**[COMPANY NAME]**

**SUBSTANCE ABUSE POLICY FOR COMMERCIAL MOTOR VEHICLE DRIVERS REGULATED BY THE FMCSA**

**(FOR TESTING TO BE CONDUCTED IN ALL 50 STATES AND**

**THE DISTRICT OF COLUMBIA)**

1. **STATEMENT OR PURPOSE AND SCOPE OF POLICY**
	1. [Company Name] (“Company”) is firmly committed to ensuring a safe, healthy, productive and efficient work environment for our employees, customers and the public in general. The Company has a vital interest in ensuring a safe, healthy and efficient working environment and the prevention of accidents and injuries which can result from the misuse of alcohol or drugs by drivers of the Company’s commercial motor vehicles. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, and as required by the drug and alcohol testing regulations of the Federal Motor Carrier Safety Administration (“FMCSA”), the Company has established the following substance abuse policy for the drivers of its commercial motor vehicles. Drug and alcohol testing is an integral part of our policy and program. Compliance with this policy is required by applicants as a condition of employment and by drivers as a condition of continued employment.
	2. This policy applies to any “driver” (as defined in Section 2.5 of this policy) who operates a “commercial motor vehicle” (as defined in Section 2.3 of this policy) for or on behalf of the Company and who is required to have a commercial driver’s license (“CDL”) in order to operate that vehicle. The policy also applies to all applicants who seek employment for such driver positions. Additionally, this policy applies to any Company supervisor and other managerial personnel who drive or may be required to drive a commercial motor vehicle from time-to-time on the Company’s behalf.
	3. This policy explains the FMCSA’s drug and alcohol regulations and the Company’s own policies with respect to the use of drugs or the misuse of alcohol. Provisions of this policy which are included under the Company’s independent authority are specifically identified by text which has been underlined.
	4. **This policy is not a contract of employment. All Company employees are employees at-will. This means that employment can be terminated at any time either by the employee or Company with or without cause and with or without notice. Failure to comply with this policy as so interpreted shall constitute just cause for discipline, up to and including discharge. If an applicant fails to comply with this policy, the applicant will be ineligible for employment with the Company. [Where any provision of this policy conflicts with the provisions of a collective bargaining agreement between the Company and a union representing its employees, the provisions of the collective bargaining agreement will control. However, failure to comply with this policy as so interpreted shall constitute just cause for discipline, up to and including discharge.]**
	5. The Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist recovering addicts or alcoholics and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.
	6. Any questions regarding the meaning or application of this policy should be directed to the Company’s Designated Employer Representative (“DER”), [Provide DER Name, Title, Telephone Number].
2. **DEFINITIONS**
	1. **“Alcohol”** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
	2. **“Alcohol Use”** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
	3. **“Commercial Motor Vehicle”** (“CMV”), for purposes of this policy, means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
		1. has a gross combination weight rating of 11,794 or more kilograms (26,001) or more pounds) including a towed unit with a gross vehicle weight of more than 4,536 kilograms (10,000 pounds);
		2. has a gross vehicle weight rating of 26,001 or more pounds;
		3. is designed to transport more than 16 passengers, including the driver; or,
		4. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
	4. **“Disabling Damage”** means damage which prevents a motor vehicle from being driven from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if driven. This terms ***does not include*** damage which can be remedied temporarily at the scene of the accident without special tools or parts; tire disablement without other damage even if no spare tire is available; headlight or taillight damage; or damage to turn signals, horn or windshield wipers which make them inoperative.
	5. **“Driver”** means any person who operates a “commercial motor vehicle” (as defined in Section 2.3). Under FMCSA regulations, this includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and, independent owner-operator contractors.
	6. **“Drugs”** means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), or their metabolites, and, for purposes other than testing, any other substance included in Schedules I through V, as defined by the Controlled Substances Act, 21 U.S.C. §812, as they may be revised from time to time. The term “drugs” include legal substances obtained illegally or used in an unauthorized manner, but does not refer to the proper use of drugs authorized by law which do not affect job safety or performance.
	7. **“Medical Review Officer”** (“MRO”) means a licensed physician (medical doctor or doctor of osteopathy) with the requisite knowledge, experience, qualification training and continuing education, who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.
	8. **“Performing A Safety-Sensitive Function”** means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
	9. **“Safety-Sensitive Function”** means the following activities and includes 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:
		1. All time at a Company or client 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 the FMCSA’s regulations, 49 C.F.R. §§392.7 and 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 (a berth conforming to the requirements of the FMCSA’s regulation 49 C.F.R. §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; and
		6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
	10. **“Split Specimen”** means, in drug testing, a part of the urine specimen that is sent to a first laboratory in a separate container and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
	11. **“Substance Abuse Professional” (“SAP”)** means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP may be: (1) a licensed physician (medical doctor or doctor of osteopathy), or (2) a licensed or certified psychologist, or (3) a licensed or certified social worker, or (4) a licensed or certified employee assistance professional, or (5) a drug and alcohol addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. All SAPs must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.
3. **PROHIBITED CONDUCT**
	1. **Prohibited Conduct Concerning Drivers’ Use of Drugs and Alcohol:**
		1. Drivers are prohibited from reporting for duty or remaining on duty when using drugs (as defined in Section 2.6), except when the use is pursuant to the instructions of a medical doctor who has advised the driver that the substance will not adversely affect the driver’s ability to safely operate a commercial motor vehicle. (For details concerning the lawful use of prescription drugs, refer to Section 3.5).
		2. Drivers are prohibited from reporting for duty or remaining on duty with an alcohol concentration of 0.02 or greater.
		3. Drivers are prohibited from using alcohol in any form ***(including medications containing alcohol)*** while performing safety-sensitive functions (refer to Section 2.8 of this policy for the definition of performing safety-sensitive functions).
		4. Drivers are prohibited from performing safety-sensitive functions within four (4) hours after using alcohol. On-call employees who are not at work, but could be called to drive or perform other safety-sensitive functions, are subject to this pre-duty alcohol prohibition. This means a driver who is scheduled to report or is on-call must decline a call to work if his or her acceptance would require the employee to drive or perform other safety-sensitive functions within four (4) hours after consuming alcohol. An on-call driver who is required to decline work because of his/her use of alcohol in violation of the four-hour rule is subject to discipline up to and including termination.
		5. Drivers are prohibited from using alcohol for eight (8) hours following an accident or until the driver takes a post-accident alcohol test (and tests negative), whichever occurs first.
		6. Drivers may not “refuse to submit” to any drug or alcohol test required under the FMCSA’s drug and alcohol rules and/or this policy. (For further details concerning what actions will be considered as a “refusal,” refer to Section 3.2 of the policy.)
		7. Drivers are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for drugs or alcohol.
		8. During a driver’s workday, a driver is prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of drugs or alcohol.
		9. Drivers are prohibited from failing to stay in contact with the Company or its medical review officer (“MRO”) while awaiting the results of a drug test.
	2. **Refusal to Submit:** For purposes of this policy, the following employee conduct will be considered a refusal to submit to a test:
		1. failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company, its consortium or third-party administrator (as applicable);
		2. failing to remain at the testing site until the testing process is complete; however, an applicant who leaves the testing site before the pre-employment testing process commences is not deemed to have refused to test;
		3. failing to provide a urine specimen, or breath or saliva specimen for testing;
		4. failing to attempt to provide a breath or saliva specimen for testing;
		5. failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;
		6. failing or declining to take a second drug or alcohol test that the Company or collector has directed to be taken, including failing to take a second test that the employer has directed following a negative dilute test result, when the Company so elects;
		7. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” procedures (in the case of applicants, only after a contingent offer of employment has been extended), or the insufficient breath procedures;
		8. failing to provide a sufficient breath specimen when directed, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
		9. failing to sign the certification at Step 2 of the Alcohol Testing Form;
		10. adulterating or substituting a urine specimen;
		11. admitting to the collector or MRO that the specimen was adulterated or substituted;
		12. in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (including failing to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process);
		13. possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
		14. failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process (e.g., leaving the test site before the collection process is completed, refusing to empty pockets when so directed by the collector, failing to wash hands after being directed to do so by the collector or behaving in a confrontational way that disrupts the collection process); or,
		15. failing to promptly notify the Company that the driver was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance or medical care).
	3. **Consumption of Food or Food-Products Containing Hemp or CBD, And Use of “Medical” Marijuana or Recreational Marijuana:** The consumption of food and food-products containing hemp or CBD (for example, hemp oil or cannabidiol products) may cause a driver to test positive for marijuana. A test result that is positive as a result of a driver’s consumption of food or food-products containing hemp or CBD will be reported as a positive test. Additionally, marijuana is illegal under federal law and the use of “medical” marijuana or recreational marijuana does not excuse a positive test result on a DOT-required drug test.
	4. **Prohibition On Supervisor or Manager Permitting A Driver To Work:** No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in conduct prohibited under this policy shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.
	5. **Prohibition Against Working While Using Any Drug Medications Which Affect Safety or Performance:**
		1. Except as otherwise provided in this section, the lawful use of any therapeutic drug medication(s) while performing a safety-sensitive function is prohibited to the extent such use may affect the driver’s ability to perform his/her job duties safely.
		2. Before reporting for duty under the influence of any therapeutic medication(s), the driver must inquire whether the drug manufacturer or the driver's physician warns against driving or performing other safety-sensitive functions while taking such medication(s). If such warnings exist, the driver must inform his or her supervisor of such restrictions before commencing any safety-sensitive functions under the influence of such medication(s). The Company will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the driver not work until the restriction is removed.
		3. Any driver reporting for work without first advising the Company about warnings accompanying lawfully prescribed or obtained medications or substances will be subject to discipline up to and including termination of employment. A driver's lack of knowledge concerning such warnings will not excuse a violation of this policy where an employee has failed to make the inquiries required in this Section.
	6. **Requirement to Report Drug Charges, Convictions and DWIs and/or DUIs:**

Employees charged with or convicted of a drug-related offense, or any DWI or DUI, shall report the occurrence to the Human Resources Manager before reporting for further duty. Any employee convicted of a drug-related offense during his/her term of employment, whether based on activity on or off the job, shall be considered in violation of this policy and may be subject to adverse employment action described in Section 5.4 below, including possible termination, in the Company’s sole discretion. If the employee has been charged with a drug-related offense, or a DWI or DUI, the Company may suspend the employee without pay pending the outcome of the charge.

1. **REQUIRED TESTS AND INVESTIGATION OF DRIVER'S SAFETY PERFORMANCE HISTORY**

As required by DOT’s and FMCSA’s regulations, the Company will conduct drug and alcohol tests under the conditions and circumstances described below.

* 1. **Pre-Employment Drug Testing and Investigation of Driver's Safety Performance History**:
		1. All applicants who have received a conditional offer of employment in a commercial motor vehicle (“CMV”) driver position, and all existing employees whose transfer to a CMV driver position has been conditionally approved, are required to submit to a pre-employment drug test and must receive a negative test result as a condition of employment. Such tests will be conducted prior to the time the applicant is hired or transferred.
		2. Among other information required to be obtained by the Company under DOT and FMCSA regulations as part of the investigation of the driver's safety performance history, an applicant must provide: (i) a list of the names and addresses of the applicant's employers during the three years preceding the date of application; (ii) the dates that he or she was employed by each employer; (iii) the reasons for leaving the employ of each employer; and, (iv) (A) whether the applicant was subject to the FMCSA's regulations while employed by those previous employers; and (B) whether the job was designated as a safety-sensitive function by any DOT operating agency and subject to the drug and alcohol testing requirements of 49 C.F.R. Part 40.
		3. DOT’s regulations also require the Company to obtain the following specific drug and alcohol-related information from an applicant’s former DOT-regulated employers during the previous three years
			1. whether, within the previous three years, the driver violated DOT's or FMCSA's drug and alcohol prohibitions, including, but not limited to: (A) confirmed alcohol tests with results of 0.04 or greater; (B) drug tests whose results were verified positive; (C) all instances in which the applicant refused to be drug or alcohol tested (including verified adulterated or substituted drug test results); and, (D) other violations of DOT drug and alcohol testing regulations, including the regulations of all DOT operating administrations;
			2. whether the driver failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional (SAP) pursuant to DOT's and FMCSA's return-to-duty requirements. If the previous employer does not know this information (*e.g.*, where a previous employer terminated an employee who tested positive on a drug test), the Company must obtain documentation of the driver's successful completion of the SAP's referral directly from the driver.
			3. For a driver who successfully completed an SAP's rehabilitation referral, and remained in the employ of the referring employer, information on whether the driver had the following testing violations subsequent to completion of the return-to-duty process: (A) alcohol tests with a result of 0.04 or higher alcohol concentration; (B) verified positive drug tests; (C) refusals to be tested (including verified adulterated or substituted drug test results).

* + 1. The Company will provide applicants with an authorization form permitting the release of the required information described above from each of the applicant's previous employers. In addition, applicants must provide consent to the FMCSA Clearinghouse to release the applicant’s records to the Company. If the applicant refuses to complete and sign the authorization form(s), or to authorize the Company’s access to the applicant’s records in the FMCSA Clearinghouse, the driver will be ineligible for employment by the Company. All information will be sought in a confidential manner and the Company will maintain a written confidential record with respect to each former employer contacted. The information obtained from a previous employer who employed the applicant in a CMV driver or other DOT-regulated safety-sensitive position may contain alcohol and drug information which that employer obtained from other previous employers regarding the DOT-required drug and alcohol testing of the applicant during the past three years.
		2. If the Company learns from the driver’s previous employers that the driver had an alcohol test result of 0.04 or greater, a verified positive drug test, or refused to be tested, on a DOT-required drug or alcohol test, or learns that the driver violated any other DOT drug and alcohol regulation, the driver either will be ineligible to drive for the Company, or if hired, the driver will be terminated, unless the Company obtains evidence that the driver has complied with the return-to-duty requirements, including follow-up tests, set forth in Subpart O of 49 C.F.R. Part 40.
		3. An applicant must inform the Company whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by any DOT operating administration’s drug and alcohol testing rules during the past three years.
		4. When a driver has not performed a safety-sensitive function for 30 consecutive calendar days regardless of the reason, and the driver has not been in the Company’s random selection pool during that time, the driver must submit to a pre-employment drug test and obtain a negative result prior to performing safety-sensitive functions.
	1. **Post-Accident Drug and Alcohol Testing:**
		1. A driver who is performing safety-sensitive functions (as defined in Section 2.8 of this policy) involving a commercial motor vehicle is required to submit to a post-accident drug and/or alcohol test as soon as practicable following the accident, under the following circumstances:
			1. **Fatal accidents:** A driver who is involved in an accident which results in a death to another human being must always submit to a drug and alcohol test.
			2. **Non-fatal accidents:** A driver who is involved in a non-fatal accident, must submit to a post-accident drug and/or alcohol test if:
				1. the driver was given a citation for a moving traffic violation arising from the accident within 8 hours of the accident (as to alcohol tests), or within 32 hours of the accident (as to drug tests) ***and***
				2. the accident also results in one of the following:

bodily injury to the driver or another individual, requiring immediate medical treatment away from the scene of accident; or

one or more of the vehicles involved in the accident incurs disabling damage (as defined in Section 2.4 of the policy), requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

* + 1. Drivers involved in any accident involving their vehicle must notify the DER as soon as possible to advise the DER of the accident and to obtain further information on how to proceed with the required testing. Drivers are obligated to follow the DER’s instructions and, if directed, submit to post-accident drug and alcohol tests as soon as possible.
		2. A driver who is subject to post-accident testing must remain readily available for such testing or else will be deemed to have refused to submit to such testing. However, this “readily available” requirement does not require the delay of necessary medical attention for injured people or prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
		3. A driver who is required to submit to a post-accident test will be suspended after completion of the drug and/or alcohol tests. The Company also reserves the right to evaluate the conduct of the driver which may have caused or contributed to the accident, to determine if this conduct in and of itself should warrant discipline, up to and including termination.
		4. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of drugs, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.
	1. **Random Drug and Alcohol Testing:**
		1. Each year the Company will administer random alcohol and drug tests. Random *drug* tests may be conducted at any time. Random *alcohol* tests will only be conducted while a driver is performing safety-sensitive functions, just before the driver performs safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
		2. The Company shall select drivers for testing using a random number table or a computer-based random number generator that is matched with the drivers’ social security numbers, or other comparable identification numbers which will ensure that each driver has an equal chance of being tested each time selections are made.
		3. All random tests will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year. The dates of random testing, locations and names of those to be tested are kept in the strictest confidence by the DER and the specimen collector.
		4. Each driver who is notified of selection for random drug or alcohol testing must proceed to the test site immediately. If the driver is performing a safety-sensitive function (refer to section 2.9) at the time of notification, the driver must cease performing the safety-sensitive function and proceed to the test site as soon as possible, but not longer than 30 minutes, plus travel time, from the time of notification. Drivers who do not proceed to the test site immediately upon notification of the test may be considered to have refused to submit to the test.
	2. **Reasonable Suspicion Drug and/or Alcohol Testing:**
		1. A driver must submit to a reasonable suspicion drug and/or alcohol test whenever a manager or supervisor has reasonable suspicion to believe that the driver has violated the drug or alcohol prohibitions contained in this policy. Reasonable suspicion drug tests may be conducted at any time. Reasonable suspicion alcohol tests may be conducted only while the driver is performing safety-sensitive functions, just before the driver performs safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
		2. Reasonable suspicion determinations will be based on specific, contemporaneous, articulable observations concerning the driver, including but not limited to, the driver’s appearance, behavior, speech, or body odors. For drug testing, the observations may also include indications of the chronic and withdrawal effects of drugs.
		3. Documentation of the observations leading to a reasonable suspicion test will be prepared and signed by the supervisor or manager who made the observations. The supervisors and managers who will make reasonable suspicion determinations must have received training on alcohol misuse and drug use in accordance with the FMCSA’s regulations. The particular supervisor or manager who makes a reasonable suspicion determination will not conduct the drug or alcohol test. [Employees represented by a union who are selected for “reasonable suspicion testing” may request union representation during discussions with the Company regarding such testing.]
		4. A driver who is directed to take a reasonable suspicion drug and/or alcohol test must submit to the test as directed. The Company shall transport or ensure transport of the driver both to and from the collection site.
		5. A driver who is requested to submit to a reasonable suspicion drug and/or alcohol test will be suspended pending receipt of the test result(s). The Company also reserves the right to evaluate the conduct of the driver which warranted the reasonable suspicion drug or alcohol tests to determine if the conduct in and of itself should warrant discipline, up to and including termination.
1. **CONSEQUENCES FOR POLICY VIOLATIONS**

The consequences discussed below apply to applicants and drivers who are found to have violated this policy. Regardless of any personnel actions which may be taken, however, FMCSA’s regulations require drivers who engage in any prohibited conduct under this policy to be advised of available resources for evaluating and resolving problems associated with drug use and alcohol misuse, including the names, addresses and telephone numbers of Substance Abuse Professionals. This information will be provided through the Company’s Human Resources Department.

* 1. **Removal From Safety-Sensitive Functions:** DOT’s and FMCSA’s regulations require drivers who violate this policy in any way to be immediately removed from their safety-sensitive functions. Such drivers are prohibited from performing, or being permitted to perform, a safety-sensitive function, including driving Company trucks and motor vehicles with gross vehicle weight ratings over 10,001 pounds, as well as other Company motor vehicles.
	2. **Refusal To Submit:** Any driver who refuses to submit to a test will be terminated. Applicants who refuse to submit to a test will be ineligible for employment with the Company. Refer to Section 3.2 concerning what actions will constitute a driver’s “refusal to submit.”
	3. **Positive Test Results:**
		1. **Applicants:**  All applicants who receive a verified positive drug test result will be ineligible for employment with the Company.
		2. **Drivers:**
			1. **Temporary suspension:** Any driver who is required to submit to a reasonable suspicion or post-accident drug or alcohol test pursuant to this policy will be temporarily suspended pending receipt of the test results.
			2. **Verified positive drug test results and confirmed alcohol test results of 0.04 or greater:** If a driver receives a verified positive drug test result or a confirmed alcohol test result of 0.04 or greater,[his or her employment will be terminated] /[he or she may be subject to discipline, up to and including termination. If a driver is not terminated as a result of the positive test, he or she must comply with the following:
				1. Except as provided in subparagraph (2) of this section, if the driver has not violated this policy previously and agrees to rehabilitation, then the driver may be given an opportunity to sign and comply with the Company’s “Last Chance” Agreement. This agreement provides a driver with the opportunity to be evaluated for a drug problem by a substance abuse professional and, if determined to be necessary by the evaluating substance abuse professional, to participate in a counseling, treatment or rehabilitation program, whichever is determined to be more appropriate by the substance abuse professional. Unless covered through the driver’s medical plan, the cost of the evaluation and any counseling, treatment or rehabilitation will be paid at the driver’s own expense. The driver also will be subject to return-to-duty drug testing, and follow-up testing after returning to work, as recommended by the substance abuse professional.
				2. However, a driver who tests positive for the first time may be terminated at the Company’s discretion, and will be terminated if the driver: (i) refuses to sign the “Last Chance” Agreement; (ii) refuses or fails to be evaluated by a substance abuse professional; (iii) refuses to participate in the counseling, treatment or rehabilitation program recommended by the substance abuse professional, or (iv) fails to successfully complete the program, as evidenced by, for example, the driver’s withdrawal from the program before its completion, or by

a positive test result during or after the completion of the program.

* + - * 1. Any driver, who, after entering into a “Last Chance” Agreement, receives a verified positive drug test result or a confirmed positive alcohol test result, will be terminated from employment.
				2. Under DOT regulations, a driver may not return to performing safety-sensitive functions after testing positive (which means, for alcohol, testing at 0.04 BAC or greater under DOT regulations) unless the driver: (1) is evaluated by a substance abuse professional; (2) successfully complies with the SAP’s recommendations; (3) takes a return-to-duty drug test and receives a negative result, and/or a return-to-duty alcohol test and receives a result of less than .02 BAC; and, (4) participates in a follow-up testing program recommended by the SAP which includes mandatory follow-up testing.]
			1. **Alcohol test results of 0.02 or greater but less than 0.04:**  A driver who receives a confirmed alcohol test result of 0.02 or greater, but less than 0.04, will be suspended for at least 24 hours and may be subject to disciplinary action.
			2. **Fitness-for-duty evaluation in the event of driver’s legal and authorized use of a drug:** Whenever a driver is required to submit to a reasonable suspicion drug or alcohol test and receives a negative test result, the Company may require the driver to submit to a fitness-for-duty medical evaluation conducted by a licensed physician. The evaluation may include a review of the driver’s medical records, a medical examination, or both. The purpose of the evaluation is to determine whether the driver poses a significant risk of substantial harm to the health and safety of the driver or others in the workplace, including customers and visitors. Drivers will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the Company will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.
			3. In accordance with DOT regulations, the Company will provide each applicant and driver who violates a DOT regulation (as set forth in this policy) with a list of substance abuse professionals (SAPs) who are readily available to the employee and acceptable to the Company.
	1. **Other Policy Violations:** Drivers who commit policy violations other than those addressed in Sections 5.2 and 5.3 above will be subject to discipline, up to and including immediate termination. Applicants who violate this policy will be ineligible for employment with the Company.
	2. **Potential Denial of Workers’ Compensation and/or Unemployment Compensation Benefits:** For purposes of this policy, violations of DOT’s and FMCSA’s regulations and/or the requirements of this policy constitute gross and willful misconduct. In addition to the discipline and other consequences imposed by DOT, FMCSA and the Company under this policy, such gross and willful misconduct may also result in the denial of unemployment compensation under applicable state law. In addition, drivers who are injured as a result of a violation of DOT’s or FMCSA’s regulations and/or the Company’s safety rules (including but not limited to the conduct prohibited under this policy) may also be denied workers’ compensation benefits under applicable state law.
1. **NOTIFICATION OF TEST RESULTS AND REPORTING INFORMATION TO THE FMCSA CLEARINGHOUSE.**
	1. Applicants will be notified of the results of a pre-employment drug test, if the applicant requests his/her test results within 60 days of being notified of the disposition of the employment application. Drivers will be advised of drug test results which are verified positive and the drug or drug(s) for which a positive result was verified. Drivers will be notified of the results of their alcohol tests immediately after the administration of the screening test and, if necessary, the confirmatory test.
	2. FMCSA Clearinghouse. The following drug and alcohol information must be reported to the FMCSA Clearinghouse:
		1. A verified positive, adulterated, or substituted drug test result;
		2. An alcohol confirmation test with a concentration of 0.04 or higher;
		3. A refusal to submit to a drug or alcohol test;
		4. An employer’s report of actual knowledge, as defined at 49 CFR § 382.107;
		5. On duty alcohol use pursuant to 49 CFR § 382.205;
		6. Pre-duty alcohol use pursuant to 49 CFR § 382.207;
		7. Alcohol use following an accident pursuant to 49 CFR § 382.209;
		8. Drug use pursuant to 49 CFR § 382.213;
		9. A SAP’s report of the successful completion of the return-to-duty process;
		10. A negative return-to-duty test; and,
		11. An employer’s report of completion of follow-up testing.

In addition, the Company must conduct a query of the Clearinghouse prior to hiring a driver subject to this policy and at least annually for all drivers subject to this policy.

1. **TESTING EXPENSES AND COMPENSATION FOR TESTS**

The Company will pay for drug and alcohol tests and related expenses as follows:

* 1. All drug and alcohol tests required to be taken by drivers or applicants under this policy, including confirmation tests, will be paid for by the Company. Any test taken at a driver’s or applicant’s request will be at the driver’s or applicant’s expense, unless the result of the test is negative. However, compliance with an applicant’s or driver’s request for a split-specimen test may not be conditioned on the driver’s or applicant’s direct payment to the MRO or laboratory or the driver’s or applicant’s agreement to reimburse the Company for the costs of testing. The Company will also pay for the cost of the driver’s transportation to the test site, if the test is conducted at a place other than the driver’s normal work site.
	2. All time spent by drivers providing a specimen required under this policy, including travel time to and from the collection site, will be considered as on-duty time. The driver will receive his or her regular compensation, including overtime if applicable, for such time.
1. **DRUG AND ALCOHOL TESTING PROCEDURES**

As required by the FMCSA’s rules, the Company’s drug and alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. (A copy is available for inspection in the office of the DER). These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct driver. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests. The following provides a summary of the federal procedures.

* 1. **Drug Testing Procedures:**
		1. **Drugs being tested for:** The drugs specifically being tested for include: marijuana, opiates, amphetamines (including “MDMA” or “Ecstasy”), cocaine, and phencyclidine (PCP) and their metabolites.
		2. **Laboratory, Chain-of-custody and Split-Specimen Collection Method:** Drug testing is conducted by analyzing an employee’s urine specimen. The specimen collection procedures and chain of custody are intended to ensure that the specimen’s security, proper identification and integrity are not compromised. All drug tests conducted pursuant to this policy shall be performed by laboratories which are certified by the Department of Health and Human Services (“DHHS”). DOT has established a chain-of-custody procedure for the collection and analysis of urine specimens that will verify the identity of each specimen and test result. The collector of the specimen will seal and label the urine specimen, complete a required chain of custody form (Federal Drug Testing Custody and Control Form), and prepare the specimen and accompanying paperwork for shipment to a DHHS-certified laboratory. Only official DOT-authorized Federal Custody and Control forms shall be used in connection with this procedure. A split-specimen collection method will be used for drug tests. This means that a urine specimen is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles are sent to a laboratory. Only the “primary” specimen is opened and used for the urinalysis. The “split” specimen bottle remains sealed and is stored at the laboratory. Under certain circumstances, the applicant or driver may request a test of the “split” specimen by another DHHS-certified laboratory. (See Section 8.1(c)(v) below). This split specimen procedure provides the applicant or driver with an opportunity for a “second opinion.”
		3. **Confirmation, review and verification of drug test results:**
			1. All positive drug screening test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a medical review officer (“MRO”) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant’s or driver’s medical history, or review of any other relevant biomedical factors and all medical records made available by the tested individuals.
			2. Individuals with confirmed non-negative results (*i.e.,* positive, adulterated, substituted, and invalid) will be given the opportunity to discuss with the MRO any legitimate explanation for the test result. If, after speaking with the driver, the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative to the DER. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a “verified positive test result” by the MRO.
			3. Under the circumstances set forth in 49 C.F.R. Part 40, the MRO is permitted to verify a test result as positive or cancelled or a refusal to test without having first communicated directly with the driver. In the event that serious illness, injury or other unavoidable circumstances prevented the driver from being contacted by the MRO or the DER, the MRO may reopen the verification process to permit the driver to provide information concerning a legitimate medical explanation for the positive test.
			4. All confirmed adulterated or substituted test results will be reviewed by the MRO to determine whether there is any legitimate medical explanation for the laboratory findings. It is the applicant’s or driver’s burden of proof to show that there is a legitimate medical explanation. If the MRO determines that the applicant’s or driver’s explanation does not present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO will report the test to the DER and the individual tested as a verified refusal to test because of adulteration or substitution, as set forth in Section 3.2.g. If, however, the MRO believes that the applicant’s or driver’s explanation may present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO shall direct the applicant or driver to obtain, within five days of the MRO’s verification interview of the applicant or driver, a further medical evaluation. This evaluation will be performed by a licensed physician, acceptable to the MRO, with expertise in the issues raised by the applicant’s or driver’s explanation. The driver or applicant is responsible for finding and paying for a referral physician. However, on request of the applicant or driver, the Company or MRO will provide reasonable assistance to the applicant’s or driver’s efforts to find such a physician. If, after conferring with the referral physician, the MRO concludes that there is a legitimate medical explanation, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER and the tested individual. If, after conferring with the referral physician, the MRO concludes that there is no legitimate medical explanation, the MRO will notify the DER and the tested individual of a verified refusal to test because of adulteration or substitution, as set forth in Section 3.2.g. (Refer to Section 5.2 for the consequences of a refusal to submit to a test).
			5. **Right to have split-specimen analyzed:**
				1. **Verified Positive Tests:** All applicants and drivers whose primary urine specimen results in a verified positive test result have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory, selected by the Company, for the presence of the drug(s) for which a positive result was obtained. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive test result. If the split-specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, or if the split-specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, the tested individual and the DOT. However, if the split-specimen reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the DER and the tested individual of the test results.
				2. **Verified Adulterated or Substituted Tests:** All applicants and drivers whose primary urine specimen is verified adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS certified laboratory, selected by the Company, to reconfirm the adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified adulterated or substituted test result. If the split-specimen fails to reconfirm adulteration or substitution of the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, the tested individual and the DOT. Additionally, if the split-specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, and the tested individual. The DER shall ensure the immediate collection of another specimen from the applicant or driver under direct observation, with no notice given to the applicant or driver until immediately prior to the collection. However, if the split-specimen reconfirms adulteration or substitution, the MRO will notify the DER and the tested individual of the test results. Reconfirmation of adulteration or substitution constitutes a refusal to submit to a test, as set forth in Section 3.2.g. (Refer to Section 5.2 for the consequences of a refusal to submit to a test).
			6. **Inability to provide an adequate amount of urine specimen:** Applicants and drivers must provide a urine specimen of at least 45 milliliters of urine for a drug test. If the tested individual is unable to provide such a quantity of urine, then the tested individual will be instructed to drink a set amount of fluids and after a set period of time, again attempt to provide a complete specimen. If the applicant or driver refuses to attempt to provide a new urine specimen, this will constitute a refusal to submit to a test. If the applicant or driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued. The DER, after consulting with the MRO, will then direct the applicant or driver to obtain, within five working days, a medical evaluation. Failure to undergo such an evaluation constitutes a refusal to test. The purpose of the evaluation is to determine whether the applicant or driver has a medical condition that has, or with a high degree of probability could have, precluded the applicant or driver from providing a sufficient amount of urine.
			7. **Collections or Re-collections under Direct Observation:**  Procedures for collecting urine specimens allow an individual privacy unless there is a reason to believe that a particular individual has adulterated or substituted, or attempted to adulterate or substitute, the specimen, as defined in the Federal Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40. In such cases, a specimen may be obtained under the direct observation of a specimen collector of the same gender as the individual being tested. In addition, the Company will direct an immediate collection under direct observation with no advance notice to the applicant or driver, if:
				1. the laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Company that there was not an adequate medical explanation for the result;
				2. the MRO reported to the Company that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could be not performed;
				3. the MRO reported to the Company that the specimen was a negative dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL; or,
				4. the test is a return-to-duty test or a follow-up test.
	2. **Alcohol Testing Procedures:**
		1. **How test will be performed:** Alcoholscreening testswill be performed by a screening test technician (“STT”) using a non-evidential screening device, or by a breath alcohol technician (“BAT”) using an evidential breath testing device (“EBT”). The Company ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, the Company will use only non-evidential alcohol screening devices and EBTs which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.
		2. **Confirmation of alcohol test results:** If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under the Company’s policy shall be based.
		3. **Inability to provide adequate amount of specimen for alcohol testing:**
			1. If the driver is unable to provide sufficient saliva to complete a test on a non-evidential saliva screening device, the STT shall conduct a new test, using a new device. If the driver refuses to complete the new test, this will constitute a refusal to submit to a test. If the new test is completed, but there is an insufficient amount of saliva to activate the device, the driver shall immediately take an alcohol test using an EBT. If the driver declines, or otherwise interferes with the testing, this will constitute a refusal to submit to the test.
			2. If a driver fails to provide or claims that he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the Company will direct the driver to obtain, within five days, an evaluation from a licensed physician who is acceptable to the Company and who has expertise in the medical issues raised by the driver’s failure to provide a sufficient specimen. Failure to undergo such an evaluation constitutes a refusal to test. If the physician concludes that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver’s test will be canceled. If the physician concludes that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver will be considered to have refused to test.
1. **VOLUNTARY SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM**
	1. Consistent with and subject to the Company’s policies concerning medical and personal leaves and vacations, a driver who voluntarily self-identifies himself or herself as having a drug or alcohol problem and requests assistance for such a problem will be referred to a substance abuse professional (“SAP”) (which, for purposes of this section, may include an employee assistance professional or qualified drug and alcohol counselor) for an evaluation and, if recommended, an appropriate counseling, education,treatment or rehabilitation program. The cost of the counseling, treatment or rehabilitation is the driver’s responsibility. (For further details concerning the employee’s payment obligations, employees should refer to their medical insurance plan.)
	2. **This request must be made before the driver begins performing safety-sensitive functions on any workday (i.e., before reporting for duty). This request also must be made before the driver is directed or otherwise required to submit to a drug or alcohol test required by DOT or this policy, or before the driver has been found to have violated a prohibition contained in this policy. Such timely request shall not constitute a basis for reasonable suspicion testing.**
	3. Once leave commences, periodic certification that the employee is actively continuing to participate in the program, together with progress reports, shall also be required. As a further condition of taking such leave, the employee will be required to authorize the attending SAP to communicate directly with the Company, including to release the employee’s relevant treatment records to the Company, except as federal or state law may otherwise require. All such oral and written communications between the substance abuse professional and Company shall be treated as confidential.
	4. Except where the law prohibits, all leave time taken for the evaluation, counseling, treatment or rehabilitation will be counted against the leave to which the employee may be entitled under the federal Family and Medical Leave Act.
	5. Prior to the time such leave begins, the driver will be required to execute the Company’s “Agreement for Voluntary Treatment and Conditions for Continued Employment.” This agreement provides, among other things, that before a driver will be permitted to return to his/her driving duties or perform other safety-sensitive functions for the Company, the driver will be required to submit to post-voluntary rehabilitation return-to-duty drug test and/or a post-voluntary rehabilitation return-to-duty alcohol test and must receive a negative result. The agreement also provides that the driver may be required to submit to post-voluntary rehabilitation follow-up drug tests and/or post-voluntary rehabilitation follow-up alcohol tests after returning to work, if directed by the treating substance abuse professional.
	6. If a driver voluntarily self-identifies that he or she has a substance abuse problem and requests assistance for such problem, but fails or refuses to comply with the requirements of this Section, the driver will not be permitted to perform safety-sensitive functions and will be subject to discipline, up to and including termination.
2. **RECORDKEEPING, ACCESS TO RECORDS AND CONFIDENTIALITY OF TEST RESULTS**
	1. The Company will maintain records related to its drug and alcohol testing program as required by the DOT’s and FMCSA’s regulations. These records will be maintained in a secure location with controlled access and will not be released to any person except as required by law or expressly authorized by the driver.
	2. The laboratory may disclose drug test results only to the MRO. The MRO, STT and BAT may disclose test results only to the individual tested, designated Company representatives, a treatment program, or a court of law or administrative tribunal to the extent required by law. Beyond that, a driver’s test results shall not be released to any person without the individual’s written consent.
3. **[DRUG-FREE WORKPLACE POLICY (to comply with the federal Drug-Free Workplace Act]**
	1. Prohibition Against Unlawful Presence of Controlled Substances in the Workplace.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on our premises, in the Company’s vehicles or while engaged in the Company’s activities is strictly prohibited.

* 1. Notification of Workplace Drug Conviction.

You must notify the Human Resources Department of any criminal drug statute conviction for a violation occurring within the workplace within five (5) days of such conviction. Within ten (10) days of such notification or other actual notice, the Company will advise the contracting agency of such conviction.

* 1. Compliance as a Condition of Employment.

All employees are hereby advised that full compliance with the foregoing policies shall be a condition of employment at the Company.

* 1. Sanctions for Violation of Drug-Free Workplace Policy.

Any employee who violates the foregoing drug-free workplace policy described above shall be subject to discipline up to and including immediate discharge.

* 1. Required Participation in Drug Rehabilitation.

In the discretion of the Company, any employee who violates our drug-free workplace policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to the Company's satisfaction in an approved drug assistance or rehabilitation program.

* 1. Drug-Free Awareness Program

In order to maintain a drug-free workplace, the Company has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of any drug-free counseling, rehabilitation and employee assistance programs and the penalties that may be imposed for violations of our drug-free workplace policy.]

**INFORMATION CONCERNING THE EFFECTS OF ALCOHOL AND DRUG USE ON AN INDIVIDUAL’S HEALTH, WORK AND PERSONAL LIFE**

The impact of drug use and alcohol misuse in the workplace is more than just causing harm to the health and safety of the affected individual. Drug use and alcohol misuse decrease an individual’s performance and the performance of co-workers who rely on him/her. Impaired judgment, carelessness, and lack of coordination cause more accidents, which put the safety and lives of the affected individual and co-workers at risk. Co-workers may become frustrated trying to help the affected individual by covering up, taking on additional work, or lending him/her money. The result of this frustration can be decreased morale and distrust as co-workers become tired of trying to help and supervisors become suspicious of increased absenteeism, tardiness, lowered job efficiency, etc.

**A.** **Alcohol (A Non-Controlled Substance) and Its Effects**

Alcohol is a legal substance that is widely used and, unfortunately, misused. While it is important for your safety, the safety of your co-workers and the general public to continue to be very concerned about the significant dangers of controlled substances, the abuse of alcohol has a major impact on the safety of those individuals as well. The most common substance found in drivers of commercial vehicles involved in fatal accidents is alcohol (the second most prevalent substance is marijuana).

The significance of alcohol misuse among the American population is borne out by statistics:

* It is estimated that 3-10% of all Americans have an alcohol related problem, depending upon how alcoholism is defined.
* 25% of all hospital admissions in the United States are related to alcohol misuse.
* 2-3% of the driving population is legally drunk at any one time. This rate doubles at night and on weekends.
* 40% of family court cases involve an alcohol problem.
* 2/3 of all homicides are committed by people who drink prior to the crime.
* More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

Alcohol abusers are costing companies, health care organizations and the general public tens of thousands of dollars each year in poor quality products, health care costs, workers compensation costs, and unemployment costs. More importantly, these abusers are costing innocent lives.

The National Institute on Alcohol Abuse and Alcoholism has estimated that 50% of the people with job performance problems suffer from alcohol-related problems. The rationale underlying an employer's approach to alcohol abuse in the workplace is that any alcohol abuser, even one in the early stages of abuse, will tend to exhibit a pattern of deteriorating job performance that will eventually affect not only the abuser, but his or her co-workers, and the general public.

Unless detected early on, alcohol use in the workplace can lead to a series of costly and potentially dangerous situations, including:

* Absenteeism - Tardiness and excessive use of sick time.
* Lower Productivity - Studies have shown that an alcohol abuser works at only two-thirds of his/her actual work potential.
* Poor Work Quality - Shoddy work, rework, and material waste may be evident. For drivers it means decreased mental and physical agility and concentration.
* Poor Morale - Chronic alcohol misuse often creates wide mood swings, anxiety, depression, and anger. Non-drinking co-workers often see alcohol users as poor team workers and safety hazards.
* Increased Number of Accidents and Near Misses - Impaired individuals are 3-6 times more likely to be involved in on-the-job accidents or near miss incidents. A person that’s legally intoxicated is six times more likely to have an accident than a sober person is.
* Equipment Problems Due to Negligence - Alcohol misuse often leads to inadequate maintenance of machinery or equipment because the driver has lost interest or is hoping their equipment will not work to avoid working themselves.

**B.** **Controlled Substances And Their Effects**

Substance abuse is a national problem that negatively impacts every American. It not only affects individual users and their families, but it also presents new and increasing dangers in the workplace. One in six working Americans has a drug related problem. Employees who use controlled substances are 33% less productive, 500% more likely to be involved in an on-the-job accident, 500% more likely to file a worker's compensation claim, 250% more likely to have an absence exceeding eight days, significantly more likely to be involved in employee theft, and 360% more likely to injure themselves or another person in the workplace.

As with alcohol abuse, drug use can lead to a series of costly and potentially dangerous problems in the workplace, including:

* Absenteeism - Tardiness and excessive use of sick leave.
* Staff Turnover - Substance-abusing employees have disorganized lives. Many quit rather than face detection. Others transfer or are fired because of poor or unsafe performance.
* Lower Productivity and Work Quality - As with alcohol abusers, substance-abusing employees perform at about two-thirds of their actual work potential. Shoddy work, rework and material waste may be evident. For drivers, decreased mental and physical agility and concentration causes increased cargo damage or passenger complaints, missed schedules, incomplete or lost shipments and more traffic accidents.
* Equipment Breakdown - Again, substance-abusing employees often do not maintain their equipment, either because they have lost interest in their job, or look forward to having equipment declared out of service as a means of avoiding work.
* Poor Morale - Chronic substance abusers create the same atmosphere as alcohol abusers in the workplace. Non-drug using employees often view them as poor team workers and a hazard to the safety of others.
* Increased Accidents and Near Misses - Substance abusers are 3.6 times more likely to be involved in an accident. Even small quantities of controlled substances in the system can cause a deterioration of alertness, clear-mindedness, and reaction time.