

Employee Information/Instruction
Enhanced Drug & Alcohol Policy – What You Need to Know

A. Current drug and alcohol testing

1. All employees are subject to drug and alcohol testing for three specific reasons:
 - Pre-employment
 - Post accident (injury)
 - Reasonable suspicion

2. Employees whose jobs already require random drug testing due to regulatory mandates (i.e. DOT, NRC, etc.) are tested in accordance with those regulations. These employees are also subject to AEP's drug and alcohol testing protocols (listed above).

B. Revised drug & alcohol testing policy

1. All employees whose jobs can affect the safety and well being of other employees or the general public will be subject to random drug and alcohol testing. These include:
 - All physical employees, such as maintenance or those who work with heavy machinery or energized equipment
 - Employees who control/dispatch clearances and switching & tagging orders
 - Employees whose jobs require them to drive at least 30 percent of the time (except for those already subject to CDL regulations)
 - Supervision/management who have responsibility for employees in these job classifications
 - Other job classifications, depending on assignment

2. Employees who are **not** covered by this new random testing policy (but are still subject to pre-employment, post-accident (vehicle and injury) and reasonable suspicion testing):
 - Employees who do not meet the driving threshold (i.e. Finance/Accounting, Corporate Communications, Community Affairs, Regulatory Affairs, Trading/Commercial Operations, Business Analysis, etc.)

- Employees who drive for their jobs but are already randomly tested under Federal Motor Carrier regulations
 - Employees already tested due to regulatory mandates (i.e. DOT, NRC, etc.)
 - Others who already have drug & alcohol testing programs in place – River Operations, Dolet Hills mining and Cook Coal Terminal
3. The policy requiring post-accident drug testing is clarified to include vehicle accidents *and* injury accidents.
 4. Implementation begins January 2007 with awareness training; formal random testing to begin March 2007.
 5. Employees are encouraged to contact EAP if they think they might need help or have concerns.

C. Training/communications

1. Reasonable Suspicion training for supervisors/management personnel will be conducted by Human Resources where it is needed.
2. Individual business units are responsible for training/informing their employees locally about the change in policy.
3. A general communication will be distributed company-wide in early January 2007 to inform all AEP employees of the policy enhancement.
4. EAP will serve as the resource for employees who have concerns; information about EAP can be found on AEP Now at <http://hr/life/assistance.htm>.
5. Training must be complete by March 1 2007.

D. Testing process

1. An independent third party will manage the random selection process for testing, the testing and the recordkeeping.
2. Employees in specific job classifications (as identified above) will be subject to random drug and alcohol testing throughout his/her employment in affected positions.
3. Drug test samples will be conducted through urinalysis and sent to an approved laboratory for analysis. A chain of custody procedure will be used to protect the integrity of the sample

from collection to final report. A Medical Review Officer (MRO) will review the results before declaring a test to be positive or negative.

4. Alcohol tests will be conducted through breath sample.
5. Wherever possible, AEP will use third party services to come to the job location to conduct the testing. If that is not available or is not a viable option, current collection sites used by regulatory agencies will be used.
6. Employees will be asked for their PeopleSoft identification number instead of their social security number. They will also be chosen based on a random selection of this ID number.
7. If an employee tests positive for drugs or alcohol on a first time random test, he or she will be suspended without pay and referred to the EAP. The EAP will recommend a course of action/treatment for the employee and the employee shall follow through with this.
8. An employee must be re-tested before being allowed to return to work following release by the EAP. If the employee fails the test, it will result in termination.
9. An employee who successfully passes a return-to-work test will be subject to random follow-up testing, based on advice from EAP, at least six times during 12 months. At the same time, the employee will continue to be subject to the routine random testing.
10. Termination can occur if:
 - Testing is refused
 - Employee fails to cooperate with administration of testing
 - A second test is positive
11. Questions should be directed to your Human Resources representative.



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|---------------|-------------------------------------------------------------------------|----------------------------|--------------------------------|
| Title: | AEP Safety & Health Policy ALCOHOL TESTING PROGRAM | Date: | January 2007 |
| Owner: | Vice President- Safety & Health. | Sponsoring Area(s): | Environmental, Safety & Health |

Policy Statement:

It is the goal of the Company to establish and maintain an environment that is free from the effects of alcohol. Employees are required to report for work in a condition to perform their duties.

Detail:

**ALCOHOL TESTING PROGRAM
CONTENTS**

| SECTION | PAGE |
|---------------------------------------|------|
| I. DEFINITIONS | 3 |
| II. REQUIRED ALCOHOL TESTING | 4 |
| III. COLLECTION SITE & METHOD | 5 |
| IV. TESTING | 6 |
| V. RANDOM SELECTION & TESTING | 8 |
| VI. REASONABLE CAUSE TESTING | 8 |
| VII. POST ACCIDENT TESTING..... | 8 |
| VIII. SERIOUS MARINE INCIDENT | 10 |
| IX. PRE-EMPLOYMENT TESTING | 10 |
| X. POSITIVE ALCOHOL TEST RESULTS..... | 10 |
| XI. NOTIFICATION..... | 11 |
| XII. TRAINING..... | 11 |
| XIII. RECORD RETENTION | 11 |

APPENDIX

| | | |
|---|---------------------------------------------------|----|
| A | ALCOHOL TESTING PROGRAM EMPLOYEE INFORMATION..... | 13 |
|---|---------------------------------------------------|----|



SECTION I DEFINITIONS

ACCIDENT: Defined in the Post Accident Section VII by employee or DOT coverage.

AIR BLANK: A reading by an EBT of ambient air containing no alcohol. (In EBTs using gas chromatography, a reading of the device's internal standard.)

ALCOHOL: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

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.

ALCOHOL USE: The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

BREATH ALCOHOL TECHNICIAN (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

COLLECTION SITE: A place designated by the employer where individuals present themselves for the purpose of providing a volume of breath to be analyzed for alcohol concentration.

CONFIRMATION TEST: A second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

CONFORMING PRODUCT LIST: A list of conforming (approved) products generated by the National Highway Traffic Safety Administration (NHTSA). Approved EBT found on this list.

COVERED EMPLOYEE/FUNCTION: Defined in the Scope Section II B by employee or DOT classification.

EVIDENTIAL BREATH TESTING DEVICE (EBT): An EBT approved by the NHTSA for the evidential testing of breath and placed on NHTSA's Conforming Product List (CPL) of EBTS.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA): Develops programs relating to motor vehicle and highway safety.

SCREENING TEST: An analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

SUBSTANCE ABUSE PROFESSIONAL (SAP): Licensed physician, (medical doctors or doctors of osteopathy), or a licensed or certified psychologist, social worker or employee assistance professional, or addiction counselor certified by the National Association of Alcoholism.

WORKPLACE SENSITIVE: A test conducted on a defined group based on affecting safety of fellow employees, vendors or the general public.



SECTION II REQUIRED ALCOHOL TESTING

A. Application

The Company maintains a Drug and Alcohol Policy and Testing Program. The Alcohol Testing Program is comprised of the following tests:

| <u>DOT (49CFR40)</u> <u>SENSITIVE</u> | <u>ALL EMPLOYEES</u> | <u>WORKPLACE</u> |
|------------------------------------------|-------------------------|------------------|
| 1. Post Accident (driver/pipeline) | 1. Reasonable Cause | 1. Random |
| 2. Serious Marine Incident | 2. Return to Duty | |
| 3. Periodic | 3. Follow-up/monitoring | |
| 4. Random | 4. Post Accident | |
| 5. Reasonable Cause | | |
| 6. Return to Duty | | |
| 7. Follow-up/monitoring | | |

B. Scope

The Alcohol Testing Program will include all employees. Certain DOT covered positions require separate attention. These include positions in which employees are required to maintain a Commercial Driver’s License-CDL (49CFR382), work in job classifications typically assigned to serve as pilots and/or deck hands aboard watercraft licensed by the US Coast Guard (46CFR16), or safety sensitive which includes those employees identified as being a position which could affect the safety of other employees and/or the general public.

It is the goal of the Company to establish and maintain an environment that is free from the effects of alcohol. Employees are required to report for work in a condition to perform their duties.

C. Test Equipment and Operation

- a. An Evidential Breath Testing Device (EBT) must be used for confirmation testing. A Breath Alcohol Technician (BAT) who is properly trained in the procedure and EBT must do the alcohol testing.
- b. The EBT used must be approved by the National Highway Traffic Safety Administration (NHTSA) and placed on NHTSA’s Conforming Product List (CPL).
- c. Any EBT used in screening or confirmation alcohol testing must have a quality assurance plan developed by the manufacturer.
- d. EBTs must have capacity to print triplicate (or three consecutive identical) results, assign a unique and sequential number to each control test, distinguish alcohol from acetone at the 0.02 alcohol concentration level, have the capability for performing both air blanks and external calibration checks, and the ability to include the manufacturer’s name of the device, its serial number & time of tests.



- e. An alcohol testing form shall be used. In cases of DOT testing the approved DOT form will only be used. A separate non-DOT or DOT look-a-like will be used for non-DOT tests.

SECTION III COLLECTION SITE & METHOD

A. Designation of Collection Site

Each operating location will have a collection site(s), that affords privacy to the individual being tested. These sites will meet all agency requirements including knowledge of the requirements, training, proficiency, and documentation. For information about the sites, please contact Human Resources Department.

1. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
2. A mobile collection facility may be used.
3. In unusual circumstances, such as at an accident scene, a test may be conducted at a location that does not fully meet the requirements.
4. An Alcohol Testing Form (ATF) shall be used.
5. A Supervisor will accompany the employee(s) to offsite collection centers.
NOTE: if the employee drives him/herself, the collection site shall immediately contact the Company if the result is positive and the employee shall be instructed not to drive the Company vehicle.

B. Security

The collection site may be secured by visual inspection to ensure other persons are not present and undetected access is not possible. Security during collection may be maintained by effective restriction of access to testing area.

C. Access to Authorized Personnel Only

No unauthorized personnel shall be permitted in any part of the designated testing area when an EBT is conducted. A BAT shall conduct only one EBT at any given time. The BAT shall not leave the site when testing is in progress.

D. Privacy

Privacy in the context of Breath Alcohol Testing is primarily for the purpose of limiting other person's access to information about the employee's test result.



E. Procedure

When an individual arrives at the collection site, the BAT shall ensure that the individual is positively identified as the employee selected for testing, e.g., through presentation of photo ID or identification by the accompanying supervisor, or designee. If the individual's identity cannot be established, the BAT shall not proceed with the collection and shall immediately contact the Human Resources Department, or designee. On request by the employee, the BAT shall provide positive identification. If the individual fails to arrive at the assigned time, the BAT shall contact Human Resources Department, or designee, to obtain guidance on action to be taken.

F. Failure to Cooperate

If the employee fails to cooperate with the collection process, e.g., refusal to provide and complete paperwork, the BAT shall inform the Human Resources Department, or designee, and shall document non-cooperation with the alcohol test. This is a refusal to test.

SECTION IV TESTING

A. Screening Test with EBT

1. The BAT will complete Step 1 on the Alcohol Testing form (ATF). The employee will complete Step 2 on the form signing the certification. Refusal to sign this certification will be deemed a refusal to be tested.
2. An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT as designed.
3. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates enough of a sample has been collected. Show employee the result.
4. Test results, number, date, location, and names will be put on form if the EBT is not capable of automatically printing this on the form. The printout shall be attached to the form as required.
5. If the screening test confirmation is less than 0.02, the BAT shall sign the certification in Step 3 on the form and no further testing is authorized. If above 0.02, proceed to confirmation test.

B. Screening Test with saliva ASD

1. Check expiration date on device to assure it is still current. In the presence of the employee open an individually wrapped device.
2. Offer the employee the opportunity to use the device and if so give instructions to use it in according to manufacturers written instructions. If the employee declines to use it or in all cases where anew test is necessary, the collection site person will gather the saliva in accordance with the manufacturer's written instructions. If the employee declines to



use it or in cases where a new test is necessary, the collection site person will gather the saliva in accordance with the manufacturer's written instructions.

3. Upon removal from the employee's mouth, follow the manufacturer's instructions to assure the device has activated.
4. If the device fails to activate to read the sample, another test with saliva collection by the site person will be done in accordance with steps 1-3 above.
5. If unable to successfully follow steps 1-3 above, it must be noted on the remarks line of the ATF and another collection attempted. If again the steps cannot be followed successfully, end testing, make remark on the ATF and the employee will be directed to a screening test by EBT.

C. Confirmation Test

1. Is required if the screening test results indicate a concentration of 0.02 or greater. If the screening and confirmation tests reveal differing results, the confirmation test is conclusive.
2. In such cases the BAT shall instruct the employee not to eat, drink, put anything into the mouth, or belch during the waiting period before, the reason for the waiting period, to observe these instructions, and that the test shall be conducted even if the employee does not observe the instructions. The BAT will note such behavior in the remarks section of the form if aware of such.
3. The confirmation test shall not be given before 15 minutes following the screening test and be conducted before 30 minutes after the screening test.
4. If the confirmation test could not be conducted within the 30 minutes time limit, the reason for such shall be stated in the remarks section of the form, but still will be conducted.
5. Before the test the BAT shall:
 - a. Ensure the EBT registers 0.00 on an air blank.
 - b. With employee read sequential test number displayed by EBT.
 - c. Issue new mouthpiece.
6. Follow Steps 3 - 5 from the screening test procedure recording the confirmation test results on the form.

Note: If on any test and subsequent retry, an employee can/does not provide an adequate sample the employee shall be referred for evaluation by a licensed physician, acceptable to the employer to render an opinion, within five days as to the employee's medical ability to provide adequate sample. If no medical opinion is given that the employee could not have provided an adequate sample, the result will be deemed refusal to comply subject to discipline up to and including discharge. The physician will provide information on findings in writing.



SECTION V RANDOM SELECTION DOT & WORKPLACE SENSITIVE

A computer program operated by an outside contractor will randomly select employees for random drug testing and a portion of this group will be selected randomly for alcohol testing. The testing frequency and selection process will be such that an employee's chance of being selected continues to exist throughout his or her employment in a covered position. The random test is currently only administered to employees covered under the requirements of the Federal Motor Carrier Safety Administration- CDL drivers. The percentage tested will comply with Federal DOT Agency requirements. The Workplace Sensitive will be determined by the Company.

SECTION VI REASONABLE CAUSE TESTING

- A. Reasonable Cause Testing
 - 1. Reasonable cause testing means that supervision believes the actions, appearances or conduct of an employee on duty are indicative of the misuse of alcohol. Supervision making the assessment should have the knowledge necessary to make such a determination and in turn review it with another member of management before approaching the employee.
 - 2. All employees are subject to this testing.
- B. Reasonable cause testing will be performed in accordance with the procedures set forth in this program. Reporting to work under the influence of, consumption of, or possession of intoxicants on the job are considered reasonable cause.
- C. An employee who refuses to be tested or otherwise fails to cooperate in the administration of a test or who tests positive will be subject to disciplinary action up to, and including discharge.

SECTION VII POST ACCIDENT TESTING

CDL DRIVERS

- A. As soon as practical following an occurrence of a motor vehicle accident (CMV greater than 26,000 lbs. rating) on a public road, the employee driving shall submit to an alcohol test if the following occurs:
 - 1. If there is a citation arising from the accident issued by the responding authority to Company driver; and
 - a. There is bodily injury with immediate medical attention away from the scene; or
 - b. There is disabling damage to any motor vehicle requiring tow away.



2.If an accident involves loss of human life, regardless of citation.

- B Limitation Documentation- if an alcohol test is not performed within 2 hours following the accident, a report shall be made to the file stating why the test was not promptly done. The Company shall cease all attempts after 8 hours and maintain a record stating reason why the test was not done.
- C. Nothing herein shall be construed to restrict the Company's right to perform a post accident and/or reasonable cause testing in circumstances other than those set forth in this section.

ALL EMPLOYEES

Any employee who sustains a work related injury that requires professional medical treatment or is involved in a vehicle accident shall be tested for alcohol. Professional medical treatment is defined as care that must be administered by a physician or licensed medical personnel and not first aid in nature. As soon as possible after an accident, each such employee shall be tested for alcohol. The Company may decide not to test the employee, however such a decision must be based on the best information available immediately after the accident such that the employee's performance could not have contributed to the accident, or that because of the time between that performance and accident, an alcohol test is useless to determine whether the performance was affected by alcohol use. NOTE: these tests are non-DOT and must use the appropriate form (unless being done under reasonable suspicion during DOT duties).

**SECTION VIII
SERIOUS MARINE INCIDENT- COAST GUARD**

A. Serious Marine Incident Alcohol Testing

When the Company determines that a casualty or incident is, or is likely to become a serious marine incident, it shall take all practicable steps to have each individual engaged or employed on board the vessel who is directly involved in the incident tested for alcohol use. The term serious marine incident includes the following events involving a vessel in commercial service:

- 1. One or more deaths
 - 2. Any injury to a crewmember, passenger, or other person requiring professional medical treatment beyond first aid
 - 3. Damage to property in excess of \$ 100,000
 - 4. A discharge of 10,000 or more gallons of oil into navigable water
 - 5. A discharge of a reportable quantity of hazardous substance into navigable water or into the environment, whether or not resulting from a marine casualty.
- B. A law enforcement officer may determine that additional Company individuals, not normally included in the scope of these procedures, are directly involved. The Company will take all practicable steps to have these individuals tested.



- C. Each individual required to be tested as a result of a serious marine incident shall have blood, breath or urine specimens collected as soon as practical following the occurrence. This collection will be supervised by either qualified collection site personnel, law enforcement officer, or the HR department.
- D. Nothing herein shall be construed to restrict the Company's right to perform a post accident and/or reasonable cause testing in circumstances other than those set forth in this section.

SECTION IX PRE-EMPLOYMENT TESTING

Pre-employment testing for alcohol is not being conducted.

SECTION X POSITIVE ALCOHOL TEST RESULTS

- A. A positive alcohol test result is one in which an employee's breath alcohol concentration is 0.02 or greater following the confirmation test. The BAT shall notify the Human Resources Manager, or designee or supervisor accompanying the tested employee.
- B. An employee who tests positive with a breath alcohol concentration 0.02 or greater but less than 0.04 will be suspended from work without pay until the next scheduled duty period or until at least twenty four (24) hours have elapsed, whichever is greater. Further positive test(s) at this concentration level may result in more severe disciplinary action, up to and including discharge.
- C. An employee who tests positive with a breath alcohol concentration at 0.04 or greater will:
 - 1. be subject to disciplinary action up to and including discharge;
 - 2. if the employee is not discharged, the employee will be referred to the Employee Assistance Program (EAP). The employee will be required to follow through on any recommendations made by the EAP. Failure in this regard and/or failure to test negative within a time frame prescribed by the EAP will result in the employee's discharge; and
 - 3. be subject to follow-up/monitoring testing based on any recommendation from the EAP in addition to continuing to be part of any applicable random alcohol testing program. There is a minimum requirement of at least 6 tests in the first 12 months after return.
- D. An employee who refuses to be tested or otherwise fails to cooperate with the administration of a test will be discharged.



SECTION XI NOTIFICATION

A. Notification

1. The BAT will forward to the Human Resources Department a copy of the Alcohol Testing form containing the results of the alcohol concentration.
2. A copy of the ATF containing the results of the alcohol concentration will be given to the employee.
3. Results will be issued only to necessary management personnel and ECS provider, if applicable. Upon written request by the employee, copies/results will be made available to the employee's representative or to the employee.

SECTION XII TRAINING

A. Supervisors

Supervisors of employees covered under these regulations shall receive training on alcohol and controlled substance use/abuse. Training shall include the behavioral, physical, speech and performance indicators that could signal use/abuse. Supervisors will be able to make reasonable suspicion testing determinations from this training.

B. Employees

Materials on alcohol and controlled substance use/abuse shall be made available for affected employees. In addition, newly assigned employees to covered positions will be informed about the requirements for drug/alcohol testing and consequences thereof as outlined in this Program.

SECTION XIII RECORD RETENTION

A. General

The Human Resources Department shall maintain all records required by the Agency. Records shall be maintained within affected employee's files that specifically identify individuals. Records relating to this program will be maintained collectively otherwise.

B. Period of Retention

1. Five Years
 - a. Alcohol test results indicating a concentration of 0.02 or greater.
 - b. Documentation of refusals to test.
 - c. Verified drug test positives.



- d. Employee Assistance Plan provider reports.
- e. All follow-up tests and schedules for follow-up tests.

2. Three Years

All information received from previous employers concerning drug and alcohol test results of employees from a previous employer (pre-placement process).

3. Two Years

All inspection, maintenance, and calibration of EBT's owned and used by the Company.

4. One Year

All negative or cancelled drug test results and alcohol test results with a concentration of less than 0.02.

C. Contractors

Whenever required by Terms and Conditions of the Contract or by DOT Regulations, the Company shall make the appropriate evaluation of Contractor records.



APPENDIX A
AMERICAN ELECTRIC POWER
ALCOHOL TESTING PROGRAM EMPLOYEE INFORMATION

You have been designated to participate in the Company's Alcohol Testing Program. Random alcohol testing will be by breathalyzer. Please be assured that your selection in no way indicates that the Company has any specific reason to suspect you of abusing alcohol. All selections will be made by random number generation.

ALCOHOL TESTING PROCEDURE

Photo identification (e.g., Company ID or driver's license) must be presented at the collection site.

Records concerning your testing shall be maintained and used with the highest regard for your privacy.

NOTE: Any employee, upon written request, has access to any records relating to their alcohol test.

The results of an alcohol test may not be disclosed without your prior written consent; however they will be disclosed to any management official having a need to know. In addition, the results may be released to the following:

The Breath Alcohol Technician (BAT)

The Administrator of any Employee Assistance Program in which you are receiving counseling or treatment.

If you have any questions about the collection process, you should immediately bring them to the attention of the Human Resources Manager.

OTHER ITEMS OF INTEREST

- A. Refusal to participate shall result in discipline up to and including discharge.
- B. Employees will remain eligible for random testing as long as employed in a covered position.
- C. All employees, regardless of position, are subject to reasonable cause and post accident testing.
- D. Results shall only be released from the BAT to the Human Resources Department and EAP Provider (EAP on positive only).
- E. Employees, on written request, may have access to records relating to their own drug tests, or have them released to a specific individual.
- F. Questions shall be directed to the Human Resources Manager.



Review / Revision:

January 2007- revised
Previous revision May 2001



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|---------------|----------------------------------------------------------------------|----------------------------|--------------------------------|
| Title: | AEP Safety & Health Policy DRUG TESTING PROGRAM | Date: | January 2007 |
| Owner: | VP- Safety & Health | Sponsoring Area(s): | Environmental, Safety & Health |

Policy Statement:

It is the goal of the Company to establish and maintain an environment that is free from the effects of illegal drugs, or drugs taken for non-medicinal purposes. Employees are required to report for work in a condition to perform their duties.

Detail:

DRUG TESTING PROGRAM

| <u>SECTION</u> | <u>CONTENTS</u> | <u>PAGE</u> |
|----------------|-------------------------------------|-------------|
| I. | DRUG TESTING | 3 |
| II. | COLLECTION SITE & METHOD | 3 |
| III. | MEDICAL REVIEW OFFICER | 7 |
| IV. | RANDOM TEST SELECTION PROCEDURE.... | 8 |
| V. | REASONABLE CAUSE TESTING | 9 |
| VI. | POST ACCIDENT TESTING | 9 |
| VII. | SERIOUS MARINE INCIDENT | 9 |
| VIII. | PRE PLACEMENT | 10 |
| IX. | PERIODIC TESTING- COAST GUARD | 10 |
| X. | POSITIVE TEST RESULTS | 11 |
| XI. | NOTIFICATION..... | 11 |
| XII. | TRAINING | 12 |
| XIII. | RECORD RETENTION | 12 |
| APPENDIX A | | |
| | EMPLOYEE INFORMATION..... | 13 |



**SECTION I
DRUG TESTING**

A. Application

The Company’s Drug Testing Program is comprised of the following:

| <u>DOT (49CFR40)</u> | <u>ALL EMPLOYEES</u> | <u>WORKPLACE SENSITIVE</u> |
|------------------------------------|-------------------------|----------------------------|
| 1. Pre-placement | 1. Pre-placement | 1. Random |
| 2. Post Accident (driver/pipeline) | 2. Reasonable Cause | |
| 3. Serious Marine Incident | 3. Return to Duty | |
| 4. Periodic | 4. Follow-up/monitoring | |
| 5. Random | 5. Post Accident | |
| 6. Reasonable Cause | | |
| 7. Return to Duty | | |
| 8. Follow-up/monitoring | | |

B. Scope

The Drug Testing Program will include all employees. DOT based testing includes specific covered positions: are those in which employees are required to maintain a Commercial Driver’s License-CDL (49CFR 382); Coast Guard (Marine) covered positions are those in which employees work in job classifications typically assigned to serve as pilots and/or deck hands aboard watercraft licensed by the US Coast Guard (46CFR 16). Workplace sensitive includes those employees identified as being a position which could affect the safety of other employees and/or the general public.

It is the goal of the Company to establish and maintain an environment that is free from the effects of illegal drugs, or drugs taken for non-medicinal purposes. Employees are required to report for work in a condition to perform their duties.

C. Controlled Substances

Controlled substances tested for include:

1. Marijuana
2. Cocaine (Benzoyllecgonine)
3. Opiates
4. Phencyclidine (PCP)
5. Amphetamines

D. Drug Testing Laboratory

The Company will ensure that all chemical testing for drugs will be conducted by US Laboratories certified by Health and Human Services (HHS) under the National Laboratory Certification Program.

**SECTION II
COLLECTION SITE & METHOD**

A. Designation of Collection Site

Each reporting location will designate a primary collection site(s) that shall meet all Agency requirements. This includes knowledge of the requirements, training, proficiency, and documentation. For information on the respective collection sites, please contact the Human Resources Department. Alternate collection sites may be designated should the need arise.



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B.

Security

The collection site may be secured by visual inspection to ensure other persons are not present, that no possible source of adulterants or unauthorized substances is present, and undetected access is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens.

To deter dilution of specimens, toilet bluing agents must be placed in the bowl and/or tank so that the water in the bowl remains blue. Where practicable, there shall be no other source of water (sink, etc.) in the enclosure where urination occurs. If there is a source it must be effectively secured or monitored to ensure it is not used.

C. Chain of Custody

The Federal Drug Testing Custody and Control Form (CCF) must be used for DOT purposes. A separate non-DOT or DOT look alike form will be used for any non-DOT testing. Chain of Custody pertains to the procedures set up to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

A Chain of Custody form shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of specimens from one authorized individual or place to another shall be accomplished in accordance with Agency procedures.

D. Access to Authorized personnel Only

No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected until stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe specimen collection. In order to promote security of specimens, avoid distraction of the collection site person and ensure against any confusion in the identification of specimens, a collection site person shall conduct only one collection procedure at any given time. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the Chain of Custody form has been executed and the employee has departed the site.

E. Privacy

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

F. Procedure

When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing, e.g., through presentation of photo identification or identification by accompanying Supervisor, or designee. A photocopy of identification is not acceptable. If the individual's identity cannot be established, the collection site person shall not proceed with the collection and shall immediately contact the Human Resources Manager, or designee. If the individual fails to arrive at the assigned time, the collection site person shall contact the Human Resources Manager, or designee, to obtain guidance on the action to be taken.

Collection will begin immediately; regardless of whether or not the individual believes he/she can provide a sufficient sample. If the individual is also there for an alcohol test, the alcohol test will be conducted first unless other employees are being tested as well.

The collection site person shall explain the basic procedure and ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that



could be used to tamper with the individual's urine specimen. Also, the individual will be asked to empty their pockets and display all items. If nothing could tamper with the sample the contents are to be returned and testing continued. If something inadvertently appears, such as eye drops, it will be secured until after the collection is complete. If something is discovered for tampering purposes, a direct observation collection must be arranged. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain their wallet. Failure to comply with this will constitute a refusal to test.

The individual shall be instructed to wash and dry his or her hands prior to urination. After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials, which could be used to adulterate the specimen.

The individual may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the individual with an individually wrapped collection container and open it in the presence of the individual.

The collection site person shall instruct the employee to provide at least 45 milliliters of urine into the collection container and not flush the toilet. If the individual fails to produce 45 milliliters the Shy Bladder Procedure shall be followed.

After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature-measuring device used must accurately reflect the temperature of the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

A specimen temperature outside the range of 32.0 - 38.0 degree C/90.0 -100.0 degrees F constitutes a reason to believe that the individual has altered or substituted the specimen. A direct observation collection shall immediately be arranged and both samples must be sent to the laboratory. In cases where less than 45 milliliters is provided, the sample shall still be checked for temperature and if normal the sample discarded and 'shy bladder' procedure followed. If outside the normal range a direct observation collection shall be arranged. *

Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the Chain of Custody form. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

Whenever there is a reason to believe that a particular individual has altered or substituted the specimen, a second specimen shall be obtained as soon as possible, under the direct observation of a same gender collection site person. The Human Resources Department shall be notified after a direct observation collection is made or if there is a question raised by the employee, unless a supervisor is present. *

All collections will be split samples. The collection site person shall pour at least 30 milliliters from the collection container into the first specimen bottle as the primary sample and at least 15 milliliters into the second specimen bottle as the split specimen. The collection site person shall place the lids/caps on these bottles and seal both with the tamper evident seals. The date of the collection must be written on these seals. The individual will then initial the seals.

The individual will then be instructed to read and sign the appropriate information on the CCF, provide date of birth, printed name, and day and evening contact phone numbers. The collection site person shall then complete the CCF and give the individual the appropriate copy of the form.



The specimens are then to be placed in the appropriate pouches of the plastic bag along with the applicable copies of the CCF and sealed. At this point the individual can be dismissed from the site.

The collection site person shall note any unusual behavior or appearance by the individual on the CCF. Also, if the individual refuses to sign the form the collection site person shall print the name in the appropriate space, note such on the remarks, and prepare the samples for the laboratory according to normal procedures. The collection site shall do the copies of the CCF that need to be provided to the company and the MRO.

G. Collection Control

To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. The chain of Custody form shall be used for maintaining control and labeled. The date and purpose shall be documented on an approved Chain of Custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

H. Failure to Cooperate

If the employee refuses to cooperate with the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen) the collection site person shall inform the Human Resources Manager, or designee, and shall document non-cooperation on the Chain of Custody form.

I. Monitored Collection

In some instances a monitored collection may be required. Examples could include but are not limited to: in the exceptional event that an employee designated collection site is not accessible and there is an immediate requirement for specimen collection a public rest room may be used; or a multi-stall restroom is used for actual collection. The following guidelines shall be observed: a collection site person or monitor of the same gender (unless the monitor is a professional, doctor, nurse, physician's assistant- the monitor need not be a qualified collector) as the individual shall accompany the individual into the rest room which shall be made secure during the collection procedure. If possible, a bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site personnel shall remain in the rest room, but outside the stall, until the specimen is collected. The monitor is to listen, not watch for sounds that could be indicative of tampering. After providing the sample, the container is to be immediately handed to the collection site person for processing. Refusal to submit to a monitored collection will be deemed a refusal to test.

J. Direct Observation Collection

A direct observation collection shall be made, without advanced notice as previously described in Section II F (*); if the laboratory reported an invalid specimen to the MRO and in turn the MRO reported there was not adequate medical explanation from the individual for the result; the MRO reports that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed; the laboratory reports to the MRO that the specimen was negative-dilute with a creatinine concentration greater than/equal to 2 mg/dl, but less than/equal to 5mg/dl, and the MRO reports the result as a negative dilute; an employee may be directed to do so on a return to work test, if the collection site observes material brought to the site to tamper or the individual's conduct clearly indicates an attempt to tamper; the temperature on the original specimen falls outside the acceptable range; or the original specimen appears to have been tampered.

The observer shall be the same gender as the individual providing the sample and can be a person different from the collector and need not be qualified collector (collection site person shall



verbally advise this person how to proceed). The observer must see the sample leave the individual's body and enter the collection container and then observe the individual take it to the collector. If an employee declines to follow this procedure the test will be deemed a refusal to test.

K. Shy Bladder Procedure

If an individual fails to provide at least 45 milliliters of urine for the sample the collector will check the temperature and if within limits and shows no sign of tampering, discard the insufficient sample. The individual will then be urged to drink up to 40 ounces of fluid, distributed reasonably through a period of up to 3 hours or until a sufficient sample is provided, whichever comes first. If after the 3 hours, a sample is not obtained, all collection will cease, the Human Resources Department notified, and the individual released. The CCF will be noted in the remarks section and the MRO and employer copy sent/faxed to them within 24 hours.

After conferring with the MRO, the Company will then direct the employee to obtain within five working days an evaluation from a physician acceptable to the MRO (can be the MRO), who has expertise in the medical issues raised by the employee's failure to produce a sufficient specimen. The MRO needs to relay to the physician the reason for the evaluation and then determine if there is a medical condition present with a high degree of probability, could have precluded the individual from providing an adequate specimen. If so, the MRO will check the CCF as test canceled. If there is no condition present, the MRO will mark the CCF as a refusal to test and the employee is subject to disciplinary action up to and including discharge. The Company is not to attempt another collection. If an employee on a return to work, follow up or pre-placement test has a long term/permanent condition that precludes a sufficient sample, with the direction of the MRO a clinical evaluation for drug use shall be made by a licensed physician.

**SECTION III
MEDICAL REVIEW OFFICER**

A. Objective

An essential part of a chemical testing program is the final review of results. A positive test result does not automatically identify an employee as having used drugs. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer prior to the transmission of results to the Company.

B. General Requirements

1. The Medical Review Officer (MRO) shall be a licensed physician with knowledge of and have clinical experience in controlled substance abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results. The role of the Medical Review Officer is that of 'gatekeeper' and advocate for the accuracy and integrity of the drug testing process. In carrying out this responsibility, the Medical Review Officer shall examine alternative medical explanations for any positive test result. This may include review of medical history, interview with employee or other medical information. The Medical Review Officer shall not, however, consider the results of urine samples that are not obtained or processed in accordance with this policy.
2. Prior to making a final decision to verify a positive, adulterated, and/or substituted test result, the MRO shall review the CCF to determine if there are any fatal or correctable errors. The MRO will also interview the individual and inform him/her the test result, the basis for the test finding, and which substance(s) were detected. The individual will have the opportunity to provide proof that a legitimate medical explanation exists. In case of adulteration and/or substitution, the individual must demonstrate that the adulterant found entered the specimen through physiological means. There can be legitimate medical explanation only with



respect to a substance that has a legitimate medical use. Consumption of food products (poppy seeds) will not be considered legitimate medical explanation for having morphine or codeine at concentrations at or above 15,000 mg/ml (if 6-acetylmorphine is present the test is automatically positive for opiates).

NOTE: staff working under the supervision of the MRO may conduct an initial contact to schedule discussion with the MRO and advise the employee to have any medical information (prescriptions) ready to present to the MRO.

3. During this interview, the MRO will inform the individual of the right to have the split specimen tested. The employee may request the MRO to have the split specimen tested in a different certified laboratory agreeable to both the MRO and individual. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. If this analysis fails to confirm the presence of drugs or drug metabolites found in the primary specimen, or if the split is unavailable, untestable or inadequate for testing, the MRO shall cancel the test and report such to the DOT, the Company and the individual.
4. The MRO will attempt to reach the individual at the phone numbers listed. If after making all reasonable efforts, 3 times in 24 hour period- evenly spaced and documented, the MRO will contact the Human Resources Department who in turn will direct the employee to contact the MRO immediately. If after making reasonable effort, 3 times spaced evenly over a 24-hour period, the HR Department is unable to contact the individual, a message (letter, voice or e-mail) will be left to immediately contact the MRO. The Company may place the individual on temporary medically unqualified status or medical leave.
5. The MRO can verify a test positive or a refusal to test: if the Human Resources Department makes contact and the individual does not contact the MRO within 72 hours; if after all reasonable effort contact has not been made with the employee within 10 days of the date on which the MRO receives a confirmed positive from the laboratory, and/or the individual refuses to discuss the results with the MRO.
6. If a test is verified positive under the circumstances specified above in #5, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.
7. If the Medical Review Officer determines there is a legitimate medical explanation for the positive test result, the Medical Review Officer shall report the test result to the Human Resources Manager as negative.
8. The Medical Review Officer may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the Company. Only in the case of a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test, may the MRO reveal quantitation of test results. In this instance, the quantitation may be released to the Company, employee, or decision-maker, as required.

SECTION IV RANDOM TEST SELECTION PROCEDURE-DOT & WORKPLACE SENSITIVE

A computer program operated by an outside contractor will randomly select employees for the random drug-testing portion of this program. The testing frequency and selection process shall be such that an individual's chance of being selected continues to exist throughout his or her employment in a covered position. The percentage tested under the DOT program will reflect Federal Agency guidelines. The percentage tested under the Workplace sensitive will be determined by the Company.



**SECTION V
REASONABLE CAUSE TESTING**

- A. Reasonable cause testing will occur when supervision believes that the appearance or conduct of an employee on duty is indicative of drug abuse. Supervision making the assessment should have the knowledge necessary to make such a determination and in turn review it with another member of management before approaching the employee.
- B. Reasonable cause testing will be performed in accordance with the procedural safeguards set forth in this program. All employees are covered under this.
- C. An employee who refuses to be tested (or otherwise fails to cooperate in the administration of a test), produces an adulterated specimen or who tests positive will be subject to disciplinary action up to and including discharge.

**SECTION VI
POST ACCIDENT TESTING**

CDL DRIVERS

- A. As soon as practical following an occurrence of a motor vehicle accident (CMV greater than 26,000 lbs. rating) on a public road, the employee driving shall submit to a drug test if the following occurs:
 - 1. If there is a citation issued by the responding authority to Company driver; and
 - a. There is bodily injury with immediate medical attention away from the scene; or
 - b. There is disabling damage to any motor vehicle requiring tow away.
 - 2. If an accident involves loss of human life, regardless of citation,
- B. Limitation Documentation- if a drug test is not performed within 32 hours following the accident, the Company shall cease those attempts and prepare/maintain a record stating reason why the test was not done.
- C. Nothing herein shall be construed to restrict the Company's right to perform a post accident and/or reasonable cause testing in circumstances other than those set forth in this section.

ALL EMPLOYEES

Any employee who sustains a work related injury that requires professional medical treatment or is involved in a vehicle accident shall be tested for controlled substances. Professional medical treatment is defined as care that must be administered by a physician or licensed medical personnel and not first aid in nature. As soon as possible after an accident, each such employee shall be tested for drugs. The Company may decide not to test the employee, however such a decision must be based on the best information available immediately after the accident such that the employee's performance could not have contributed to the accident, or that because of the time between that performance and accident, a drug test is useless to determine whether the performance was affected by drug use. NOTE: these tests are non-DOT and must use the appropriate form (unless being done under reasonable suspicion during DOT duties).

**SECTION VII
SERIOUS MARINE INCIDENT- COAST GUARD**

- A. Serious Marine Incident Drug Testing

When the Company determines that a casualty or incident is, or is likely to become a serious marine incident, it shall take all practicable steps to have each individual engaged or employed on board the vessel



who is directly involved in the incident tested for drug use. The term serious marine incident includes the following events involving a vessel in commercial service:

1. One or more deaths
 2. Any injury to a crewmember, passenger, or other person requiring professional medical treatment beyond first aid
 3. Damage to property in excess of \$ 100,000
 4. A discharge of 10,000 or more gallons of oil into navigable water
 5. A discharge of a reportable quantity of hazardous substance into navigable water or into the environment, whether or not resulting from a marine casualty.
- B. A law enforcement officer may determine that additional Company individuals, not normally included in the scope of these procedures, are directly involved. The Company will take all practicable steps to have these individuals tested.
- C. Each individual required to be tested as a result of a serious marine incident shall have blood, breath or urine specimens collected as soon as practical following the occurrence. This collection will be supervised by either qualified collection site personnel, law enforcement officer, or the HR department.
- D. Nothing herein shall be construed to restrict the Company's right to perform a post accident and/or reasonable cause testing in circumstances other than those set forth in this section.

**SECTION VIII
PRE-PLACEMENT TESTING- ALL**

Any applicant, DOT or non-DOT, being considered for employment shall undergo and successfully pass a pre-placement drug test as a condition of the employment offer. This is also applicable for any present employee transferring to a DOT covered position who previously was not in such position.

**SECTION IX
PERIODIC TESTING- COAST GUARD**

A. Application

Whenever a physical examination is required for an individual by Coast Guard regulations, a drug test must be included as a part of the examination. If a physical examination is required for a license or merchant mariner's document application, a drug test will be conducted and the results provided to the Coast Guard Regional Examination Center (REC). For those individuals required by regulation to receive a physical examination on a periodic basis, the individual shall provide the result of each required chemical test to the REC at the time of license application or renewal. Only the results of those drug tests taken since the individual's most recent license renewal need be submitted.

B. Exceptions

The individual is not required to undergo the periodic drug test required by paragraph A above if the individual provides satisfactory evidence that he or she has:

1. Passed a pre-placement or a periodic drug test within the previous six months; or
2. Has been subject to a random testing program meeting the criteria of these procedures during the previous 12 months, has not failed a drug test, and has not refused to participate in required drug tests.



**SECTION X
POSITIVE DRUG TEST RESULTS**

- A. A first time random positive drug test will result in a suspension without pay and:
 - 1. a referral will be made to the Employee Assistance Program (EAP). The employee will be required to follow through on any recommendations made by the EAP and test negative before returning to work. Failure in this regard and/or failure to test negative within a time frame prescribed by the EAP will result in the employee's discharge.
 - 2. after returning to work, the employee will be subject to follow-up/monitoring testing based on the recommendation of the EAP. There is a minimum requirement of at least 6 tests in the first 12 months after return.
- B. An employee who tests positive on a post accident or reasonable cause drug test will be subject to disciplinary action up to and including discharge.
 - 1. if the employee is not discharged, a referral will be made to the Employee Assistance Program (EAP). The employee will be required to follow through on any recommendations made by the EAP and test negative before returning to work. Failure in this regard and/or failure to test negative within a time frame prescribed by the EAP will result in the employee's discharge.
 - 2. after returning to work the employee will be subject to follow-up/monitoring testing based on the recommendation of the EAP. There is a minimum requirement of at least 6 tests in the first 12 months after return.
- C. An employee who refuses to be tested, otherwise fails to cooperate in the administration of a test, or who tests positive a second time will be discharged.

NOTE: A 'negative dilute' report (without a mandatory direct observation collection) will result in a second test and analysis. If an employee continually provides a negative dilute, the Company reserves the right to request medical explanation for this.

**SECTION XI
NOTIFICATION**

A. Notification- MRO

The MRO will report to the Company whether an employee's test was positive, negative, or other result and, if positive, the identity of the controlled substance for which the test was positive. Results from a positive drug test will be communicated to the employee. The employee will be advised of which controlled substance(s) were identified.

B. Agency Notification

The Company will make notification of drug tests results required by any DOT Agency.



SECTION XII TRAINING

A. Supervisors

Supervisors of employees covered under these regulations shall receive training on alcohol and controlled substance use/abuse. Training shall include the behavioral, physical, speech and performance indicators that could signal use/abuse. Supervisors will be able to make reasonable suspicion testing determinations from this training.

B. Employees

Materials on alcohol and controlled substance use/abuse shall be made available for affected employees. In addition, newly assigned employees to covered positions will be informed about the requirements for drug/alcohol testing and consequences thereof as outlined in this Program.

SECTION XIII RECORD RETENTION

A. General

The Human Resources Department shall maintain all records required by the Agency. Records shall be maintained within affected employee's files that specifically identify individuals. Records relating to this program will be maintained collectively otherwise.

B. Period of Retention

1. Five Years

- a. Alcohol test results indicating a concentration of 0.02 or greater.
- b. Documentation of refusals to test.
- c. Verified drug test positives.
- d. Employee Assistance Plan provider reports.
- e. All follow-up tests and schedules for follow-up tests.

2. Three Years

All information received from previous employers concerning drug and alcohol test results of employees from a previous employer (pre-placement process).

3. Two Years

All inspection, maintenance, and calibration of EBT's owned and used by the Company.

4. One Year

All negative or cancelled drug test results and alcohol test results with a concentration of less than 0.02.

C. Contractors

Whenever required by Terms and Conditions of the Contract or by DOT Regulations, the Company shall make the appropriate evaluation of Contractor records.



APPENDIX A
DRUG ANALYSIS PROGRAM EMPLOYEE INFORMATION

You have been designated through a process of random selection for drug testing by urinalysis. Please be assured that your selection in no way indicates that the Company has any specific reason to suspect you of using illegal drugs.

The collection of your urine specimen will be conducted under the procedures set forth by the Federal Department of Transportation and tested by a laboratory certified by the Department of Health and Human Services- National Laboratory Certification Program. These procedures allow for individual privacy unless there is reason to believe that a particular individual may alter, substitute, or otherwise tamper with the specimen to be collected. The collection site will take precautions to ensure that your specimen is not adulterated or diluted during the collection procedure. Your specimen collection must also follow strict Chain of Custody and security procedures. In addition:

Photo identification (e.g., company ID or driver's license) must be presented at the collection site.

You will be asked to remove any unnecessary outer garments such as a coat or jacket. All personal belongs like purses or briefcases will remain with the outer garments. You will be required to empty the contents of your pockets to ensure that nothing that could tamper with the specimen is present. If such material is found, you will be subject to a direct observation collection. If any inadvertent item is present, such as eye drops, it will be held by collection site personnel until the collection process is complete. You may retain your wallet.

You will be instructed to wash and dry your hands prior to providing a specimen.

Your specimen will be provided in the privacy of a stall or private room, (unless there is reason to believe that a particular individual may alter, substitute, or otherwise tamper with the specimen).

After handing the specimen container to the collector, you should keep the specimen in full view at all times until it is sealed and labeled. This protection assures the correct label is placed on your bottle and prevents possible tampering with your specimen.

If the collection site person has reason to believe that you may have altered or substituted the specimen, they will notify the Human Resources Department, or designee. Should you tamper, adulterate, or in any other way attempt to dilute your specimen, the collection site person will request authorization to collect a second specimen under direct observation by a same gender collection site person. If the first sample is proven to be adulterated, substituted otherwise tampered, disciplinary action up to and including discharge will be mandated.

You will be asked to initial the identification label on the specimen bottle for the purpose of certifying that it is your specimen.

If, after laboratory analysis, the specimen is found to contain any drugs of abuse, the results will be disclosed first to the Medical Review Officer (MRO). Prior to making a final decision to verify a positive test result, the MRO shall give you an opportunity to discuss the test result and submit medical documentation of legally prescribed medications. For DOT testing the laboratory will retain the positive specimen as required by DOT regulation for a period of 365 days. If a request to retain the specimen for an additional period is not made within that time frame by the Company, employee or employee's representative the specimen shall be discarded.

Records concerning your collection and testing shall be maintained and used with the highest regard for your privacy.

NOTE: Any employee, upon written request, has access to any records relating to their drug tests.

Drug testing results may be disclosed without prior written consent to any management official having a need to know. In addition, the results may be released to the following: the Medical Review Officer, the Administrator of any Employee Assistance Program which you are receiving counseling or treatment or are otherwise participating.

Drug test results will not be released to anyone else without your prior written consent.

If you have any questions about the collection process, you should immediately bring them to the attention of your supervisor or the Human Resources Department.

An employee who refuses to submit for a test (or otherwise fails to cooperate in the administration of a test), produces an adulterated specimen will be subject to disciplinary action up to and including discharge.



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