



FRANK M. SHEESLEY COMPANY

SUBSTANCE ABUSE POLICY



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STATEMENT OF PHILOSOPHY

Frank M. Sheesley Co. disapproves of the use of any illegal drug and/or the abuse of legal drugs or alcohol by its employees.

This company has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks, not only to the user, but to all those who come into contact with the user.

Frank M. Sheesley Co. recognizes that its own health and future are dependent upon the physical, mental and psychological health of its employees. Accordingly, it is the intent of this company to not only maintain a safe, healthful and efficient working environment for its employees, but to protect the property, equipment, and operations of this company.

With these basic objectives in mind, Frank M. Sheesley Co. has established the following Substance Abuse Plan to comply with the United States Department of Transportation (DOT) regulations. Through the adoption of the Motor Carrier Standards found within these regulations, this company affirms that the use of illegal drugs and the misuse of alcohol has no place in the construction industry and will not be tolerated.

As with any plan that is dictated or directly influenced by governmental regulation, this plan is subject to change. These changes will be immediately incorporated into this plan. Management will make these changes and inform all affected personnel through verbal or written communications.

Procedures described herein are in accordance with Part 40 and Part 382 of the Federal Motor Carrier Regulations.

DEFINITION OF TERMS

In order to prevent misinterpretations with regard this policy, the following definitions are provided.

Accident

An “accident” is an occurrence, involving construction equipment while operating on jobsites which results in:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Alcohol

The term “Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.



Commercial Motor Vehicle (CMV)

A commercial motor vehicle is defined as follows:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size, and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Material Transportation Act, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Controlled Substances

The term “Drugs” and “Controlled Substances” will be interchangeable and have the same meaning in this plan. The controlled substances that will be referred to, and tested for, within the confines of this plan are: Marijuana (THECA), Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines (including methamphetamines).

Consortium

A “Consortium” is an entity of employers or contractors, including a group or association, that provides alcohol or controlled substances testing as required, or other DOT alcohol or controlled substances testing rules, and that acts on behalf of the employers.

Safety Sensitive Functions

“Safety sensitive” functions are also referred to as “on-duty” functions in the DOT regulations. The driver’s safety sensitive functions include the following:

- All time that the driver is waiting to be dispatched;
- All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending the vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
- All time repairing, inspecting, servicing, conditioning, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle.

Incident or Near Miss

Performing an unsafe act, which could result in bodily injury, disabling damage.

TESTING CIRCUMSTANCES

Employees Subject to Testing

Any CDL driver employed by this company who operates a commercial motor vehicle on a public road, and is subject to the commercial driver’s license requirements will be subject to this substance abuse plan. This plan will include both intrastate and interstate drivers.

Pre-Employment/Pre-Duty Testing

Any current CDL driver performing safety sensitive functions for this company as of December 31, 1995, will not be required to have a pre-employment drug test as long as they are included in the consortium’s random selection pool. Beginning January 1, 1996, any new driver for this company not meeting the exemptions as defined below will be required to have a pre-employment drug test. Frank M. Sheesley Co.



will not permit a driver to perform safety sensitive functions for this company until a verified negative test result has been received from the Medical Review Officer (MRO). At the current time, there will be no pre-employment alcohol testing.

Any new driver will not be drug tested for pre-employment if the following conditions are met:

- The driver has participated in a DOT drug testing program within the previous 30 days.
- While participating in this program the driver must either have been tested for controlled substances within the previous 6 months, or participated in a random drug testing program for the previous 12 months. The company ensures that no prior employer of the driver has a record of any DOT controlled substance use violations in the previous 6 months.

Post Accident and Post Incident Testing

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, each surviving driver will be tested for alcohol and controlled substances given any of the following circumstances:

- The accident involved a loss of human life.
- The driver received a citation under State or local law for moving traffic violation arising from an accident as defined on page 1.

Alcohol tests will be performed within two hours following the accident. If the test cannot be administered within two hours, this company will prepare a record stating the reasons why it could not be administered, and maintain it on file. If an alcohol test is not administered within eight hours following an accident, this company will cease attempts to administer the test and shall prepare and maintain the same record.

Controlled substance tests will be administered within 32 hours of the accident. After such time, this company will cease attempts to administer such a test, and prepare and maintain on file a record stating the reason why the test was not promptly administered.

Random Testing

Alcohol testing will be administered at a minimum annual rate of 25 percent of the average number of driver positions within the consortium. A driver must be tested while working their shift, immediately prior to their shift, or immediately after their shift, as long as the driver is performing a safety sensitive function.

Drug testing will be administered at a minimum annual rate of 50 percent of the average number of driver positions within the consortium. The company can drug test at any time while the driver is at work for them, no matter what the driver's assignment is for that day.

The following guidelines will be used when randomly selecting and notifying drivers for testing:

- Selection of drivers will be made by an unbiased, scientifically valid method.
- Random tests will be unannounced and spread reasonable throughout the year.
- Upon notification, selected drivers will proceed immediately to the testing site.
- Interstate and intrastate drivers will be combined together as one pool.
- Drug and alcohol testing selections will be made using one pool
- If a selected driver is on vacation, laid-off, or on extended medical leave, this company retains the option to either select another driver for testing or keep the original selection confidential until the driver returns.



REASONABLE SUSPICION TESTING

If a supervisor or company official has reasonable suspicion to believe that a driver has violated the DOT prohibition regulations, Part 382, Subpart B, the supervisor or company official can require a driver to submit to an alcohol or drug test based on the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

Any supervisor or company official who makes reasonable suspicion determinations will have received the required amount of training. The person making the reasonable suspicion determination will not be permitted to conduct the test.

Invasive blood testing procedures for reasonable suspicion alcohol determinations will not be conducted unless as part of a post-accident test administered by law enforcement.

If the driver is to report for reasonable drug and/or alcohol testing, the trained supervisor or Company official will prepare an "Observed Behavior Reasonable Suspicion Record".

For drug tests, this record must be signed by the person making the reasonable cause determination within 24 hours of the observed behavior, or before the drug test is released, whichever is earlier.

For alcohol test, this record must be signed by the person making the reasonable suspicion determination immediately, or before the results of the alcohol test are known.

Return-To-Duty Testing

After engaging in prohibited conduct regarding alcohol misuse, as described in Part 382, Subpart B of the DOT regulations, the driver must undergo a return-to-duty alcohol test before performing any safety sensitive functions. The test result must indicate a breath alcohol concentration of less than 0.02.

After engaging in prohibited conduct regarding drug use, as described in Part 382, Subpart B of the DOT regulations, the driver must undergo a return-to-duty drug test before performing any safety sensitive functions. The test result must indicate an MRO verified negative result for drug use.

The driver may be directed to undergo return-to-duty testing for both alcohol and controlled substances, if the substance abuse professional (SAP) determines that it is necessary for that driver.

Follow-Up Testing

When a SAP determines that a driver needs assistance resolving problems associated with alcohol or drug use, the driver will be subjected to unannounced follow-up testing after returning to duty. The follow-up tests need not be confined to the substance involved in the violation. The number and frequency of test will be determined by the SAP, and will consist of at least six tests during the first 12 months. Drivers can be tested for up to 60 months following their return-to-duty.

ALCOHOL TESTING METHODOLOGY AND PROCEDURES

Preparation for Testing

Before performing an alcohol test, this company will notify the driver that an alcohol test is required under the DOT regulations. Frank M. Sheesley Co. will require the driver to fill out and sign the alcohol testing consent form.



Frank M. Sheesley Co., or its agent, will do the following in preparation for alcohol testing of its drivers:

- Alcohol testing will, to the greatest extent practicable, be performed in a location that affords visual and aural privacy to the driver being tested.
- While a test is in progress, unauthorized persons will not be permitted to access the testing location.
- The driver will be required to show positive proof of identification. The Breath Alcohol Technician (BAT) or Screening Test Technician (STT) will show identification and certification upon request.
- The driver will complete and sign a U.S. Department of Transportation (DOT) Breath Alcohol Testing Consent Form before having the test administered.
- Use National Highway Traffic Safety Administration (NHTSA) evidential breath testing devices.
- Use quality assurance plans developed by EBT manufacturers when using these devices to conduct alcohol screening and confirmation tests.
- Frank M. Sheesley Co. retains the right to conduct alcohol screening tests using non-evidential screening devices that have been approved by the NHTSA and that are placed on the “Conforming Products List of Alcohol Screening Devices”. Any NHTSA approved saliva testing devices will also be permitted to be used for screening tests. The individual performing the test will have successfully completed a DOT approved course of instructions.

Administration of the Screening Test

A certified BAT or STT will assist the driver in the alcohol screening test process. The certified technician will follow the DOT regulations when using an evidential or non-evidential breath testing device.

The alcohol screening test will determine if the driver needs additional testing. If the driver’s alcohol concentration is less than 0.02, the driver will be permitted to perform safety sensitive responsibilities with no further testing being required. If the driver’s alcohol concentration is equal to, or greater than, 0.02, a confirmation test will be performed on that driver within 30 minutes of completing the initial screening test.

If the driver is unable or alleges to be unable to provide the amount of breath sufficient to permit a valid breath test because of medical condition, the BAT will follow the DOT regulations to resolve the situation.

Administration of the Confirmation Test

When the driver’s alcohol level exceeds 0.02, a confirmation test will be performed on the driver. Confirmation tests will only be performed using a NHTSA approved Evidential Breath Testing device (EBT). This confirmatory test will be conducted by a certified BAT within 30 minutes of completing the initial alcohol screening test. The confirmation test will not be administered less than 15 minutes from the conclusion of the screening test. The same BAT that conducted the initial test can perform the confirmation test. In the event that the screening and confirmation test results are not identical, the confirmation test result will be deemed to be the final result upon which any action will be based.

At the conclusion of the test, the employee will be asked to sign the certification portion of the form. This certifies that the results are accurately recorded on the form. If the employee does not sign this portion of the form, it will not be considered a refusal to be tested. The BAT will note the driver’s refusal to sign in the comments section of the form.

If the confirmation test will be conducted at a different site from the screening test, this company, or its agent, shall ensure the following:

- Employees will be advised not to eat, drink, put any object or substance in his mouth, and, to the extent possible, not belch during the waiting period before the confirmation test.
- Employees will be advised they must not drive, perform safety sensitive duties, or operate heavy equipment.



- Employees will be under observation of BAT, STT, or other employer personnel while in transit from the screening test to the confirmation test site.

Invalid Test

When the alcohol test is conducted in accordance with the DOT regulations, an incomplete or invalid test will result from the BAT or STT having to terminate a test for any of the following situations with regard to the driver being tested:

- Refusal to complete and sign the alcohol testing consent form.
- Refusal to provide a breath or saliva sample.
- Refusal to provide an adequate amount of breath or saliva for a sample.
- Refusal to otherwise cooperate with the testing process.

A driver receiving an incomplete or invalid test will not be permitted to perform safety sensitive functions unless the driver passes the required alcohol test. This includes those drivers that do not provide an adequate amount of breath or saliva, and after an examination by a qualified physician, the physician determines that there is no medical reason why the driver should have an inability to produce the sample.

Reporting Test Results

The BAT will transmit all results to the employer in a confidential manner. Such transmission may be in writing (the employer copy of the consent form), in person, by telephone, or electronic means. When this company must prevent the driver from performing a safety sensitive function, a written verification will be required.

ALCOHOL PROHIBITIONS AND CONSEQUENCES

Alcohol Prohibitions

This company prohibits any alcohol misuse that could affect a driver's performance of a safety sensitive function, including:

- Use while performing safety sensitive functions.
- Use during the four hours before performing safety sensitive functions.
- Reporting for duty or remaining on duty to perform safety sensitive functions with an alcohol concentration of 0.02 or greater.
- Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter).
- Use during eight hours following an accident, or until he/she undergoes a post-accident test.
- Refusal to take a required test.

Consequences for Alcohol Misuse

The consequences for engaging in prohibited alcohol conduct are as follows:

- The driver will not be permitted to perform safety sensitive functions if any of the DOT prohibitions are violated. A driver removed from performing safety sensitive functions because of a rule violation occurring in a 26,001 pound or greater vehicle in interstate or intrastate commerce is also prohibited from driving a 10,001 pound or greater vehicle in interstate commerce.
- Any driver tested with an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to perform safety sensitive functions for at least 24 hours following the conclusion of the test. Drivers whose test results fall into this category will not be required to meet the DOT regulations



with regard to “Referral, Evaluation, and Treatment”, Sec. 382.605, as described on pages 19 and 20 of this plan.

- A driver will not be permitted to perform safety sensitive functions until either 24 hours has elapsed from the determination of reasonable suspicion, or an alcohol test is administered and the driver’s alcohol concentration measures less than 0.02.
- The following consequences pertain to those drivers whose test results indicate an alcohol concentration of 0.04 or greater:
 - This company will advise the driver of the resources available for evaluation and resolving the problem. This includes the names, addresses, and telephone numbers of substance abuse professionals, counseling, and treatment programs.
 - The driver must be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or drug use.
 - If the driver was identified by the SAP as needing assistance in resolving the problem, the driver must:
 - Be evaluated by the SAP to determine that the driver properly followed any prescribed rehabilitation: and
 - Be subject to unannounced, follow-up alcohol tests following the driver’s return-to-duty (a driver is subject to a minimum of six (6) follow-up test in the first twelve (12) months following the driver’s return-to-duty and can be tested for up to sixty (60) months as directed by the Substance Abuse Professional).
 - Before returning to duty, the driver must undergo an alcohol return-to-duty test and the result must indicate a concentration of less than 0.02.

Follow-up and return-to-duty testing need not be confined to the substance involved in the violation. If the SAP determines that a driver needs assistance with a polysubstance abuse problem, the SAP may require both alcohol and drug testing.

ALCOHOL MISUSE PREVENTION PROGRAM EDUCATION

With respect to those covered employees who are contractors or employed by Frank M. Sheesley Co., an operator may provide by contract that the alcohol testing, training and education required by this subpart be carried out by the contractor provided:

The operator remains responsible for ensuring that the requirements of this subpart and part 40 of this title are complied with; and

The contractor allows access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator’s compliance with the requirements of this subpart and part 40 of this title.



DRUG TESTING METHODOLOGY AND PROCEDURES

Appropriate Laboratory

Specimen collections will only be tested by laboratories certified for drug urinalysis. Laboratories will be certified by the Substance Abuse and Mental Health Services (SAMHS), which is part of the Department of Health and Human Services (DHHS). Certified drug testing laboratories are required to utilize a quality assurance program.

Preparation for Testing

Before performing a controlled substances test, this company will notify the driver that a controlled substances test is required under the DOT regulations. This company will require the driver to complete and sign the chain of custody and control form.

Frank M. Sheesley Co. or its agent, and the certified laboratory will develop and maintain a clear and well documented procedure for collection, shipment, and accessioning of urine specimens. Each sample will be tracked from the point of collection to the final disposition of the sample. This will be accomplished through the use of a chain of custody and control form.

Drug testing preparation procedures will also include:

- Use of a clean, single use specimen bottle that is securely wrapped until filled with the specimen.
- Use of tamperproof seal system designed in a manner that the specimen bottle top can be sealed against undetected opening and the bottle permits identification of the test subject, either by number or by some other confidential mechanism.
- Use of a shipping container in which one or more specimens and associated paperwork may be transferred, and which can be sealed and initialed to prevent undetected tampering.
- Written procedures, instructions, and training which includes the following:
 - Collection procedures and training that clearly emphasizes that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, while carefully ensuring the modesty and privacy of the donor.
 - A collection site person that has successfully completed training to carry out their functions and has been provided instructions for collection.
 - Unless impracticable, the driver's direct supervisor will not serve as the collection site person.
 - When a collection monitored by non-medical personnel or is directly observed, the collection site person will be of the same gender as the donor.

Collection Procedures

Frank M. Sheesley Co., or its agent, will establish a collection site in a suitable location where specimens can be collected under conditions meeting the security requirements of the DOT regulations. The collection site will contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, temporary storage, and transportation of the urine specimens to a certified drug testing laboratory. An independent medical facility can be utilized outside the employer's facility as a collection site.

Frank M. Sheesley Co., or its agent, will use the split sample method of collection. The collection procedures will follow the procedures as specified by the DOT regulations.



If a driver is unable to provide an adequate specimen after the collection person has followed the DOT regulations, the MRO will refer the individual for a medical evaluation to obtain pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test.

Frank M. Sheesley Co., or its agent, will use blind testing quality control procedures as stated in the DOT regulations.

Initial Test

Every specimen will undergo an initial testing process using an immunoassay to determine whether the specimen is negative for the five drugs or classes of drugs. There will be no further testing performed on specimens with a negative test result. The initial tests do not quantify the drug in the individual's system. Any positive test results will have a confirmatory test performed on it.

The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

DRUGS OR CLASSES OF DRUGS	INITIAL TEST CUTOFF LEVELS (ng/ml)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	300*
Phencyclidine	25
Amphetamines	1,000

*25 ng/ml if the immunoassay is specific for free morphine

Confirmatory Tests

All positive initial tests will be confirmed by gas chromatography/mass spectrometry (GC/MS) in order to quantify the level of drug(s) found within the collected specimen. All confirmatory tests will use the same primary specimen which was initially tested.

The following cutoff levels shall be used for all confirmatory drug tests:

DRUGS OR CLASSES OF DRUGS	CONFIRMATORY CUTOFF LEVELS (ng/ml)
Marijuana metabolite ¹	15
Cocaine metabolite ²	150
Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine ³	500

¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid

² Benzoylcegonine

³ Specimen must also contain amphetamine at a concentration greater than, or equal to, 200 ng/ml



Adulteration/Invalid Test

A drug test will be invalidated given any of the following situations regarding the testing of the driver:

- Substitution or adulteration of the specimen.
- Refusal to sign the chain-of-custody and control form statement certifying that the specimen collected was their own.
- Refusal to provide a urine specimen.
- Refusal to provide an adequate amount of urine (45 ml minimum volume required).
- Refusal to otherwise cooperate with the testing process.

A driver receiving an incomplete or invalid test result will not be permitted to perform safety sensitive functions until the driver passes the required drug test. This includes those drivers that do not provide an adequate amount of specimen, and after an examination by a qualified physician, the physician determines that there is no medical reason why the driver should have an inability to produce the specimen.

Reporting of Test Results

The laboratory will be required to report the test results directly to the company's Medical Review Officer (MRO) within 5 working days. Both positive and negative results must be reported. The report, as certified by the responsible laboratory individual, will indicate the drugs/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the company or collection firm, and the drug testing laboratory identification number. The laboratory must report as negatives all specimens, which were negative on the initial test or confirmed negative by GC/MS. Only specimens confirmed by GC/MS as positive are reported as positive.

The laboratory may transmit the test results to the MRO by various electronic means such as teleprinters, facsimile, or computer. If any of these methods are used, they will be designed to maintain confidentiality. Results will never be provided verbally by telephone. The laboratory will also transmit to the MRO the original or a certified copy of the chain-of-custody and control form and must identify the individual at the laboratory responsible for the day-to-day management of the laboratory process. The laboratory will provide the employer with an aggregate quarterly statistical summary of the urinalysis testing information. This summary will exclude personal identifying information. The summary will include: the number of specimens received for testing, the number of specimens confirmed positive for each of the five substances being tested for, and the number of specimens for which a test was not performed, either because of cancellation or invalidation.

Specimen Retention

If the result of the primary specimen test is negative, the laboratory can discard the split sample.

If the result of the primary specimen test is positive, the laboratory will retain the split specimen in frozen storage for 60 days from the date on which the laboratory received it.

Following the end of the 60-day period, if not informed by the MRO that the employee has requested a retest of the split sample, the laboratory may discard the split specimen.

When directed in writing by the MRO to forward the split specimen to another certified laboratory for analysis, the second laboratory will retain the split specimen in long-term storage for one year after the laboratory has performed the analysis (or longer if litigation concerning the test is pending).

The laboratories will retain all positively confirmed specimens in their original labeled specimen bottles and place them in properly secured long-term storage for a minimum of one year.



DRUG PROHIBITIONS AND CONSEQUENCES

Drug Prohibitions

Frank M. Sheesley Co. prohibits any drug use that could affect a driver's performance of a safety sensitive function, including:

- Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the commercial motor vehicle.
- Testing positive for drugs.
- Refusing to take a required test.

Drug Consequences

The consequences for engaging in prohibited drug use are as follows:

- The driver will not be permitted to perform safety sensitive functions if any of the drug prohibitions are violated. A driver removed from performing safety sensitive functions because of a rule violation occurring in a 26,001 pound or greater vehicle in interstate or intrastate commerce is also prohibited from driving a 10,001 pound or greater vehicle in interstate commerce.
- The driver will not be permitted to perform safety sensitive functions after determination of reasonable suspicion until the driver receives the verified negative result from the MRO.
- This company will advise the driver of the resources available in evaluating and resolving the problem. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
- The driver will be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.
- Before returning to duty, the driver must undergo a drug return-to-duty test and receive an MRO verified negative result.
- If the driver was identified as needing assistance in resolving the problem, the driver must:
 - Be evaluated by the SAP to determine that the driver properly followed any prescribed rehabilitation.
 - Be subject to unannounced, follow-up drug tests following the driver's return-to-duty (a driver is subject to a minimum of six (6) follow-up tests in the first twelve (12) months following the driver's return-to-duty and can be tested for up to sixty (60) months as directed by the Substance Abuse Professional).

Follow-up and return-to-duty testing need not be confined to the substance involved in the violation. If the SAP determines that a driver needs assistance with a polysubstance abuse problem, the SAP may require both.

DRUG EDUCATION TRAINING PROGRAM

With respect to those employees who are contractors or employed by Frank M. Sheesley Co., an operator may provide by contract that the drug testing, education, and training required by this part be carried out



by the contractor provided;

- The operator remains responsible for ensuring that the requirements of this part are complied with; and
- The contractor allows access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of this part.

TEST RESULTS

Medical Review Officer

The Medical Review Officer (MRO) must be a licensed physician and possess a knowledge of drug abuse disorders. The MRO's primary responsibility will be to review and interpret the results obtained by the laboratory. The MRO is responsible for assessing and determining whether alternate medical explanations could account for positive test results. The MRO will give the individual testing positive an opportunity to discuss the test results prior to making a final decision.

Negative Test Results

The duties of the MRO with respect to negative drug test results are purely administrative to the extent of notifying this company of the result. There is no additional testing required on negative or confirmed negative test results.

Positive Test Results

The MRO will notify each employee who has a confirmed positive drug test result. It is the MRO's responsibility to examine the possible alternate medical explanations of the positive test result. The MRO may conduct medical interviews of the individual, review the individual's medical history (including prescribed medications), and any other relevant bio-medical factors. If no alternate medical explanations can be found by the MRO to explain the positive test result, the MRO will give the individual 72 hours to request a retest of the split portion of the specimen at another certified laboratory.

Inability to Notify Employee of Test Result

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact this company's designated management official and arrange for the driver to contact the MRO as soon as possible.

Notification of Test Results

The MRO will report to this company using any communication devices, but in all instances, a signed, written notification will be forwarded within three business days of completion of the review. The following information will be included in the report:

- The controlled substances test being reported was in accordance with Part 40 of the DOT regulations.
- The name of the individual for whom the test results are being reported.
- The type of test indicated on the custody and control form.
- The date and location of the test collection.



- The identities of the persons or entities performing the collection, analyzing specimens and serving as the medical review officer for the specific test.
- The verified results of a controlled substances test, either positive or negative, and if positive, the identity of the controlled substance(s) for which the test was verified positive.
- The MRO made all reasonable efforts to contact the driver as required by the DOT regulations.

Any individual medical condition discovered by the MRO during the course of an interview, which could pose a risk to safety, will be reported either to the DOT or this company.

The MRO may verify a positive result without having communicated with the driver about the results of the test if the driver did any of the following:

- Expressly declined the opportunity to discuss the results of the test.
- Did not contact the MRO within five (5) days after being told to do so by this company's designated management official.

Confirmatory Tests

Within 72 hours of being notified by the MRO that the driver's primary specimen has tested positive for controlled substances, the driver can request a retest be performed on the split sample. If the driver makes such a request, the MRO will direct, in writing, the laboratory to provide the split sample to another certified laboratory for analysis. If the analysis of the split sample fails to confirm the presence of the drug(s) or metabolite(s) found in the primary specimen, or if the split sample is unavailable, inadequate for testing or unstable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, this company, and the driver.

Substance Abuse Professional (SAP)

The Substance Abuse Professional (SAP) will be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances – related disorders.

Any driver that has engaged in prohibited conduct for either drugs or alcohol will be required to be evaluated by the SAP.

CONFIDENTIALITY AND RECORD-KEEPING

Record-Keeping

The records will be kept in accordance with the DOT regulations. The records will be kept in a secure location with controlled access. The following are the specific types of records that will be maintained by or for this company:

- Records related to the collection process:
 - Collection logbooks (if used)
- Random selection process documents



- Calibration documentation of the EBT's
- Documentation of Breath Alcohol Technician and Screening Test Technician training and proficiency
- Documentation of reasoning for requiring reasonable suspicion testing
- Documentation of reasoning for requiring post-accident testing
- Documents verifying a medical explanation of the inability to provide adequate breath, saliva or urine for testing
- Consolidated annual calendar year summaries
- Records related to the driver's results:
 - This company's copy of the alcohol test form, including results,
 - This company's copy of the drug test chain of custody and control form,
 - Documents sent to this company by the Medical Review Officer,
 - Documentation of any driver's refusal to submit to a required alcohol or drug test,
 - Documents provided by a driver to dispute results of a test.
- Documentation of any other violations of drug use or alcohol misuse rules by a driver
- Records relating to evaluations:
 - Records pertaining to substance abuse professional's determination of a driver's need for assistance.
 - Records concerning a driver's compliance with SAP's recommendations.
- Records related to education and training:
 - Materials on drug and alcohol awareness, including a copy of this company's policy on drug use and alcohol misuse.
 - Documentation on compliance with requirement to provide drivers with educational materials, including driver's signed receipt of materials.
 - Documentation on training given to those persons designated by the employer to make reasonable suspicion determinations.
 - Certification that training complies with DOT regulations.
- Records related to drug testing:
 - Agreements with collection site facilities, laboratories, medical review officers (MRO's), and consortia,
 - Names and positions of officials and their role in this company's alcohol and controlled substance testing program.



- Monthly statistical summaries of urinalyses received from certified laboratories,
- This company's drug testing policy and procedures.

The following chart shows the retention period for various records:

Retention Period	Document
5 years	Alcohol test results indicating a breath alcohol concentration of 0.02 or greater Verified positive drug test results Refusals to submit to required alcohol and drug test Calibration documentation Substance abuse professional's evaluations and referrals Annual calendar year summary
2 years	Records related to the collection process and training
1 year	Negative and canceled drug test results Alcohol test results indicating a breath alcohol concentration less than 0.02

The laboratory will maintain documents for any specimen known to be under legal challenge for an indefinite period of time.

Confidentiality and Access to Records

- **Current Employer**

Access to facilities and records will be handled in accordance with the DOT regulations. This company will not release any driver drug or alcohol program information except as required by law or authorized by the regulations. This company will permit access to facilities and records upon request of a DOT or other regulatory official with proper authority. This company can disclose driver information to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual resulting from an action taken under the DOT regulations. Worker's compensation and unemployment compensation are examples of proceeding included under this provision. It is only during such instances when the MRO can disclose the quantitation of the test results.

- **Previous Employer**

The release of alcohol and controlled substances test information by previous employers will be handled in accordance with the DOT regulations. The driver will not be permitted to perform safety sensitive functions unless the driver fills out and signs the consent form to permit this company to obtain the driver's alcohol and controlled substances testing information from previous employers.

This company will, pursuant to a driver's consent, do the following:

- Obtain information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusal to be tested within the preceding two years.
- Attempt to obtain and review the driver's drug and alcohol history prior to performing safety sensitive functions, but if not feasible, may not permit the driver to continue performing these functions after 14-calendar days.



- Not use a driver to perform safety sensitive functions if any such information on the driver is received without obtaining additional information on the subsequent abuse professional evaluation and/or determination under “records pertaining to evaluations” and “return-to-duty testing” as defined by the DOT regulations.

Any driver who is the subject of a DOT alcohol or drug test will have access, upon written request, to any records related to their test(s).

EMPLOYEE ASSISTANCE PROGRAM

Employee Education and Training

Frank M. Sheesley Co. will provide detailed information about the effects of alcohol and drugs, company policies, testing requirements, and how and where the drivers can get help for substance abuse. These materials will be distributed prior to the start of alcohol and drug testing under the DOT regulations or when a driver is hired or transferred into a position requiring driving a CMV on a public road. Information on the following eleven areas will be included in the materials:

- The name of the person designated by the employer to answer driver questions about the materials.
- The categories of drivers who are subject to the provisions of Part 382 “Controlled Substances and Alcohol Use and Testing” of the DOT regulations.
- Sufficient information about the safety sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with Part 382.
- Specific information concerning driver conduct that is prohibited.
- The circumstances under which a driver will be tested for alcohol and/or drugs under Part 382.
- The procedures that will be used to test for the presence of alcohol and drugs, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
- The requirement that a driver submit to alcohol and drug tests administered in accordance with part 382.
- An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
- The consequences for drivers found to have violated Part 382 Subpart B “Prohibitions”, including the requirement that the driver be removed immediately from safety sensitive functions and the procedures under Sec. 382.605 “Referral, Evaluation and Treatment”.
- The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- Information concerning:
 - The effects of alcohol and drug use on and individual’s health, work, and personal life.



- Signs and symptoms of an alcohol or drug problem (the driver's or a co-worker's).
- Available method of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Frank M. Sheesley Co. will provide written notice to representatives of employee organizations of the availability of this information.

- Supervisory Training

Frank M. Sheesley Co. will ensure that those designated persons within the company who can require a driver to undergo testing because of reasonable suspicion of misusing alcohol or using drugs will receive the following training:

- 60 minutes of training on alcohol misuse
- 60 minutes of training on drug use

The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of drugs.

- Referral, Evaluation and Treatment

A driver who has engaged in conduct prohibited by DOT regulations Part 382, Subpart B, "Prohibitions" will be advised by this company of the sources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

This company will ensure that the SAP who determines that a driver requires assistance in resolving problems with alcohol misuse or controlled substance use does not refer the driver to the substance abuse professional's private practice or to a person or organization from which the SAP receives remuneration or in which the SAP has a financial interest.

- Substance Abuse Evaluation

The SAP will evaluate each driver who engages in conduct prohibited by subpart B to determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use. The SAP will also determine whether the driver has properly followed any prescribed rehabilitation program.

The SAP may refer the driver for assistance through:

- Public agency, such as state, county or municipality.
- The company or a person under contract to provide treatment for alcohol and/or controlled substance problems on behalf of the company.
- The sole source of therapeutically appropriate treatment under the driver's health insurance program.
- The sole source of therapeutically appropriate treatment reasonably accessible to the driver.



ADDENDA

COST RESPONSIBILITY

- Frank M. Sheesley Co. will be responsible for the following costs for a current or potential driver:
 - The driver's first alcohol test
Includes: screening and confirmation tests for random, post accident and reasonable suspicion
 - The driver's primary controlled substances test
Includes: initial and confirmatory test for pre-employment, random, post accident and reasonable suspicion
 - Medical Review Officer's (MRO) review of the driver's primary controlled substance test
- The driver will be responsible for the following cost:
 - Return-to-duty and follow up testing
 - Retesting of split samples

OTHER TESTING

Frank M. Sheesley Co. retains the right to continue to test for alcohol and drugs under the Constructors' Association of Western Pennsylvania (CAWP) policy in addition to meeting the requirements of the DOT regulations. Any test conducted under the CAWP policy will be performed independent of the DOT regulations and will not be applied toward the DOT requirement.

FRANK M. SHEESLEY CO. DESIGNATED REPRESENTATIVE

Drivers who have questions regarding the educational materials distributed to them should contact the following person(s):

Paul Sheesley (814) 536-5303

REHIRE POLICY

Any driver who has violated the DOT prohibitions and has successfully completed a rehabilitation program as determined by the Substance Abuse Professional will be considered for employment on the same basis as a new applicant.

EDUCATION MATERIALS

Drivers of this company will be provided a copy of the booklet entitled "There is a Problem on our Job Sites" in order to comply with the DOT regulations which requires drivers to be provided education on the effects, signs and symptoms of using drugs or misusing alcohol and methods of intervening when an alcohol or controlled substances problem is suspected.

RECEIVING A DRIVER'S DRUG AND ALCOHOL HISTORY

Following a signed driver's consent, this company will send a letter requesting a driver's drug and alcohol history from previous employers. A copy of this letter will be retained in the driver's file.

TERMINATION

This company will terminate any driver who:

- receives an incomplete or invalid test result (as defined by Section IV (D) and Section VI (F) within this plan), or
- receives a test result with an alcohol concentration of 0.04 or greater, or



- violates the DOT prohibitions

REASONABLE SUSPICION SUSPENSION

This company will suspend any driver until either 24 hours has elapsed from the determination of reasonable suspicion or an alcohol test is administered and the driver's concentration measures less than 0.02

This company will suspend any driver after determination of reasonable suspicion until the driver's confirmed drug test result is received from the MRO.

CANCELLATION OF A TEST

In the event that a driver's test is canceled by the Medical Review Officer, the driver will not be retested.