

DOT Drug and Breath Alcohol Testing Policy — Example #2

PURPOSE *(the reason and the benefits expected from the policy)*

Acme Inc. believes the employer and every employee share in the responsibility to provide an environment that is safe and free from the potential of injury caused by employees being influenced or impaired by alcohol, drugs or other controlled substances. Accordingly, being under the influence or impaired by alcohol or drugs is strictly prohibited.

STATEMENT OF POLICY *(may use any combination of these statements)*

Prohibited Activity

Acme strictly prohibits the possession, use, transfer or sale of alcohol, drugs or any controlled substance within or on company property.

Acme strictly prohibits any employee reporting for or being at work under the influence of alcohol, illicit drugs or any controlled substance.

Prescription medication can only be allowed when a physician indicates that the drug will not alter the employee's fitness for duty. Supervisors must be notified prior to any employee working under the influence of drugs. Failure to notify supervision may result in disciplinary action.

Company Action

Employees will be scheduled for and attend mandatory in-service training related to drug testing policies, federal regulations related to job assignments and local substance abuse support services.

Any employee violating this policy will be subject to disciplinary action which may include termination.

TYPES OF TESTING *(should state what type of drugs are considered forbidden, tested for and that it is uniformly applied)*

Panel Selection

Acme reserves the right to select what drugs will be included on the testing panel, which will include but is not limited to those required by federal regulations (i.e. Department of Transportation 49 CFR Part 40). In order to remain consistent with community standards, the specific composition of the standard non-DOT drug panel may be amended without notice.

Application

DOT-Regulated Assignments

Applicants and employees assigned to job classifications that include duties regulated by the Department of Transportation will be tested for breath alcohol and the DOT-approved panel of illicit drugs in urine. This panel currently includes the following.

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

Employees will be requested to report to or escorted (*when appropriate) to an approved specimen collection location for the following reasons.

- Pre-employment (urine only)
- Random selection
- Reasonable suspicion*
- Post-accident*
- Reinstatement

Other Job Assignments

Employees handling hazardous substances requiring DOT placards, the carrying of a firearm, the handling of funds greater than \$500 and the processor of Class I confidential correspondence are subject to breath alcohol and non-NIDA drug testing for the following reasons.

- Pre-employment
- Reasonable suspicion*
- Post incident (i.e. missing funds, security breach, criminal acts)

All employees are required to submit to breath alcohol and non-NIDA drug testing in urine after any work-related injury or accident. This panel currently includes the following.

- Marijuana (THC)
- Amphetamines
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Barbituates
- Benzodiazepines

Notification of Employee

Employees will be notified by a supervisor when a drug or alcohol test is required. Notification will be delivered in a confidential manner.

Specimen Collection

The time required for travel to and from the collection facility and the time spent during collection will be paid at the regular hourly rate per employee classification. Employees will be escorted by an authorized company representative when the reason for testing is reasonable suspicion or post-accident or injury.

Results

Drug and alcohol reports are confidential to Acme Inc. management, the medical review officer, federal agencies authorized by law and the employee. The results will be stored for a minimum of one year for applicants and five years for employees.

Employees may request a copy of their drug and alcohol testing reports through the Human Resources department.

Positive Tests

Acme Inc. may take appropriate action, up to and including termination, in response to a positive drug or alcohol report. However, if, in the sole opinion of the company, we believe the employee is seriously willing to commit to

be drug-free, and the employee agrees to enroll in an approved drug rehabilitation program at his/her own cost and further agrees to undergo periodic testing at any time thereafter, as requested by the company, then the employee will have the opportunity of continued employment. If the employee later tests positive, he/she will be subject to immediate termination.

Employees will be removed from job duties regulated by the DOT when any breath or urine testing is positive. Fitness-for-duty and reinstatement will be in compliance with DOT 48 CFR Part 40 regulations.

When the employee's job assignments include access to firearms or controlled substances, a first time positive drug test for cocaine, marijuana or PCP will result in immediate termination.

Employee Recourse

If an applicant disagrees with the results of the test, he/she may provide and pay for another test at an alternate testing facility approved by Acme Inc. The results of the most recent screen will be used as a basis for employment.

Employees contesting a DOT-required urine screen must request the split sample testing within 72 hours by contacting the medical review officer who reported the result.

Testing Procedure

Specimen Collection Locations

Drug and alcohol testing will be conducted by a laboratory, clinic or hospital selected by Acme Inc. When required by law, testing of the specimen will be completed at a federally certified laboratory (NIDA lab). Laboratories and collection facilities will be approved when their accreditation documents and collection procedures are reviewed and deemed acceptable. A list of approved labs and collection sites will be available for employee or applicant review in the Human Resources department.

Employees will be given a Drug and Alcohol Screening Request Form or the request will be electronically communicated to the collection site. The supervisor will inform the employee of the reason for testing. Employees are required to present photo identification and be able to provide their Social Security number when reporting to the collection facility.

Random Employee Selections

Employees subject to DOT random drug and alcohol testing will be selected at a rate equal to or greater than the rate required by the regulation and the company's current employee pool size. New hires will be immediately added to the random pool list. The selection process will be performed by a blind lottery drawing. The drawing will be completed by an authorized Human Resources representative and witnessed by the transportation supervisor. Employees are requested to report immediately and required to report within 24 hours of random selection notification.

1995: The current DOT employee pool includes three individuals. One name will be selected each quarter of the calendar year for random testing. The employee(s) selected will be requested to report for both breath alcohol and urine drug screen testing.

Refusal to Test and Inability to Provide Specimen

Refusal to Test

Employees who refuse to be tested will be subject to immediate termination.

Inability to Provide Adequate Specimen

Employees who are unable to provide an adequate urine specimen for testing within four hours after consumption of a maximum of 24 ounces of water will be suspected of refusing to test (except when medical treatment prohibits the collection). Employees who fail to provide adequate breath for alcohol testing after three attempts will be suspected of refusing to test. Employees suspected of refusing to test will be evaluated by a medical professional selected by the company prior to rendering a decision that the employee refused to test.

During the consultation with the medical professional evaluating an employee's physical ability to provide a specimen, additional functional capacity tests may be required, such as, but not limited to, blood and urine testing and pulmonary function tests.

Record Keeping

Acme will record for five years which employees have been selected or required to submit to drug or alcohol testing. These records will be confidential to Acme Inc. management and federal agencies authorized by law.