



Hager Oil
Drug and Alcohol
Testing Policy

5/1/2013

Introduction

We value our drivers and recognize each person's need for a safe and healthy work environment. Drivers who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to the company. We are committed to maintaining a safe workplace for our drivers and other users of the highways that is free from illegal drug use and the misuse of alcohol. We therefore forbid the unlawful use or possession of alcohol and controlled substances. The violation of this policy or regulations and laws may result in severe disciplinary action, up to and including termination, at our sole discretion.

Who is responsible?

It is the company's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. The company will retain all records related to testing and the testing process in a secure and confidential manner.

Hager Oil's alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is: Robert Freeman who can be reached at 205-384-3422.

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation established threshold levels while on duty. The driver will not use alcohol within 8 hours prior to performing a "safety-sensitive" function, while performing a "safety-sensitive" function, or immediately after performing a "safety sensitive" function.

All supervisors are trained in drug and alcohol awareness in accordance with 382.603 and must make reasonable efforts to be aware of a driver's condition when he/she is in the service of the company. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary.

Who is subject to DOT Drug and Alcohol Testing?

The FMCSA (DOT Drug and Alcohol Testing) rules apply to safety-sensitive employees, who operate commercial motor vehicles requiring a CDL.

What is a Safety Sensitive Function?

A driver shall not use alcohol when performing safety-sensitive functions nor perform safety sensitive functions within eight hours of using alcohol. Most testing will be done while the driver is performing a safety-sensitive function, just before the driver is to perform a safety sensitive function, or , just after the driver has ceased performing such functions.

A driver shall not report for duty or remain on-duty when his or her job requires performing safety-sensitive functions if he or she has been using drugs or has tested positive for drug use.

A driver is performing a safety sensitive function when:

- Waiting at a terminal, facility, or other property to be dispatched, unless the driver has been relieved from duty by the motor carrier.
- Performing pre-trip inspections or servicing the motor vehicle;
- Driving the motor vehicle;
- On the vehicle, unless resting in the sleeper berth;
- Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
- Performing duties and services at an accident scene or,
- Repairing, obtaining assistance, or attending a disabled vehicle.

What conduct is prohibited?

A driver shall not:

- Report for or remain on duty performing a safety-sensitive function while having a blood alcohol concentration of 0.04 or greater;
- Use alcohol while performing safety-sensitive functions;
- Abuse controlled substances;
- Be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of the shipment;
- Perform safety-sensitive functions within eight hours of using alcohol;
- Use alcohol for eight hours following an accident unless the driver has been given a post-accident test; or
- Refuse to submit to a required alcohol and/or drug test involving post-accident, random, reasonable suspicion, or follow-up testing.

When Must a Driver Be Tested?

Hager Oil's drug and alcohol testing policy is very specific regarding when a driver must submit for a drug and an alcohol test. The drug test will use urine and alcohol test will use breath or saliva.

Test Type	Alcohol	Controlled Substances
Pre-Employment	No	Yes
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-Accident	Yes	Yes
Return to Duty	Yes	Yes
Follow-Up	Yes	Yes

Drug Testing Procedures

The testing program required by the regulations is limited to five drug types:

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

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site, security for the collection site, chain of custody documentation, use of authorized personnel, privacy during collection, integrity and identity of the specimen, and transportation to the laboratory.

Driver protection is built into the testing procedures. In order to meet our policy's requirements, the only laboratories that can be used are those that have been certified.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

If the results of the initial test are negative, the testing laboratory will advise the motor carrier's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques. Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, you may request the Medical Review Officer to send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative", the MRO shall cancel the test. If you want the split specimen tested, you must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen.

This Company will keep a record in the driver's file showing the type of test (pre employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab, name of the MRO; and the test results.

What are the alcohol testing procedures?

Alcohol testing is done by testing breath. Breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT determines the concentration of alcohol expressed as "percent by weight". It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A blood alcohol concentration (BAC) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath. Approved EBT's must be used to accomplish the test.

The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial test. If it shows a reading less than 0.02 the test is recorded as "negative". If the initial test result is 0.02 or greater a confirmation test will be done after a waiting period of 20-30 minutes. The alcohol testing will be done in privacy to the drivers being tested. A room, van, or a partitioned-off area can provide privacy. Only one breath test will be done at a time. The person giving the test will not leave the testing site during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the driver's presence, the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. Drivers will be requested to blow into the mouthpiece for at least six seconds, or until the EBT indicates that a sufficient amount of breath contains deep lung air. The EBT will immediately read the results of the test and a copy of the printed results will be given to the driver. Printed results are not required for the initial test.

If the initial test results are 0.02 BAC or greater, a confirmation test is necessary. Only NHTSA approved EBTs may be used to conduct alcohol confirmation tests under DOT regulations. Before the confirmation test, a 20-30 minute waiting period will be observed. The purpose of the waiting period is to ensure that the presence of mouth alcohol from recent food, tobacco, or hygiene products, does not cause a false reading. If the confirmation test result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy for the tested driver.

What are the types of tests required by the regulations?

Pre-employment Testing

Those persons hired as drivers by Hager Oil must be tested for controlled substances use before employment. A negative test result must be received before the driver is hired. While the FMCSA allows for some exceptions to the pre-employment controlled substances tests, Hager Oil's policy is to test all hires.

Reasonable Suspicion Testing

Reasonable suspicion means that we believe that the driver's appearance or conduct suggests the use of alcohol and/or drugs. The actions or observations of the driver must occur while the driver is on duty or just preceding the work period. The conduct, appearance, or actions of the driver must be observed by a supervisor or company official. Supervisors or officials must have received training in detection of probable alcohol and/or drug use. In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The driver's action that causes our supervisor or official to require the test must be documented and signed by the witness within 24 hours after the behavior is noticed.

In the case of suspected alcohol use, the test must be done as soon as possible. The supervisor who decides that reasonable suspicion exists shall not conduct the alcohol test on the driver.

Random Testing

Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced.

Our policy provides a minimum testing rate of 50% is to be used in drug testing. This rate should provide a sufficient deterrent to drug use. For alcohol testing the random rate is 10%.

The rate for random testing is based on a one year period. Unannounced tests will be spread reasonably throughout the year. There are no requirements about how often the random test must be conducted. It could be on a monthly or quarterly basis.

Post Accident Testing

A driver must supply a urine specimen for drug testing, and a breath test for alcohol following certain types of accidents. If there is a fatality, testing must be done. Also, testing must be done if the accident results in bodily injury to a person who immediately receives medical treatment away from the accident site, or one of the involved vehicles is towed from the scene, and the driver receives a citation under State or local law for a moving traffic violation.

Return-to-Duty and Follow-up Testing

These tests are required when a driver who has violated the prohibited alcohol conduct standards or tested positive for drugs returns to performing safety-sensitive duties. Followup tests are unannounced and at least six tests must be conducted in the first 12 months after a driver returns to duty if stipulated by a substance abuse professional. Follow-up testing may be extended for up to 60 months following return to duty.

Refusal to Submit to a Test

This Drug & Alcohol Policy provides that a driver shall not refuse to submit to a post accident test, reasonable suspicion test, random selection test, or follow-up test. We will not allow a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions. In alcohol testing, the refusal to sign the certification in Step 2 on the form is regarded as a refusal to take the test. Not providing an adequate amount of breath may, under certain conditions, be regarded as a refusal to take a test. In drug testing, failure to provide sufficient urine may constitute a refusal.

Release of Information

A driver must provide written consent for Hager Oil to contact the driver's previous employers to obtain information on past alcohol and drug test results or refusals to test.

What happens if I test positive?

A driver who tests 0.04 or above:

- Cannot perform a safety-sensitive function,
- Is made aware of resources for solving alcohol and drug problems,
- Must be evaluated by a substance abuse professional (SAP),
- Comply with treatment recommendations, and
- Will be subject to our written corporate policies.

A driver who is found to have a BAC of .02 or greater but less than 0.04 shall not perform safety-sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test.

A driver who tests positive for drugs:

- Cannot perform a safety-sensitive function,
- Must be evaluated by a substance abuse professional
- Comply with treatment recommendations, and
- Will be subject to our written corporate policies.

What are the effects of alcohol and drugs on my health, work, and personal life?

The hazards of misuse of alcohol and illegal drugs extend far beyond the individual user. Impaired Drivers endanger themselves, fellow workers, and other users of our highways. Drivers with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing drivers increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse costs both the employer and the Driver. Alcohol remains the number one abused drug in this country. Alcohol consumption causes many changes in behavior. Even low doses can impair the judgement and co-ordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

Drugs can show their effects in many different ways Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disorientated behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion. Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- Alcohol
- Prescription drugs
- Over-the-counter' drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each

other to produce unexpected effects and dangers. Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

What types of training are provided to Hager Oil drivers and supervisors on drugs and alcohol?

Hager Oil shall ensure supervisors designated to determine whether reasonable suspicion exist to require an employee subject to testing to undergo testing under 382.307 receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Hager Oil shall provide educational materials that explain the requirement of 382.601 and the employer's policies and procedures with the respect to meeting these requirements. The materials supplied to employees subject to testing may include information on additional employer policies with respect to the use or possession of alcohol or controlled substances. For example, the consequences for a employee subject to testing found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of 382.601. The Company shall ensure each employee subject to testing is required to sign a statement certifying that he or she has received a copy of these materials described in 382.601.

This policy is not intended nor should it be construed as a contract between the Company and the employee. This policy may be changed at any time at the sole discretion of the Company.

Where can I go for help?

Listed below are sources of help and information:

National Clearinghouse for Alcohol and Drug Information
Monday through Friday

1-800-729-6686

The National Federation of Parents for Drug Free Youth
Monday through Friday

1-800-554-KIDS

National Council on Alcoholism
7 days a week and 24 hours a day

1-800-622-2255

For information on where to find treatment for alcohol and other drug problems, look in the yellow pages under “Alcoholism Information” or “Drug Abuse and Addiction Information”. Usually there is a listing of the nearest Council of Alcoholism (or Council on Alcohol and Drug Abuse). These Councils provide information over the phone on the availability of the nearest alcohol treatment programs. Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) may also be listed. Both offer immeasurable help in enabling people to cope with problems with alcohol and other drugs.

Receipt of Controlled Substances and Alcohol Testing Policy

This is to acknowledge that I, _____, have received a copy of the Hager Oil's controlled substances and alcohol testing policy which explains Hager Oil's policy concerning controlled substance use and applicable Federal Motor Carrier Safety Regulations and procedures regarding drug and alcohol testing. As a condition of employment, I agree to abide by Hager Oil's substance abuse policy and to comply with all DOT Regulations pertaining to substance and alcohol abuse and testing.

Signature

Name

Date

*Once signed place a copy within the driver's driver qualification file.