



DRIVER HEALTH RULES

DRUG AND ALCOHOL POLICY

We strive to maintain a workplace free from the effects of substance abuse. It recognizes that drug and alcohol abuse, which impairs judgment and significantly increases the risk of injury, may pose a direct and significant threat to safety, and to the goal of a productive and efficient working environment.

This Drug and Alcohol Policy, which is applicable to all employees in the United States, is a vital policy and all employees will be held accountable for ensuring compliance.

The term “employees” includes all regular full-time, regular part-time, temporary, casual, and leased or contract employees. Contract and supplier personnel are expected to abide by our company’s rules regarding the use and abuse of illegal drugs and alcohol while on our premises or while performing any work for our company, but will be referred to their own employers whenever testing is indicated.

Note: Employees subject to the Department of Transportation’s (DOT) rules on drug and alcohol abuse (through regulations enforced by the Federal Motor Carrier Safety Administration (FMCSA) and/or the Federal Transit Administration (FTA) must also comply with our company Drug and Alcohol Policy.

We reserve the right to revise this policy at any time.

Our company will comply fully with federal, state and local regulations on drug abuse and alcohol misuse.

All candidates for employment must successfully complete a post-offer, pre-employment drug screening prior to their scheduled start date and if they do not, their offer of employment will be withdrawn.

The illegal manufacture, distribution, dispensing, possession, sale, or purchase of a controlled substance is always prohibited. Being under the influence of alcohol or having an illegal drug in your system while on company property or while performing any work for our company is prohibited. The unauthorized use or possession of prescription drugs or over-the-counter drugs on company property is also prohibited.

A positive drug or alcohol test will be considered proof of a policy violation. An alcohol test will be considered positive if it registers .02% or more blood-alcohol. Employees who violate this policy are subject to disciplinary action, up to and including termination. Except where prohibited by law, termination is the presumed consequence of violating this policy. Contact your immediate supervisor for guidance on HR-related questions, policy violations, or complaints regarding on-the-job drug and alcohol abuse.

DEFINITIONS

Alcohol – the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Company Property – all company-owned or leased property used by employees such as vehicles, lockers, desks, closets, and parking lots, as well as all customer worksites and delivery facilities.

Designated Employee Representative (DER) – an individual identified by the employer to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions regarding testing and evaluation processes.

Drugs/Controlled Substances – the term “controlled substances” in this policy refers to the use of any drug regulated under the federal Controlled Substances Act, and includes all drugs available by prescription.

Medical Review Officer (MRO) – a licensed physician who is responsible for reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

On-Duty and Duty – includes all time performing or in readiness to perform any work for our company.

Regulated Employee – an employee who performs a safety-sensitive function regulated by the FMCSA or the FTA and who is subject to regulations addressing the use of drugs and alcohol.

Safety-Sensitive Functions – The requirements of this policy are often dependent upon an individual’s performance of a “safety-sensitive” function, which will include all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. “Safety-sensitive functions” include the following duties:

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 Company.
2. All time inspecting equipment as required by regulation 49 CFR 392.7 and 49 CFR 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except, time spent resting in a sleeper berth conforming to the requirements of regulation 49 CFR 393.76
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 for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.



A driver will be considered to be performing any of the safety-sensitive functions listed previously (in this manual) during any period in which the driver is **actually performing**, **ready to perform** or **immediately available to perform** any such function.

Substance Abuse Professional (SAP) – a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified family therapist, or certified addiction counselor (NAADAC, IRCC, NBCC) who also has knowledge of and clinical experience in the diagnosis and treatment of controlled substance-related disorders.

Serious Accident – any work-related accident or incident that requires any person to receive professional medical care or treatment.

DOT REQUIREMENTS

The U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), and Federal Transit Administration (FTA), acting to implement a federal law called the Omnibus Transportation Employee Testing Act, have adopted regulations requiring our company to implement an employee drug and alcohol policy for commercial motor vehicle operators and transit workers.

The regulations include prohibitions on the use of drugs and alcohol and establish drug and alcohol testing requirements for those workers. Please refer to the DOT Regulated Workers' Drug and Alcohol Policy for guidance.

DOT REGULATED WORKERS POLICY

PROHIBITED BEHAVIORS

All company employees are prohibited from using illegal drugs whether on or off duty and may be subject to restrictions regarding their use of prescription drugs and non-prescription (over the counter) drugs. Employees may not use alcohol while working or while on company premises except as described below.

USE OR POSSESSION OF ILLEGAL DRUGS

The use, possession, manufacture, distribution, sale, attempted sale, or other involvement with illegal drugs by any employee is prohibited and may result in discipline, up to and including immediate termination from employment.

The use of any prescription medication that is illegal to use or possess in the United States or that is prescribed for another person is prohibited by our company policy.

The use of "medical marijuana" and synthetic marijuana is prohibited by federal law and is also prohibited by this policy. Our company will not accommodate medical marijuana use unless affirmatively obligated to do so by law.

USE OF PRESCRIPTION DRUGS

Prohibited drugs may also include prescription medications, under some circumstances.

The use of prescription medication is prohibited when:

- Medication is not prescribed for the employee.
- Employee exceeds the prescribed dosage.
- Medication causes the employee to be impaired or unfit while on duty.
- Employee is a driver or operates machinery and the directions on the medication warn user to avoid driving or operating machinery.
- Medication is not approved in accordance with DOT regulations for use while on duty. For example, the use of methadone or marijuana always disqualifies a driver from performing DOT-regulated safety-sensitive work.

Note: Prohibited use or distribution of prescription drugs will result in disciplinary action, up to and including termination.

USE OF NON-PRESCRIPTION DRUGS

The use of non-prescription (over the counter) medications is prohibited when:

- Medication causes the employee to be impaired or unfit.
- Employee is a driver or operates machinery and the medication directions warn the user to avoid driving or operating machinery.

The use of non-prescription drugs that contain alcohol is subject to the same restrictions our company places on the use of alcoholic beverages while working. Safety-sensitive and regulated employees must not take medications that contain alcohol within four hours before they go on duty.

Prohibited use of non-prescription drugs will result in disciplinary action, up to and including termination.

USE OR POSSESSION OF ALCOHOL

The use or possession of alcohol by any employee while on company property is prohibited and may be grounds for disciplinary action, up to and including termination.

Exception: On occasion, management may approve the use of alcohol at a company-sponsored event. Employees who choose to consume alcohol at such events are expected to exercise good judgment and refrain from becoming intoxicated or impaired.

TESTING

Employees are subject to certain categories of drug and/or alcohol testing as described below.

Our company may test for some or all of the following substances, depending upon the occasion and type of test: amphetamines (including methamphetamine, MDMA (ecstasy), MDA, MDEA), barbiturates (sleep aids, Nembutal), benzodiazepines (Xanax, Zoloft) cocaine (crack, blow), marijuana (hash, weed, cannabis, and including synthetic marijuana, K2, "spice"), opiates and synthetic opiates (heroin, morphine, oxycodone, methadone), phencyclidine (PCP, angel dust), propoxyphene (Darvon), and/ or alcohol. Other substances may be added to this list.

Note: This policy will be applied in a manner that complies with federal, state, and local law. If this policy is inconsistent with the law applicable at a particular location, local managers and human resources personnel will be trained to ensure the policy is administered in a manner that is in compliance with that law.

TESTING PROCEDURES

All company-utilized testing facilities, including collection sites and drug testing laboratories, are expected to comply with state law and, to the extent not inconsistent with state law, with regulatory guidelines published by the U.S. Department of Health and Human Services (DHHS) for federal workers. Our company's testing practices will ensure:

- Privacy of tested individuals
- Non-discriminatory testing methods
- Integrity of specimens

CONSENT

Our company will not permit any alcohol test to be administered, sample collected, or drug test conducted on a sample without the written consent of the person being tested. A person's refusal to submit to a proper test will be viewed as insubordination and will lead to discipline, up to and including termination. Attempts to tamper with, substitute, adulterate, dilute, evade, or otherwise falsify a test sample are considered refusals to submit to a test, as is a failure to appear at the testing location promptly. Our company will pay the costs of all drugs and/or alcohol tests it requires of its employees.

COLLECTION AND CHAIN OF CUSTODY

Persons being tested will be asked to provide a test sample by the collection site person. Procedures for the collection of specimens will allow for reasonable privacy. Urine specimens will be tested for temperature and may be subject to other verification tests to detect tampering. The collection site person and the person being tested must maintain chain-of-custody procedures for specimen collection, shipment, and storage.

TESTING METHODS

All drug test samples will be screened using an immunoassay and all presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS). All drug tests will be conducted by a laboratory certified by the federal Substance Abuse and Mental Health Services Administration (SAMHSA).

Ordinarily, alcohol tests will be conducted using breath or saliva, and conducted and confirmed immediately at the collection location. Tests will only seek information regarding the presence of drugs and alcohol in an individual's body and will not test for any medical condition.

OTHER ALCOHOL-RELATED CONDUCT.

- a. No driver tested under the provisions of subpart C of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- a. Except as provided in paragraph (a) of this section, no employer shall take any action under this part against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with the law.

NOTIFICATION

Any individual who tests positive for drugs will be notified by a Medical Review Officer (MRO) and given an opportunity to provide any legitimate reasons he/she may have to explain the positive drug test. If the individual provides the MRO with an explanation that the positive drug test result is caused by factors other than the use of illegal drugs, the MRO will report the test as negative to our company. Otherwise, the MRO will verify the test as positive.

The MRO may also review test results that are apparently diluted, substituted, or adulterated, and verify those tests as well. A negative dilute result will cause our company to ask the employee to submit to a second test collection immediately and without prior notice, and our company may decline to hire any individual who submits a second dilute test result in a single testing incident. Employees who submit negative dilute results will be required to submit a second specimen for testing without prior notice and may be asked to submit to hair and/or oral fluids tests in addition to, or instead of, a second urine sample. Individuals will be provided with a copy of the notice of their own positive test results upon written request to the Substance Abuse Prevention & Control Department, or as required by law.

RIGHT TO RE-TEST

An individual whose test is verified positive for the presence of illegal drugs may request that his/her original test sample be sent to an independent certified laboratory for a second confirmatory test, at the individual's expense.

Requests for re-tests must be made promptly, generally within seven days of being notified of the positive test result. Tests that fail to reconfirm will be disregarded and the individual will be reimbursed for the cost of the test.

A request for re-test will not prevent the company from suspending, transferring, or taking other appropriate action with respect to the employee's work assignment, pending the results of the re-test.

TESTING CATEGORIES

The following testing categories constitute our company's drug and alcohol testing program:

- **Pre-employment** – all candidates for employment must successfully complete a post-offer pre-employment drug screening with a verified negative (non-dilute) test result.
- **Universal Testing** – except where such testing is prohibited by state or local laws, all employees not subject to random testing under DOT regulations will be subject to drug testing under our company's Universal Testing category.



Important: Employees will not be tested for alcohol under this category.

Employees will be selected at random by a computer program and/or a third-party service. All employees in the random testing pool have an equal chance of being selected for testing each time a selection is made. Tests will be conducted throughout the year and spread in such a manner as to make the test dates unpredictable.

The location manager or designated location contact will receive a confidential list of employees selected for testing. Selected employees must report to the collection site for testing as soon as possible on the day that they are notified.

Employees who refuse to submit to testing will be immediately terminated. Similarly, employees who fail to report to the collection site within an appropriate amount of time will be immediately terminated, unless we conclude the delay was caused by circumstances beyond the employee's control, which will be determined by location management and human resources.

REASONABLE SUSPICION

All Haulin' Jack Shipping Service employees at all locations are subject to Reasonable Suspicion testing for drugs and/or alcohol when it appears the employee may be under the influence of drugs or alcohol and/or is otherwise in violation of this policy. Only supervisors who have been specifically trained to recognize the signs of drug abuse or alcohol misuse, based on the physical appearance, body odors, performance or behavior may determine when Reasonable Suspicion testing is warranted.

Note: Approval from a human resources representative is required before an employee may be tested under the Reasonable Suspicion category.

POST-ACCIDENT

Employees whose acts, or failure to act, appear to have caused or contributed to a serious accident or incident may be asked to submit to post-accident testing.

IF IT DOESN'T F.I.T. – DON'T TEST

F	Fatality	→	TEST
I	Injury Immediately treated away from the scene	→ Driver Cited Moving violation	→ TEST
T	Towed One or more vehicles due to disabling damage	→ Driver Cited Moving violation	→ TEST

No driver required to take a post-accident alcohol test under this policy may use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. (Violation 382.209.)

ACTION ON POSITIVE RESULT

In the event a confirmatory evidential breath test yields a result indicating an alcohol concentration level of .02 or greater, the individual tested will be immediately removed from the performance of any safety-sensitive function and prohibited from operating a personal or other motor vehicle. That individual will also be responsible for arranging appropriate transportation home or back to the workplace (if the Company did not transport him to the testing site). If the individual refuses to comply and continues to attempt to operate a motor vehicle, the Company, collection personnel and/or BAT will take appropriate measures to discourage the individual from doing so, including contacting local law enforcement officials. Any individual who fails to cooperate with any of the above procedures will also be subject to discipline, up to and including discharge.

Employees must:

- Remain readily available for drug and alcohol testing until they have been tested or 32 hours have passed since the accident.
- Notify management where they can be contacted.
- Refrain from drug and alcohol use until they test.
- Make themselves available for testing when they leave the scene of an accident/injury.

Employees who do not remain readily available will be considered to have refused the D & A Test.

- Alcohol testing should be administered within two (2) hours of the collision.
- Alcohol testing cannot be administered if more than eight (8) hours have elapsed since the collision.
- Drug testing must be conducted as soon as possible, but not later than 32 hours after the collision.
- If testing cannot be administered within the required time limits, a Post Accident Documentation Form must be completed.
- A moving violation must have been given (fatality excluded) to the driver in regards to the accident.

RETURN-TO-WORK

Our company requires drug testing for non-DOT regulated employees who are returning from a leave of absence of 90 days or longer. Return-to-Work testing applies, regardless of the type of leave taken, including military, medical, maternity, and personal.

UNANNOUNCED FOLLOW-UP TESTING

Our company's Drug and Alcohol Policy requires an employee who has successfully completed a drug/alcohol rehabilitation program to be subject to unannounced drug/alcohol tests for two years following the completion of the program (up to five years for DOT-regulated employees, if prescribed by the employee's substance abuse professional).

POSITIVE DRUG TEST RESULTS

If an individual's drug test result is positive, they will be contacted by a Medical Review Officer (MRO). The MRO will review the test results with the individual to determine alternative medical explanations for the positive results (certain prescriptions or over-the-counter drugs that were being taken at the time).

The company will not be informed of a positive test result until MRO contact procedures have been completed. However, if the individual does not return the MRO's calls, the MRO will verify the test as positive and report the result to the company. The MRO may also ask our company for assistance in contacting a current employee. Employees who test positive for drug or alcohol use are subject to disciplinary action, up to and including termination.

REFUSAL TO SUBMIT TO TESTING

An employee who refuses to submit to required drug or alcohol testing will be considered to have failed the required test. Attempts to substitute, dilute, adulterate, or otherwise tamper with any test sample or to avoid the testing process are treated as a refusal to test, as is submission of more than one dilute specimen on a particular testing occasion. Refusals will result in immediate termination or the withdrawal of an offer of hire.

CONFIDENTIALITY

Management will attempt to maintain confidentiality and respect employee privacy at each phase in the drug and alcohol testing process. Test results will be shared within the company and its agents only on a need to know basis and test results will not be released outside the company except with the written consent of the individual or as required by law or legal process.

DRUG-FREE WORKPLACE ACT COMPLIANCE

Haulin' Jack Shipping Service is subject to the requirements of the federal Drug-Free Workplace Act of 1988 by virtue of its contracts to provide goods to the United States government. As part of its commitment to comply with that law, our company will provide education and training to employees and supervisors as described below. In addition, our company requires employees who are convicted of a crime involving drug-related activity occurring in the workplace to notify his/her managers within five (5) days.

A conviction means a finding of guilt, including a plea of guilty or no contest, or imposition of sentence by any judicial body. Haulin' Jack Shipping Service must then report the conviction to the contracting agency or government entity, in accordance with federal law. Within 30 days of the date it learns of the conviction, our company will discipline the employee.