



EMPLOYEE HANDBOOK

January 1, 2024

Welcome to I AM Trucking!

I AM Trucking (“the Company” or “I AM”) has prepared this handbook to provide you with an overview of the Company’s policies, benefits, and rules. PLEASE READ IT CAREFULLY. It is intended to familiarize you with important information about the Company, as well as provide guidelines for your employment experience with us to foster a safe and healthy work environment.

Nothing in this handbook creates any expressed or implied contract of employment between you and I AM Trucking, as employment with the Company is at-will. This handbook replaces any prior agreements and/or discussions, verbal or written, regarding to your employment with I AM Trucking.

All personnel policies are a condition of employment and will apply in addition to any applicable laws and regulations. After reviewing this handbook, please sign the acknowledgment statement on the last page and return to the Human Resources Department. Please keep this copy as your reference book but if this is misplaced you may request an additional electronic copy be sent to you by contacting Human Resources.

Thank you for joining our team!

For assistance or questions regarding any of these handbook policies, contact:

Human Resources Department
3619 Paesanos Pkwy, Ste. 204
San Antonio, Texas 78231
Phone: 806-681-2392

Business Hours of Operation:

Monday through Friday: 8:00 a.m. to 5:00 p.m.

Saturday/Sunday: closed

For non-life-threatening emergencies or safety concerns, contact: Richard Flores, Safety/HSE (432-703-8518)

For life threatening emergencies, contact 911

Mission Statement

At I AM Trucking our mission is to win and attain customers by providing top-notch transportation solutions and cultivating an environment of safety, teamwork, and service.

We are here to serve our employees and community through the faithful stewardship of all resources entrusted to us.

Employer Statement of Faith

1. The executive team who have been entrusted with the day-to-day management of I AM Trucking, LLC (the “leadership”) are followers of Jesus Christ.
2. The leadership believes that Jesus Christ requires that all His followers strive to live their lives in a manner that is consistent with the precepts and doctrines of their faith, which are grounded solely in the Bible.
3. The leadership therefore seeks to operate I AM Trucking, LLC in accordance with the principles of their faith and strives to make all business decisions according to biblical principles.
4. In light of the leadership’s faith, the leadership strives to bring glory to God and share His truth with its employees, customers, and community by serving them according to principles that honor and glorify Him.
5. To this end, I AM Trucking, LLC seeks always to fulfill Jesus’ command to love our neighbors as ourselves and to do unto others as we would have done unto us by serving our customers with love and excellence.
6. The leadership wants its service to the community to bear witness to its owners’ faith in Christ, and also to Christ’s Lordship over the lives of the leadership.
7. The leadership believes, in accordance with biblical teaching, that all human life is sacred and created by God in His image. Human life is of inestimable worth in all its dimensions, including babies in the womb, the aged, the physically or mentally challenged, and every other stage or condition from conception through natural death. We are therefore called to defend, protect, and value all human life (Psalm 139).
8. The leadership will prioritize the above religious, ethical, and moral principles.

1. Introduction

1.1. Purpose

This handbook is effective January 1, 2023 and it supersedes all prior handbooks, human resource policies, verbal communications, and staff meeting minutes and/or management memos that may have been previously issued on the topics covered in this handbook. It applies to all employees and provides important information about your employment relationship with I AM Trucking (“I AM Trucking, LLC” or “the Company or I AM”).

Employees are expected to read, understand, and comply with the policies set forth in this handbook.

No employee handbook can anticipate every circumstance or question. Since our business and our organization are subject to change, we reserve the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of our policies, procedures, and benefits at any time, whether described in this handbook or not, except as otherwise required or protected by law.

Changes will be effective on the dates determined by the Company, and after those dates, all superseded policies will be null. If other verbal or written communications issued prior or subsequent to the distribution of this handbook appear contrary to this handbook’s contents, this handbook will be controlling until such time that a written revision of the handbook is issued. It is your responsibility to keep your personal copy of the handbook up-to-date by immediately inserting revisions when issued.

1.2. Employment at Will

This handbook is not a contract guaranteeing employment for any specific period. No manager, supervisor or representative has the authority to enter into any contract guaranteeing your employment for any specific period, or to make any written or oral promises, agreements or commitments contrary to this policy, except a written agreement signed by the I AM Trucking President or Chief Executive Officer. In accepting or continuing your employment with us, you agree that our relationship is, and always has been, strictly voluntary and at-will on both sides.

1.3. Pre-Employment Practices

It is the policy of I AM Trucking to run background checks and pre-employment drug screens on all potential new hires. The Company reserves the right to rescind all offers of employment based on the results of these screens.

I AM Trucking believes that a thorough pre-employment interview process is essential to beginning a mutually rewarding working relationship. There are, however, certain determinations that can only be made after employment has commenced. The “orientation period for new employees” is intended to provide new employees with an opportunity to demonstrate abilities discussed during the interview process. It also provides new employees an opportunity to evaluate whether the new position and I AM meets their expectations.

Immigration Law Compliance

Federal Law requires all employees to present documentation confirming their identity and eligibility to work in the United States. New employees and re-hires must complete an I-9 Employment Eligibility Verification Form within three (3) business days of their start date. Because of our commitment to hire individuals deemed eligible to work in the United States, it is the Company’s policy is to check each I-9 verification form with E-Verify.

Any applicant that is not verifiable through E-verify, or if the Company has reason to believe that the documents supporting the I-9 verification form are fraudulent, the Company reserves the right to withdraw our offer of employment, or terminate employment, under these circumstances.

1.4. Orientation of New Employees

Length of Orientation Period

Your first 90 days of employment are considered your orientation period. This period is designed to allow you an opportunity to evaluate our stability as an employer, and us the opportunity to evaluate your performance for our organization. Periodically, you may be given feedback on your performance from the Company. Likewise, you are invited to give the Company feedback on your employment with us. Feedback on your compatibility and performance can range from casual, informal verbal conversation to formal, written appraisals.

Classification of Employees

Upon successful completion of the orientation period, you will be a regular full-time or regular part-time employee for the purposes of the policies in this handbook:

- Regular full-time employees are those who are regularly scheduled to work 40 hours per week or more.
- Regular part-time employees are those who are regularly scheduled to work less than 30 hours per week.

Employees may be classified differently for the purposes of other benefits, according to their own terms. All employees are employed at-will both during and after the orientation period.

2. Employment Practices

2.1. Equal Employment Opportunity

I AM Trucking is an Equal Opportunity Employer. Accordingly the Company does not discriminate based on race, color, sex, pregnancy, sexual orientation, gender identity, ancestry, age, religion, national origin, disability (including but not limited to serious medical conditions), genetic information, sickle cell trait, military status, reporting or participating in a charge of discrimination or harassment, or any other protected status under applicable federal, state or local law. I AM Trucking's commitment to equal opportunity includes the areas of recruitment, selection, appointment, job assignment, training, merit increases, demotion, termination, pay rates and benefits, lay-offs,

development, transfer, and promotion. The Company reviews, evaluates, and monitors all personnel matters to ensure that they are in accordance with this policy.

I AM Trucking takes seriously and will investigate promptly and thoroughly all charges of alleged discrimination in employment and informs the Company's employees of their rights regarding equal employment.

Any employee who believes that this policy has been violated, regarding himself/herself or regarding any other employee, should immediately report the violation to the HSE or Human Resources representative in the corporate office, or any other member of upper management. The Company encourages immediate reporting so that it may take corrective action. All complaints of discrimination will be investigated promptly and, in a manner, as impartial and confidential as possible. Employees are required to cooperate in any investigation. The Company will work diligently to resolve complaints in a timely manner and will communicate the resolution to the parties involved. Any employee who is found to have violated this policy will be subjected to appropriate disciplinary action, up to and including termination.

All employees are expected to comply with the I AM Trucking equal employment opportunity policy.

2.2. Outside Employment

Employees at I AM Trucking may hold outside jobs if they meet the performance standards of their job. All employees will be judged by the same performance standards and will be subject to the Company's scheduling demands, regardless of any existing outside work requirements.

If the Company determines that an employee's outside work affects the employee's performance or the ability to meet the requirements of the Company, as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with I AM Trucking. Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside I AM Trucking for materials produced or services rendered while performing their jobs.

2.3. Anti-Harassment Policy

I AM Trucking's work environment should be free from all forms of unlawful harassment. The law does not permit, nor does the Company tolerate, harassment of its employees. The Company prohibits

harassment based on race, color, sex, pregnancy, sexual orientation, gender identity, ancestry, age, religion, national origin, disability (including, but not limited to, serious medical conditions), genetic information, sickle cell trait, military status, reporting or participating in any charge of discrimination or harassment, or any other protected status under applicable federal, state, or local law. Harassing conduct affecting the workplace could result in corrective action, up to and including termination of employment.

Retaliation or discrimination against an employee who complains of harassment, or who participates in an investigation, is strictly prohibited and is not tolerated. Any person who retaliates or discriminates against another will be subject to disciplinary action, up to and including termination.

While it is not easy to define, harassment includes any physical, verbal or visual conduct based on the protected categories listed above which creates an intimidating, offensive or hostile environment which interferes with work performance. Such conduct constitutes harassment when it:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Employees should avoid conduct or comments involving protected categories including slurs or degrading comments, jokes, cartoons or drawings based on any protected category.

I AM Trucking will not tolerate any form of sexual harassment. Sexual harassment is defined as harassment based on sex, as described above, and includes any unwelcome sexual advances, requests for sexual favors or other conduct of a verbal or physical nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
- submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that person; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

For example, sexual harassment can include, among other things, unwelcome propositions, flirtations and requests, whether express or implied, for sexual favors. It can also include other unwelcome verbal, visual, or physical conduct of a sexual nature, such as unnecessary touching of an individual, graphic, or verbal commentaries about an individual's body, sexually degrading verbal abuse, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, and physical assault.

- No employee shall threaten or insinuate that another employee or applicant's refusal to submit to sexual advances will adversely affect any condition or privilege of that person's employment.

Similarly, no employee shall promise, imply, or grant any preferential treatment to another employee or applicant in exchange for engaging in sexual conduct.

Harassing behavior is unacceptable in the workplace, or in other settings that affect the workplace, including, but not limited to, business trips and social events with co-workers (whether the social event is sponsored by I AM Trucking). Unlawful harassment by clients or visitors to the Company is not tolerated.

Reporting of Violations of Policy and Prohibition of Retaliation

If an employee feels that he, she, or anyone else at I AM Trucking has been subjected to unlawful discrimination, harassment or retaliation, or witnesses anyone engaging in any such behaviors, the employee must report it immediately. Employees are not required to report the situation to their supervisor if the supervisor is the individual harassing them. I AM Trucking also encourages, but does not require, employees who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome.

To report a violation of this policy, you may contact the Human Resources manager or HSE director at the corporate office or any other person in upper management.

Reports are treated seriously, and an investigation is initiated promptly. To the extent possible, confidentiality is maintained.

If an investigation reveals that I AM Trucking's policy has been violated, appropriate remedial action, including corrective action, will be taken. All corrective action measures are implemented promptly and shall be appropriate, depending on the entire facts and circumstances found by the investigation.

The Company prohibits retaliation of any kind against employees who, in good faith, bring discrimination or harassment complaints or who assist in the investigation of such complaints. No adverse employment action will be taken against any employee who makes a good faith report of alleged discrimination or harassment or who cooperates in any investigation.

2.3. Americans with Disabilities Act

I AM Trucking is committed to providing equal employment opportunities to qualified individuals with disabilities. When appropriate, this may include providing reasonable accommodations in order for an otherwise qualified individual to perform the essential functions of the job. It is your responsibility to notify the Company of the need for an accommodation. Upon doing so, the Company may ask you for

input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your medical professionals. All medical information received by the Company in connection with a request for accommodation will be treated as confidential. Employees with questions about their rights under the Americans with Disabilities Act are encouraged to contact Human Resources.

3. Leave and Benefits

3.1. Eligibility

All regular full-time employees are eligible for a variety of benefits including health and optional ancillary products. Benefits, except for 401k participation, are effective on the first day of the following month after 60 days. Employees are eligible to participate in the Company 401k after ninety (90) days of employment.

Consolidated Omnibus Budget Reconciliation Act (COBRA)

I AM Trucking may authorize eligible employees and their dependent(s) to continue existing medical, dental and/or vision benefits after the employee or dependent(s) are no longer eligible under its group plan. The cost of coverage is paid solely by the person electing benefits and is subject to an administrative fee. Continuation of coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) is offered following a qualified event as defined by law. Generally, however, the following applies:

Employees

The following events qualify an eligible employee for continued coverage for up to eighteen (18) months:

- a. Separation from employment for reasons other than Gross Misconduct;
- b. Reduction of work hours to a benefits-ineligible status.

*Eligible employees who are disabled (as provided by Title II or XVI of the Social Security Act) within sixty (60) days of either the above qualifying events may continue coverage for an additional eleven (11) months if they are continuously disabled.

Employee's Spouse and Dependent(s)

The following events qualify an eligible employee's spouse and dependent(s) for continued coverage for up to thirty-six (36) months:

- c. Death of employee;

- d. Divorce or legal separation;
- e. Loss of a child's dependent status by the child reaching age 26.

In the event of a divorce, legal separation, or loss of a child's dependent status, the employee or dependent(s) must notify Human Resources within 60 days. Failure to provide timely notice of the occurrence of a qualifying event will result in the loss of the right to elect to continue medical coverage under COBRA. More detailed information concerning COBRA insurance is mailed to all newly hired employees during the first 30-days of employment or upon termination from employment with the Company. For additional information please see Human Resources.

3.2. Paid Time Off (PTO) (Hourly and Salaried employees only)

Paid time off (PTO) combines vacation, sick time, bereavement, and personal time into a single source of paid time off for you to use. Employees may use the paid time off for any purpose, such as personal illness, caring for an ill family member, taking a vacation or tending to personal business.

PTO may be taken in half-day (4 hour) or full-day (8 hour) increments. Any PTO request for less than 4 hours is subject to the approval of the employee's supervisor. Any PTO request for more than 5 consecutive days, including holidays, requires approval of the employee's immediate supervisor and an Executive (President level or higher).

Full-time employees are eligible to earn PTO each pay period in equal installments throughout the calendar year. The amount earned in each installment is equal to the maximum annual amount of PTO based on years of service, divided by the number of pay periods each year. Part-time employees are not eligible to earn PTO.

As a result, employees stop earning PTO once the maximum annual amount of PTO is reached and resume once PTO use causes the balance to fall below the maximum. For example, if a first-year full-time employee accrues 80 hours of PTO over the year and does not use any of it, the employee stops earning PTO unless the balance falls below the annual cap. If that employee uses 8 hours of PTO to take a day off, he/she will resume earning PTO the following pay period

The maximum PTO amounts are as follows:

- Full-time employees may earn a maximum of eighty (80) hours of PTO during their first and throughout their fourth year of service.

- After five (5) years of service, full-time employees may earn a maximum of one hundred twenty (120) hours of PTO.

PTO is not earned during time spent on an unpaid leave of absence, short-term disability (STD) or long-term disability (LTD). Unless otherwise prohibited by law, earned but unused PTO is forfeited when employment with I AM Trucking ends. PTO cannot be used in lieu of giving a proper two-week notice. Employees who fail to give a proper two-week notice are considered ineligible for rehire.

All PTO use must have Supervisor/Manager approval. In the event of illness, please notify your supervisor immediately. Employees can request an advance on PTO yet to be earned during that calendar year, subject to the approval of their Manager and an I AM Trucking Executive. In accordance with the Wage Deduction Agreement and in acknowledging acceptance of this handbook, employees whose employment terminates for any reason with a negative PTO balance will have his/her final paycheck reduced to recover the value of the unearned PTO.

3.3. Holidays (Hourly and Salaried employees only)

The Company chooses to observe certain holidays and grant full-time regular employees a day of paid leave up to a maximum of eight (8) straight-time hours. The observed holidays include the following:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

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The Company reserves the right to alter the observed holidays and will communicate such changes as soon as possible. Driver personnel* is subject to a different pay structure. **For hourly employees, if you are absent on the day before or the day following a holiday, you may not be paid for the holiday.** For exempt salaried employees who are absent on the day before or after a holiday, the holiday will be paid but will be deducted from the employee's PTO. Medical or other documentation may be required in order to approve holiday pay under these circumstances.

Because of the nature of our business, we must maintain staff at most of our terminals every day of the year. Therefore, some of our employees will be required to work on designated holidays. If you are an hourly employee and are assigned to work a holiday, you will be paid for the number of hours actually worked on the holiday plus an additional eight hours at regular wages representing holiday pay. Salaried employees who are required to work on an I AM Trucking designated holiday will receive a day off with pay at a mutually agreed upon date, either preceding or following the holiday.

*Driver personnel are subject to a different holiday pay structure. Please contact HR if further explanation is needed.

3.4. FMLA (includes Long Term Disability)

In compliance with the Family and Medical Leave Act ("FMLA"), I AM Trucking provides eligible employees up to twelve (12) workweeks of FMLA leave within a rolling twelve (12)-month period for specified family and medical reasons, and up to twenty-six (26) workweeks of FMLA leave within a single twelve (12)-month period to care for a covered military service member.

An employee taking FMLA leave will be placed in the same or an equivalent position upon returning from leave, provided he/she meets eligibility requirements and complies with all notice and certification requirements, and unless he/she would not otherwise be employed at the time reinstatement is requested (e.g., because the employee's position was eliminated due to a reduction in force or restructuring during his/her FMLA leave). All FMLA leave is **unpaid** except for accrued paid vacation time or sick days that are taken as part of the leave (see "Integration with Other Time Off," below).

Eligible Employees

Eligible employees are defined as employees in locations with fifty (50) or more employees at that location or within seventy-five (75) miles of that location, who have been employed by the Company for at least 12 months and who have worked at least 1,250 hours during the 12-month period preceding the

leave. Key employees may be excluded from certain FMLA protections and will be notified of their key employee status at the time a leave request is made.

Qualifying Reasons for FMLA Leave

1) Family and Medical Reasons: Eligible employees may take up to 12 weeks of unpaid leave in a rolling 12-month period looking backward 12 months from the date leave is used for one or more of the following reasons. (“Child” includes not only a biological or adopted child, but also a foster child, a stepchild, a legal ward or a minor to whom the employee stands *in loco parentis*—that is, provides day to day support or financial support similar to that of a parent.)

- Birth of a child and to care for the newborn child;
- Placement of a child for adoption or foster care and to care for the newly placed child;
- To care for a spouse, parent or child, including step-relations (“covered relative”), due to a serious health condition;
- Because the employee’s own serious health condition makes him/her unable to perform an essential function of his/her job; or
- Due to a qualifying exigency, when the employee’s spouse, parent or child is: (i) a member of the regular Armed Forces who is deployed to a foreign country; or (ii) a member of the Reserves or National Guard who is deployed with the Armed Forces to a foreign country under a call or order to active duty (“qualifying exigency leave”).

A “serious health condition” means *generally* an illness, injury, impairment or physical or mental condition which:

- requires inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical-care facility or subsequent treatment in connection with or consequent to such inpatient care;
- creates incapacity of more than 3 consecutive, full calendar days and (i) requires in-person treatment by a health care provider two or more times within 30 days of the first day of incapacity, with the first visit occurring in the first 7 days of incapacity, unless extenuating circumstances exist, or (ii) requires one in-person treatment by a health care provider within the first 7 days of incapacity, resulting in a continuing regimen of treatment;
- is a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes);
- is a permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal stage of a disease);
- is a period of absence to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three consecutive, full calendar days if not treated (e.g., chemotherapy or radiation treatments for cancer, kidney disease dialysis); or
- is a period of incapacity due to pregnancy or for prenatal care.

A “qualifying exigency” which could trigger an employee’s entitlement to leave includes *generally*:

- short-notice deployment - notification of an impending call or order to active duty 7 or fewer calendar days prior to date of deployment; beginning on date notice is received;
- military events and related activities – attending official ceremonies, programs, events and/or family support and assistance programs and briefings;
- childcare and school activities - changes to regular childcare arrangements, urgent-need childcare, school enrollment, transfer, and/or parent-teacher conferences;
- financial and legal arrangements - preparing and executing powers of attorney, transferring bank account signature authority, representing military member regarding military benefits, preparing and updating wills and living trusts;
- counseling - for the employee, military member or the children of the military member;
- short-term rest and recuperation - up to 15 calendar days of leave for each instance of a military member’s leave, for rest and recuperation with the military member;
- post-deployment activities - arrival ceremonies and programs for 90 days after active duty status, death-related issues;
- parental care – to care for a military member’s parent, or someone who stood *in loco parentis* to the military member, who is incapable of self-care, when the care is necessitated by the member’s covered active duty; this may include arranging for the parent’s alternative care, providing care on an immediate need basis (but not on a routine, regular or everyday basis), admitting or transferring the parent to a care facility or attending meetings with staff at a care facility; and
- “additional activities” - other events which arise out of the military member’s active duty or call to active duty, to be agreed upon by the Company and employee.

2) Military Caregiver Leave: Eligible employees may also take up to 26 weeks of unpaid leave in a single 12-month period (beginning on the first day such leave is taken) to care for a covered servicemember while he or she undergoes medical treatment, recuperation or therapy for a serious injury or illness (“military caregiver leave”).

A “covered servicemember” is defined as the employee’s spouse, parent, child or next of kin who is:

- a current member of the Armed Forces (including the Reserves or National Guard) or on the temporary disability retired list, and who incurred a serious injury or illness (or aggravated a preexisting injury or illness) in the line of duty on active duty; or
- a veteran who was a member of the Armed Forces (including the Reserves or National Guard), who incurred a serious injury or illness (or aggravated a pre-existing injury or illness) in the line of duty on active duty, and who was discharged or released from service under conditions other than dishonorable at any time during the 5 years prior to the first date an eligible employee takes FMLA leave to care for that veteran undergoing medical treatment, recuperation or therapy. The time

period between October 28, 2009 and March 8, 2013 is not counted in determining the five-year period for covered veteran status.

A “serious injury or illness” is defined as an injury or illness that was incurred or aggravated in the line of duty on active duty in the Armed Forces and:

- for *current* servicemembers, the type of injury or illness that would render the servicemember medically unfit to perform the duties of his/her office, grade, rank or rating; or
- for *veterans*, an injury or illness that manifested itself before or after the member became a veteran, and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50% or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Amount and Timing of Leave

FMLA leave begins on the date of the first absence covered by FMLA and continues until the earlier of: (1) the 12- or 26-workweek leave allotment for that employee is exhausted; (2) the date on which the FMLA qualifying reason ends, not to exceed 12 or 26 workweeks; or (3) the date the employee fails to provide any certification or recertification of the need for the FMLA leave as required by the Company in accordance with the FMLA.

For all types of FMLA leave besides military caregiver leave, the balance of the 12 weeks’ leave available will be determined using a “rolling” 12-month period, measured backward from the starting date of each requested leave.

For military caregiver leave, which makes 26 weeks of leave available to eligible employees, the “single 12-month period” begins on the first day an employee takes such leave and will normally be calculated separately from the rolling 12-month period used for other types of FMLA leave. However, the two will be tracked concurrently. No employee may use more than 26 weeks of FMLA leave for *any reason* during the 12-month period that begins on the date military caregiver leave begins.

Military caregiver leave may be taken intermittently throughout the single 12-month period and is applied on a per-covered-servicemember, per-injury basis, such that an eligible employee may be entitled to take more than 26 weeks’ leave if the leave is to care for a different servicemember or the

same service member's subsequent injury or illness. However, no more than 26 weeks of leave may be taken in any single 12-month period, regardless of the number of bases for which it might be sought.

Leave taken because of the birth or placement of a child and to care for that child must be completed within the 12-month period beginning on the date of birth or placement. Nonetheless, such leave may begin before the birth or placement occurs.

Spouses employed by the Company are jointly entitled to a combined total of 12 weeks of leave for the birth and care of a healthy newborn child, for placement of a healthy child for adoption or foster care, and to care for a parent who has a serious health condition. However, each spouse will be entitled to take the full 12 weeks of leave because of a child's, spouse's or their own serious health condition. Spouses employed by the Company are jointly entitled to a combined total of 26 weeks of military caregiver leave during the single 12-month period.

The Company will track each employee's FMLA leave usage in one-hour increments. Employees will not be required to take more FMLA leave than is necessary to address the circumstances that precipitated the need for leave, and any time spent working for the Company will not be counted against an employee's FMLA leave entitlement.

Integration with Other Time Off

An employee with accrued PTO must use all of that time concurrent with any unpaid FMLA leave. This allows the employee to receive pay for the length of his/her FMLA leave coinciding with the accrued paid time off but does not extend the employee's available FMLA leave time beyond the allotted 12 or 26 weeks.

Any time off from work, which qualifies, for FMLA leave will be counted against the employee's FMLA allotment. If it is not immediately apparent that an employee's time off qualified as FMLA leave, but the Company subsequently learns that it did qualify, the Company may retroactively designate such time off as FMLA leave. Absences due to FMLA leave are not considered absences pursuant to the Company's general attendance policies and will not be counted towards the Company's maximum leave policy.

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled to work during the holiday. Employees will not accrue vacation or other paid personal time off and are not eligible to receive holiday pay during FMLA leave.

Employee "Notice" Obligations

If FMLA leave is foreseeable, an employee must provide the Company with at least thirty (30) days' advance notice of the leave. When the need for FMLA leave is not foreseeable or if 30 days' notice cannot be given, notice as soon as practicable is required. ("As soon as practicable" generally means giving at least verbal notice to the Company the same or next business day after learning of the need to take FMLA leave, i.e., early birth of a child, emergency medical treatment or a qualifying exigency.) Notice should be given according to the Company's normal absence call-in policy. Failure to timely provide such notice may result in a delay of FMLA benefits and protections from taking effect.

Employees must notify Human Resources or HSE at the corporate office in writing of their need for FMLA leave or when absent for any reason that may qualify as FMLA leave. Request for Leave forms are available from Human Resources or HSE at the corporate office.

Leave Certification and Recertification

If an employee is requesting leave because of his/her own or a covered relative's serious health condition, the attending health care provider must supply appropriate medical certification before and throughout the leave, as requested by the Company. Appropriate certifications may also be required, as requested by the Company, for qualifying exigency leave and military caregiver leave.

When an employee requests leave, the Company will notify him/her of any certification requirements and provide the appropriate forms to use. The employee shall provide the completed certification form to the Company within fifteen (15) calendar days after it is requested by the Company. If the employee fails to provide timely certification (unless it is not practicable to do so despite the employee's diligent, good faith efforts), the leave will not be considered FMLA leave. Instead, the employee's absence will be considered unexcused and the employee will be subject to discipline, up to and including termination, in accordance with the Company's general attendance policies.

For the initial certification of an employee's or a covered relative's serious health condition, the Company may seek clarification or authentication from the employee's health care provider of the information provided on the certification form. The Company, at its sole expense, may also require an examination by a second health care provider, designated by the Company, if it reasonably doubts the medical certification an employee's health care provider initially provides. If the second health care provider's opinion conflicts with the original medical certification, the Company, at its sole expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. To facilitate the second/third opinion process, an employee or covered relative must authorize the release of his/her medical information pertaining to the condition for which leave is being sought to the second/third health care provider.

The Company may also from time to time request recertification of the employee's or covered relative's serious health condition during the leave. Recertification may generally be required every six (6)

months; it may be required more often if: (i) a leave extension is requested, (ii) circumstances regarding the leave or need for leave significantly change, (iii) the Company receives information casting doubt on the employee's stated reason for his/her absence or the continuing validity of the employee's certification, or (iv) every 30 days for indefinite leaves. Failure to provide the information needed for recertification within the allotted time may result in a denial of continuation of FMLA benefits and protections.

An employee taking FMLA leave must promptly respond to all of the Company's phone calls and written correspondence. An employee on leave also must keep the Company informed at all times of his/her intention to return to work upon completion of the leave. The employee is responsible for notifying the Company of any changes accelerating or delaying his/her anticipated return date.

Intermittent Leave or Reduced Work Schedule

Leave because of a serious health condition and military caregiver leave may be taken intermittently (in separate blocks of time) or on a reduced work schedule (reducing the usual number of hours the employee works per workweek or workday), if medically necessary. When necessary, qualifying exigency leave may also be taken intermittently or on a reduced work schedule.

If a reduced work schedule is implemented, the Company will pay hourly employees only for the hours actually worked. For salaried employees, the Company will reduce employees' salary accordingly. If an employee needs intermittent leave or a reduced work schedule that is foreseeable based on planned medical treatment for the employee, a covered relative or a covered service member, the Company reserves the right to temporarily reassign the employee to another position within the Company with equivalent pay and benefits, to minimize the disruption to the Company.

Return to Work

If an employee takes FMLA leave because of his/her own serious health condition, he/she is required to provide a medical certification that he/she is fit to resume work. For an employee on intermittent or reduced schedule leave, the Company may require a medical certification that he/she is fit to resume work as often as once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties. Employees may obtain return-to-work medical certification forms from Human Resources or HSE at the corporate office. The Company will not permit the employee to return to work without the return-to-work medical certification form properly completed by the employee's health care provider.

Absences caused by an employee's failure to provide a return-to-work certification will not be entitled to FMLA protection and will be considered unexcused. Employees with unexcused absences will be subject to discipline, up to and including termination, in accordance with the Company's general attendance policies.

Medical and Other Benefits

During an approved FMLA leave, the Company will maintain an employee's health benefits as elected by the employee prior to the leave and as if he/she continued to be actively employed. If accrued paid leave benefits are used during the unpaid FMLA leave, the Company will deduct the employee's portion of the health plan premium as a regular payroll deduction.

The Company will pay an employee's portion of the health insurance premiums while the employee is on FMLA leave, provided the employee has on file a completed Wage Deduction Authorization Form prior to the commencement of his/her FMLA leave. The employee will be required to repay the Company for premiums paid by the Company on the employee's behalf upon the employee's return to work.

If an employee elects not to return to work for at least 30 days at the end of the leave period, he/she will generally be required to reimburse the Company for the cost of all of the health benefit premiums paid by the Company for maintaining coverage during his/her unpaid leave (including the Company's share of premiums), unless the employee cannot return to work because of: (i) his/her own or a covered relative's serious health condition; (ii) a serious injury or illness qualifying for military caregiver leave; or (iii) other circumstances beyond the employee's control.

Upon return from leave, all benefits will be resumed in the same manner as provided when the leave began, subject to any changes in the Company's benefit plans and programs that may have taken place during the leave period.

Retaliation Prohibited

Retaliation against an employee for taking or requesting FMLA leave is prohibited. Any employee experiencing or witnessing such retaliation must report it to Human Resources or HSE in the corporate office or any member of upper management.

Questions About Employee Rights and Responsibilities Under the FMLA

Included here is a copy of the Department of Labor's Notice to Employees of Rights under the FMLA. Employees who have questions relating to their rights and responsibilities under the FMLA are advised to consult this Notice and/or to request additional information from Human Resources or HSE in the corporate office.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth,
- to care for the employee's child after birth, or placement for adoption or foster care,
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 Revised February 2013

3.5. Personal Leave

There may come a time for a leave of absence that is not covered by one of these other policies, particularly for employees with less than one year of service or who otherwise do not qualify for FMLA leave. In this event, a personal leave may be requested. The duration of a Personal Leave is no more than necessary to address the issue. Granting of leave will be at the Company's sole discretion, subject to the current status of the workload and the ability of the staff to continue to maintain production during the period of the employee's absence. Reasons for requesting personal leave could include, but are not limited to, leave to care for the employee's own or an immediate family member's serious illness, pregnancy, childbirth, adoption, surgery, accidents or injuries. As soon as an employee becomes aware of the need for a personal leave, he or she must notify Human Resources or HSE in the corporate office and provide a statement from a physician supporting the need for a leave, the length of time needed, and an anticipated return to work date. An employee must use any available PTO to cover an unpaid Personal Leave.

To be granted an authorized Personal Leave of Absence, an employee must obtain prior written approval from the Human Resources Manager. If an employee's request for leave cannot be granted, the employee will be notified.

3.6. Workers' Compensation Leave

I Am Trucking provides comprehensive workers' compensation insurance coverage at no cost to the employee. An employee may be eligible for a Workers' Compensation leave when he/she incurs an injury or illness in the course of employment. The employee must provide medical certification for any leave due to a work-related injury or illness including the approximate length of the leave. Workers' Compensation leave will run concurrently with any applicable FMLA or ADA leave.

Eligibility

Employees are eligible for Workers' Compensation leave on date of hire.

Commencement

Leave starts on the first day out.

Compensation & Benefits

Compensation benefits are provided by Workers' Compensation insurance only after a short waiting period, or immediately if the employee is hospitalized. Workers' Compensation insurance also covers medical, surgical, and hospital treatment related to the work-related injury or illness.

While on leave, the employee is responsible for his/her share of the cost for benefits, i.e., medical, dental and voluntary accident, if applicable.

Length Allowed

Employees may be granted up to twelve (12) weeks of Workers' Compensation leave to run concurrently with any applicable FMLA or ADA leave. Subject to I AM Trucking's obligations under the Americans with Disabilities Act or other applicable law, employment will be terminated, if the employee does not return after twelve (12) weeks. If an employee believes he/she requires additional leave as a reasonable accommodation for a condition covered by the ADA or other applicable law, the employee should notify I AM Trucking as soon as the need for additional leave is known, and such additional leave will be considered on a case-by-case basis.

3.7. Military Leave

I AM Trucking is committed to protecting the job rights of employees absent on military leave. Any employee, who is called for training or active duty in the uniformed services of the United States is eligible for military leave, provided the employee gives notice of his/her military obligations. In accordance with federal and state laws, it is the Company's policy that no employee or prospective employee will be subjected to any form of discrimination, retaliation or other adverse employment action on the basis of such membership.

Short-Term Leave

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this policy), eligible employees who must be absent from their job for a period of not more than ten (10) working days each year in order to participate in temporary military duty are entitled to as many as ten (10) days paid military leave. All benefits will continue during an employee's short-term military leave. There is no minimum length of service requirement.

All Other (Extended) Military Leave

Employees directed to participate in extended military duties in the US Armed Forces that exceed ten (10) working days will be placed on an unpaid military leave of absence status for a period of as long as five (5) years and be entitled to the rights and benefits described below, subject to the procedures outlined below.

Commencement

The leave begins when the employee is required to report to duty. Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

Compensation & Benefits

While on leave, the employee is responsible for his/her share of the cost for benefits (i.e., medical, dental and voluntary accident), if applicable. Employees who use military leave are required to use any available PTO concurrently with military leave until PTO is exhausted.

Reinstatement

Eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws. Failure to timely (as determined by applicable federal or state law) notify the Company of the employee's intent to or date of return to work will result in job abandonment. An employee's supervisor will, upon the employee's reinstatement, request that the employee provide I AM Trucking with military discharge documentation that establishes the length and character of the employee's military service.

3.8. Domestic Abuse Leave

Domestic abuse leave is available for employees who reside in certain states. I AM Trucking will follow all applicable leave laws, including all laws pertaining to domestic abuse leave in each applicable state. For more information regarding domestic abuse leave, please contact the Human Resources Manager.

3.9. Jury Duty

We encourage our employees to participate in fulfilling their responsibilities as American citizens. If you are called to serve jury duty, please notify your supervisor within five (5) days in advance of the summons so work schedules can be arranged. Employee must provide Human Resources with a copy of the summons.

I AM Trucking will pay eight hours of straight time pay, with receipt of the court compensation record. This record must be submitted to the Human Resources on the first business day

following the jury service. The maximum time for paid leave for jury duty is ten (10) workdays. Jury duty compensation only applies to jury service; it provides no benefit for personal legal affairs and/or court proceedings.

4.0. Other Types of Leave

Employees residing in certain states may be eligible for other, state-specific types of leave. Please contact the Human Resources Manager for more information.

4.1. Provisions Applicable to All Leaves

Requests

All requests for any kind of leave as well as all supporting documentation during leave and upon return from leave should be provided to Human Resources or HSE in a timely manner.

PTO and Benefits During Leave

Employees will not accrue PTO during any unpaid leave of absence. Employees must use any accrued but unused PTO prior to the beginning of the unpaid portion of any leave.

If an employee is granted and takes an unpaid leave of absence lasting longer than 30 days, certain insurance coverage may be continued if allowed by the terms of that insurance policy, if the employee personally assumes the payment of the insurance premiums.

Other Employment

Employees who accept other employment or go into business for themselves or with others while on any Leave of Absence will be considered to have voluntarily resigned from the Company as of the last day worked.

Change in Status and Intent to Return to Work During Leave

Employees on any leave of absence are expected to report any change in status or intention to return to work to Human Resources or HSE in the corporate office. Employees who do not return to work from

any leave of absence as scheduled and do not contact Human Resources or HSE in the corporate office will be considered to have voluntarily resigned from the Company as of the last day worked. Should an employee desire an extension of a leave, he or she must request it in writing directly to Human Resources or HSE in the corporate office, and the request will be subject to the same approval process outlined above.

Reinstatement

When an employee returns to work from an authorized leave, every effort will be made to reinstate the employee to the position he or she previously held, or as otherwise required by state or federal law. However, where not required by law, such reinstatement may not be possible in situations in which it was necessary to fill the employee's position with a permanent replacement.

Medical Certification Upon Return to Work

If an employee is on leave for his or her own serious health condition, the employee must provide medical certification prior to returning to work certifying that he or she is able to perform the essential functions of the employee's position. Employees who need an accommodation or who have light duty or other restrictions upon return from leave should discuss those with Human Resources or HSE at the corporate office before returning from leave so appropriate steps can be taken to evaluate or accommodate those restrictions. Employees may be required to perform a Non-DOT drug screen before returning to work and a physical, if applicable.

5. Pay Practices

5.1. Overtime

The Fair Labor Standards Act, as amended (FLSA), establishes protections for employees including minimum wage and overtime compensation. The FLSA classifies employee job positions as "exempt" or "non-exempt." The duties and responsibilities of the job position determine if that position qualifies as exempt or non-exempt.

1. Exempt – Exempt employees are employees who have duties and responsibilities that make them exempt from the minimum wage and overtime compensation provisions of the FLSA. Exempt employees work as many hours as necessary to complete the work assignment at issue and are not eligible for overtime pay. Exempt employees are paid on a salary basis.

2. **Non-Exempt** – Non-exempt employees are employees who are subject to the minimum wage and overtime provisions of FLSA. All non-exempt employees are paid hourly and are entitled to premium compensation for overtime work.

Overtime Compensation for Non-Exempt Employees

Non-exempt employees shall be compensated at the rate of time and one-half (1½) of their base hourly rate (overtime compensation) for hours worked in excess of forty (40) hours per workweek. The workweek is from 12:00 am Thursday to 11:59 pm Wednesday for all employees. Paid time off is excluded from the calculation of hours worked in a week for purposes of overtime compensation.

Eligibility for Overtime

In order to be eligible for overtime wages, an employee's overtime hours must be approved in advance by his or her supervisor. Working overtime without prior authorization is a violation of Company policy. Non-approved overtime will be paid; however, the employee will be subject to disciplinary action for violating Company policy. Employees making up time lost because of unpaid leave may not schedule make-up time during any workweek where the employee is already scheduled to work 40 or more hours or to otherwise incur overtime.

Required Overtime

The Company reserves the right to require any employee to work overtime according to the Company's needs and in its total discretion.

Employees Exempt from Overtime

Under the FLSA, exempt employees are not entitled to receive any overtime pay regardless of the number of hours worked in a workweek. These exempt employees must be paid on a salary basis, which generally means the employee receives a predetermined amount of compensation each pay period, regardless of the number of hours worked. Exempt employees are required to work as many hours or as few hours in the workweek as the workload requires.

5.2. Direct Deposit

All employees are required to participate in direct deposit. Rather than receiving and manually depositing a live check, this option enables your paycheck to automatically deposit into your bank account.

5.3. Deductions from Pay for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Company. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state laws, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons or vacation.
- Full-day absences for sickness or disability, if the employee is not yet eligible for or has exhausted any paid time off under the Company's policies.
- Full-day disciplinary suspensions for infractions of our written policies and procedures.
- Penalties imposed in good faith for infractions of safety rules of major significance.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Days missed in the first or last week of employment in the event you work less than a full week
- Any full work week in which you do not perform any work.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Your absence on a day when the Company has decided to close on a scheduled work day.
- Absences for jury duty, attendance as a witness or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law for full or partial day absences for personal reasons, sickness or disability.

However, deductions may be made to your accrued leave partial day absences for personal reasons, sickness or disability.

If you believe you have been subject to any improper deductions, you should immediately report the matter to the payroll department or any member of upper management. The Company will promptly investigate any complaint of improper deductions and will reimburse the exempt employee for any improper deductions.

6. Workplace Conduct & Standards

6.1. General Rules & Regulations

I AM Trucking is committed to providing quality service to our customers. The Company also believes its employees are and will continue to be good citizens, both in the community and in their jobs. If employees engage in conduct in violation of any Company policy, which is a conflict of interest with I AM Trucking or its customer or that is unprofessional to I AM Trucking's customers, they may receive disciplinary action, up to and including immediate termination.

While it is impossible to set forth all conduct which is expected of employees, each employee is expected to, at the minimum, adhere to the Company rules and regulations which include, but are not limited to, the following:

- Read and follow the guidelines established in this handbook and other IAMTrucking manuals and memos.
- Perform duties safely and as assigned.
- Always conduct himself or herself in a polite, professional manner, and treat I AM Trucking customers and co-workers courteously and respectfully. Maintain assigned work areas in a clean and orderly fashion.
- Safeguard assigned company assets and conduct safety checks before beginning work.
- Immediately report problems with equipment or customers to I AM Trucking supervisor.
- Produce quality work with minimal errors.
- Meet goals or standards as set by the Company.

- During work time, use I AM Trucking communication assets and services, including office phone, mobile phone, text messages, e-mail, and internet access for I AM Trucking business and for authorized purposes only.
- Provide honest, truthful, and accurate information regarding your work history, education and training. Falsification of employment records, including pre-employment data such as your resume or employment application, time records, expense reports and other I Am Trucking records is grounds for corrective action up to and including immediate termination, regardless of length of employment.

Appearances and Representations

To further protect the interests of I AM Trucking, you must secure permission from an executive before making a public appearance in which you present yourself as a representative of or spokesperson for the Company. This would include, but is not limited to, representation before a government agency or within mass or social media.

Dress code and Hygiene

As representatives of I AM Trucking, employees should remember that their appearance is a direct reflection on the level of professionalism in the Company. For this reason, all employees shall follow these basic minimum guidelines in regard to dress and personal appearance. Management may impose additional appropriate standards.

- All personnel will maintain a clean, properly groomed, and professional appearance.
- Cutoffs, revealing clothing, hot pants, halter tops, are not appropriate at any time;
- Footwear should also be appropriate and in compliance with safety standards related for that position;
- If an employee requires a reasonable accommodation regarding their dress for bona fide religious reasons, they should contact their supervisor or the Human Resources Department. Unless an undue hardship would result, such an accommodation will be made;
- Employees who do not comply with I AM Trucking reasonable standards of dress can be sent home to change into more appropriate attire. Repeated violation of the dress code policy can lead to disciplinary action up to and including termination.
- An employee who is in doubt about the appropriateness of a mode of dress should consult their supervisor or manager in advance. Supervisors and managers are charged with the responsibility of enforcing this policy.

Voluntary Termination

As an at-will employee, you have the right to resign at any time for any reason. However, I AM Trucking requests two weeks' notice of resignation to minimize disruption of work. In some circumstances the Company may ask for immediate dismissal upon resignation. On the last day of employment, you will be required to surrender all company property. Prior to departure, you may be asked to participate in an exit interview.

Final Pay

Terminating employees will receive all compensation to which they are entitled by law. The company will determine if the terminating employee has any outstanding debt owed to the company and whether the individual has in his/her possession any company credit cards, uniforms, tools, keys, safety equipment, manuals, vehicles, identification cards/badges, or other company property. If permitted by State and Federal law, any debt owed to the Company may be deducted from the employee's final paycheck.

Employees who are terminated involuntarily will receive their final paycheck within the time permitted by Federal or State law. If an employee voluntarily quits or resigns, all wages are payable on the next scheduled payroll date. Subject to State and Federal law, the Company will issue a check designated as the final payment for all services rendered less any and all debt owed within the allowable time.

6.2. General Attendance Policy

I AM Trucking expects all employees to conduct themselves in a professional manner during their employment. This includes practicing good attendance habits. All employees should regard coming to work on time, working their shift as scheduled, and leaving at the scheduled time as essential functions of their jobs.

Giving Notice of Absence or Tardiness

The Company expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on the Company. If you are unable to report for work for any reason, notify your supervisor before regular starting time. You are responsible for speaking directly with your supervisor about your absence. It is not acceptable to leave a message on a supervisor's voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call must be made later that day. Should undue tardiness become apparent, disciplinary action may be required.

If there comes a time when you see that you will need to work some hours other than those that make up your usual workweek, notify your supervisor at least one week in advance. Each request for special

work hours will be considered separately, considering the employee's needs and the needs of the Company. Such requests may or may not be granted.

There are two types of job absences: pre-scheduled absences and unscheduled absences.

Pre-scheduled absences are absences that have been pre-scheduled according to the notification requirements of the employee's department or work unit. Pre-scheduled absences are not considered when evaluating an employee's attendance record. Examples of pre-scheduled absences include scheduled days off, jury duty, scheduled PTO, and Leaves of Absence (LOA).

Unscheduled absences are absences which have not been scheduled in advance of the employee's scheduled hours of work, including scheduled department meetings, regardless of the reason for the absence. Unscheduled absences also include:

- Tardy occurrences are absences in which the employee fails to clock in and arrive at his/her department or other work site within five minutes of the time she/he was scheduled to be on duty.
- Early departures are absences in which an employee reports to work but fails to complete his/her scheduled hours of work.
- No Call – No Show is an absence in which an employee is absent for the entire shift he/she was scheduled to work, and he/she failed to report the absence in advance, as required by the employee's *department*.

Absences during an approved leave or for other legally-protected purposes are not considered for disciplinary purposes.

ATTENDANCE STANDARDS

I AM Trucking has established the following attendance standards. Individuals who fail to meet these standards will be subject to corrective action, up to and including dismissal.

Full-Time Employees

- Fewer than six unscheduled absences within any consecutive six-month period.
- Fewer than three tardy occurrences and/or early departures within any consecutive three-month period.
- Fewer than two occurrences of no call/no show.

Part-Time Employees

- Fewer than three unscheduled absences within any consecutive six-month period.
- Fewer than two tardy occurrences and/or early departures within any consecutive three-month period.
- Fewer than two occurrences of no call/no show.

New Employees within Their Initial 90-day Orientation Period

- No more than one unscheduled absence, tardy occurrence or early departure.
- No occurrences of no call/no show.

CORRECTIVE ACTION

The following are I AM Trucking's guidelines for corrective action for attendance violations. I AM Trucking reserves the right to deviate from these guidelines at its discretion. Full-Time Employees (not within new employee orientation period).

Unscheduled Absences:

- Upon the third occurrence within six consecutive months, a verbal caution is given.
- Upon the fourth occurrence within six consecutive months, a first written warning is issued.
- Upon the fifth occurrence within six consecutive months, a final written warning is issued.
- Upon the sixth occurrence within six consecutive months, termination of employment.

Tardy Occurrences and Early Departures:

- Upon the first occurrence, a verbal caution is given.
- Upon the second occurrence within three consecutive months, a first written warning is issued.
- Upon the third occurrence within three consecutive months, a final written warning is issued.
- Upon the fourth occurrence within three consecutive months, termination of employment.

No Call/No Show:

- Upon the first no call/no show, a final written warning is issued.
- Upon the second non-consecutive no call/no show, it shall be considered that the employee has voluntarily abandoned his/her job and a termination of employment will be processed.

Part-Time employees

Unscheduled Absences:

- Upon the first occurrence within six consecutive months, a verbal caution is given.
- Upon the second occurrence within six consecutive months, a final written warning is issued.
- Upon the third occurrence within six consecutive months, termination of employment.

Tardy Occurrences and Early Departures:

- Upon the first occurrence within three consecutive months, a final written warning is issued.
- Upon the second occurrence within three consecutive months, termination of employment.

No Call/No Show:

- Upon the first no call/no show, a final written warning is issued.
- Upon the second non-consecutive no call/no show, it shall be considered that the employee has voluntarily abandoned his/her job and a termination of employment will be processed.

Full-Time Employees (within initial 90-day orientation period)

Unscheduled Absences:

- Upon the first occurrence within six consecutive months, a final warning is issued.
- Upon the second occurrence within six consecutive months, termination of employment.

Tardy Occurrences and Early Departures:

- Upon the first occurrence within three consecutive months, a final warning is issued.
- Upon the second occurrence within three consecutive months, termination of employment.

No Call/No Show:

- Upon the first no call/no show, it shall be considered that the employee has voluntarily abandoned his/her job and a termination of employment will be processed.

Under some circumstances, an employee's absence or tardiness may be excused, but only if that employee gives proper notice of such a problem before the start of their shift. I AM Trucking needs advance notice of attendance issues so that other arrangements can be made to cover an employee's absence, if necessary.

Employees who do not give proper notice of attendance problems in advance, as explained in this policy, may be subject to corrective action, up to and including termination. Abuse or a pattern of excessive absences and/or tardiness may also result in corrective action, up to and including termination. I AM Trucking reserves the right to seek medical documentation of any absences and to require a release to return to work after certain medically-related absences. A physical exam or drug-testing may also be required before returning to work in certain situations.

6.3. Accident/On-The-Job Injuries

Safety Policy

I AM Trucking takes employee safety very seriously. We will make every effort to provide a safe environment in which to work in accordance with the Occupational Safety and Health Act of 1970. Employees are expected to take an active part in maintaining this environment by observing all safety rules, and to keep the work place clean and neat. Please report all injuries (no matter how minor) to your supervisor immediately, as well as anything that needs repair or is a safety hazard.

It is the intent of I Am Trucking to put safety first. To do this we must constantly be aware of conditions in all work areas that can produce injuries. No employee is required to work at a job he or she knows is not safe or healthful. Your cooperation in detecting hazards and, in turn, controlling them is a condition of your employment. Inform your supervisor immediately of any situation beyond your ability or authority to correct. Inform your supervisor immediately of all injuries no matter how minor.

As an employee of I AM Trucking, your health and safety responsibilities include but are not limited to the following:

- Performing work in a safe and healthful manner;
- Protecting yourself, co-workers, the public and Company property in your care;
- Complying with all applicable government regulations;
- Familiarizing yourself with the Company's current Health and Safety policies as they apply to your work activities;
- Being personally responsible for your actions and follow safety policies in all activities that fall within the scope of your employment;
- If an accident occurs, report the accident immediately to your supervisor;
- It is mandatory for all personnel to attend all safety meetings.

All safety related matters should be directed to the Safety Department.

Accident/On-The-Job Injuries

In the event you experience an on-the-job accident or injury, please follow these procedures:

1. Contact your supervisor immediately, even if no medical attention is required. You must complete a First Report of Incident / Injury whether or not you receive medical attention. Obtain a form

from your supervisor or main office. This report will be placed in your medical file for future reference.

2. Your supervisor must complete a First Report of Incident / Injury when they receive notification from you, regardless if medical attention is needed. Both reports need to be turned into I AM Trucking corporate office.
3. I AM Trucking shall maintain written records of incident details. This will ensure the recall of information about the circumstances of the incident at a later time and will demonstrate due diligence. Incident investigation records should be maintained. Records should be kept of communications with the injured employee regarding modified work. Workers Compensation and medical records, where applicable, should also be maintained.
4. If the injury does require medical attention but is not considered an emergency, call your direct supervisor prior to going to a medical facility. If the injury is an emergency, have your supervisor call and tell HSE to which medical facility you are being transported. This will allow us to authorize treatment, arrange for proper billing, and determine that the facility follows proper procedures.
5. A drug and alcohol test must be taken within 8 hours after a non-emergency accident or injury is reported, and drug or alcohol use is likely to have contributed to the incident. Such test may be administered by the treating facility upon admission. Refusal to submit to these tests may result in termination of your employment.

If you are eligible for any type of disability benefits, you must notify the I AM Trucking corporate office. If you will be off for an extended period, you may be required to contact the designated HSE or Human Resources representative periodically to keep them informed of your status and intent to return to work. Immediately upon receiving a release to return to work, you must call the designated HSE or Human Resources representative to report your availability.

6.4. Drug-Free Workplace

In order to maintain a drug free workplace, I AM Trucking has implemented the following Substance Abuse Policy:

- The use, unauthorized possession, manufacture, distribution or sale of illegal drugs, illegal inhalants, alcohol, drug paraphernalia or controlled substances by an employee while on duty, while on company premises or work sites or conducting company business, or while operating

or occupying any Company vehicle/equipment at any time is prohibited. The Company, at its sole discretion, may take into custody any illegal, unauthorized or prohibited items and may turn them over to the proper law enforcement agencies;

- Reporting to work, or on company property, while under the influence of intoxicating beverages, illegal drugs or narcotics is prohibited;
- Personnel prescribed medication, or under a physician's care will be required to go through work steps if he/she underwent surgery or was treated for an injury. In addition, the individual will receive drug and alcohol testing to ensure the individual is no longer under the influence of impairing medications;
- The conviction or the failure to report a conviction by any employee for any drug or alcohol related crimes is a violation of this policy.

Employees have the right to refuse a reasonable cause search or a requested test; however, failure to co-operate is equivalent to a positive result and will lead to immediate termination.

Any employee who is terminated for violation of the Substance Abuse Policy will be allowed to re-apply 180 days following the termination date. Completion of a drug/alcohol program is required to be eligible for rehire following termination for cause under this policy. Rehire is not guaranteed and will be considered based on the circumstances surrounding termination, available positions and past performance. Entering a drug and alcohol program is at the sole discretion of the employee and his/her expense. Anyone failing a drug/alcohol test a second time will be ineligible for rehire.

6.5. Smoking

I AM Trucking's policy is to provide a safe and healthy work environment for our employees and customers. Accordingly, smoking is not allowed in company buildings. Employees may smoke on scheduled breaks or during meal times, as long as they do so outside the building in designated areas. Cigarette butts and other materials related to tobacco use must be disposed of in designated containers. Smoking is prohibited in all Company-owned or operated premises, except in designated areas. I AM Trucking also prohibits smoking in company-owned vehicles and any place where lawfully prohibited by customers.

6.6. Company Systems and Privacy

Employees of I AM Trucking are granted access to multiple systems of information and communications and are assigned the individual or shared use of various computing and telecommunications devices where data is accessed, transmitted, and stored. Employees are expected to

comply with the current version of the Information Systems Policy. Employees are expected to exercise proper and prescribed care of all devices and data entrusted to them in the course of their job duties to prevent damage, loss, theft, corruption, or error. This includes maintaining proper physical and data security measures, including passwords and access control.

Employees should never share their access credentials with anyone else nor use someone else's credentials to gain access to company systems. Employees should hold confidential any information gained through the normal course of their job and should immediately report to their supervisor and Director of Information Services any information they receive in error that does not fall within their defined job duties. Each employee should use company information services in a manner that is fair to all other users and is in keeping with all laws and company policies and procedures, including this handbook.

Employees have no expectation of privacy for any data stored on or transmitted via company devices and systems. The company reserves its right to monitor, review, audit, intercept, record, access, and disclose all data on any system for any purpose and at any time. The confidentiality of any information should not be assumed. Software may be installed on devices which monitor the operating status, policy compliance, hardware and software specifications, physical location, current user, network traffic, and user activity of and on the device. Employees are also subject, on demand, to security audits at the bequest of the Director of Information Services.

Company systems are to be utilized primarily for official business purposes. A reasonable amount of personal use is acceptable, so long as it does not encumber any cost to the company, negatively impact the company or other employees, or distract the employee from their normal job duties.

The Director of Information Services shall be the authority for all assignment of devices, access to systems, installed software, and access control policies and procedures. Employees should not attempt to procure or dispose of devices, add or remove software, attempt to access systems, or make major changes to information systems without prior approval. An administrator account to all major company systems shall be provided to the Director of Information Services.

Specific procedures for the implementation of the above section may be found in the Information Services Policy, which will be distributed to all employees upon any modification or update.

Technical Support

Information Services supports Information Systems through an established support ticketing system where requests are prioritized and addressed in accordance with business priorities and best use of available resources.

To request technical support, employees should send an email to support@varay.com with as much detail as can be provided. If unable to access email, employees may call/text (210) 496-8544. Employees are expected to be responsible for clearly communicating the issue at hand and for being responsive to requests from Information Services regarding their support ticket.

Unless already working with Information Services on an existing support case, employees are expected to refrain from contacting any specific Information Services employee to raise a support issue directly. Employees who attempt to circumvent the ticketing process by approaching a specific Information Services employee (or other employee) directly to jump the queue will have their issue deprioritized.

In emergency situations, defined as issues that affect a large number of employees in their ability to perform their job duties, may cause the company measurably severe harm if not addressed quickly, or which may affect the overall integrity and functioning of Information Systems, an Employee may bypass the above ticketing system and contact an Information Services employee directly.

6.7. Personnel Records

I AM Trucking maintains a personnel file for every employee. It is important that accurate, current records be maintained for benefits and employment purposes. Therefore, all employees are required to notify Human Resources immediately if there is any change in relevant personal or employment information such as changes in address, phone numbers, marital status, emergency contact, and insurance beneficiary, number of dependents or legal name.

All information contained in the personnel file is the property of I AM Trucking and is not available for review by anyone other than the employee, his or her supervisor, and the Human Resources department. Prior written approval from the employee is required for personal information to be released to banks, credit bureaus, etc. The Company considers falsification of personnel records to be a serious offense and upon discovery can lead to disciplinary action up to and including termination.

6.8. Disclosure of Medical Information

Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its subsequent provisions limit the Company's ability to use and disclose protected health information (PHI). I AM Trucking and affiliates, sponsors and self-administers a group health plan. Members of the Company's workforce may have access to protected health information (PHI) of Plan participants (1) on

behalf of the Plan itself; or (2) on behalf of the Company, for administrative functions performed by the Company for the Plan. It is the Company's policy to meet or exceed HIPAA requirements and put the proper safeguards in place to protect our employee's PHI.

I AM Trucking will make every effort to maintain the confidentiality of medical information divulged to us; however, we cannot guarantee absolute confidentiality when such information is shared with anyone outside the Company. Supervisors, managers, and employees are expected to respect the sensitivity of medical information and to maintain confidentiality when they become privileged to such information. Employees who disclose confidential medical information about another employee are subject to corrective action up to and including termination of employment.

6.9. Company Documents

Employees are to turn in all documentation, including, but not limited to: time sheets, logs, driver vehicle inspection reports, yard time, tickets, etc. daily. These documents play a critical role in the Company's business processes, including payroll. All documentation will be timely, legible, and an accurate representation of the facts. Because of the critical importance of such documents, failure to adhere to this policy could result in disciplinary action up to and including termination.

6.10. Business Expenses and Purchases

In the course of their ordinary job functions, employees may routinely engage in purchase transactions on the Company's behalf. The employee should act ethically in these purchases and abide by current policies and procedures in conducting this business. The Company may provide tools, such as fuel and/or credit cards, to facilitate these transactions. In connection with the use of these tools, the Company requires the completion of accurate, legible, and timely reports, and may require supervisor approval prior to certain transactions. The employee agrees that use of such tools is to be exclusively for business purchases and that violation of this policy is grounds for disciplinary action up to and including termination.

Expense Reimbursement

I AM Trucking will reimburse employees for reasonable pre-approved business expenses. All expenses must be submitted on the required expense form and be approved by your supervisor prior to submission for reimbursement. The company will review any expense reimbursement limits annually and will adjust accordingly. Receipts for all business expenses must be attached to the expense form.

6.11. Chargebacks Regarding Company Equipment/Property

I AM Trucking's equipment and/or property are issued to our employees with the understanding that it is to be used for business purposes only. In accordance with the Wage Deduction Agreement, chargebacks may be deducted from an employee's pay for unauthorized use or damage of such equipment and/or property. This includes, but is not limited to, financial losses associated with cell phones, laptops, vehicles, tools and equipment, fuel cards, credit cards, etc. Similarly, in accordance with the Wage Deduction Agreement, the Company may chargeback the employee for wages associated with misrepresented time and attendance or for payroll deductions which were erroneously not deducted in a prior pay period.

I AM Trucking will pay for one (1) DOT physical every two (2) years. If you are required to have a 3-month/6month/annual physical, you will be financially responsible for your medical examination

6.12. Citations/Violations

Employees who drive as part of their duties for the Company and who receive a vehicle examination report or citation regarding any kind regarding any vehicle are required to forward them immediately to HSE. It is both the Company's and the employees' responsibility to comply with federal, state, and local laws. Some laws require certain vehicle or citation reports to be signed and returned within fifteen (15) days to the issuing authority declaring that the items in violation have been repaired. Please do not delay this process.

In accordance with the Wage Deduction Agreement, fines that are incurred due to employee error will be charged back and deducted from the employee's pay.

Claims

All accidents involving I AM Trucking employees or vehicles are investigated by the HSE department. If it is determined that the employee is at-fault, the employee may be responsible for the lesser of a \$1,000 chargeback or the amount of damages. This includes accidents occurring at, but not limited to, job sites, leases, truck stops, yards, etc.

Permit Books

It is the employee's responsibility to make sure that their permit book has all current documentation. Contact your supervisor for updated permits or documentation if your book is not current. If you receive a fine for expired documents or lack thereof, including, but not limited to, cab cards, insurance and permits, the citation will be charged back to the employee in accordance with the Wage Deduction Agreement.

Company Owned Vehicles

In some cases, the Company allows employees the use of company owned vehicles when the use of the vehicle is essential in accomplishing essential functions of the job. When using company owned vehicles, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines. The following guidelines are to be followed when driving a company vehicle but is not meant to be an all-inclusive list, common sense and good judgment should always be following when operating a company vehicle.

- Any driver of a Company vehicle shall, always, be properly licensed to drive in any area in which the vehicle is operated, and the employee-custodian shall have passed the Company's road and written driving tests;
- The vehicle shall be operated and maintained according to the Company's standards;
- The custodian shall keep accurate records and reports as may be required by the Company covering mileage, accidents, vehicle maintenance, etc.;
- Employees who are assigned a Company vehicle will be held responsible for any and all accidents or damage that occurs during non-business related driving (i.e. driving to and from work). The company does not provide automobile liability insurance coverage for any accidents, claims, demands, suits, damages, etc. occurring or arising out of the non-business related use of a Company vehicle, or for the operation or use of a Company vehicle in a manner which is in violation of this policy;
- The Company will pay all operating expenses such as registration, insurance, excise tax, state inspection fees, gasoline, oil, greasing, washing and repairs. Parking and toll charges will be reimbursed when such charges are incurred while driving on business for the Company;

- The custodian will be responsible for safe, overnight parking of the vehicle in a home garage, private driveway, or other safe and legal areas off public ways. The Company will pay for overnight parking of vehicles for out-of-town Company business trips, but will not pay for garaging or parking vehicle's while at or near the driver's home;
- Hitchhikers are not permitted to ride at any time, and the carrying of passengers for a consideration is not allowed;
- The custodian of the Company vehicle must follow all driving laws and assumes full responsibility for any traffic and parking violations arising out of improper use of the Company vehicle. The custodian risks losing the privilege of driving a Company vehicle if the Company perceives the number of driving infractions or the severity of the infraction(s) as excessive. All tickets must be reported to a Supervisor within two (2) business days of the infraction. If a ticket or infraction precludes the custodian from being eligible to drive a company vehicle, and the use of that vehicle is an essential function of the job, the company can terminate employment immediately;
- If the Company should be required to pay any fine after the custodian terminates employment with the Company, the custodian agrees to reimburse the company within 30-days of written notice;
- It is Company policy that all persons who drive or ride as passengers in Company vehicles will use available passenger restraints at all times when the vehicle is in motion;
- The Company shall be notified immediately of any and all accidents in which the driver is involved while driving the vehicle on company or personal business;
- It is against company policy, and a violation of the law, if any driver of a Company vehicle is intoxicated or under the influence of drugs. If a driver is caught under the influence of illegal substances the company vehicle will be revoked indefinitely and it is within the company's discretion to terminate employment immediately;
- Personnel authorized for "Personal Use" of an I AM Trucking vehicle will provide Human Resources with a copy of their personal insurance demonstrating coverage for a "Non-Owned" vehicle, in accordance with the I AM Trucking. vehicle policy letter.

Vehicle/Equipment Abandonment/Neglect

An employee who abandons/neglects a vehicle or equipment belonging to I AM Trucking will be responsible for all costs incurred in the recovery of said equipment/vehicle. These costs will be deducted from the employee's pay in accordance with the Wage Deduction Agreement.

Passengers

In our field, we are exposed to all types of safety hazards. I AM Trucking recognizes those hazards and expects their employees to abide with our "no-passenger" policy. Only authorized passengers pointed out in vehicle use policy are allowed in any company-owned vehicle or personal vehicle being utilized for Company purposes.

6.13. Uniforms and Personal Protective Equipment (PPE)

Due to the nature of our business, employees are required to wear personal protective equipment (PPE). Employees are required to purchase two fire resistant coveralls from I AM Trucking and the cost associated will be taken out of the first check. Employees can provide their own fire resistant clothing, but will still need to purchase two sets from I AM Trucking. Drivers are required to wear the following PPE, which will be provided by the company: a hard hat, safety glasses or goggles, hearing protection, and gloves. All uniforms and PPE must be maintained in good condition, and any damaged or worn-out items must be replaced immediately. I AM Trucking will provide guidelines on specific brands, materials, or specifications. The employee will not lose or intentionally damage PPE and, in accordance with the Wage Deduction Agreement and applicable law, accepts financial responsibility for such actions should they occur. In the event that an employee is terminated before 90 days of employment, all PPE must be returned. Otherwise, the items will be deducted in accordance to the wage deduction agreement, such charges will be deducted from the employees paycheck in accordance with federal and state regulations.

6.14. Pets

I AM Trucking does not allow pets in any company-owned vehicle or on any customer location. Service animals are not considered pets and will be allowed as provided by law. Prior to any pet being taken to any I AM Trucking location, permission must be obtained from a member of the executive team. Employee will be 100% responsible for their pet's behavior, well-being, hygiene and happiness the entire time he or she is visiting. Any pet shall not interfere with the normal daily business operations of I AM Trucking and the Company reserves the right to request that the pet be removed from the premises at any time and for any reason.

6.15. Searches

The Company reserves the right to conduct searches to monitor compliance with policies concerning Company security, theft, drug/alcohol use, and the possession of weapons. While on Company premises, in Company vehicles, or while performing work on behalf of the Company, employees and visitors have no expectation of privacy regarding, and may be subject to searches of, their work areas, desks, cabinets, lockers, storage areas, and any other property located on Company premises and in Company vehicles. Illegal drugs, weapons or other items discovered through such searches and inspections may result in notification to the proper law enforcement authorities. Failure to comply with the Company's request to conduct such searches may lead to immediate termination of employment.

Employees and visitors may also be asked to consent to searches of their persons, personal effects such as purses, briefcases or lunch boxes, and private vehicles parked on Company premises as may be reasonable under the circumstances. Searches of the person shall include the emptying of pockets and the production of other items concealed in clothing. All searches will be performed with concern for the individual's dignity and confidentiality.

6.16. Weapons

All Company employees are prohibited from possessing, carrying, storing or using any prohibited weapon, including concealed handguns, while in the course and scope of performing their job for the Company or performing any task on the Company's behalf, whether or not they are on Company property, and whether or not they are licensed to carry a handgun. This policy also prohibits weapons on Company premises, in Company vehicles, and at any Company-sponsored functions, including social events. The only exceptions to this policy are for: (1) persons who have been given written consent by the Company to carry a weapon while performing specific tasks on the Company's behalf, and (2) as allowed by law, employees who have a concealed handgun license or otherwise lawfully possess a firearm may store such firearm in their locked, personal vehicle in the Company's parking area.

Prohibited weapons include firearms, knives, explosives or any weapon restricted under local, state or federal law. If any employee has a question about whether an item is covered by this policy, he or she should ask the Director, HSE/Risk Management for approval prior to possessing the item while performing work for the Company or bringing the item onto Company property.

Any employee who witnesses the concealment or possession of a weapon or who witnesses a physical or verbal assault involving another person should report it to the Director, HSE/Risk Management immediately

6. Confidentiality

It is likely that your work assignments may involve work of a confidential nature. In some or all of its aspects, your work may involve contact with trade secrets and confidential information that has been entrusted to you or the Company. You are expected to protect the interest of the Company and its customers by not disclosing to outsiders trade secret or proprietary information of I AM Trucking or its customers. Information which may be considered a trade secret, confidential or proprietary, is that which may be used to provide an advantage to our competitors, or the competitors of our clients and their customers, including:

- * I AM Trucking financial data, including pricing and sales information
- * Marketing strategies

As a condition of employment, you agree that you will not, except as required in the conduct of Company business or as authorized in writing by the Company, publish or disclose, either during your term of employment or any time thereafter, any trade secret or confidential information relating to I AM Trucking that you may in any way acquire by reason of your employment by I AM Trucking or assignment to its clients, including the identity of current and prospective customers.

You are expected to respect the confidence placed in the Company and its customers. The professional relationship between the Company and its customers requires nondisclosure of trade secret, proprietary or confidential information to outside parties. This includes responses to inquiries from salespeople, the press, contractors, other companies, or the public, to the extent those inquiries seek confidential information. Should anyone make inquiries about our relationship with or the internal affairs with a customer, immediately report the inquiry to your supervisor. Nothing in this policy or in any other I AM Trucking policy or agreement should be construed as prohibiting any employees from making a good faith report or related disclosures to any governmental agency or entity regarding potential violations of applicable federal, state or local law or to take other actions protected as whistle-blower activity under applicable law. Employees are not required to notify the Company of these reports or disclosures.



Drug and Alcohol Policy

DRUG AND ALCOHOL PLAN

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)
PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF:
49 CFR PART 382
49 CFR PART 40

I AM TRUCKING LLC.

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www.iamtrucking.com

ORIGINAL DATE OF IMPLEMENTATION: 03/04/2022

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Table of Contents

I.	INTRODUCTION	1
1.	Development of “Combined” Plan	1
2.	Approach	1
3.	Background	1
II.	GENERAL	2
1.	Applicability	2
2.	Compliance	2
3.	“DOT” vs. “FMCSA”	3
4.	DOT Procedures	3
5.	Stand-down Waiver	3
6.	Preemption of State and Local Laws	3
7.	Definitions	3
III.	POLICY AND RESPONSIBILITIES	8
1.	Company Policy	8
2.	Responsibilities of Key Personnel	9
3.	Responsibility of Drivers	9
4.	Use of Service Agents	9
5.	“NON-DOT” Testing Program	10
IV.	DOT PROGRAM REQUIREMENTS	11
1.	Drivers Subject to Testing	11
2.	Acknowledgement/Receipt Form	11
3.	History-check Requirement	11
4.	Notification of Tests	11
5.	DOT Drug Violations	12
6.	DOT Alcohol Violations and Prohibited Conduct	13
7.	Violation Consequences and Company Actions.	13
8.	Drug and Alcohol Tests	13
V.	DRUG PROGRAM	17
1.	Drug Tests That Require Direct Observation Procedures	17
2.	Specimen Collection Procedures	17
3.	Drug Testing Laboratory	18
4.	Laboratory Retention Periods and Reports	21
5.	MRO Review of Drug Test Results	22
6.	Split Specimen Testing	
7.	Medical Marijuana	22
8.	Signs and Symptoms of Alcohol and Controlled Substances Use	23

VI.	ALCOHOL PROGRAM	44
	1. Alcohol Test	44
VII.	PROGRAM ELEMENTS COMMON TO DRUG AND ALCOHOL	45
	1. Substance Abuse Professional	45
	2. Employee Assistance Program	45
	3. Supervisor Training	46
	4. Recordkeeping	46
	5. Management Information System	47
VIII.	APPENDIX A	
	ACKNOWLEDGEMENT/RECEIPT FORM	48
IX.	APPENDIX B	
	DESIGNATED PERSONNEL & SERVICE AGENTS	49
X.	APPENDIX C	
	SAFETY-SENSITIVE POSITIONS	50
XI.	APPENDIX D	
	COMPANY DISCIPLINARY ACTIONS AND ADDITIONAL PROCEDURES	51
XII.	APPENDIX E	53
	PROCEDURES AND PLAN FOR IMPLEMENTATION OF THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE	

I. INTRODUCTION

1. Development of “Combined” Plan

The Federal Motor Carrier Safety Administration (FMCSA) is the agency within the Department of Transportation (DOT) that regulates motor carriers in the trucking industry. FMCSA's Controlled Substances and Alcohol Use and Testing regulation, 49 CFR Part 382¹, requires each motor carrier to develop, maintain, and follow a Drug and Alcohol Policy (i.e., Plan). A basic requirement of the Plan is that all drug and alcohol testing will follow the requirements of DOT's "Procedures for Transportation Workplace Drug and Alcohol Testing," 49 CFR Part 40². The Drug and Alcohol Plan, henceforth referred to as the "Plan," meets all the requirements of Part 382 and Part 40.

2. Approach

The Plan will use the generic word “*Company*” in reference to the motor carrier for which it is written. The Plan will describe how the Company will comply with government requirements.

The Plan will identify “Company-additional” requirements - those that go beyond the minimum requirements of DOT. Company-additional requirements will be underscored. Therefore, consider anything that is not underscored a requirement of DOT, or a process put in place by the Company to meet a DOT requirement. Appendix D outlines the Company disciplinary actions and additional procedures.

The Plan is written in “plain language” and follows the requirements of each rule. However, the Plan does not repeat the language of either Part 40 or Part 382. Doing so would require the Company to produce a new plan every time DOT or FMCSA issued a change to their respective rule. The goal of DOT is to know that the Company understands the requirements of the rules and how the Company will go about achieving compliance. The Plan makes use of existing DOT language in places where summaries are used to explain a more detailed process (e.g., specimen collection and alcohol test procedures are extracted from DOT's “Employee Guide”³).

3. Background

Safety. The DOT requires transportation employers to develop and implement drug and alcohol testing programs in the interest of public safety. Safety is the highest priority for DOT. One of the means by which the DOT helps ensure safety is by subjecting those drivers responsible for transportation safety to drug and alcohol testing. Drivers tested under the DOT program have direct impact on the safety of the traveling public.

Test Procedures. The overall responsibility for management and coordination of the DOT program resides within the Office of the Secretary of Transportation's (OST), Office of Drug and Alcohol Policy and Compliance (ODAPC). ODAPC issues Part 40. Whether the transportation employee is a pipeline worker, truck driver, or airline pilot, their drug and alcohol tests are conducted using the same Part 40 procedures. This consistency benefits all employees affected by DOT regulations in that each agency's regulations must adhere to DOT's testing procedures. Better known simply as “Part 40,” this rule has become the standard for workplace testing in the United States.

¹ Title 49 Code of Federal Regulations (CFR), Part 382, “Controlled Substances and Alcohol Use and Testing,” Federal Motor Carrier Safety Administration, Department of Transportation, 61 FR9553, Mar. 8, 1996 as amended.

² Title 49, Code of Federal Regulations (CFR), Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” Office of the Secretary, Department of Transportation, 65 FR 79462, Dec. 19, 2000 as amended.

³ “What Employees Need To Know About DOT Drug & Alcohol Testing,” ODAPC, DOT, October, 2010.

Compliance Enforcement. Regulation and enforcement within the different transportation industries is the responsibility of the DOT agency (e.g., FMCSA for trucking) that has authority over the particular industry. The regulatory authority requiring drug and alcohol testing of safety-sensitive employees in aviation, trucking, railroads, and mass transit industries is the Omnibus Transportation Employee Testing Act of 1991⁴ (OTETA).

II. GENERAL

1. Applicability

Part 382, and this Plan, applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to: (1) The commercial driver's license requirements of Part 383⁵; (2) The Licencia Federal de Conductor (Mexico) requirements; or (3) The commercial drivers license requirements of the Canadian National Safety Code.

2. Compliance

Plan Development. The Plan meets the requirement of Part 382, paragraph §382.601, to provide educational materials that explain the requirements of Parts 382 and 40 and the Company's policies and procedures with respect to meeting these requirements. The Plan describes the methods and procedures for compliance with the drug and alcohol program requirements of the DOT. The Plan covers the operational, day-to-day requirements that are found in Part 382, and the procedural, testing requirements that are found in Part 40. The Plan provides appendices for the name and address of each laboratory that analyzes specimens for the Company, the Company's Medical Review Officer, Substance Abuse Professionals, and Employee Assistance Professionals. The Plan communicates to drivers, Company officials, and DOT officials the path that the Company will follow in order to comply with the requirements for a successful DOT drug and alcohol program.

Plan Availability. The Plan will be posted in a common place, selected by the Company, for driver review and feedback. A copy of the Plan will be made available to all drivers. Any driver desiring a copy of Part 40 and/or Part 382 must contact the Designated Employer Representative (see Appendix B). The Plan will provide a basic description of the rules and testing requirements, and will show how the Company implements and follows them. The Plan is not meant as a substitute for the detail provided in either rule. If there is any difference in instruction or interpretation between the Plan and the rules, the rules prevail. The Plan will be updated at any time its language, or the intent of its language, differs from that of either Part 40 or Part 382. Drivers are encouraged to obtain and read Part 40 and Part 382 on their own.

3. "DOT" vs. "FMCSA"

All DOT workplace testing procedures will follow Part 40 requirements. All DOT procedural responsibilities for motor carriers will follow Part 382. In the Plan, the term "DOT" will be used for references to general requirements (e.g., testing procedures) placed on motor carriers. The use of the term "FMCSA" will be to distinguish specific, unique administration requirements versus general, DOT requirements (e.g., blood alcohol test results received from law enforcement may be used in a post-accident situation).

⁴ Public Law 102-143, October 28, 1991, Title V - Omnibus Transportation Employee Testing, 105 Stat. 952-965; 49 U.S.C. 45104(2).

⁵ Title 49 Code of Federal Regulations (CFR), Part 383, "Commercial Drivers License Standards; Requirement and Penalties," Federal Motor Carrier Safety Administration, 52 FR 20587, June 1, 1987, as amended.

4. DOT Procedures

The Company will assure that the procedures of Part 40 are followed for drug and alcohol testing conducted under the requirements and authority of Part 382; a violation of Part 40 is a violation of Part 382. If the Company employs a Consortium/Third-Party Administrator (C/TPA) to assist in program development, implementation, and management, the C/TPA will, likewise, follow all the requirements of Part 40 and Part 382. It is the Company's goal to establish and maintain compliance with the DOT drug and alcohol program.

5. Stand-down Waiver

DOT "stand-down" is not in effect for this Company. The Company does not hold a stand-down waiver under Part 40, and has not applied for one. Should this status change, the Company will notify all drivers and Company officials, in accordance with Part 40 requirements.

6. Preemption of State and Local Laws

Part 40 and Part 382 are Federal laws. Federal law preempts any state or local law, rule, regulation, or order to the extent that: (a) compliance with both the state or local requirement and Part 40 or 382 is not possible; or, (b) compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 40 or 382. This provision does not preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

7. Definitions

Definitions from Parts 40, and 382 have been combined in alphabetical order and are provided in a single listing. For purposes of the Plan the following definitions apply:

Actual knowledge - For the purpose of Part 382 (subpart B) and the Plan, means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Sec. 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Sec. 382.307.

Administrator - The Administrator of the Federal Motor Carrier Safety Administration (FMCSA) or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

Adulterated specimen - A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Affiliate - Persons are affiliates of one another if, directly or indirectly, one controls or has the power to control the other or a third party controls or has the power to control both. Indicators of control include, but are not limited to: interlocking management or ownership; shared interest among family members; shared facilities or equipment; or common use of employees. Following the issuance of a Public Interest Exclusion (PIE), an organization having the same or similar management, ownership, or principal employees as the service agent concerning who public interest exclusion is in effect is regarded as an affiliate. This definition is used in connection with the public interest exclusion procedures of Part 40, Subpart R.

Air blank - In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol confirmation test - A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

Alcohol screening device (ASD) - A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol screening test - An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol testing site - A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Alcohol use - The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Aliquot - A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Breath Alcohol Technician (BAT) - A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled test - A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Chain-of-custody (or Custody and Control Form (CCF)) - The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collection Container - A container into which the employee urinates to provide the specimen for a drug test.

Collection Site - A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector - A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Commerce - (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Commercial Motor Vehicle (CMV) - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle-- (1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or (2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or (3) Is designed to transport 16 or more passengers, including the driver; or (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials

Regulations (49 CFR part 172, subpart F).

Confirmatory drug test - A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test - A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Confirmed drug test - A confirmation test result received by a MRO from a laboratory.

Consortium/Third-Party Administrator (C/TPA) - A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of Part 40.

Continuing education - Training for substance abuse professionals (SAPs) who have completed qualification training and are performing SAP functions, designed to keep SAPs current on changes and developments in the DOT drug and alcohol testing program.

Controlled substances - Those substances identified in Part 40 and this plan as "drugs."

DOT Procedures (or Part 40) - The Procedures for Transportation Workplace Drug and Alcohol Testing Program published by the Office of the Secretary of Transportation in 49 CFR Part 40.

Designated employer representative (DER) - An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these safety-sensitive duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40. Service agents cannot act as DERs.

Dilute specimen - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage - Damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. (2) Exclusions. (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts. (ii) Tire disablement without other damage even if no spare tire is available. (iii) Headlight or taillight damage. (iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT, The Department, DOT agency - These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

Driver - Any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Drugs - The drugs for which tests are required under Part 40 and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Employee (safety-sensitive employee) - Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services. For the purposes of regulation under Part 382, the term employee means a person (i.e., driver) who performs a safety-sensitive function, including full-time, part-time and temporary employees.

Employer - A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with Part 40. The term includes an

employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of Part 40.

Error Correction Training - Training provided to BATs, collectors, and screening test technicians (STTs) following an error that resulted in the cancellation of a drug or alcohol test. Error correction training must be provided in person or by a means that provides real-time observation and interaction between the instructor and trainee.

Evidential Breath Testing Device (EBT) - A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

HHS, Department of Health and Human Services - The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Initial drug test (also known as a "Screening drug test") - The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test - The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid drug test - The result reported by a HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory - Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Licensed medical practitioner - A person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Limit of Detection (LOD) - The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation - For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO) - A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result - The result reported by a HHS-certified laboratory to a MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative specimen - A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC) - The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of Part 40.

Oxidizing adulterant - A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function) - A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive rate for random drug testing - The number of verified positive results for random drug tests conducted under Part 382, plus the number of refusals of random drug tests required by Part 382, divided by the total number of random drug tests results (i.e., positives, negatives, refusals) conducted under Part 382.

Positive result - The result reported by a HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Primary specimen - In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Prohibited drug - Any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP).

Qualification Training - The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

Reconfirmed - The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for testing - The result reported by a HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Refresher Training - The training required periodically for qualified collectors, BATs, and STTs to review basic requirements and provide instruction concerning changes in technology (e.g., new testing methods that may be authorized) and amendments, interpretations, guidance, and issues concerning Part 40 and DOT agency drug and alcohol testing regulations (e.g., Part 382). Refresher training can be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

Refusal to submit, refuse, or refuse to take - Behavior consistent with Part 40 concerning refusal to take a drug test or refusal to take an alcohol test.

Safety-sensitive function - All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; (2) All time inspecting equipment as required by Sections 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of Section 393.76); (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening drug test - See Initial drug test definition above.

STT - A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Secretary - The Secretary of Transportation or the Secretary's designee.

Service agent - Any person or entity, other than an employee of the employer, who provides services specified under Part 40 to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable sections of Part 40. Service agents are not employers for purposes of Parts 382 and 40.

Shipping container - A container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

Specimen bottle - The bottle that, after being sealed and labeled according to the procedures in Part 40, is used to hold the urine specimen during transportation to the laboratory.

Split specimen - In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Split specimen collection - A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Stand-down - The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP) - A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen - A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified test - A drug test result or validity testing result from a HHS-certified laboratory that has undergone review and final determination by the MRO.

Violation rate for random alcohol testing - means the number of 0.04 and above random alcohol confirmation test results conducted under Part 382 plus the number of refusals of random alcohol tests required by Part 382, divided by the total number of random alcohol screening tests (including refusals) conducted under Part 382.

III. POLICY AND RESPONSIBILITIES

1. Company Policy

Policy Statement. The Company has a long-standing commitment to maintain the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The use or possession of illegal controlled substances or alcoholic beverages while on Company property, or in any Company vehicle, or on Company time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

DOT Compliance. The Company is aware that it is ultimately responsible for meeting the requirements of Parts 40 and 382. The DOT authorizes transportation employers to use a service agent(s) to perform tasks necessary to comply with the Plan. The Company understands that, under the DOT regulations, it is responsible for the actions of its service agents. The Company is responsible for developing and implementing a successful and comprehensive DOT workplace drug and alcohol program. Components of the Company's program include clear policies, provisions for education and

training, drug and alcohol testing, and when needed, referral for evaluation, education, and treatment. The Company shall ensure that all drivers are aware of the provisions and coverage of the Plan.

2. Responsibilities of Key Personnel

The Company will convey to responsible individuals -- the Designated Employer Representative(s) and affected supervisors - that, to the best of their ability, the privacy and confidentiality of any driver subject to the Plan must be maintained at all times.

Designated Employer Representative (DER). Appendix B contains the name, address, and phone number of the DER(s). The DER is:

- a. the key employee for the Company's drug and alcohol program functions, and has the knowledge and authority to make decisions about the testing process and answer questions about it.
- b. not a service agent.
- c. one or more employees of the Company assigned to ensure adequate coverage on all shifts and at all locations.
- d. responsible for the preparation of the Plan, as well as providing oversight and evaluation on the Plan.
- e. responsible to review all adverse personnel action or discipline applied under the Plan for consistency and conformance to human resources policies and procedures.
- f. responsible for scheduling random, return-to-duty and follow-up testing, as applicable, and is authorized to receive and maintain, in a secure file system, all drug and alcohol testing results.
- g. responsible for providing answers to driver questions regarding the testing program, and information on the resources available for drug and alcohol counseling.
- h. responsible for overseeing the employee assistance program (EAP).

Supervisor. A Company individual(s) responsible for observing the performance and behavior of drivers that is suggestive enough to lead to reasonable suspicion/cause drug and/or alcohol testing. Supervisors who will determine whether a driver must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the "signs and symptoms" of each substance. The supervisor is required to document a reasonable suspicion/cause event.

3. Responsibility of Drivers

Compliance. Each driver must comply with the requirements of the Plan, and the DOT drug and alcohol rules it pertains to, in order to remain eligible to drive commercial motor vehicles. Each driver has the responsibility to read, be knowledgeable of, and comply with, the requirements of the Plan, and Parts 40 and 382. Committing a DOT violation will result in the driver's immediate removal from the safety-sensitive function, and remain so until successfully completing the DOT return-to-duty conditions of Part 40. The Plan describes circumstances for being tested, violations, prohibited conduct, and their subsequent consequences. The Plan describes what is available to each driver as services (e.g., EAP) in such cases where the driver has a potential problem with drugs or alcohol prior to a drug or alcohol test. It is a condition of employment for all drivers to sign the Acknowledgement/ Receipt Form (Appendix A). In doing so, the driver attests to comply with the drug and alcohol program requirements of the Company and the requirements of the Plan. Failure to comply with this condition may result in disciplinary action up to and including termination.

4. Use of Service Agents

Compliance. The Company will contract with service agents to accomplish many of the requirements of Parts 40 and 382. Appendix B (Designated Personnel and Service Agents) provides the names and addresses of service agents that are under contract. Contracts will contain a provision that the service agent will comply with Parts 40 and 382 in the services provided. The work of any service agent providing services to the Company will be open to inspection by the Company. The service agent must allow access to property and records by the Company, the Administrator, and if the Company is

subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the Company's compliance with the requirements of Part 382. No service agent will serve as DER for this Company.

Public Interest Exclusion. The Company will not use a service agent against whom a Public Interest Exclusion (PIE) has been issued. The Company will stop using the services of a service agent no later than 90 days after the Department has published the decision in the *Federal Register* or posted it on its web site that a PIE has been issued. The Company may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days.

Consortium/Third Party Administrator. The Company may employ the service of a Consortium/Third Party Administrator (C/TPA) to assist the DER with overall program management and consultation on any program issue. While the C/TPA will not serve as the DER, the C/TPA may support the DER by explaining the regulations and offering guidance on program-compliance issues.

Employee Assistance Professional.

- a) The Company may offer a program through their EAP allowing the admission of drug and alcohol use. Drivers who admit to drug use or alcohol misuse are not subject to the referral, evaluation and treatment requirements of Part 382, Part 40, and the Plan, provided that: (1) The admission is in accordance with a written Company-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section; (2) The driver does not self-identify in order to avoid testing; (3) The driver makes the admission of drug use or alcohol misuse prior to performing a safety sensitive function (i.e., prior to reporting for duty); and (4) The driver does not perform a safety sensitive function until the Company is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- b) A qualified voluntary self-identification program or policy will contain the following elements: (1) The Company will not take adverse action against a driver making a voluntary admission of drug use or alcohol misuse within the parameters of the program or policy and paragraph (a) of this section; (2) The Company will allow the driver sufficient opportunity to seek evaluation, education or treatment to establish control over the driver's drug or alcohol problem; (3) The Company will permit the driver to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor; (4) The Company will ensure that: (i) Prior to the driver participating in a safety sensitive function, the driver shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or (ii) Prior to the driver participating in a safety sensitive function, the driver shall undergo a return to duty drug test with a verified negative test result; and (5) The Company may incorporate driver monitoring and include non-DOT follow-up testing.

5. "Non-DOT" Testing Program

Compliance. The Company may implement an additional drug and/or alcohol testing program, referred to as a "Non-DOT program." Any additional testing program would be completely independent of the DOT testing program. Such a testing program would be developed under the Company's own authority and kept separate from the DOT program. All DOT testing would be accomplished first; the Company's non-DOT program would commence afterwards. The non-DOT program would use different forms and not use the Federal Custody and Control Form or the DOT Alcohol Testing Form. The non-DOT program could test different people, for different drugs, and different reasons-for-testing. If the Company implements its own non-DOT testing program, the Company will define the program

and notify all drivers through a Non-DOT Program Plan.

IV. DOT PROGRAM REQUIREMENTS

1. Drivers Subject to Drug and Alcohol Testing

Compliance. Any driver who operates a commercial motor vehicle in commerce in any State and is subject to:

- a) The commercial driver's license requirements of Part 383;
- b) The Licencia Federal de Conductor (Mexico) requirements; or
- c) The commercial drivers license requirements of the Canadian National Safety Code.

2. Acknowledgement/Receipt Form

The "Acknowledgement/Receipt Form," (Appendix A), applies to all drug and/or alcohol tests, or related foregoing or subsequent DOT procedures, for drivers of commercial motor vehicles with the Company. The signed form will be maintained by the Company. For any test, the expectations placed on the driver by the Company are to "follow all instructions" in order to accomplish the test.

3. History-check Requirement

Compliance. Prior to the first time that the Company uses a driver (i.e., a new hire or an employee transferring into the safety-sensitive position) the Company will require a "history check" of the driver. The history check will look back into the driver's past three years of DOT employment for DOT violations. History checks are conducted only after obtaining the driver's written authorization to do so. Any driver refusing to provide written consent will not be permitted to perform safety-sensitive functions. The Company will not allow the driver to perform their functions after 30 days from the date on which the driver first performed safety-sensitive functions, unless the Company has obtained or made and documented a good faith effort to obtain drug testing information from previous DOT- regulated employers.

Information request. The Company will request the following information about the driver.

- a) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b) Verified positive drug tests;
- c) Refusals to be tested (including verified adulterated or substituted drug test results);
- d) Other violations of DOT agency drug and alcohol testing regulations; and
- e) With respect to any driver who violated a DOT drug and alcohol regulation, documentation of the driver's successful completion of DOT return-to-duty and follow-up testing requirements.

The Company will make at least one attempt by telephone, e-mail or fax, and maintain documentation associated with the attempt to obtain history-check information (e.g., date and time of the attempt, person contacted). If the Company finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual or for termination.

Violation Consequences. The Company will not use any driver who has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. The Company will also ask the driver if they had any pre-employment test that was positive for which the previous employer did not hire them. The driver's answer to this question will be maintained as part of the driver's history-check information.

4. Notification of Tests

Drivers will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, the Company will endeavor to conduct all tests with only a limited number of Company personnel having knowledge of the reason for the test.

All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test. For example, a pre-employment test will be announced during the job application; a random test is announced within the test period, but just prior to the test, to maintain the element of surprise; and, announcements of post-accident or reasonable suspicion tests are controlled by the circumstances that come to light around the time of the event (e.g., accident). All alcohol test will be conducted just prior to, during, or just after the performance of safety-sensitive duties. Drug tests may be conducted anytime the driver is at work.

The DER and Company supervisors will be responsible for notifications and to help maintain the element of confidentiality. When a driver is notified for a test, the driver must proceed to the collection site immediately. Immediately means that after notification, all the driver's actions must lead to an immediate specimen collection (or test). The Company considers "travel time to the collection site, plus 30 minutes" as the maximum acceptable interval of time between notification and testing.

In test situations such as post-accident and reasonable suspicion/cause, where the driver's job performance is called into question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and inform the driver of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable suspicion tests, the Company will have the DER or a supervisor accompany the driver to the collection site. In post-accident test situations occurring where the supervisor is not present, the Company will provide the driver with necessary post-accident information and instructions so that the driver will be able to comply with post-accident testing.

5. DOT Drug Violations

Drug Violations. The following provides a listing of DOT drug violations of drivers:

- a) A verified positive drug test result;
- b) A refusal to be tested, determined by:
 - (1) Having a verified adulterated or substituted drug test result;
 - (2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (3) Failing to remain at the drug testing site until the testing process is complete;
 - (4) Failing to provide a urine specimen for any drug test;
 - (5) Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure;
 - (6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (7) Failing or declining to take an additional drug test the employer or collector has directed you to take;
 - (8) 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; or,
 - (9) Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
 - (10) For an observed collection, fail to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
 - (11) Possess or wear a prosthetic or other device that could interfere with the collection process.
 - (12) Admit to the collector or MRO that a specimen has been adulterated or substituted.

- c) On-duty use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, and who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

6. DOT Alcohol Violations and Prohibited Conduct

Alcohol Violations. The following provides a listing of DOT alcohol violations of drivers:

- a) A test result of 0.04 or higher **alcohol** concentration;
- b) A refusal to be tested, determined by:
 - (1) Failing to appear for any alcohol test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (2) Failing to remain at the alcohol testing site until the testing process is complete;
 - (3) Failing to provide an adequate amount of saliva or breath for an alcohol test;
 - (4) Failing to provide a sufficient amount of breath for an alcohol test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (5) Failing to undergo a medical examination or evaluation, as directed by the DER;
 - (6) Failing to sign the certification statement on the Alcohol Testing Form; or,
 - (7) Failing to cooperate with any part of the testing process.
- c) On-duty use of alcohol while performing safety-sensitive functions.
- d) Pre-duty use of alcohol within four (4) hours prior to performing safety-sensitive functions.
- e) Use of alcohol within eight (8) hours following an accident unless the driver has already been given a post-accident alcohol test.

Alcohol Prohibited Conduct. The following is **prohibited conduct** of drivers:

- a) A test result of 0.02 or greater alcohol concentration, but less than 0.04.

7. Violation Consequences and Company Actions

After DOT Rule Violations. The Company will not allow any driver who has a DOT drug or alcohol violation to perform safety-sensitive functions for the Company. Immediately, upon learning of the violation, the DER shall assure the removal of the driver from all safety-sensitive duties. That driver will be ineligible to work in any DOT safety-sensitive function for the Company until the driver has successfully completed the DOT return-to-duty process. The Company will refer the driver to a Substance Abuse Professional (SAP) as soon as practicable after the verified violation report.

After DOT Alcohol Prohibited Conduct. The Company will not allow any driver to perform, or continue to perform, any safety-sensitive functions under Part 382 when the driver is found to have an alcohol concentration of 0.02, or higher, but less than 0.04. The Company may not use the driver in a safety-sensitive function until the start of the driver's next regularly scheduled shift, which must be not less than twenty-four (24) hours following the test that indicated "prohibited conduct."

8. Drug and Alcohol Tests

Compliance. The Company will ensure that each driver will be drug and/or alcohol tested for the following reasons when called for by Part 382. All drug and alcohol tests will be conducted following the procedures of Part 40.

Pre-Employment. A pre-employment drug test will be conducted before an individual is hired or used to perform safety-sensitive functions. Pre-employment tests are also required of drivers returning from a leave of absence greater than 30 days who have not been participating in the Company's drug and alcohol program and subsequently subject to the random selection process. A negative DOT urine drug test result is required prior to performing safety-sensitive functions. DOT does not allow the use of a "quick test" or any other methodology other than laboratory-based urine testing.

FMCSA does not mandate a pre-employment alcohol test for drivers. FMCSA does give motor carriers who wish to conduct a pre-employment alcohol test the authority to do so. If the Company decides to conduct pre-employment alcohol testing, all applicants will be advised of the test prior to the test occurring, and all tests will be conducted before the first performance of safety-sensitive functions by every driver. The Company will treat all drivers the same for the purpose of pre-employment alcohol testing; the Company will not test some drivers and not others. The Company will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the driver passing the pre-employment alcohol test. A result of less than 0.02 alcohol concentration is required prior to performing safety-sensitive functions.

Post-Accident Testing. The Company will conduct both a drug test and an alcohol test after an accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Company shall test for drugs and alcohol for each of its surviving drivers: (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Table 1 notes when a post-accident test is required.

A post-accident drug test shall be conducted on each driver as soon as possible but no later than 32 hours after the accident. A post-accident alcohol test shall be conducted on each driver as soon as possible but no later than 8 hours after the accident. The Company must take all reasonable steps to test the driver after an accident, but any injury should be treated first. The Company will not delay necessary medical attention for an injured driver following an accident, prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

A driver who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the Company or Company's representative of their location if they leave the scene of the accident prior to submission to such test, may be deemed by the Company to have refused to submit to testing. Depending on the circumstances of the accident, and if feasible, the driver will not be allowed to perform safety-sensitive functions pending the results of the drug test.

In situations where an accident occurs away from the Company's principal place of business (e.g., "on the road") the responsibility of accomplishing the post-accident tests falls on the driver. The driver must immediately contact the Company, the DER, or other designated Company representation for information and instructions on how to get the test done.

Exception. All drug and alcohol testing under Part 382 and this Plan must conform to Part 40 standards, with one exception -- that being post-accident testing. In only a post-accident situation, the results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable alcohol testing, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the Company. Likewise, in only a post-accident situation, the results of a urine test for the use of drugs, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable drug testing, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

Post-accident Test Criteria

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Table 1

Random Drug Testing. The Company will conduct a number of random drug and alcohol tests each calendar year that meets or exceeds the current minimum annual percentage random testing rate. The minimum rate for random drug testing, set by FMCSA regulations, is 50 percent of the Company's drivers. The minimum rate for random alcohol testing, set by FMCSA regulations, is 10 percent of the Company's drivers. The Company may use the services of the C/TPA to manage all aspects of the Company's random testing program. If the Company conducts random testing through a C/TPA, the number of drivers to be tested may be calculated for each individual Company or may be based on the total number of drivers covered by the C/TPA who are subject to random testing.

All drivers will be immediately placed in a drug and alcohol random pool after obtaining a negative result on their pre-employment test. Drivers will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selection of drivers shall be made by using a computer-based, scientifically valid method (e.g., random number generator or equivalent random selection method) that is matched with a driver's social security number or driver ID number. The DER will assure the pools contain driver social security numbers or driver identification numbers that are current, complete, and correct. Drivers will have an equal chance of being selected for testing. Drivers are subject to both random alcohol and drug testing.

Random testing will occur on a quarterly basis. Prior to selection, the DER shall ensure that the random testing pool has been updated to include all current drivers in the Company's workforce. The number of tests to be conducted will be based on the number of drivers at the beginning of each quarter's test cycle. The DER, or C/TPA, shall use the random selection procedures to compile lists of drivers selected for drug and alcohol testing in each testing cycle. The number of drivers selected on each list shall be sufficient to assure that the minimum number of required tests can be achieved for both drugs and alcohol. The list of drivers selected will be retained by the DER in a secure location until the time of testing when the list will then be provided to the appropriate division manager, department head, or supervisor who will, in turn, notify the driver(s) to report for testing.

Random testing is unannounced, with drivers being notified that they have been selected for testing after they have reported for duty on the day of collection. All testing will be conducted on different days of the week throughout each test cycle to prevent drivers from matching their substance use patterns to the schedule for testing.

Once notified by the appropriate Company official, drivers will be instructed to report immediately to the collection site.

Reasonable Suspicion/Cause Testing. The Company will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the Company's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The supervisor making the determination to test shall document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the driver's conduct shall be prepared and signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*. The driver will be tested for drugs if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning drugs. The driver will be tested for alcohol if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning alcohol. In situations where the supervisor is sure of the signs and symptoms but unsure of the substance, the driver will be tested for both drugs and alcohol. The potentially affected driver should not be allowed to proceed alone to or from the testing site. In addition to the safety concerns for the driver, accompanying the driver also assures that there is no opportunity en route to the testing site for the driver to compromise the test through any method of tampering that could affect the outcome of test result.

The driver shall not perform a safety-sensitive function pending the receipt of the drug test results. The driver should make arrangements to be transported home. The driver should be instructed not to drive any motor vehicle due to the reasonable belief that they may be under the influence of a drug. If the driver insists on driving, a supervisor should notify the proper local law enforcement authority that a driver believed to be under the influence of a drug or alcohol is leaving the Company premises driving a motor vehicle.

Return-to-Duty Testing. The Company will conduct a return-to-duty test prior to a driver returning to safety-sensitive duty following a DOT violation. When a driver has a DOT violation they cannot work again in any DOT safety-sensitive function until successfully completing the Substance Abuse Professional (SAP) return-to-duty requirements. Only after the SAP has reported to the Company that the driver is eligible to return to safety-sensitive duties is the Company authorized to return the driver to a safety-sensitive function. However, whether or not to do so is a business decision of the Company, not the DOT. When the Company makes the decision to return the driver to safety-sensitive duty, the Company will initiate the order for the return-to-duty test. All return-to-duty drug tests will be conducted using direct-observation collection procedures.

A return-to-duty test, as a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty test must be negative for drugs and less than .02 for alcohol in order "to count" and allow the driver to return to work. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal-to-test will be considered as a new, separate violation. When the driver "passes" his return-to-duty test, their name is immediately placed into the Company's random testing pool.

Follow-up Testing. The Company will conduct follow-up testing, as a series of tests that occur after a driver returns to safety-sensitive work, following a negative result on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.

Follow-up testing is the Company's responsibility to conduct. Follow-up testing will run concurrently with random testing. All follow-up drug tests will be conducted using direct-observation collection procedures. The results of a follow-up must be negative for drugs and less than .02 for alcohol. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal-to- test will be considered as a new, separate violation.

The number and frequency of the follow-up tests will be determined by the SAP, but shall consist of at least six tests in the first 12 months following the driver's return to duty. The follow-up plan will give both the number of tests and their frequency; the Company will select the actual day and time of the test and the tests are unannounced. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after

the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

V. DRUG PROGRAM

1. Drug Tests That Require Direct Observation Procedures

Compliance. The Company will conduct all return-to-duty and follow-up drug tests using the direct observation collection procedures specified by Part 40. Pre-employment, post-accident, reasonable suspicion/cause, and random drug tests are normally conducted by giving the driver the privilege of privacy when providing the urine specimen. However, should it become required that these collections be conducted under direct observation procedures, the Company will convey instructions to the collector to ensure that this occurs. Direct observation procedures will also be used for collections when a specimen is provided and the temperature is out of range, when the specimen appears to have been tampered with or when a previous specimen has been reported as invalid, adulterated, substituted or negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40.

2. Specimen Collection Procedures

Compliance. The Company will follow the requirements of Part 40 for its DOT collections. A full description of DOT collection requirements that collectors will follow can be found in Part 40, Subpart C ("Urine Collection Personnel"), Subpart D ("Collection Sites, Forms, Equipment and Supplies Used in a DOT Urine Collection"), and Subpart E ("Urine Specimen Collections").

Collection Site Personnel. The Company will ensure that collection sites, utilized by its drivers, are aware of their responsibilities with regard to the DOT specimen collection process. These responsibilities are to collect urine specimens using Part 40 procedures, ship the specimens to a Department of Health and Human Services (HHS) certified laboratory for analysis, and distribute copies of the Federal Drug Testing Custody and Control Form (CCF) to the laboratory, Medical Review Officer, employer or employer's C/TPA, and driver in a confidential manner. All attempts are made to use collectors who have been trained in accordance with Part 40. The Company, or the Company's C/ TPA, will ask the collection sites conducting DOT collections to attest to the fact that they comply with DOT standards of practice. Any collection site that fails to attest to this goal will not be used by the Company for a DOT collection. The direct supervisor of a driver shall not serve as a collector in conducting any required drug test unless it is otherwise impracticable.

Collection Site, Forms, and Specimen. The Company will provide the driver with the specific location of the collection site where the drug test will take place. In most cases, the Company will provide the driver with a drug testing kit, which includes the CCF, to present to the collector. The only specimen that will be collected for any DOT collection is urine; the only form that will be used is the Federal CCF.

Collections. The Company will inform every driver that they are required to carry and present a current valid photo ID, such as a driver's license, passport, or employer-issued picture ID to the collection site. The driver will be advised that the collector will ask them to empty their pockets, remove any unnecessary garments (the driver may retain their wallet), and wash and dry their hands prior to the collection. The driver will be instructed to follow the collector's instructions throughout the collection process. Normally, the driver will be afforded privacy to provide a urine specimen. Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where questions of specimen validity arise, like an unusual specimen temperature.

After the driver has provided the specimen (a minimum of 45 mL) of their urine into a collection container, the collector will check the temperature and color of the urine. All DOT collections are “split specimen collections.” The collector will pour the urine into two separate bottles (bottle “A” as the primary specimen and bottle “B” as split specimen), seal them with tamper-evident tape, and then ask the driver to initial the seals after they have been placed on the bottles. (Remember: Neither the driver nor the collector should let the specimen out of their sight until it has been poured into two separate

bottles and sealed.) Next, the driver will write their name, date of birth, and daytime and evening phone numbers on the MRO Copy (Copy 2) of the CCF. This is so the MRO can contact the driver directly if any questions arise about their test.

Lastly, the collector will complete the necessary documentation on Copy 1 of the CCF and package the CCF and the two specimen bottles in the plastic bag and seal the bag for shipment to the laboratory. Copies of the CCF will be distributed: Copy 2 to the MRO and Copy 4 to the employer or the employer's C/TPA; the collector keeps Copy 3; and, the driver gets Copy 5. The driver may list any prescription and over-the-counter medications they may be taking on the back of their copy of the CCF (this may serve as a reminder for the driver in the event the MRO calls to discuss their test results).

Possible collection issues. If the driver is unable to provide 45 mL of urine on the first attempt, the time will be noted, and they will be required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from their Company (e.g., supervisor accompanying the driver). Leaving the testing area without authorization may be considered a refusal to test. The driver will be urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and asked to provide a new specimen (into a new collection container). If the DER is contacted, the DER should instruct the driver to remain at the collection site to complete the collection process. If the driver does not provide a sufficient specimen within three hours, the DER, in consultation with the MRO, will direct the driver to obtain a medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no acceptable physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

Directly observed collections. If a direct observation collection is required of the driver, the Company will ensure that the DOT requirements (i.e., direct observation by same-sex collector, observation of body-to-bottle urination, and use of full turn-around observation) procedures are followed.

3. Drug Testing Laboratory

Compliance. The Company will employ a laboratory that will follow the requirements of Part 40 for the Company's DOT drug tests. A full explanation of DOT drug testing requirements that the laboratory will follow is found in Part 40, Subpart F (“Drug Testing Laboratories”).

Laboratory. The Company shall ensure that all DOT testing is conducted only by a laboratory that is certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP). Doing so ensures that the Company complies with the requirements of Part 40 and with all applicable requirements of HHS in testing DOT specimens, whether or not those requirements are explicitly stated in the Plan. The laboratory used by this Company is specified in Appendix B. The laboratory will report the certified results to the MRO and only to the MRO, at the address provided on the Federal CCF. Results will not be reported directly to the Company or to or through another service agent, such as the C/TPA.

Specimen. Urine is the only specimen that is authorized for DOT drug testing. The Company will not use any other specimen (e.g., hair or saliva) for a DOT-required drug test. A “quick test” (e.g. a urine test that produces an immediate test result) is also prohibited by DOT.

Drug Testing. The laboratory will ensure that, on each DOT test, each specimen is tested for **marijuana, cocaine, amphetamines, opi d , and phencyclidine (PCP)**. (See Table 2, pg 23) The testing is a “two step” process: all presumptive positive results on the initial test must be confirmed by a confirmation test. The initial and the confirmation tests use different chemical principles, and separate portions of the original specimen, for testing. DOT specimens will not be tested for any other drugs. DOT specimens will not be subjected to DNA testing.

Validity Testing. The laboratory will ensure that, on each DOT test, each specimen is also subjected to “validity testing.” The purpose of validity testing is to determine if the driver tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen; pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.

Laboratory specimen handling and reporting. When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process (i.e., “fatal flaws”). If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. DOT specimens are limited to four fatal flaws. They are:

- a) Specimen ID numbers on the CCF and the bottles do not match.
- b) Not enough urine and the bottles cannot be redesignated.
- c) Signs of tampering and the bottles cannot be redesignated.
- d) Collector's printed name and signature are missing.

The laboratory will open only the primary specimen (“A” bottle) to conduct the two tests (initial and confirmatory). If the specimen tests negative in either test and does not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid, respectively. These results are also referred to as “non-negative” results.

Required DOT Drug Tests & Cutoffs

65304N - DOT DRUG PANEL W/TS

Req Name: DOT DRUG PANEL W/TS

SUBMITTED URINE SPECIMENS TESTED AT THE LISTED CUTOFFS.

DRUG CLASS	INITIAL TEST LEVEL	CONFIRMATORY TEST LEVEL	CONFIRMATORY METHOD
AMPHETAMINES	500 ng/mL		
Amphetamine		250 ng/mL	MS
Methamphetamine		250 ng/mL	MS
COCAINE METABOLITES	150 ng/mL	100 ng/mL	MS
MARIJUANA METABOLITES	50 ng/mL	15 ng/mL	MS
MDA-ANALOGUES	500 ng/mL		
MDA		250 ng/mL	MS
MDMA		250 ng/mL	MS
OPIATES	2000 ng/mL		
Morphine		2000 ng/mL	MS
Codeine		2000 ng/mL	MS
OPIATES (SEMI-SYNTHETIC)	300 ng/mL		
Hydromorphone		100 ng/mL	MS
Hydrocodone		100 ng/mL	MS
6-ACETYLMORPHINE	10 ng/mL	10 ng/mL	MS
OXYCODONES	100 ng/mL		
Oxymorphone		100 ng/mL	MS
Oxycodone		100 ng/mL	MS
PHENCYCLIDINE	25 ng/mL	25 ng/mL	MS

TestSure™

Testing Lab(s): Atlanta, Georgia
 Lenexa, Kansas
 Norristown, Pennsylvania
 West Hills, California

4. Laboratory Retention Periods and Reports

Specimen retention. Specimens that are confirmed by the laboratory to be positive, adulterated, substituted, or invalid will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365 day period, the MRO, the driver, the Company, FMCSA or other state agencies with jurisdiction, may request in writing that the specimens be retained for an additional period. If the laboratory does not receive the request to retain the specimen within the 365-day period, the specimen will be discarded.

Record retention. All laboratory records pertaining to any test for this Company on its drivers will be retained for two years. The employer-specific data that is created by the laboratory for the laboratory statistical summary will be retained for two years.

Semi-annual reports. The laboratory will prepare and send to the Company the aggregate employer-specific summary on a semi-annual basis. The format for this report is found in Part 40, Appendix B.

5. MRO Review of Drug Test Results

Compliance. The Company will have, on staff or contract for the services of, a MRO who is a licensed physician with knowledge of drug abuse and is qualified under Part 40. The MRO will follow the requirements of Part 40 in carrying out the functions of the “independent and impartial gatekeeper of the drug testing process.” A full description of DOT MRO requirements can be found in Part 40, Subpart G (“Medical Review Officers and the Verification Process”), and Subpart H (Split Specimen Testing).

Duties. All confirmed drug test results for the Company are received by the MRO directly from the laboratory. The MRO is responsible for the review of both negative and non-negative test results, review of the CCFs associated with each test, and to conduct quality control reviews of the MRO staff. The MRO will review and interpret confirmed positive, adulterated, substituted, and invalid test results. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive, adulterated, substituted, or invalid test result. This action would include conducting a medical interview with the driver and review of the driver's medical history, or review of any other relevant biomedical factors, such as the results of a physical examination following an opiate positive. The MRO shall review medical records made available by the tested driver when the source of the confirmed result could have been from legally prescribed medication. The MRO shall not, however, consider the results of urine or other specimens that are not obtained or processed in accordance with DOT regulations.

Results. The MRO will use staff under his direct supervision to handle administrative processes for negative test results including receiving the result from the laboratory, reviewing the paperwork for accuracy, and reporting of the result to the DER.

The MRO staff may make the initial contact with drivers having confirmed positive, adulterated, substituted, and invalid test results, for the purposes of setting up an interview for the MRO. The MRO will personally conduct the interview with the driver to determine whether there is a legitimate medical explanation for these results. This interview will be conducted, in most cases, before the Company is notified. If the result is confirmed positive, and a legitimate medical explanation is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive. If the confirmed result is adulterated or substituted, and a legitimate medical explanation is established, the MRO will report the result to the DER as cancelled and notify ODAPC, in accordance with Part 40 procedures. If not, the MRO will report the result to the DER as a refusal to test. If the result is invalid, and an acceptable reason is established, the MRO will report the result to the DER as cancelled and the process will stop, unless a negative test result is needed (e.g., pre-employment, return-to-duty). If an acceptable reason is not established, the MRO will report the result to the DER as cancelled and order an immediate recollection under direct observation.

Reports. All drug test results will be reported to the Company DER in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the driver has signed the form. The time period from collecting the specimen to reporting the verified is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to the DER until all information required for the driver interview is received and approved by the MRO. The Company may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use Copy 2 of the CCF for reporting results, the MRO will maintain a copy of the signed or stamped report in addition to the signed or stamped and dated Copy 2. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.

6. Split Specimen Testing

Split Specimen. When the MRO has verified a result as positive, adulterated, or substituted, the MRO will notify the driver of his right to have the split specimen tested. The driver must notify the MRO within 72 hours of the result being verified in order to have this testing conducted. If the driver requests that the split specimen be tested within the 72-hour period, the MRO will ensure that the split specimen is tested. Testing of the split specimen is only conducted at the request of the driver, and then only after using the MRO as the requesting agent for the driver.

The Company is responsible for making sure that the MRO, first laboratory, and second laboratory perform the functions noted in Part 40 in a timely manner, once the driver has made a timely request for a test of the split specimen (e.g., by establishing appropriate accounts with laboratories for testing split specimens).

The Company must not condition compliance with these requirements on the driver's direct payment to the MRO or laboratory or the driver's agreement for reimbursement of the costs of testing. For example, if the Company's asks the driver to pay for some or all of the cost of testing the split specimen, and the driver is unwilling or unable to do so, the Company must ensure that the test takes place in a timely manner, which means that the Company will pay for the split testing. The Company may seek payment or reimbursement of all or part of the cost of the split specimen from the driver. Part 40 takes no position on who ultimately pays the cost of the test, so long as the Company ensures that the testing is conducted as required and the results released appropriately.

Laboratory. The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. The Company will select the second laboratory. The split specimen will be tested for the same substance or condition that was found in the primary specimen. The MRO will report back to the DER and the driver whether the split reconfirms the primary. If the test of the split does not reconfirm the primary, both tests will be cancelled as if they never occurred.

7. Medical Marijuana

The DOT and the Company do not accommodate the use of medical marijuana by DOT-safety-sensitive employees.

8. Signs and Symptoms of Alcohol and Controlled Substances Use

Alcohol Fact Sheet

Alcohol is a drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Description

- **Generic/Chemical Names (Representative):** Beer (about 4.5 percent alcohol), wine (about 14 to 20 percent alcohol), distilled spirits or liquor (about 50 percent alcohol).
- **Alternative Sources:** After-shave lotion, cough medicine, antiseptic mouthwash, vanilla extract, disinfectant, room deodorizer fluid, cologne, breath sprays, shaving creams, rubbing alcohol.
- **Common Street Names:** Booze, juice, brew, grain, shine, hooch.
- **Distinguishing Characteristics:** Pure ethanol (sold in some States as “grain alcohol”) is a colorless liquid with a distinctive odor and taste. It has a cooling effect when rubbed on the skin. Most commonly, however, alcohol is consumed as the component of another beverage, and grain alcohol itself is normally diluted with juices or other soft drinks by the consumer. Depending upon the concentration of alcohol in the beverage, the aroma of alcohol may serve as an indicator of the presence of alcohol in a beverage. Since the sale and distribution of all products containing more than a trace amount of ethanol are regulated by Federal and State governments, the best guide to whether a specific beverage contains alcohol will be label information if the original container is available.
- **Paraphernalia:** Liquor, wine, after-shave, or cough medicine bottles; drinking glasses; cans of alcohol-containing beverages; can and bottle openers. Paper bags are sometimes used to conceal the container while the drink is being consumed.
- **Method of Intake:** Alcohol is consumed by mouth. It is infrequently consumed as pure (grain) alcohol. It is, however, frequently consumed in the form in which it is sold (e.g., cans of beer, “straight” liquor, glasses of wine). Alcohol is often consumed in combination with other beverages (“mixers”), either to make it more palatable or to disguise from others that alcohol is being consumed.

- **Duration of Single Dose Effect:** Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake. The body can metabolize about one quarter of an ounce (0.25 oz.—roughly half the amount in a can of beer) of alcohol per hour.

The effects of alcohol on behavior (including driving behavior) vary with the individual and with the concentration of alcohol in the individual’s blood. The level of alcohol achieved in the blood depends in large part (although not exclusively) upon the amount of alcohol consumed and the time period over which it was consumed. One rule of thumb says that in a 150-pound person, each drink adds 0.02% to blood alcohol concentration and each hour that passes removes 0.01percent from it.

Generally speaking, alcohol is absorbed into the blood relatively quickly and metabolized more slowly. Therefore, the potential exists for alcohol concentrations to build steadily throughout a drinking session. The table below shows some general effects of varying levels of BAC:

<u>BAC</u>	<u>Behavioral Effects</u>
0.02-0.09%	Loss of muscular coordination, impaired senses, changes in mood and personality.
0.10-0.19%	Marked mental impairment, further loss of coordination, prolonged reaction time.
0.20-0.29%	Nausea, vomiting, double vision.
0.30-0.39%	Hypothermia, blackouts, anesthesia.
0.40-0.70%	Coma, respiratory failure, death.

- **Detection Time:** The detection time for alcohol depends upon the maximum level of BAC achieved and varies by individual. Since under FMCSA regulations alcohol concentrations as low as 0.02 percent (under DOT testing procedures, breath alcohol concentration is used as a proxy for BAC) require employer action, and current technology can reliably detect this level, a driver who had achieved a moderate level of intoxication (i.e., 0.08 percent BAC) would be detectable approximately 8 hours after achieving that level. (Note: this is detectability after achieving this level and not after commencing or stopping drinking.)
- **Dependency Level:** The chronic use of alcohol can produce dependence in some individuals manifested by craving, withdrawal, and tolerance. Despite the fact that many individuals consume alcoholic beverages (more than 90 percent of Americans at some point during their lives), relatively few of them (only about 10 percent of drinkers) develop psychological and physical dependency on it.

Signs and Symptoms of Use

- **Evidence of Presence of Alcohol:** Bottles, cans, and other containers which alcohol-containing beverages may have been purchased and/or consumed in; bottle caps from alcohol containers; bottle or can openers; drivers drinking from paper bags; odor of alcohol on containers or on driver's breath.
- **Physical Symptoms:** Reduction of reflexes, slurred speech, loss of coordination, unsteady gait.
- **Behavioral Symptoms:** Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

Effects of Alcohol on the Individual

Physical Health Effects

- The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.
- Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute and chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.
- Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension, and strokes.
- Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.
- There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.
- Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations, and peripheral neuropathy.

Other Health Effects

- In addition to having direct health effects through physiological changes in the drinker's body, alcohol contributes significantly to health problems indirectly. While most of the medical consequences of alcohol use listed above result from chronic use, these other effects can often result from a single episode of acute use:
 - One half of all traffic accident fatalities are alcohol-related.
 - The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than for a sober one.
 - Falls are the most common cause of nonfatal injuries in the U.S. and the second-most common cause of fatal accidents. Estimates of the involvement of alcohol in these falls range from 20 to 80 percent. A BAC between 0.05 and 0.10 percent increases the likelihood of a fall by three times. Between 0.10 and 0.15 percent, it increases by a factor of 10, and above 0.16 percent it increases by a factor of 60.
 - Research indicates over 60 percent of those dying in nonvehicular fires (fourth leading cause of accidental death in the United States) have BACs over 0.10 percent.
 - Approximately 38 percent of those drowning (third leading cause of accidental death in the United States) have been exposed to alcohol at the time of their deaths.
 - Between 20 and 36 percent of suicide victims have a history of alcohol abuse or were drinking shortly before their suicides.
 - Alcohol also plays a significant role in crime and family violence, including spousal and child abuse.

Effects on Driver Performance

The statistics reported above make it clear that alcohol can have a devastating effect on driver performance. By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the professional driver of most of the tools he or she relies upon to perform safely.

Hangovers also present a risk to driving behavior, as would other illnesses. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.

Overdose Effects

- Unconsciousness, coma, death.

Withdrawal Syndrome

Repeated use of alcohol results in tolerance, with increasing consumption necessary to attain its characteristic effects. Alcohol at a given blood level produces less impairment in heavy drinkers than it does in lighter drinkers. Alcohol is toxic by itself and, coupled with the malnutrition common in alcoholics, can lead to kidney disease, deterioration of mental faculties, and psychotic episodes (the "DTs") if the alcohol is withdrawn. The DTs are characterized by hallucinations and extreme fear, and their presence are a clear indication of alcohol dependence. Withdrawal and the associated DTs can be fatal.

References

Blum, Kenneth, "Handbook of Abusable Drugs," NY, Gardner Press, 1984.

Department of Health and Human Services, "Alcohol and Health: 7th Special Report to the U.S. Congress," Washington, DC, 1990.

Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the United States or clandestinely manufactured in crude laboratories.

Description

- **Generic/Chemical Names:** Include amphetamine and methamphetamine. Trade names include: Desoxyn, Dexapex, Fastin, Vasotilin, Dexedrine, Delcobese, Fetamine, Obetrol.
- **Common Street Names:** Uppers, speed, bennies, crystal, black beauties, Christmas trees, white crosses, mollies, bam, crank, meth, ice, LA ice.
- **Distinguishing Characteristics:** In their pure form, amphetamines are yellowish crystals. They are manufactured in a variety of forms, including pill, capsule, tablet, powder, and liquid. Amphetamine (“speed”) is sold in counterfeit capsules or as white, flat, double-scored “mini bennies.” Methamphetamine is often sold as a creamy white, granular powder or in lumps wrapped in aluminum foil or sealable plastic bags.
- **Paraphernalia:** Needles, syringes, and rubber tubing for tourniquets, used for the injection method.
- **Method of Intake:** The most common forms of amphetamines are pills, tablets, or capsules, which are ingested. The less frequent forms, liquid and powder, are injected or snorted.
- **Duration of Single Dose Effect:** 2 to 4 hours.
- **Detection Time:** 1 to 2 days after use.
- **Dependency Level:** Psychological dependence on amphetamines is known to be high. Physical dependence is possible.

Signs and Symptoms of Use

- **Evidence of Presence of Amphetamines:** Most frequently—pills, capsules, or tablets; envelopes, bags, vials for storing the drug; less frequently—syringes, needles, tourniquets.

- **Physical Symptoms:** Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on the level of the dose).
- **Behavioral Symptoms:** Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power; “amphetamine psychosis” which might result from extended use (see health effects).

Effects of Amphetamine Use on the Individual

Physical Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Long-term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies.
- Lack of sleep, weight loss, and depression also result from regular use.
- Users who inject drugs intravenously can get serious and life-threatening infections (e.g., lung or heart disease, kidney damage) from nonsterile equipment or contaminated self-prepared solutions.

Effects on Mental Performance

- Anxiety, restlessness
- Moodiness
- False sense of power.

Large doses over long periods can result in

- Hallucinations
- Delusions

- Paranoia
- Brain damage.

Effects on Driver Performance

Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents. Drivers who fail to get sufficient rest may use the drug to increase alertness. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning. The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

Overdose Effects

- Agitation
- Increase in body temperature
- Hallucinations
- Convulsions
- Death

Withdrawal Syndrome

- Apathy
- Long-term periods of sleep
- Irritability
- Depression
- Disorientation

Workplace Issues

- Because amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness due to unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Reference

Federal Motor Carrier Safety Administration, Office of Motor Carriers, “Guidelines for Implementing the FMCSA Anti-Drug Program,” Publication No. FMCSA-MC-91-014, March 1992.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

- **Generic/Chemical Names:** Cocaine hydrochloride or cocaine base.
- **Common Street Names:** Coke, crack, snow, blow, flake, “C”, toot, rock, base, nose candy, snort, white horse.
- **Distinguishing Characteristics:** Cocaine is an alkaloid (organic base) derived from the coca plant. In its more common form, cocaine hydrochloride or “snorting coke” is a white to creamy granular or lumpy powder chopped fine before use. Cocaine base, rock, or crack is a crystalline rock about the size of a small pebble.
- **Paraphernalia:** Cocaine hydrochloride—single-edged razor blade, a small mirror or piece of smooth metal; a half straw or metal tube, and a small screw-cap vial or folded paper packet containing the cocaine (used for snorting), needles, tourniquets (used for injecting). Cocaine base—a “crack pipe” (small glass smoking device for vaporizing the crack crystals); a lighter, alcohol lamp, or small butane torch for heating the substance.
- **Method of Intake:** Cocaine hydrochloride is snorted into the nose, rubbed on the gums, or injected into the veins. Cocaine base is heated in a glass pipe and the vapor is inhaled.
- **Duration of Single Dose Effect:** 1 to 2 hours.
- **Detection Time:** Up to 2 to 3 days after last use.
- **Dependency Level:** Research indicates possible physical dependence. Although there is insufficient evidence for humans, animal studies indicate “reverse tolerance,” in which certain behavioral effects become stronger with repeated use of cocaine. Psychological dependence on cocaine is known to be high.

Signs and Symptoms of Use

- **Evidence of Presence of Cocaine:** Small folded envelopes, plastic bags, or vials used to store cocaine; razor blades; cut-off drinking straws or rolled bills for snorting; small spoons; heating apparatus.

- **Physical Symptoms:** Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyperexcitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensation of bugs crawling on skin).
- **Behavioral Symptoms:** Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.

Effects of Cocaine Use on the Individual

Physical Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson’s disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one “hit” of crack. Usually, mental dependency occurs within days of using crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than those of other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths in the United States has tripled in the last four years.

Effects on Mental Performance

- Paranoia and hallucinations
- Hyperexcitability and overreaction to stimulus
- Difficulty in concentration
- Wide mood swings
- Withdrawal leads to depression and disorientation

Effects on Driver Performance

Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility. Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents. Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.

The high cost of cocaine frequently leads to workplace theft and/or dealing. Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

Overdose Effects

- Agitation
- Increase in body temperature
- Hallucinations
- Convulsions
- Death

Withdrawal Syndrome

- Apathy
- Long periods of sleep
- Irritability
- Depression
- Disorientation

Reference

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception-altering effects it produces.

Description

- **Generic/Chemical Name:** Dronabinol, marinol, nabilone.
- **Common Street Names:** Pot, dope, grass, hemp, weed, hooch, herb, hash, joint, Acapulco gold, reefer, sinsemilla, Thai sticks.
- **Distinguishing Characteristics:** Like tobacco, marijuana consists of dried, chopped leaves that are green to light tan in color. The seeds are oval with one slightly pointed end. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil.
- **Paraphernalia:** Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking “bongs” (large-bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- **Method of Intake:** Marijuana is usually inhaled in cigarette or pipe smoke. Occasionally, it is added to baking ingredients (e.g., brownies) and ingested. Tetrahydro-cannabinol (THC), the active chemical detected in urinalysis, is released by exposure to heat.
- **Duration of Single Dose Effect:** The most obvious effects are felt for 4 to 6 hours. Preliminary studies suggest that performance impairment lasts longer. The active chemical, THC, is stored in body fat and slowly metabolized over time.
- **Detection Time:** Traces of marijuana will remain in the urine of an occasional user for up to 1 week, and, in the case of a chronic user, for 3 to 4 weeks.
- **Dependency Level:** Evidence indicates moderate psychological dependence.

Signs and Symptoms of Use

- **Evidence of Presence of Marijuana:** Plastic bags (commonly used to sell marijuana); smoking papers; roach clip holders; small pipes of bone, brass, or glass; smoking bongs; distinctive odor.

- **Physical Symptoms:** Reddened eyes (often masked by eye drops); stained fingertips from holding “joints,” particularly for nonsmokers; chronic fatigue; irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.
- **Behavioral Symptoms:** Impaired memory, time-space distortions, feeling of euphoria, panic reactions, paranoia, “I don’t care” attitude, false sense of power.

Effects of Marijuana Use on the Individual

General Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection. The U.S. Government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, THC, and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in the male sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics, including breast development, occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.

- Pregnant women who are chronic marijuana smokers have a higher-than-normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver, and water on the brain and spine.
- Offspring of test animals that were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and cause other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as “acute brain syndrome,” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

Effects on Driver Performance

- The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle very dangerous.

Overdose Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

Withdrawal Syndrome

- Sleep disturbance
- Hyperactivity
- Decreased appetite
- Irritability
- Gastrointestinal distress
- Salivation, sweating, and tremors

Workplace Issues

- The active chemical, THC, is stored in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of *both* the depressant and marijuana.

Reference

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

- **Generic/Chemical Names:** Natural and natural derivatives include opium, morphine, codeine, and heroin (semi-synthetic).

Synthetics include meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan).
- **Common Street Names:** Big M, micro, dots, horse, “H”, junk, smack, scag, Miss Emma, dope, China white.
- **Distinguishing Characteristics:** Because of the variety of compounds and forms, opiates are more difficult to clearly describe in terms of form, color, odor, and other physical characteristics. Opium and its derivatives can range from dark brown chunks to white crystals or powders. Depending on the method of intake, they may be in powder, pill, or liquid form.
- **Paraphernalia:** Needles, syringe caps, eyedroppers, bent spoons, bottle caps, and rubber tubing (used in the preparation for and injection of the drug).
- **Method of Intake:** Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- **Duration of Single Dose Effect:** 3 to 6 hours.
- **Detection Time:** Usually up to 2 days.
- **Dependency Level:** Both physical and psychological dependence on opiates are known to be high. Dependence on codeine is moderate.

Signs and Symptoms of Use

- **Evidence of Presence of Drug:** In addition to paraphernalia enumerated above, the following items may be present: foil, glassine envelopes, or paper “bindles” (packets for holding drugs); balloons or prophylactics used to hold heroin; bloody tissues used to wipe the injection site; a pile of burned matches used to heat the drug prior to injection.

- **Physical Symptoms:** Constricted pupils, sweating, nausea and vomiting, diarrhea, needle marks or “tracks,” wearing long sleeves to cover “tracks”, loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.
- **Behavioral Symptoms:** Mood swings, impaired coordination, depression and apathy, stupor; euphoria.

Effects of Narcotics Use on the Individual

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics’ effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Effects on Mental Performance

- Depression and apathy
- Wide mood swings
- Slowed movement and reflexes

In addition, the high physical and psychological dependence level of opiates compounds the impaired functioning.

Effects on Driver Performance

The apathy caused by opiates can translate into an “I don’t really care” attitude toward performance. The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the driver, raising the potential for accidents. Although opiates have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.

Social Issues

- There are more than 500,000 heroin addicts in the United States, most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

Reference

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA-MC-91-014, March 1992.

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a comalike condition with muscle rigidity and a blank stare with the eyelids half-closed. Sudden noises or physical shocks may cause a “freak-out,” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- **Generic/Chemical Names:** Phencyclidine.
- **Common Street Names:** Angel dust, dust, peace pills, hog, killer weed, mint, monkey dust, supergrass, Tran Q, weed.
- **Distinguishing Characteristics:** PCP is commonly sold as a creamy, granular powder. It is either brown or white and often packaged in one-inch-square aluminum foil or folded paper packets. Occasionally, it is sold in capsule, tablet, or liquid form. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- **Paraphernalia:** Foil or paper packets; stamps (off which PCP is licked); needles, syringes, and tourniquets (for injection); leafy herbs (for smoking).
- **Method of Intake:** In pill, capsule, or tablet form, PCP may be ingested. It is commonly injected as “angel dust.” It may be smoked or snorted when applied to leafy materials or combined with marijuana or tobacco.
- **Duration of Single Dose Effect:** Days.
- **Detection Time:** Up to 8 days.
- **Dependency Level:** Psychological dependence on PCP is known to be high. Physical dependence is unknown.

Signs and Symptoms of Use

- **Evidence of Presence of PCP:** Packets, stamps, injection paraphernalia, herbs.

- **Physical Symptoms:** Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering), severe disorientation, rapid heartbeat.
- **Behavioral Symptoms:** Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD-induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Effects on Mental Performance

- Irreversible memory loss
- Personality changes
- Thought disorders
- Hallucinations

Effects on Driver Performance

The distortions in perception and potential visual and auditory delusions make driver performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.

Overdose Effects

- Longer, more intense “trip” episodes
- Psychosis
- Coma
- Possible death.

Withdrawal Syndrome

- None reported

Workplace Issues

- PCP abuse is less common today than in the recent past. It is not generally used in a workplace setting because of the severe disorientation that occurs.

VI. ALCOHOL PROGRAM

1. Alcohol Test

Compliance. The Company will follow Part 40 procedures for alcohol testing. A full description of DOT alcohol testing requirements can be found in Part 40, Subpart J--Alcohol Testing Personnel; Subpart K--Testing Sites, Forms, Equipment and Supplies Used in Alcohol Subpart N--Problems in Alcohol Testing; Subpart L ("Alcohol Screening Tests"); Subpart M ("Alcohol Confirmation Tests"); and, Subpart N ("Problems in Alcohol Testing"). These procedures apply to all DOT alcohol tests regardless of the reason for the test.

Personnel and Testing Devices. The Company will only use qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will only conduct the test using DOT-approved devices. Devices are approved by the National Highway Traffic Safety Administration (NHTSA), an agency of DOT, and placed on the Conforming Products List (CPL).¹¹ The devices used by the Company will be maintained according to the particular manufacturer's specifications in the Quality Assurance Plan (QAP). External calibration checks will be performed at the intervals specified in the manufacturer's instructions for any EBT used for DOT-required alcohol confirmation testing.

Testing Site, Forms, and Specimen. The Company will provide the driver with the specific location where the test will take place. Tests will be conducted in an area to prevent unauthorized people from hearing or seeing the driver's test result. The Company will remind the driver that failure to sign the DOT Alcohol Testing Form at the instruction of the testing technician will be viewed as a refusal to test. The alcohol screening test may be conducted with breath or saliva, as applicable for the device used by the testing technician. Only breath will be used for the confirmation test, which is conducted by a BAT using an EBT.

Test. The Company will inform the driver that they are required to carry and present a current valid picture ID, such as a driver's license, passport, or employer-issued picture ID to the testing site. The testing technician will perform a screening test and show the driver the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide the driver a copy and also provide the Company and/or the Company's C/TPA a copy. If the screening test result is 0.02 or greater, the driver will be required to take a confirmation test, which can only be administered by a BAT using an EBT. The BAT will wait at least 15-minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the driver will not be allowed to eat, drink, smoke, belch, put anything in their mouth or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it. The confirmation test result is the final result of the test, and the result will be shown to the driver and on the printout from the EBT. If the result is less than 0.02, no action is taken under Part 382. Any result of 0.02 or greater will be immediately reported to the Company.

¹¹ National Highway Traffic Safety Administration, Conforming Products List for Evidential Breath Measurement Devices, March 11, 2010, and addendums.

VII. PROGRAM ELEMENTS COMMON TO DRUG AND ALCOHOL

1. Substance Abuse Professional

Compliance. The Company will follow the requirements of Part 40 for its Substance Abuse Professional (SAP) obligations. A full description of the SAP requirements is in Part 40, Subpart O (“Substance Abuse Professionals and the Return-to-Duty Process”).

Qualifications. The Company will refer drivers only to SAP's who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses, for DOT violations. The SAP will not be an advocate for the Company or the driver. The SAP's function is to protect the public interest in safety by professionally evaluating the driver and recommending appropriate education/treatment, follow-up tests, and aftercare.

SAP Referral. The Company will provide to each driver who violates a DOT drug and alcohol regulation a listing of SAP's readily available to the driver and acceptable to the Company. The list will include SAP names, addresses, and telephone numbers. There will not be a charge to the driver for compiling or providing this list. The Company may use its C/TPA or other service agent to provide this information. Any driver who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for this Company until and unless the driver successfully completes the SAP evaluation, referral, and education/treatment process.

Payment. The Company is not required to pay for a SAP evaluation or any subsequent recommended education or treatment for a driver who has violated a DOT drug and alcohol regulation.

Company Responsibility. The Company is only bound by DOT to ensure that if the driver is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that the Company ensure that the driver receives an evaluation by a SAP meeting the requirements of Part 40 and that the driver successfully complies with the SAP's evaluation recommendations before returning to the safety-sensitive job. Even if a SAP believes that the driver is ready to return to safety-sensitive work, the Company is under no obligation to return the driver to work. Under the DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to the Company and the driver to resolve.

SAP Process. The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the driver to resolve problems associated with alcohol and/or drug use. The SAP will refer the driver to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the driver actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations. Reports will be provided to the Company on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide the DER with a written follow-up drug and/or alcohol testing plan for the driver and, if deemed necessary, will also provide the driver and the Company with recommendations for continuing education and/or treatment.

2. Employee Assistance Program

The Company may provide an Employee Assistance Program (EAP) for its drivers and supervisors. The EAP may be established “in house,” as part of internal personnel service or may be contracted to an entity that provides EAP services at other locations. The function of the EAP will be to provide drivers with informational material on the awareness and danger of drug and alcohol use. General EAP-information material, such as the availability of brochures or videos, and community service “hotline” telephone numbers will be displayed in common areas and distributed to drivers. Drivers will be encouraged to call the hotline if needed. Additionally, this Plan will be displayed and made available to all drivers. The Plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, break rooms, locker rooms, or other areas designated by the Company.

3. Supervisor Training

Each supervisor who will determine whether a driver must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the “signs and symptoms” of each substance. Each supervisor will receive one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *drug* use and one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *alcohol* use. The two 60-minute training periods may run concurrently.

4. Recordkeeping

Compliance. The Company will ensure that all records required by the DOT are maintained. The Company is not required to keep records related to a program requirement that does not apply to Part 40 or 382. The Company or its C/TPA will maintain the records in a locked file system and will be accessed only on a strict “need to know” basis. The Company or its C/TPA will not release a driver’s drug and alcohol records to third parties without the driver’s specific written consent. A “third party” is any person or organization to whom Parts 40 or 382 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process. “Specific written consent” means a statement signed by the driver that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

The Company or its C/TPA will release the driver’s information without consent to DOT, FMCSA, or other government agency having regulatory authority over the Company or driver without consent. The Company or its C/TPA will release the driver’s information without consent as a part of an accident investigation by the National Transportation Safety Board. The Company or its C/TPA will release the driver’s information without consent in certain legal proceedings. These proceedings include a lawsuit, grievance, administrative proceeding (e.g., an unemployment compensation hearing brought by or on behalf of a driver resulting from a positive drug or alcohol test or refusal to test), a criminal or civil action resulting from a driver’s performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information. In such a proceeding the information will be released to the decisionmaker in the proceeding with a binding stipulation that the decisionmaker to whom it is released will make it available only to parties to the proceeding. After releasing the information, the Company or its C/TPA will notify the driver.

If the Company uses a C/TPA to maintain the records, the Company will ensure that the C/TPA can produce these records at the Company’s principal place of business in the time required by the DOT agency for an inspection. The records will be provided within two business days after receipt of the request. Most records will be stored electronically, where permitted by Part 40 and 382. The Company will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria for the DOT inspector, the Company will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

Records and Retention Periods. The Company or its C/TPA will maintain the following records for the noted time periods, as a minimum:

- a) Records kept for **five** years:
 - (1) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - (2) Records of the inspection, maintenance, and calibration of EBTs;
 - (3) Records of verified positive drug test results;
 - (4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - (5) SAP reports;
 - (6) Follow-up tests and schedules for follow-up tests; and,
 - (7) Statistical data related to the Company’s testing program, entitled “Management Information System,” will be available to a representative of DOT, FMCSA, or a state agency having regulatory authority over the Company upon request.

- b) Records kept for **three** years:
 - (1) Records of information obtained from previous employers under Part 40 concerning **drug** and alcohol test results of drivers;
- c) Records kept for **two** years:
 - (1) Records that demonstrate the drug-testing collection process; and,
 - (2) Records related to the alcohol collection process (i.e., calibration documentation for evidential breath testing devices, documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath for testing); and,
- d) Records kept for **one** year:
 - (1) Negative drug test results.
 - (2) Alcohol results less than 0.02.
- e) Records kept **indefinitely**:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the Company while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
- f) Types of records to be maintained is outlined in 382.401(c)
- g) Location of records. All records required by Part 382 shall be maintained as required by §390.31 and shall be made available for inspection at the Company's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

Request for Records. All drivers have the right to request and obtain copies of any records pertaining to the driver's use of alcohol and/or drugs, including records of the driver's DOT-mandated drug and/or alcohol tests, and copies of SAP reports. Requests for records must be made in writing to the DER. A laboratory must provide, within 10 business days of receiving a written request from a driver, and made through the MRO, the records relating to the results of the driver's drug test (i.e., laboratory report and data package). Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. SAPs must redact follow-up testing information from the report before providing it to the driver.

5. Management Information System

Compliance. The Company will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol testing program. This report will be submitted to FMCSA in accordance with annual submission requirements. If the Company uses a C/TPA then the C/TPA may prepare and maintain the MIS, reporting the MIS as the Company requires. The DER will certify each report submitted by a C/TPA for accuracy and completeness.

IX. Appendix B - Designated Personnel and Service Agents

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

Name: J.J. Keller & Associates Inc.
Address: 3003 Breezewood Ln. P.O Box 368 Neenah, WI 54957
Phone Number: 920-967-7123

DESIGNATED EMPLOYER REPRESENTATIVE (DER)/ALCOHOL & DRUG PROGRAM MANAGER

Name: Richard Flores (Safety Manager)
Address: 15740 W. University Blvd. Odessa, TX. 79764
Phone Number: 432-703-8518

ME

Name: MD Linda Katz
Address: 546 Franklin Ave. Massapequa, NY
Phone Number: 800-489-1839

SUBSTANCE ABUSE & MENTAL HEALTH ADMINISTRATION (SAMHSA/HHS) LABORATORY

Name: NOVA Medical Centers
Address: 500 E. 4th St. Odessa, TX 79761
Phone Number: 432-279-1401

COLLECTION SITE(S) - DRUG AND BREATHAL

Name: NOVA Medical Centers
Address: 500 E. 4th St. Odessa, TX 79761
Phone Number: 432-279-1401

LIST OF APPROVED EVIDENTIAL BREATH TESTING DEVICES (EBTS) UTILIZED:

EBT Manufacture Name and EBT Model Name:
Lifeloc, Phoenix 6.0 Breath Alcohol Tester

SUBSTANCE ABUSE PROFESSIONAL (SAP)

Name: Mary F. Dye LCDC, IADC, ICCJP, SAP (Substance Abuse Professional West TX)
Address: 1012 MacArthur Ave. Odessa, TX 79763
Phone Number: 432-296-9478 (qualifiedsap@yahoo.com)

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Name: Mary F. Dye LCDC, IADC, ICCJP, SAP (Substance Abuse Professional West TX)
Address: 1012 MacArthur Ave. Odessa, TX 79763
Phone Number: 432-296-9478 (qualifiedsap@yahoo.com)

XI. Appendix D - Company Disciplinary Actions and Additional Procedures

1. Company Discipline

Under the Drug and Alcohol Plan, the Company is committed to a drug and alcohol free workplace. Violations to this Plan include:

- a) The presence in the body, possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs and the misuse of alcohol is not condoned while conducting Company business, or while in work areas or Company vehicles on or off Company premises. No employee will work under the influence of prohibited drugs and alcohol.
- b) An employee or applicant who tests positive for drugs, has an alcohol concentration of 0.04 or higher, or refuses to take any drug or alcohol test as directed by the Company.
- c) The prohibited use of alcohol with a test result of 0.02 or greater, but less than 0.04.

Employees violating this Plan will be subject to disciplinary actions up to and including termination. Disciplinary action may include, but is not limited to: removal from working in a covered position, suspension, loss of pay, and termination of employment.

2. Additional Company Procedures

Reservation of Rights. The Company reserves the right to interpret, modify, or revise this policy statement in whole or in part without notice. Nothing in this policy statement is to be construed as an employment contract nor does this alter an employee's employment at-will status. The employee remains free to resign his/her employment at any time for any or no reason, without notice. Similarly, the Company reserves the right to terminate any employee's employment, for any or no reason, without notice.

Compliance with All Laws. This policy statement will be amended from time to time to comply with changes in Federal and State laws.

The Company reserves the right to revise or amend this policy with or without notice at any time.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK TO ADD ADDITIONAL COMPANY DISCIPLINARY ACTIONS AND PROCEDURES IF NEEDED.