

Drug and Alcohol
Safety Program
(DOT DASP)
49 CFR FEDERAL
MOTOR CARRIER
SAFETY
ADMINISTRATION

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Program Statement

A & L
Cesspool
Service Corp.

A & L Drug and Alcohol Program (DASP) (DOT Mandated)

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A & L Drug and Alcohol Program (DASP) (DOT Mandated)

Policy Statement

It shall be the policy of the company to attempt to provide a safe environment for our workers and the community to which we all belong.

Drug and Alcohol Safety Program (DASP)¹

The company CSEP is designed to address the company policy by:

- 1) Creating a program that conforms to regulatory standards;
- 2) Educating all personnel about the program;
- 3) Enforcing the program and compliance standards.

Vision

An accident and incident free environment.

Mission

Make safety a habit.

Objectives

- 1) Deploy a training program;
- 2) Monitor, record and report program compliance;
- 3) Evaluate performance;
- 4) Correct any deficiencies.

Gregory Forte
Principal

Date

¹ This document is the newest revision of the Company's original Drug and Alcohol Safety Program. While aspects of the Program are constantly monitored and changed, the Program itself is reviewed and updated annually.

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Program Statement

Program Overview

The Department of Transportation (DOT) administers a federally required Drug and Alcohol Testing program under FMCSA reg. 49 CFR Part 40 which requires the company to do the following:

- 1) Create a Drug and Alcohol Safety Program (DASP);
- 2) Determine which driving positions are "Safety Sensitive Functional" positions according to the regulation;
- 3) Pre-screen and Pre-test prospective new-hire SSF CDL drivers before permitting vehicular operation;
- 4) Determine "who are" the CDL drivers that perform SSF's;
- 5) Notify those SSF CDL drivers of the program and provide them with the appropriate information;
- 6) List those drivers in a federally recognized consortium for randomizing;
- 7) Ensure that every SSF CDL has the initial pre-screening;
- 8) Ensure that when notified of the randomized selection, that the SSF CDL driver complies with Part 40;
- 9) Ensure that "ONLY" Verified Final Test failures are prevented from SSF driving positions;
- 10) Determine if participant may remain employed.

Program Scope

All personnel who are engaged in SSF CDL operations and tasks (as outlined in the table below) must be enrolled in the Company's DASP.

Non-enrolled personnel "may not" volunteer to perform operations related to CDL SSF.

No supervisor may incentivize or reward personnel who are not DASP enrolled to perform SSF CDL functions. No supervisor may discipline non-enrolled personnel for refusing to perform SSF CDL functions.

Personnel participating in the program do so at no cost to themselves with the exception of those costs that are outlined in the program or any costs associated with post-positive results, which include but shall not be limited to; counseling, treatment, rehabilitation, legal expenses, additional re-instatement testing, and evaluations.

Covered Personnel	
Positions	Activities
Safety Sensitive Functions	CDL Operations

Program Application

A & L Cesspool has determined that personnel are exposed to hazards when:

- 1) Performing SSL CDL operations;
- 2) Working in the proximity of SSL CDL operations.

These hazards include:

- 1) Operating CDL type vehicles while impaired.

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Possibly, in some cases, these situations may represent an Immediately Dangerous to Life or Health (IDLH) condition. The purpose of this program is to ensure that all personnel are protected from exposure to the hazards associated with these situations.

Program Implementation

Program Management

In order to evaluate the effectiveness and to monitor the implementation of this safety program, a Program Committee shall be established.

The committee (**See Addendum A. (The Program Committee)**) shall be appointed by the safety committee president and shall be comprised of the following:

Program Manager (PM):	A principal of the company;
Program Supervisor (PS):	a principal of the company;
Program Coordinator (PC):	the company safety coordinator.

Program Management Responsibilities

Program Manager

- 1) Understand applicable municipal regulations pertaining to the assigned program;
- 2) Designate program priorities using regulatory standards and job related safety concerns;
- 3) Evaluate the program statement for its compliance with regulatory standards and its applicability to job related safety concerns;
- 4) Monitor compliance with the program, enforce the program standards, sanction those not in compliance and evaluate program effectiveness;
- 5) Assign the PS;
- 6) Ensure the appropriate resources are available to implement the program effectively;
- 7) Identify work areas, processes or tasks that present potential hazards;
- 8) Select and monitor DASP equipment use to ensure proper deployment, maintenance, cleanliness, warranties;
- 9) Ensure selected employees are available for DASP training;
- 10) Monitor DASP certifications;
- 11) Ensure proper DASP storage procedures;
- 12) Administer and coordinate any medical surveillance responsibilities of the DASP.
- 13) Ensure the PC has the appropriate resources to coordinate the program;
- 14) Participate in employee training;
- 15) Review contractor credentials and ensure contractor compliance with program standards;
- 16) Audit program record keeping;
- 17) Direct the PS to assist as necessary.

Program Supervisor

Assist the PM with all responsibilities above.

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Program Coordinator

- 1) Understand applicable municipal regulations pertaining to the assigned program;
- 2) Draft and publish the program statement;
- 3) Coordinate employee training;
- 4) Monitor compliance with the program, enforce the program standards, report non-compliance and evaluate program effectiveness;
- 5) Keep program records and arrange for compliance reporting to regulators;

Program Compliance

Compliance Statement

Compliance with safety programs is a requirement for employment.

Affected and Covered Employees

All company identified as employees engaged in driving related SSF CDL operations are subject to drug and alcohol testing and in the absence of any other program statement guidance, this program statement shall cover the company DOT Drug and Alcohol Safety requirements however, the applicability of this particular program statement is for all D.O.T mandated CDL driving positions and / or CDL SSF positions.

Compliance Responsibilities

Supervisors

- 1) Become aware of municipal regulation and be thoroughly familiar with program policy;
- 2) Contribute suggestions to the program;
- 3) Train subordinate employees on the standards;
- 4) Lead-by-example;
- 5) Report accurately and truthfully all program non-compliance;
- 6) Cooperate fully and truthfully in all safety investigations;
- 7) Enforce program compliance.

Employees

- 1) Become aware of municipal regulation and be thoroughly familiar with program policy;
- 2) Contribute suggestions to the program;
- 3) Train subordinate employees on the standards;
- 4) Report accurately and truthfully all program non-compliance;
- 5) Cooperate fully and truthfully in all safety investigations.

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Contractors

The company requires all sub-contractor personnel who meet the affected /covered employee threshold to comply with this program statement.

Program Standards

When testing is required

1) Pre-employment:

- a) The company is required to:
 - 1) Conduct a pre-employment drug test; and
 - 2) Receive from the Medical Review Officer (MRO) a negative test result on the pre-employment drug test for a person prior to hiring or prior to using that person in a SSF CDL position for the first time. This requirement also applies when a current employee is transferring from a non-SSF CDL position to a SSF CDL position for the first time.
- b) The company may conduct pre-employment alcohol testing under DOT authority, but only if two conditions are met:
 - 1) The pre-employment alcohol testing must be accomplished for all applicants [and transfers], not just some; and
 - 2) The testing must be conducted as a post-offer requirement – meaning the company must inform the applicant that he or she has the job if he or she passes a DOT alcohol test.
- c) The check must go back at least 3 years and contain the following information:
 - 1) Did the employee have alcohol tests with a result of 0.04 or higher?
 - 2) Did the employee have verified positive drug tests?
 - 3) Did the employee refuse to be tested?
 - 4) Did the employee have other violations of DOT agency drug and alcohol testing regulations?
 - 5) If the employee answered "yes" to any of the above items, did the employee complete the return-to-duty process?
 - 6) Did a previous employer report a drug and alcohol rule violation to you?

2) Random:

FMCSA DOT sets the random rates for drug and alcohol testing in the industry it regulates. These testing rates are minimums. The company can choose to set higher random testing rates. The minimum random test rate for the company registered SSF CDL drivers is in accordance with the standards outlined by the consortium.

3) Reasonable Suspicion / Reasonable Cause:

- 1) The company is required to test for drugs or alcohol [or both] if a trained supervisor or trained company official believes or suspects an employee is under the influence of drugs or alcohol [or both];
- 2) The supervisor or company official must have been trained to recognize the signs and symptoms of drug and alcohol use;
- 3) Testing cannot be required based solely on a guess, hunch, or complaint from another person or phone call tip. The suspicion must be based on specific observations by the supervisor or company official concerning the employee's current appearance, behavior, speech, and smell that are usually associated with drug or alcohol use;

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- 4) The suspicion must be documented.

4) Post Accident:

The company is required by DOT to conduct drug and alcohol tests following qualifying accidents as follows:

- a) If there is a fatality; **OR**
- b) If the driver is cited for a moving violation **AND** the vehicle is towed **OR** any person is medically evacuated from the scene.

Urine Test: 32 hours Alcohol Test: 8 hours

5) Return-To-Duty (RTD) and Follow-Up

When an employee:

- 1) Tests positive or refuses a test; or
- 2) violates other provisions of DOT Agency testing regulations,

Then, that employee cannot work again in a DOT safety-sensitive identified position until successfully completing a "Return-to-Duty" (RTD) program supervised by a Substance Abuse Professional (SAP) according to the "return-to-duty requirements" of federal regulations contained in Part 40.

After successfully completing the RTD requirements, the employee may be eligible to return to work. But, before the company can return the employee to work in a SSF CDL position, a SAP must determine that the employee successfully complied with the recommended treatment and education. The employee must then have a RTD test and that test result must be negative.

The SAP will also develop the employee's follow-up testing plan – outlining for the employer the number and frequency of follow-up testing that will take place. The Company is responsible for ensuring that the employee is tested according to the SAP's follow-up plan. These tests can be for drugs or alcohol or both.

The SAP must direct at least 6 follow-up tests in the first 12 months after the person returns to safety-sensitive duties, however, the SAP can direct more tests and may extend them for up to five years.

The company is under no obligation to pay-for treatment or any rehabilitation or to reimburse the employee for any post-positive expense.

How testing is conducted / the procedures

- 1) The company has a reasonable suspicion the employee is impaired or is compelled by law to have the employee tested;
- 2) Alcohol: The company immediately notifies the employee verbally and may require a saliva swab test then require the employee to pick-up the appropriate paperwork to take to the testing site. If the company cannot reach the employee verbally, the company shall send an e-mail or overnight registered letter (with test-site documentation) to the employee notifying the employee of the responsibility to report for a test;
Drugs: The company immediately notifies the employee verbally requiring the employee to pick-up the appropriate paperwork to take to the testing site. If the company cannot reach the employee verbally, the company shall send

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an e-mail or overnight registered letter (with test-site documentation) to the employee notifying the employee of the responsibility to report for a test;

- 3) The employee immediately (without delay or detour) reports to the testing facility with the documentation;
- 4) The employee follows the instructions of the testing facility staff;
- 5) The lab analyzes the sample and undergoes a Medical Review;
- 6) The employee is notified of the results and if positive, is interviewed by the MRO;
- 7) Results are finalized and verified by the MRO and reported to the company.

Identification of Substances

All urine specimens are analyzed for the following drugs:

ILLEGAL: Marijuana (THC metabolite); Cocaine; Amphetamines; Opiates (including heroin); Phencyclidine (PCP)

LEGAL: Hydrocodone; Oxycodone, Hydromorphone, Oxymorphone (Many of prescribed drugs contain these chemicals).

YOU MUST CONSULT A PHYSICIAN TO SEE IF ANY PRESCRIBED MEDICATION CONTAINS ANY OF THE ABOVE!!!

Alcohol:

- 1) Within 4 hours of “clocking in” or while on duty and having a BAT concentration of .02 or higher;
- 2) Within 8 hours of an accident (See “When testing is required.”).

Program Non-Compliance

What is a refusal

Refusing to take a test when required is considered a test failure.

Refusal is a serious violation of both the company policy and federal regulation and will have severe adverse effects on the employee.

The following are considered “a refusal to test”:

- 1) Purposefully avoiding notification of a drug or alcohol test;
- 2) Failing to appear for any test immediately after being directed to do so;
- 3) Failing to provide a breath sample, saliva sample or urine sample as directed;
- 4) Failing to permit the observation-of or monitoring-of providing a urine specimen;
- 5) Failing to cooperate with any part of the testing process and/or conducting oneself in a way that would obstruct the proper administration of a test (e.g., refusal to empty pockets when so directed by the collector, confrontational behavior that disrupts the collection process.);
- 6) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- 7) [For an observed collection] Failing to follow an observer’s instruction to raise the clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;

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- 8) Failing to provide a urine, breath or saliva specimen within required periods may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, s/he will be directed to be evaluated by a physician of the employer's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen, it shall be considered as a refusal to test;
- 9) 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 a "shy bladder" or "insufficient breath" situation;
- 10) Failing or declining to take an additional drug test the employer or collector has directed him/her to take.
- 11) Failing to remain at the testing site until the testing process is completed;
- 12) Admitting to the collector or MRO that the specimen has been adulterated or substituted;
- 13) A report from the MRO that there is a verified adulterated or substituted test result;
- 14) Refusing to sign step two (2) of the alcohol testing form.

Employee Prohibited Conduct

- 1) To be in violation of or non-compliance with requirements listed in the program statement or in Title 49: Transportation Part 40 or any other municipal regulation;
- 2) To be impaired in any manner while "on-the-clock" or physically located in or on the company or client's property;
- 3) To possess alcohol (opened) or any illegal or un-prescribed drug or substance while "on-the-clock" or physically located in or on the company or client's property;
- 4) Failure to take any test as required by statute or as directed by the program managers.

Alcohol is a legal substance; therefore, the rules define specific prohibited alcohol-related conduct. Performance of safety-sensitive functions is prohibited under the following circumstances:

- 1) While using alcohol;
- 3) While having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test;
- 4) Within four hours after using alcohol.
- 5) Refusing to submit to an alcohol test or using alcohol within eight hours after an accident or until tested (for drivers required to be tested) are prohibited.

Penalties for Prohibited Conduct

See **Addendum B. (Penalties)** for the list of federally proscribed penalties relating to The DOT Drug and Alcohol Testing program under FMCSA reg. 49 CFR Part 40.

The Company reserves the right, at its sole discretion, to terminate employment, however, generally, the company's policy shall be:

- 1) Immediate removal from all SSF positions which may, at the sole discretion of the company, consist of total or partial suspension with or without pay or re-assignment to non-SSF duties at different pay-grades;
- 2) At no cost to the company, referral to an SAP or MRO for evaluation and / or treatment;
- 3) At no cost to the company, rehabilitation under medical supervision with additional testing as directed;

Refusal to consent to Pre-employment "prior-employment" drug testing results shall forbid any assignment to a SSF position.

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Employee Rights

- 1) Employees who are subject to this program statement, before assuming SSF positions, must be informed of the following:
 - a) That the company must review the past 3 years of employment testing history and that in order to obtain such information, the employee must first sign a consent waiver;
 - b) That the employee cannot be compelled to sign any waiver;
 - c) That the testing history report must come-back with no-positives or refusals and if such report does come-back with information that the employee has positives or refusals, that the employee must prove that he / she has completed a verified RTD process before assuming any SSF CDL position.
- 2) When a urine test is conducted, the sample is "split" into Sample(s) A. and B. Sample A. is tested for substances while Sample B. is retained untested. Employees who test positive on Sample A. can, at their own expense, request and require that Sample B. be tested under a "split test" review to confirm or refute the results obtained for Sample A.
- 3) Employees who have been sanctioned under this program have the right to appeal the sanction to the president of the company. Any appeal must be in writing. Any sanction will remain in place while the appeal is being considered. There is no requirement that the company responds to any appeal or change any sanction.
- 4) Employees have the right to speak to the safety coordinator, the program manager, the program supervisor or the president of the company about the program statement.
- 5) A "self-referral" is; when an employee, without being compelled or discovered through DASP processes, admits to a program representative, that the employee has a substance abuse problem and wishes to seek treatment voluntarily. It is the policy of the company to afford "consideration" to those employees that self-refer however, employees that self-refer should understand that they are subject to all the provisions of the program statement.

Program Training

Training must be conducted before hiring, when job assignments change to CDL responsibilities and when necessary. Training may be combined with the annual Vehicle Safety Program Training (VSP).

Training must include:

- 1) The features of the program statement;
- 2) The effects of alcohol misuse and controlled substance use on an individual's health, work, and personal life;
- 3) Where information can be obtained on the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life;
- 4) The signs and symptoms of an alcohol problem; and available methods of intervening when an alcohol or controlled substance problems are suspected.

Program Record Keeping

See **Addendum C. Record Keeping Requirements**

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Confidentiality

Employee drug testing results and records should be maintained under strict confidentiality by the company, the drug-testing laboratory, and the MRO. Records cannot be released to others without the written consent of the employee. Exceptions to confidentiality provisions are limited to a decision maker in arbitration, litigation or criminal or administrative proceedings. The company, on behalf of an employee, is under no obligation to defend an employee's confidentiality.

Statistical records and reports are maintained by employers and drug testing laboratories. This information is aggregated data and is used to monitor compliance with the rules and to assess the effectiveness of drug testing programs.

Employees are encouraged to alert program managers of any violations of the program.

Anonymity is not afforded for self-referrals.

Audits

It is necessary to conduct audits in order to ensure compliance and determine the effectiveness the program. Therefore, it is the policy of the company that:

- 1) All Safety related Programs, Policies and Procedures be "formally" inspected when necessary, when required and No-Less-Than Annually (NLT); and
- 2) The results of any inspection shall be immediately available to the safety committee for review; and
- 3) The results of any formal inspection be noted and preserved as a record, either for such time as required or for a period of NLT 3 years. Whichever is longer.

All personnel are required to:

- 1) Cooperate in any inspection; and
- 2) Make known to any inspecting entity any program deficiencies or safety related suggestions.

The company, reserves the right, at its sole discretion, to:

- 1) Inspect any company premises or area; and
- 2) Inspect any piece of company equipment, vehicle, machinery, material or storage apparatus; and
- 3) Require any personnel involved in an inspection to keep such information confidential and un-disclosed to third parties unless expressed written consent is given.

Inspections are conducted under the following guidelines:

- 1) With or without notice; and
- 2) Formally or informally; and
- 3) As recordable and reportable information.

The Program Manager is responsible to schedule, conduct, record and report inspections.

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Addendum A. (The Program Committee)

Title	Name
Program Manager	<u>Gregory Forte</u>
Program Supervisor	<u>Appointee TBD</u>
Program Coordinator	<u>Safety Coordinator</u>

Addendum B. Penalties for Prohibited Conduct

ACTION	PENALTY
Failure to perform a test (FTP) or failure to follow instructions (FFI)	Immediate suspension from all SSF activities and must complete an RTD process. Employment termination possible.
1 st Positive Drug (FTP / FFI)	Immediate suspension from all SSF activities and must complete an RTD process. Employment termination likely.
2 nd Positive Drug (FTP / FFI)	Immediate suspension from all SSF activities and must complete an RTD process. Employment termination imminent.
1 st Alcohol = or > .02 to = .039 BAT (FTP / FFI)	Immediate 24-hour suspension without pay. Must be re-tested before assuming SSF again. Employment termination possible.
2 nd Alcohol = or > .02 to = .039 BAT (FTP / FFI)	Immediate 48-hour suspension without pay. Must be re-tested before assuming SSF again. Employment termination likely.
3 rd Alcohol = or > .02 to = .039 BAT (FTP / FFI)	Immediate 1 week suspension without pay. Must be re-tested before assuming SSF again. Employment termination imminent.
1 st Alcohol = or > .04 BAT (FTP / FFI)	Immediate suspension from all SSF activities and must complete an RTD process. Employment termination possible.
2 nd Alcohol = or > .04 BAT (FTP / FFI)	Immediate suspension from all SSF activities and must complete an RTD process. Employment termination likely.

Addendum C. Record Keeping Requirements

LENGTH	INFORMATION
Five Years	Records of alcohol test results indicating an alcohol concentration of 0.02 or greater; Records of verified positive drug test results; Documentation of refusals to take required alcohol and drug tests (including substituted or adulterated drug test results); Annual MIS Report;

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	<p>SAP reports; and</p> <p>All follow-up tests and schedules for follow-up tests.</p>
Three Years	Information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees.
Two Years	<p>Records of the inspection, maintenance, and calibration of EBTs;</p> <p>Records related to the alcohol and drug collection process. These include, documents related to random selections, reasonable suspicion determinations, and post-accident determinations; medical evaluations for insufficient amounts of urine and breath; and supervisor and employee education and training records.</p> <p>Supervisor, employee, BAT, and STT education and training records for two years after the person ceases those specific functions.</p>
One Year	Records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02.