the availability of this information will be provided to representatives of employee organizations, relevant unions and their business agents.
6. Materials supplied to covered employees will also include information on additional Company mandated policies with respect to the use or possession of alcohol and controlled substances including any consequences for an employee found to have a specified alcohol level, that are based on the Company's authority independent of the federal regulations.

B. General

1. A copy of the entire Plan is available through the Human Resources office.

2. The local Human Resources office is the primary contact for all employees. The Corporate Controlled Substance and Alcohol Program Manager (as of 2/08/2021) is:

Name: Jeff Steigauf
Address: 539 South Main Street
Findlay, OH 45840
Phone Number: (419) 672-6367

This Manager shall be responsible for the preparation of an alcohol and controlled substance misuse plan which complies with requirements of the Department of Transportation regulations. In addition the Manager shall be responsible for providing oversight and evaluation on the Plan and for providing guidance and counseling to operating components who will be responsible for administering all aspects of the plan for covered employees. The Company shall ensure that all covered employees are aware of the provisions and coverage of the Company's Plan and are knowledgeable of the requirements of the Plan. Information regarding maintenance of testing records per DOT regulations is available in the Plan.

3. The Company's Medical Review Officer (MRO) is:

Name: Dr. Matthew Hughes
Address: 539 South Main Street
Findlay, OH 45840
Phone Number: (419) 421-2027

The MRO is responsible for all duties assigned by the DOT and FMCSA regulations. This will include, but is not limited to: retention of all controlled substance test results; the review and interpretation of confirmed positive results; discussion and conference with employees testing positive; and the review of any particular rehabilitation that may be involved.

The Medical Director's office is responsible for all covered employee testing in accordance with the regulations. The Medical Director's office has developed a computer program that randomly selects individuals every month in compliance with FMCSA random testing regulations and to ensure that employees are in only one DOT random testing pool. Procedures for random selection have been distributed to all field locations.

Medication Reporting - It is an employee's responsibility to notify Health Services or their refinery nurse in writing when they are taking any prescription or nonprescription medicine or substance which may impair their judgment or performance or otherwise adversely affect the normal functions of their mental faculties or physical abilities.

4. Controlled substance specimen analysis will be performed by:

Lab Corp. Laboratories, Inc. (for DOT Urinalysis)
1904 Alexander Drive
Research Triangle Park, NC 27709

Psychemedics Corp. (for non-DOT Hair Analysis)
5832 Uplander Way
Culver City, CA 90230

5. Categories Of Employees Subject To Testing:

Persons performing FMCSA covered functions for the Company are subject to DOT/FMCSA alcohol and controlled substances testing. A complete list of positions classified by the Company as covered are listed in the Plan.

6. Functions and Period of the Work Day Covered by the Plan:

- a. All employees performing covered functions are subject to testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform, immediately available to perform, or within four hours of being scheduled to perform these covered functions. **Company Policy also prohibits consumption and/or possession of unsealed alcohol at any time during the work day.**
- b. All employees are prohibited from performing covered functions with detectable levels of controlled substances in their system. All employees performing covered functions are subject to controlled substance testing. **Company Policy also prohibits possession and/or consumption of controlled substances at any time during the work day.**
- c. Employees will only be tested for alcohol and controlled substances while they are at work. Therefore, covered employees on-call for duty while at home have not violated the regulations if they have an alcoholic beverage unless they report for duty within four hours of consuming such alcohol. They are not subject to testing until they report for work. Therefore, if they are called to work and have consumed alcohol within the four-hour time frame, they would have to decline to report until four hours have passed with no alcohol consumption.

7. Definitions

- a. Accident (part 382.303) - an accident requiring “post-accident” testing for individuals with a CMV license is any accident involving 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 bodily injury to any person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident, or 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.
- b. Air Blank - a reading by an evidential breath testing device (EBT) of ambient air containing no alcohol.
- c. Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- d. Alcohol Concentration - 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 conducted under the federal regulations.
- e. Alcohol Use - the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- f. Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
- g. Cancelled Test - A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.
- h. Commercial Motor Vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
 - (3) Is designed to transport 16 or more passengers, including the driver; or
 - (4) Is of any size and is used in the transportation of material 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 (CFR Part 172, Subpart F).
- i. Confirmation Test (alcohol) - A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.
 - j. Confirmation Test (drugs) - A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify a specific drug or drug metabolite.
 - k. Controlled Substance - any of the following controlled substances: Cocaine metabolites, Marijuana metabolites, Opioids, Amphetamines, and Phencyclidine (PCP).
 - l. Covered Employee - all individuals whose position requires that they possess a valid commercial vehicle driver's license.
 - m. Designated Employer Representative (DER) - An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.
 - n. Driver - 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 operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.
 - o. 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" (CPL) of evidential breath measurement devices.
 - p. Invalid result - The result reported by an HHS-certified in accordance with the criteria established by HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.
 - q. On-Duty Time - Employees are prohibited from consuming alcohol at all times from the time drivers begin to work or are required to be ready to work until the time they are relieved from work and all responsibility for performing work. On-duty time shall include:
 - (1) All time at a carrier 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 motor carrier;
 - (2) All time inspecting equipment as required by §§ 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - (3) All driving time;
 - (4) All time, other than driving time, in or on any commercial motor vehicle except time spent resting in a sleeper berth as defined by the term sleeper berth of this section;
 - (5) 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 from shipments loaded or unloaded;

- (6) All time spent performing the driver requirements of §§ 392.40 and 392.41 relating to accidents;
 - (7) All time repairing, obtaining assistance, or remaining in attendance to a disabled vehicle.
 - r. Performing (a safety-sensitive function) - a driver is considered to be performing a safety-sensitive function during any period in which they are actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
 - s. Refusal to Submit (to an alcohol test) - a covered employee fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement to be tested in accordance with the provisions of Part 382, or engages in conduct that clearly obstructs the testing process.
 - t. Refusal to Submit (to a urine test) - failure to provide an adequate amount of urine for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the regulations **or Company Policy** or refusal to comply with the collection process.
 - u. **Refusal to Cooperate - Employees who refuse to sign a consent form or refuse to consent to a search and/or laboratory testing will be discharged. Employees involved in conduct or actions that are considered an effort to undermine the integrity of the testing program will be discharged. This includes, but is not limited to, sample adulteration, failure to provide adequate specimen or breath, having hair removed/cut or otherwise altered after being notified of obligation to be tested (but before submitting to sample collection), giving inadequate or misleading required information, falsification of documents, late arrival at a testing facility or other similar types of activities.**
 - v. Safety-Sensitive Function - any of those on-duty functions as set forth in 49 CFR Part §395.2.
 - w. Screening Test (or initial alcohol test) - an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.
 - x. Screening Test (or initial drug test) - an immunoassay screen to eliminate “negative” urine **or hair** specimens from further analysis.
 - y. Substance Abuse Professional (SAP) - A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
 - z. Supervisor(s) - Company individuals responsible for observing the performance and behavior of employees; observation/documentation of events suggestive of reasonable suspicion; and post-accident testing if determined that it is applicable.
 - aa. **Under the Influence - shall mean that an individual is affected by Alcohol in any detectable manner. Evidence of being Under the Influence may be established by a professional or lay person’s opinion, a physiological test/analysis, or a biochemical test/analysis. An “Under the Influence” determination is not limited to, nor must it consist of evidence of impairment of physical or mental ability or misconduct. An employee whose blood alcohol content is found to be equivalent to or greater than the governmentally recognized level for being under the influence shall be presumed to be Under the Influence of Alcohol.**
8. Prohibited Conduct
- a. **Alcohol Possession. The consumption or possession of Alcohol in unsealed or opened containers on Company Premises or while engaged in Company business is also prohibited.**

- b. **Unauthorized Drugs - For the purpose of the Policy, the term “Unauthorized Drugs” shall mean any substance, other than an Authorized Substance, which is, or has the effect on the human body of being, a narcotic, depressant, stimulant, or hallucinogen, their precursors, derivatives or analogues, and includes, but is not limited to, those substances scheduled as controlled substances pursuant to the Federal Controlled Substances Act, inhalants, “designer drugs,” “look-a-likes,” and any other illegal drugs under either state or federal law.**
- c. Pre-Duty Use.
- (1) Employees may not perform covered functions within four hours after consuming alcohol.
- d. On-Duty Use.
- (1) Covered employees may not consume alcohol or controlled substances while performing covered functions.
- (2) This prohibition also applies to covered employees who are at work and immediately available to perform covered functions.
- e. Alcohol Use After an Accident. Any driver who is involved in an accident in which there is a fatality or who received a citation resulting from the accident is prohibited from consuming alcohol until he has been tested or 8 hours has passed, whichever occurs first.
- f. Refusal to Submit to Testing.
- (1) Covered employees may not refuse to submit to a required controlled substance or alcohol test. The Company will not permit an employee who refuses to submit to such a test to perform or continue to perform covered functions, **and disciplinary action, up to and including termination, may result.**
- (2) Employees who do not provide sufficient urine, **hair**, or an adequate deep air sample for a required test will be referred for a medical examination. This examination is to indicate whether employees have a medical problem relating to why they are unable to complete a DOT **or other** required test. If there is **no** medical justification for the individual’s failure to provide an adequate sample, then such conduct shall be deemed a refusal to submit to testing.
- g. **Criminal Offenses**
- (1) **An employee charged with, convicted or under investigation in connection with a drug-related or alcohol-related criminal offense may be subject to discipline up to and including discharge for the first offense and/or required to submit to drug testing and/or an evaluation/rehabilitation program. If the employee tests positive for drugs or fails to follow all recommendations arising out of the evaluation, including Unauthorized Drug or Alcohol use, the employee will be discharged.**
- (2) **An employee charged with, convicted or under investigation of a drug-related or alcohol-related criminal offense must report this information to their supervisor or local Human Resources immediately. The Company will notify the appropriate contracting federal agency within ten days of receiving notice of any employee convicted of violating a criminal drug statute if the violation occurred in the workplace.**

C. **Circumstances That Require Testing:** Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

1. Pre-Employment.

- a. The Company will require a driver/applicant who they intend to hire to be tested for controlled substances prior to being allowed to perform safety-sensitive functions. **All applicants for employment will be required to submit to Laboratory Testing following their acceptance of a contingent job offer and prior to beginning work (drug screens only). (This includes safety sensitive initial hires from subsidiary companies, if such companies did not conduct pre-employment testing.)** **Should an applicant have insufficient hair to provide an adequate sample for a pre-employment test or a conclusive result is not obtained from the sample, the company, at its discretion, may allow that applicant to start work based on the results of a urine test (does not apply to casual employees such as interns or co-ops), provided that, if medically possible, the applicant must agree to submit an adequate hair sample for testing within the following 90 days. A positive result on this test will result in immediate discharge of the applicant/employee.**
- b. **Further, all employees subject to Random Testing as described below, who are off work for periods in excess of 90 days must submit to re-employment testing (a sub-category of pre-employment testing) prior to return-to-work.**
- c. The Company must after obtaining the individual's written consent obtain and review the information listed below from any employer for whom the driver performed safety-sensitive functions in the previous three years prior to the date of the employment application. The information must be obtained and reviewed no later than 30 days after the driver first performs safety-sensitive functions. However, every effort will be made to obtain this information before the driver performs covered responsibilities.
 - (1) Information on the driver's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
 - (2) Information on the driver's controlled substances test in which a positive result was indicated.
 - (3) Any refusal to submit to a required alcohol or controlled substance test (including verified adulterated or substituted drug test results).
 - (4) Other violations of DOT agency drug and alcohol testing regulations; and
 - (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests) is required.
- d. The Company must provide to each of the driver's previous employers of the past three years a written authorization from the driver for the release of the required information. The Company may not use a driver to perform safety-sensitive functions if the employer obtains information indicating the driver has tested positive for controlled substances, tested at or above .04 breath alcohol concentration, or refused to test unless the employer has evidence the driver has been evaluated by a SAP, completed any required counseling, passed a return-to-duty test, and been subject to follow-up testing.

2. Post-Accident.

- a. As soon as practicable after an accident, each covered employee must be tested if there was a fatality or the driver received a citation under state or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or one or more motor vehicles incurred 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.
- b. A covered employee who is subject to post-accident testing will remain readily available for testing or may be deemed by the Company to have refused to submit to testing.
- c. The conducting of post-accident testing will be completed as soon as practicable. Alcohol testing attempts

will cease eight hours (32 hours for controlled substance testing) after the accident, even if no alcohol/controlled substance test has been conducted. The Company must document all cases where required alcohol tests are not completed within two or eight hours of the accident (32 hours for controlled substance testing).

- d. Employees must refrain from using alcohol for eight hours following an accident unless the employee has been alcohol tested. Notwithstanding this, employees should seek and obtain emergency medical care if needed.
- e. A driver who is seriously injured and cannot be tested at the time of the accident should provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there was any alcohol in his system.
- f. The results of a breath or blood test for the use of alcohol conducted by Federal, State, or Local law enforcement officials having independent authority to conduct such tests, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State, or Local requirements.
- g. The Company shall provide drivers with necessary information and procedures so that the driver will be able to meet the requirement as set forth in this section.
- h. **While waiting for an employee's alcohol and controlled substance test results, that employee may be removed from performing safety-sensitive functions and may be subject to further disciplinary action up to and including termination. Specific disciplinary actions are described in detail in the Company's Drug and Alcohol Policy.**
- i. Employee Responsibility. As soon as practicable following an accident as defined in this Plan, the employee shall make every attempt to contact their supervisor and the employee will be given instructions for obtaining alcohol and controlled substance abuse testing. The driver is ultimately responsible for ensuring that the required testing takes place within the time limits.
- j. Company Responsibility. After receiving a report of an accident the Company will make arrangements to test the employee (if not a fatality) for alcohol and controlled substances as soon as practicable.

3. Reasonable Suspicion.

- a. A covered employee must submit to controlled substance and alcohol testing if a supervisor has determined that reasonable suspicion exists that the employee has violated alcohol and/or controlled substance misuse prohibitions. The required observations shall be made by a Company Supervisor who is trained in detecting the signs and symptoms of alcohol misuse.
- b. This determination will be based on a trained supervisor's specific, contemporaneous observations concerning the appearance, behavior, speech or body odors of the employee when the employee is performing a covered function, just before the employee is performing covered functions, or just after the employee has ceased performing covered functions. If it is determined that "reasonable suspicion" exists to test the driver, the individual will not be permitted to work unless and until negative tests are completed. The supervisor's observations that lead to the "reasonable suspicion" determination shall be documented, and signed by the supervisor within 24 hours.
- c. The supervisor who identifies an employee for a reasonable suspicion test cannot conduct the alcohol test as the breath alcohol technician for that employee.
- d. The Company shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions if there is reasonable suspicion to conduct a test or while the employee appears to be under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall the employee be permitted to perform or continue to perform covered functions until:
 - (1) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02;

or

- (2) The start of the employee's next regularly scheduled duty period, but not less than 24 hours following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions as contained in the Plan.

e. **Employees subject to reasonable suspicion testing will not be permitted to return to work until results of the tests are known. Specific disciplinary actions are described in detail in the Company's Drug and Alcohol Policy.**

- f. If a reasonable suspicion test is not administered within two hours following the determination, the Company shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If the required test is not administered within eight hours of the determination, the Company shall cease all attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Upon request such records shall be made available to the FMCSA administrator or any person who has been delegated authority in the matter concerned. See the Plan for documentation format.

4. Random.

- a. All drivers will be subject to random testing at any time immediately prior to, while, and/or immediately following their performing safety-sensitive functions. The random selection process will ensure that each driver has the same fair and equal chance of being selected.
- b. All drivers randomly selected will be notified by a Company supervisor and instructed to report immediately to the designated testing site.
- c. The Company will conduct random testing on a monthly basis and will test at least 10 percent of the average number of covered drivers every year for alcohol; 50 percent for controlled substances or as otherwise directed by DOT.

5. Return-to-Duty.

- a. Before covered employees return to duty in a covered function after engaging in prohibited conduct, **or voluntary rehabilitation for substance abuse**, they will undergo a return-to-duty test.
- b. Employees cannot perform covered functions until a result indicating an alcohol concentration of less than 0.02 is obtained and/or a negative controlled substance screen.

6. Follow-Up.

- a. Each covered employee, who has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving a problem with alcohol or substance abuse and who has returned to duty performing a covered function, will be subject to follow-up controlled substance and alcohol testing.
- b. Follow-up tests will be unannounced and at least six tests must be conducted in the first 12 months after the employee is back on the job. Follow-up testing may continue for a period of 60 months.
- c. The schedule for follow-up testing is established by the SAP.

7. Retests.

- a. A covered employee tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform or continue to perform covered functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the alcohol test.
- b. **Rehabilitation Provisions.** A covered employee who has **been assessed by a SAP as needing treatment for** alcohol or controlled substance misuse, **or who has voluntarily submitted to rehabilitation for**

substance abuse cannot perform any covered function unless and until that employee has:

- (1) Been evaluated by a SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol and controlled substance use. The SAP must provide some level of assistance in every case and at a minimum must recommend a course of action and/or treatment.
- (2) Completed any treatment recommended by the SAP and been evaluated by a SAP to ensure that the employee has properly followed the treatment program. The SAP must file a written report with the DER on the employee's treatment prior to return-to-duty.
- (3) Undergone a return-to-duty alcohol test with resulting alcohol concentration of less than 0.02 and/or a controlled substances test with a verified negative result as directed by the SAP.
- (4) **Comply with any other terms outlined by the Company. Failure to comply with any of these terms will result in discharge.**

D. Breath Alcohol Testing Procedures

1. **Breath Alcohol Testing** - The Company will contract with medical facilities to conduct breath alcohol testing. At the testing facility a breath alcohol technician (BAT) will ensure the integrity of the process by conducting all tests in accordance with the prescribed DOT regulations. Only EBT's and ASD's listed on the NHTSA CPL will be used for DOT alcohol testing, and all BAT's will be trained and certified in accordance with CFR 40.203.
2. **Screening Tests** - The BAT will confirm the identity of employee to be tested and ask employee to certify their participation in the testing process. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The testing process requires employees to provide a breath sample for analysis by blowing forcefully into a provided mouthpiece. The BAT will communicate results to the employee and document appropriately.
3. **Confirmation Tests** - If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The BAT will conduct an "air blank" to ensure that the device is working correctly. The confirmation test will be conducted within 15-30 minutes of the completion of the screening test. Employees are instructed not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, tell the employee not to belch during a waiting period before the confirmation test. The BAT will communicate results of the screening test with the employee. Refusal by the employee to certify results will be regarded as a refusal to take the test.
4. A breath alcohol test is invalid if:
 - a. The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test; does not invalidate negative tests).
 - b. The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test.
 - c. The BAT does not perform an air blank of the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00.
 - d. The BAT does not sign the form.
 - e. The BAT fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted.
 - f. An EBT fails to print a confirmation test result.
 - g. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

5. Complete details regarding alcohol testing procedures are included in the Plan. Covered employees can review these by contacting their supervisor or local Human Resources Consultant.

E. Controlled Substance Testing Procedures

1. Testing for controlled substances is performed through analysis of a urine **or hair** specimen. DOT regulations require testing for the following controlled substances: Marijuana, Cocaine, Amphetamines, Opiates, and Phencyclidine (PCP).
2. There are many safeguards required in order to protect covered employees. These include detailed specimen collection procedures, collection site requirements and security, review of chain-of-custody documentation on all collections, requirements for use of authorized collection site personnel (who are not to be an employee's supervisor), privacy at the collection site, and integrity and identity of the specimen. Also, all laboratories that perform DOT controlled substances testing must be certified by the Substance Abuse and Mental Health Services Administration.
3. The testing process begins when the covered employee provides a urine **or hair** specimen at a collection site designated by the Company. The collection site personnel monitor procedures to ensure that the collection is performed properly. The "collector" seals and labels the specimen, completes a chain-of-custody document, and prepares the specimen and accompanying paperwork for shipment to a certified controlled substance testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised.
4. Each urine specimen is split into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for testing. The split specimen bottle remains sealed and is stored at the laboratory. A screening test is performed on the primary specimen. If the results of this test are negative, they are reported to the Company's Medical Review Officer (MRO) and the testing is concluded.
5. The MRO performs review functions as required by the regulations of all confirmed positive, adulterated, substituted, or invalid drug test results received by the laboratory prior to releasing the results to the DER. If the results are positive, a confirmation test is performed using the gas chromatography/mass spectrometry technique. If the second, confirmatory analysis of the primary specimen confirms the presence of controlled substances, this is reported to the Company's MRO. The MRO would then contact the employee (either in person or by telephone) and conduct an interview with him to determine if there is an alternative medical explanation for the controlled substances found in the employee's urine **or hair** specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the controlled substance, the test result will be reported as negative to the Company. If the MRO determines that there is no valid medical reason for the controlled substance, the MRO advises the DER of the positive result and the employee will immediately be removed from the covered function. The Company will not standdown an employee prior to the DER being informed of a confirmed positive test in accordance with 49 CFR 40.21. The MRO also advises the employee of his right to request, within 72 hours, a second test of the split urine sample. The employee may specify retesting by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services. If the employee specifies retesting by a second laboratory, the original laboratory must follow approved chain-of-custody procedures in transferring a portion of the sample.
6. Records of the test, including the type of test, date, location and collection site name; laboratory name; MRO name and test results are maintained by the Company in the employee's Driver Qualification File.
7. Complete details regarding controlled substance testing procedures are included in the Plan. Covered

employees can review these procedures by contacting their supervisor or local Human Resources Consultant.

F. FMCSA Clearinghouse

Effective January 6, 2020, the Company is obligated to report the following information to the FMCSA Clearinghouse once obtained: a) an alcohol confirmation test result with a concentration of 0.04 or greater; a negative return-to-duty test result (less than 0.02); the driver's refusal to submit to a DOT test for drug or alcohol use; an actual knowledge violation as defined in 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance; and the completion of follow-up testing as ordered by the Substance Abuse Professional.

G. Employee Records

1. Employee records pertaining to testing will be maintained in a secure location with controlled access.
2. The records will be released to:
 - a. The employee, or a person identified by the employee (including subsequent employers), at the written request of the employee.
 - b. The Secretary of Transportation, any DOT agency, or a representative of a state agency with a regulatory authority over the Company.
 - c. The National Transportation Safety Board when requested as part of an accident investigation.
 - d. The employee or a decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising out of a determination that the employee engaged in prohibited conduct.
3. The Plan includes additional information regarding retention of records in accordance with the regulations.

H. Consequences for Violating the Plan

1. Removal From Safety-Sensitive Functions: Covered employees are prohibited from performing covered functions if they have engaged in prohibited conduct under the FMCSA rule or another DOT agency's alcohol or substance abuse rules (including refusal to submit to testing, or having an adulterated or substituted urine specimen).
2. Required Evaluations and Testing:
 - a. Breath Alcohol Concentration of 0.02 - 0.039: Employee is removed from performing covered functions for 24 hours and will be sent for an assessment by an SAP.
 - b. Breath Alcohol Concentration of 0.04 or greater or positive substance abuse test:
 - c. **Employees who have a Breath Alcohol Concentration of 0.04 or greater or positive controlled substance test will be discharged.**

I. **Levels of Disciplinary Actions. Disciplinary action as set forth below will be taken under each of the described circumstances.**

1. **An employee who refuses to report for assessment with a substance abuse professional shall be removed from performing the covered function and will be discharged.**
2. **An employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the alcohol testing procedure, will be removed from performing the covered function and will be discharged.**

3. **An employee who refuses to provide an adequate urine specimen without a valid medical explanation or engages in conduct prohibited by DOT regulations or refuses to cooperate with controlled substance testing will be removed from performing the covered function and will be discharged.**
4. **Employees determined by the Company to be covered/regulated by the U.S. Department of Transportation (D.O.T) or U.S. Coast Guard Drug and Alcohol Testing Regulations who test positive for Controlled Substances as defined by 49 CFR part 40 or who have a blood alcohol content (BAC) to be equivalent to or greater than .04 will be discharged.**
5. **When an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation/treatment assessment program the employee will be discharged.**
6. **Any employee who is determined to be "Under the Influence" of alcohol in violation of the policy will be discharged.**
7. **Employees who refuse to sign a consent form or refuse to consent to a search and/or Laboratory Testing will be discharged. Employees involved in conduct or actions that are considered an effort to undermine the integrity of the testing program will be discharged. This includes, but is not limited to, sample adulteration, failure to provide adequate specimen or breath, having hair removed/cut or otherwise altered after being notified of obligation to be tested (but before submitting to sample collection), giving inadequate or misleading required information, falsification of documents, sample substitution, late arrival at a testing facility or other similar types of activities.**
8. **Nothing contained in the Policy shall be construed as creating or constituting a contract with the employee (whether expressed or implied); nor shall it limit the Company's right to administer other disciplinary measures not specifically referenced herein.**
9. **All other violations of this Plan and/or the Company's Drug and Alcohol Policy will result in disciplinary action up to and including termination.**

J. Intervening When a Drug or Alcohol Problem is Suspected, Including Confrontation, Referral Program, and/or Referral to Management:

1. Why You Should Get Involved:
 - a. Substance abuse is recognized as a problem throughout America, across all industries and occupations.
 - b. There are three good reasons why you should be concerned if any of your coworkers are using controlled substances or alcohol on the job:
 - (1) Your health and safety may be at risk.
 - (2) Substance abuse costs you money.
 - (3) Substance abuse creates a negative work environment.
 - c. According to the National Institute on Alcohol Abuse and Alcoholism, controlled substance and alcohol use on the job costs society billions of dollars annually. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for consumer goods, controlled substance and alcohol use on the job costs you and your fellow workers.
 - d. Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers do not come to work, you may have to do their jobs in addition to your own.
 - e. Substance abusers do not function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
 - f. No matter what your position in the organization, there is something you can do to ensure that controlled substance and alcohol use on the job never becomes a problem at the Company. Acceptance of any misuse puts you, the Company, and the public at risk.

2. What are Drugs?
 - a. There are many controlled substances that affect the mind or behavior and are either legal or illegal.
 - b. Legal controlled substances are those that have been approved for sale either by prescription or over the counter. Alcohol, which is legally available in beverages to anyone over the legal drinking age, is a drug. Illegal controlled substances are those substances whose manufacture, sale, purchase for sale, or possession is prohibited by law. These include such controlled substances as marijuana, cocaine, PCP, opiates, and amphetamines - or those controlled substances approved but obtained by illegal means or used for illicit purposes.
 - c. Prescription drugs are controlled substances that have been determined to be safe, effective, and legal only when given under the direction of a licensed physician. Both the manufacture and dispensing of prescription drugs are regulated by laws enforced by the Food and Drug Administration and the individual states. If used improperly, people can become physically dependent upon some prescription controlled substances (for example, morphine and Valium).
 - d. Illegal controlled substances are sold and used against the law. They may harm those who use them - not only in terms of the physical and emotional damage they do directly, but also in terms of the criminal and financial consequences they bring. Many illegal controlled substances are manufactured clandestinely in the United States.

K. Effects of Controlled Substance and Alcohol Misuse on an Individual's Health, Work, and Personal Life:

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with "being drunk" but also adversely affects judgment, ability to think, and motor functions. Drink enough alcohol fast enough and it can kill.
2. Long-term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated, it will inevitably get worse.
4. Workers who use alcohol (and other controlled substances) affect everyone. Studies show that compared to alcohol- and controlled substance-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
5. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the Company's public image mean that workplace substance abuse can further cut profits and competitiveness.
6. Substance abuse can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
7. If substance abuse affects your work life, it could lead to job loss and all of the financial problems that would follow.
8. There are numerous signs of illegal controlled substance use. For example, when a person is carrying controlled substances or has them hidden around the house, there is a strong possibility of use. Obviously, possession of controlled substance paraphernalia is also a likely sign of use.
9. Indications of prescription controlled substance misuse vary according to the type of controlled substance in question. Controlled substance misuse may lead to dependence and withdrawal symptoms can be severe if controlled substance use is stopped suddenly.
10. Certain additional behavioral characteristics also seem to accompany the use of alcohol and other controlled substances. The clues can be found in all people who abuse these substances, regardless of age. Examples of

these clues include:

- An abrupt change in mood or attitudes.
- Sudden and continuing decline in attendance or performance at work or in school.
- Impaired relationships with family members or friends.
- Unusual temper flare-ups.
- Increased borrowing of money from parents or friends.
- Stealing from the home, at school, or in the workplace.
- Heightened secrecy about actions and possessions.
- Association with a new group of friends, especially with those who use controlled substances.

L. Signs and Symptoms of Alcohol Misuse. Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking.
- Job or financial difficulties related to drinking.
- Loss of a consistent ability to control drinking.
- "Blackouts" or the inability to remember what happened while drinking.
- Distressing physical and/or psychological reactions if you try to stop drinking.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking.
- Getting drunk frequently.
- Injuring yourself--or someone else--while intoxicated.
- Breaking the law while intoxicated.
- Starting the day with a drink.

M. Signs and Symptoms of a Controlled Substance Problem:

Controlled substances can show their effects in many different ways. Some of the most noticeable signs of controlled substance abuse are:

- Drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of controlled substance paraphernalia.

N. Employee Assistance Program (EAP)

1. The Company has developed an EAP that will provide educational and training materials on alcohol and controlled substance misuse to all covered employees. The Program contains detailed information on what is available.
2. Available methods of evaluating and resolving problems associated with alcohol and controlled substance abuse.
 - a. Outpatient programs exist in a variety of settings:
 - (1) Community mental health centers
 - (2) Family service agencies
 - (3) Private physicians' and therapists' offices
 - (4) Occupational settings
 - (5) Specialized treatment facilities
 - b. Inpatient services, designed for those with more serious substance abuse problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.
 - c. Your local phone directory will list referral organizations such as:
 - (1) Local council on alcoholism
 - (2) Alcoholics Anonymous

- (3) Community alcoholism or mental health clinic
- (4) Social services
- (5) County medical society

O. Information on the locations of substance abuse professionals are available through the Company's EAP. Individuals may call **1-800-865-1044**.

P. Training

- 1. All Company Supervisors will receive one hour of training on the physical, behavioral, speech, and performance indicators of alcohol misuse and one hour of training on the physical, behavioral, speech and performance indicators of controlled substance abuse. The training will address the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and body odors of an employee who may be subjected to reasonable suspicion testing. The training also includes an explanation of the FMCSA testing regulations, the Company's Drug and Alcohol Policy and a question and answer period. Supervisory and employee training is documented and maintained on file by each field location.
- 2. All employees will be provided with educational material on alcohol, controlled substance abuse and community assistance numbers. In addition, the Company's Drug and Alcohol Policy and its Employee Assistance Program will be reviewed.

Q. Contractor Monitoring

- 1. The Company is required to ensure that all covered drivers used by the Company are covered by Alcohol and Substance Abuse Plans in compliance with FMCSA regulations.

ACKNOWLEDGMENT AND RECEIPT NOTIFICATION

I hereby acknowledge that I have been notified that my position has been identified by the Company as being considered a covered task position under DOT-FMCSA regulations. I further acknowledge that I have received a copy of the Company’s Alcohol Misuse and Controlled Substance Abuse Prevention Plan *Employee Guide*. I am aware that this Plan and the Company’s Drug and Alcohol Policy outline the procedures concerning alcohol and controlled substance testing required by the Federal Motor Carrier Safety Administration and the Department of Transportation and the full Plans are available for review through the local Human Resources Department. I am also aware that the Company has a confidential Employee Assistance Program for resolving problems associated with substance abuse that I can access in my local area.

I understand that **disciplinary action, up to and including termination**, will result if I violate these procedures.

I further understand the Company is obligated to report the following information to the FMCSA Clearinghouse once obtained: a) an alcohol confirmation test result with a concentration of 0.04 or greater; a negative return-to-duty test result (less than 0.02); the driver’s refusal to submit to a DOT test for drug or alcohol use; an actual knowledge violation as defined in 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance; and the completion of follow-up testing as ordered by the Substance Abuse Professional.

Employee Name (Print)

Employee Signature

Employee Number

Date

Return to Findlay-Human Resources-Room M-09-024