



Amsys Energy, LLC.

Workplace Substance Abuse Prevention Policy

Employer Policy

Anti-Drug and Alcohol Misuse Prevention Plan

©CMI

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Revisions

January 1, 2022	Updated Appendix B to cover more detailed disciplinary actions
January 1, 2018	Changed Opiates to Opioids
December 1, 2016	OSHA Final Rule: Update to post-accident guidelines. Section V. Paragraph 3.

Table of Contents

I.	Introduction	1
1.	Workplace Substance Abuse Prevention Policy	1
2.	Background	1
3.	Implementation.....	1
4.	Responsibilities	1
5.	Policy	2
6.	Definitions	3
II.	Provisions and Requirements	5
1.	Applicability	5
2.	Procedure for Notifying Employees	6
3.	Employee Handbook.....	6
4.	Notification of Policy Changes.....	6
III.	Prohibitions and Searches	7
1.	Prohibitions.....	7
2.	Searches	7
IV.	Illegal Substances and Contraband Items	7
1.	Illegal Substances	7
2.	Contraband Items	8
3.	Prescription Drugs.....	8
V.	Required Drug and Alcohol Testing	8
1.	Payment for Testing	8
2.	Pre-Employment Testing	8
3.	Post-Accident Testing	9
4.	Random Testing.....	9
5.	Reasonable Suspicion Testing.....	9
6.	Return-to-Duty Testing	10
7.	Follow-Up Testing	10
8.	Pre-Access Testing	11
9.	Periodic Testing	11
10.	Annual Testing.....	11
VI.	Collection Sites and Collectors	11
VII.	Notification and Testing	11
1.	Employee Notification	11
2.	Drug Testing.....	11
3.	Alcohol Testing	12
VIII.	Laboratory	12
IX.	Medical Review Officer (MRO)	12
X.	Employee Notifications	13
XI.	Re-Analysis Procedures	13
XII.	Consequences for Employees Engaging in Prohibited Conduct	13
XIII.	Re-Employment Eligibility	14
XIV.	Employee Assistance Program (EAP)	14
XV.	HIPAA Privacy and Security Rules	15
XVI.	Privacy and Confidentiality	15
XVII.	Record Keeping	16

Appendices

- Appendix A – Designated Personnel and Service Agents
- Appendix B – Employer Protocols and Disciplinary Actions
- Appendix C – Urine Specimen Collections Procedures
- Appendix D – Urine Quick Test Collection Procedures
- Appendix E – Hair Testing Procedures
- Appendix F – Evidential Breath Testing (EBT) Procedures
- Appendix G – Testing Panels & Detection Levels

I. Introduction

1. Workplace Substance Abuse Prevention Policy

Amsys Energy, LLC (hereinafter known as the Employer) is committed to providing a workplace environment that is safe, efficient, and drug free, as we cannot afford the loss that substance abuse in the workplace will cost via on the job accidents, absenteeism, low-productivity, or poor quality of work, and to be in compliance with various Federal, State, and local laws and regulations, and contracts. The Employer is committed to maintaining a drug-free environment.

The purpose of this policy is to promote an alcohol and drug-free work environment for all employees and the general public. Confidentiality, consistent with legal, safety, and security considerations, is also fundamental to this policy.

Except as expressly provided by applicable Federal, State, and local regulations and laws, nothing in this policy shall be construed to affect the authority of the Employer, or the rights of employees, with respect to the use of drugs or the use of alcohol, including authority and rights with respect to testing and rehabilitation.

This policy applies, as a minimum standard, to all regular and part-time employees of the Employer, all leased employees, subcontractors, lower-tier contactors and their agents, vendors, suppliers, and their employees.

The policy is not to be construed as being contractual in nature. Nothing herein shall be deemed to preclude termination on other grounds at the will of the Employer.

Any portions or requirements of this policy determined to be in conflict with applicable State or local laws will not be enforced.

This policy supersedes all previous policies.

2. Background

The Employer's commitment to provide a safe workplace environment is the driving force for this policy. To that end, this policy was established to clearly document the goals and requirements of this program.

In addition to this plan, the Employer may have implemented additional policies as required to ensure compliance with applicable Federal, State, and/or local laws as well as to comply with any applicable contractual requirements with the Employer's clients. Any additional policies implemented by the Employer may be located in subsequent sections of this policy manual.

3. Implementation

Implementation of the Employer's drug and alcohol testing plan is effective April 22, 2016.

4. Responsibilities

Employer - The Employer has the responsibility to be knowledgeable of the requirements of and to fully comply with the provisions of this plan. The Employer is responsible for all actions of its officials, representatives, and agents (including service agents) in carrying out the requirements of this plan.

Program Manager (PM) or Designated Employer Representative (DER) - The Program Manager, or DER, is responsible for the proper implementation of this plan. The Program Manager is responsible for providing oversight and evaluation of this plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures;

scheduling of all alcohol and drug testing; maintaining a secure system for storing alcohol and drug tests and any additional information required by this plan.

The Employer's designated primary Program Manager/Designated Employer Representative is found in Appendix A.

Substance Abuse Program Administrator - The Substance Abuse Program Administrator (aka Consortium/Third Party Administrator (C/TPA), is responsible for working with the Employer or the Employer's designated representatives to advise and administer the Employer's Substance Abuse Program.

The Employer's Substance Abuse Program Administrator is:

CMI
6704 Guada Coma
Schertz, TX 78154
Phone: 800-840-1070
Fax: 210-967-9233

Supervisors and Managers - Supervisors and Managers will ensure that employees selected for drug and/or alcohol testing report to the appropriate collection site within the specified time period. Supervisors and Managers may be responsible for additional duties as delegated by the Employer's Designated Employer Representative (DER) and/or Program Manager.

Employees - Employees are responsible for complying with prohibitions related to the use of alcohol, prescription drugs, and illegal substances. Employees must provide an unadulterated specimen at a designated collection site, at an assigned time, when requested to do so under this policy. Employees must also provide any requested information on a Custody and Control Form and sign the form. Failure to do so or failure to otherwise cooperate with collection personnel will result in disciplinary action, which may include termination. Refusal to provide the specimen will be equivalent to failing a drug or alcohol test. Employees are also responsible for reporting medical information (e.g., other medications recently taken), if such information is requested by the MRO or DER.

Applicants for Employment - To be eligible for final consideration for employment, every applicant, after receiving a conditional job offer, must submit to a drug and/or alcohol test during the pre-employment application process. No applicant will be considered eligible for employment until the results of the drug and/or alcohol test are known, and the results are negative. An applicant who refuses to submit to a drug and/or alcohol test will not be eligible for final consideration for employment.

Contractors - Contractors, subcontractors, lower-tier contractors and their agents, vendors, suppliers, and their employees may be subject to the same drug and alcohol testing requirements as outlined in this policy. Contractors may be required to provide copies of their drug and alcohol testing policies and to provide statistical reports and supporting documentation to the Employer or designated auditor for compliance review. To assure compliance, the contracts between the contractor and the Employer will specify that the contractor will allow access to property and records by the Employer or the Employer's designated representative.

5. Policy

The possession, use, sale, attempted sale, manufacture, purchase, or transfer of illegal paraphernalia, drugs, mind altering chemicals, or alcoholic beverages are forbidden on any worksite, in any vehicle, on any vessel, in any parking lot, or other facility utilized strictly for business purposes by the Employer or its employees.

At the Employer's discretion, the consumption of alcoholic beverages may be permissible on the Employer's property for Employer sponsored social events, only if such notice is provided to employees in writing and signed by an Employer representative.

Employees and others as defined, will not work, operate any Employer equipment or vehicle, or enter into or onto any property, premise, or facility if they are under the influence of or are in possession of any illegal or controlled substance, unprescribed drugs, or alcohol.

Violation of this policy will be grounds for disciplinary action up to and including termination of employment, as will refusal to submit to a drug and/or alcohol test or refusal to cooperate in reasonable searches as described. Note: Adulterated or substituted specimens will be considered refusals to submit to testing.

6. Definitions

The words and terms used in this policy have their ordinary meaning unless specifically defined below:

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.
Alcohol Use	The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
Applicant	Any person applying to work for the Employer.
Confirmatory Drug test	A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
Confirmatory Validity Test	A second test performed on a urine specimen to further support a validity test result.
Confirmed Drug test	A confirmation test result received by an MRO or the Employer 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. C/TPAs are not "Employers" for the purposes of this program.
Designated Employer Representative (DER)	An employee authorized by the Employer to take immediate action(s) to remove employees from their duties, or cause employees to be removed from such 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 this policy. Service agents cannot act as DERs.
Employer	A person or entity that employs one or more employees (including an individual who is self-employed). The term includes an Employer's officers, representatives, and

management personnel. Service agents are not Employers for the purpose of this policy.

Department of Health and Human Services (HHS)

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

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 medications.

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.

Prohibited Drugs

Substances identified as Schedule I or Schedule II in the Controlled Substances Act (21 U.S.C. 812). These substances include, but are not limited to: Marijuana, Cocaine, Opioids, Phencyclidine (PCP), and Amphetamines.

Prohibited Substances

See Prohibited Drugs

Refuse to Submit (to a Drug and/or Alcohol Test)

Refuse to submit means that an employee:

Failed to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Employer after being directed to do so by the Employer;

Failed to remain at the testing site until the testing process is complete, provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test;

Failed to provide a urine specimen for any drug test required under this plan;

In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen;

Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

Failed or declines to take a second test the Employer or collector has directed the employee to take;

Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verifications process, or as directed by the DER under this policy;

Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection

process); or

Is reported by the MRO as having a verified adulterated or substituted test result.

Screening Test (or Initial Test)

The first test used to differentiate a negative specimen from one that requires further testing.

In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Service Agent

Any person or entity, other than an employee of the Employer, who provides services specified under this policy to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and SSTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualification set forth in applicable section of this program. Service agents are not employers for purposes of this program.

Substance Abuse Professional (SAP)

A person who evaluates employees who have violated this policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Verified Test

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

II. Provisions and Requirements

1. Applicability

- a) Individuals Subject to Drug and/or Alcohol Testing - All applicants, employees, and contactors are subject to the provisions of this policy. Independent owners/operators who employ themselves will comply with the requirements that apply to the Employer as well as the employee.
- b) Substances for Which Drug Testing is Conducted – Employees tested under this plan are subject to be tested for the following substances:

- Marijuana
- Cocaine
- Opioids
- Phencyclidine (PCP)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Ecstasy (MDMA)
- Methadone
- Methaqualone
- Propoxyphene
- Alcohol

Employees subject to the testing requirements/protocols of any of the Employer’s clients will be tested at the level specified in the appropriate policy addendum. If the Employer’s level of detection is lower than the level designated in the client’s protocol, the Employer may opt to only test at the Employer’s level of detection.

The Employer reserves the right to alter this list at any time. See Appendix G for the specific testing panel with screening and cut-off levels.

2. Procedure for Notifying Employees

This policy shall be kept in a prominent location that is readily accessible to all employees.

A Workplace Substance Abuse Prevention Policy: Employee Handbook will be provided to all employees. The employee handbook is a condensed/summarized version of the Employer's policy.

All employees will have the opportunity, after reviewing this policy and/or the employee handbook, to ask questions or clarify any points of the policy.

Each employee will be required to sign an Acknowledgement and Agreement affirming the employee has reviewed the Employee Handbook and has had the opportunity to discuss with management any questions or clarifications concerning this policy and that they agree to accept and abide by the policy.

Any employee or applicant refusing to sign the Acknowledgement and Agreement will be asked to present their objections to management. After review of the objections by management the status of the employee or applicant will be determined and may include termination of the employee or that the applicant will not be hired.

The Employer shall maintain the original Acknowledgement and Agreement and provide a copy of the Acknowledgement and Agreement to the employee or applicant.

3. Employee Handbook

The employee handbook, and any additional written information deemed necessary, will be provided to all employees. The employee handbook shall include detailed information and discussion of the following elements:

- a) Name of the DER or Program Manager designated to answer questions about the Employer's policy.
- b) Information concerning what is prohibited by this Workplace Substance Abuse Prevention Policy.
- c) Information concerning requirements for employees or applicants to submit to drug and/or alcohol testing.
- d) Information detailing what constitutes a refusal and consequences of such refusal.
- e) Information detailing consequences or disciplinary action that may be imposed on an employee who violates this policy, to include guidance regarding referrals for evaluation and/or treatment.
- f) Information about the physical and mental effects of drugs and alcohol.
- g) Information on existing community services hotline numbers, available alcohol and/or drug abuse counseling, rehabilitation, and assistance programs.

4. Notification of Policy Changes

Whenever possible, the Employer will give 30-days written notice to all parties who are subject to the provisions of this or procedural changes, unless otherwise noted elsewhere in this policy.

III. Prohibitions and Searches

1. Prohibitions

Employees shall not take or be under the influence of alcohol or drugs unless prescribed by the employee's licensed physician and the physician has advised the employee that the substance(s) will not adversely affect the employee's ability to work safely.

Employees are required to notify the Employer of any therapeutic drug use that may adversely affect the performance of their duties.

Employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs or alcohol at any time. At the Employer's discretion, the consumption of alcoholic beverages may be permissible for Employer sponsored events.

Any employee convicted of violating a criminal drug or alcohol statute shall inform their supervisor or the Designated Employer Representative (DER) of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring.

Employees are prohibited from using alcohol within four hours prior to reporting to work, or if an employee is called to work to respond to an emergency, within the time period after the employee has been notified to report to work.

Employees are prohibited from using alcohol for the specified on-call hours of each employee who is on-call. Employees are given the opportunity to acknowledge the use of alcohol and inability to perform the employee's duties at the time the employee is called to work. If the employee has acknowledged the use of alcohol, but claims the ability to perform his/her duties, the employee will be required to submit to an alcohol test prior to the performance of such duties.

2. Searches

The Employer reserves the right to make general or random searches, at any time without notice, of the Employer's property or any employee's personal property on or in the Employer-owned or controlled equipment and facilities for prohibited drugs, drug paraphernalia, or alcohol. There should be no expectation of privacy in or on such property.

If the Employer has reasonable cause to suspect that an employee or group of employees may be in possession of prohibited drugs, drug paraphernalia, or alcohol, in violation of this policy, the Employer may request such person(s) submit to a personal search and the person(s) may be required to submit to a drug and/or alcohol test.

If prohibited drugs, drug paraphernalia, or alcohol are found, the involved employee(s) will be subject to disciplinary action up to and including termination from employment. Refusal to submit to a search shall be grounds for immediate termination.

IV. Illegal Substances and Contraband Items

1. Illegal Substances

Illegal substances, illicit or controlled substances, mind altering chemicals, include, but may not be limited to:

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine
- Ecstasy (MDMA)
- Inhalants
- LSD

- Marijuana (THC)
- Methamphetamine
- Methadone
- Methaqualone
- Opioids
- Oxazepam
- Phencyclidine (PCP)
- Prescriptions written for anyone other than the employee
- Expired prescriptions
- Other designer or look alike substances
- Any substances which can impair full function ability
- Synthetic Marijuana – K2 Spice

2. Contraband Items

Contraband items include, but are not limited to:

- Drug related paraphernalia
- Drug delivery systems

3. Prescription Drugs

While the use of properly dispensed prescription medication is not a violation of this policy, employees who are taking prescribed medication that can cause drowsiness, that may impair their ability to operate machinery, or that have other noticeable side effects, must report the medication to their supervisor and/or management in writing prior to engaging in work. This will allow the Employer to evaluate the need to rearrange work assignments if there is a potential hazard presented by the use of such medication.

Failure to report such medication will be grounds for disciplinary action.

V. Required Drug and Alcohol Testing

1. Payment for Testing

Unless noted elsewhere in this policy, or as required by law, the Employer is financially responsible for all collection, laboratory, MRO, TPA, auditor, local, state, and federal fees and administrative costs associated with this policy.

This does not include, unless noted elsewhere in this policy, at the Employer's discretion and as allowed by law, costs incurred by applicants or employees in regard to, but not limited to, transportation, telephone calls, lost wages, substance abuse counseling, and rehabilitation. If the employee or applicant is required to pay for any testing or services, the Employer will collect the fees from the employee or applicant and in turn ensure those fees are paid. The Employer will ensure that all testing is conducted in a timely manner regardless of the employee's or applicant's ability to pay for such testing.

This also does not include, at the Employer's discretion, any costs incurred by contractors, subcontractors, lower-tier contractors and their agents, vendors, suppliers, and their employees who are required to be in compliance with this policy.

2. Pre-Employment Testing

All applicants who have received a conditional offer of employment may be required to submit to a pre-employment alcohol test (See Appendix G to see if alcohol testing is required). All applicants who have received a conditional offer of employment shall be required to submit to a pre-employment drug test. Any applicant who fails their drug and/or alcohol test will be denied employment. Passing the drug and/or alcohol test is not a guarantee that the applicant will receive a final offer of employment.

The Employer shall not allow an employee, who the Employer intends to hire or use, to work unless the Employer has received a drug test result from the MRO or CMI indicating a verified negative test result for the employee.

3. Post-Accident Testing

In the event of a work-place accident, injury or illness where there is a reasonable basis that drug and/or alcohol use could have contributed to the accident, injury or illness, a drug and alcohol post-accident test will be performed.

A post-accident drug test shall be conducted on each employee as soon as possible but no later than 32 hours after the accident. A post-accident alcohol test shall be conducted on each employee as soon as possible but no later than 8 hours after the accident. The Employer shall take all reasonable steps to test the employee(s) after an accident, but any injury will be treated first. The employer will not delay necessary medical attention for an injured employee following an accident, prohibit an employee 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.

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

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

4. Random Testing

The primary purposes of random testing are to deter prohibited drug and alcohol use and to ensure a drug and alcohol-free workplace. Employees subject to random testing will be tested on an unannounced and random basis.

The Employer shall notify CMI what percentage of drug and/or alcohol tests will be conducted, which employees will be subject to random testing, and when random selections will be generated.

Specimen collections may be conducted at all times of the work day, on different days of the work week throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule for collection. Random selections will be spread reasonably throughout the year. Each employee selected for testing shall be tested during the selection period.

The appropriate Employer representative will notify the employee that they have been randomly selected for testing. The employee will not be notified of the test until after reporting for duty.

As soon as practicable after notification, the employee will report to the collection site for testing. A guideline of a minimum of 15 minutes and a maximum of 2 hours is often cited as a reasonable window. However, the actual amount of time depends on how long it will take the employee to go directly to the collection site as determined by the Employer.

5. Reasonable Suspicion Testing

The Employer shall require an employee to submit to a drug and/or alcohol test when the Employer has reasonable suspicion to believe that the employee has violated the prohibitions of this policy concerning drugs and/or alcohol. The Employer's determination that reasonable suspicion exists to require the employee to undergo a drug and/or alcohol test will be based on specific, contemporaneous, articulable

observations concerning the appearance, behavior, speech, or body odors of the employee. With respect to reasonable suspicion drug testing, the observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for reasonable suspicion testing shall be made by a supervisor or employer official who is trained in detecting the signs and symptoms of drug use and alcohol misuse. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

Reasonable Suspicion alcohol testing is applicable only if the observations are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this policy. Alcohol testing will be conducted as soon as possible after the observations have been made. If a test is not administered within 8 hours following the determination, the Employer shall cease all attempts to conduct an alcohol test and shall prepare and maintain on file written documentation indicating why the alcohol test was not conducted.

A written record (Refer to Forms section of this policy manual) shall be made of the observations leading to a reasonable suspicion drug and/or alcohol test. This record will be signed by the supervisor or Employer official who made the observations within 24 hours of the observed behavior or before the results of the drug and/or test are released, whichever is earlier.

The potentially affected employee will not be allowed to proceed alone to or from the collection site. After returning from the collection site, the employee will not be allowed to perform duties pending the receipt of the drug and/or alcohol results and should make arrangements to be transported home. The employee will be instructed not to drive any motor vehicle due to the reasonable belief that they may be under the influence of drugs and/or alcohol. If the employee insists on driving, the Employer will take appropriate measures to discourage the employee from doing so, up to and including notifying local law enforcement officials that an employee who the Employer believes may be under the influence of drugs and/or alcohol is leaving the Employer premises driving a motor vehicle.

6. Return-to-Duty Testing

An employee whose drug and/or alcohol test is determined to be positive will be subject to disciplinary action up to and including termination. See Section XII and Appendix B for more information concerning disciplinary action(s).

The employee may be given an opportunity to retain employment on the condition that the employee first passes a return-to-duty drug and/or alcohol test.

The Employer shall ensure that before an employee returns to work after engaging in conduct prohibited by this plan concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

The Employer shall ensure that before an employee returns to work after engaging in conduct prohibited by this plan concerning drugs, the employee shall undergo a return-to-duty drug test with a verified negative result.

Unless restricted by State or local laws, the employee may be required to pay for their return-to-duty drug and/or alcohol test.

7. Follow-Up Testing

An employee that has been given the opportunity to return to work following a negative result on the return-to-duty drug and/or alcohol test shall be subject to a reasonable program of unannounced follow-up drug and/or alcohol testing after the employee's return to work.

Unless restricted by State or local laws, the employee may be required to pay for their return-to-duty drug and/or alcohol test.

8. Pre-Access Testing

Certain clients of the Employer require that before an employee is able to gain access to their property, the employee must first receive a negative result on a pre-access drug and/or alcohol test.

9. Periodic Testing

Periodic testing may be required by either the Employer or certain clients of the Employer. Periodic testing may be conducted on a specific group of employees, or on all employees, as determined by the Employer or by a client of the Employer.

10. Annual Testing

Employees who have not been drug and/or alcohol tested within a 12-month period may be required to submit to an annual drug and/or alcohol test. Certain clients of the Employer may also require that employees must be subject to an annual drug and/or alcohol test every 12 months regardless of previous testing.

VI. Collection Sites and Collectors

Various collection sites and collectors may be utilized for collection of specimens/samples for drug and alcohol tests. Each collection site will be evaluated to ensure it meets the criteria required to act as an approved site.

CMI will contract with each collection site and the collectors to perform collections. CMI will then provide the Employer with a list of approved collection sites and collectors.

VII. Notification and Testing

1. Employee Notification

The appropriate manager or supervisor will notify the employee to be tested. The employee will not be notified of the test until after reporting for duty.

As soon as practicable after notification, the employee will report to the collection site for testing. A guideline of a minimum of 15 minutes and a maximum of 2 hours is often cited as a reasonable window. However, the actual amount of time depends on how long it will take the employee to go directly to the collection site as determined by the Employer.

2. Drug Testing

All drug tests will be collected following strict chain-of-custody procedures utilizing various sample types (e.g., urine, hair, saliva).

Initial testing of all specimens will be conducted using approved and accepted scientific methodologies. All confirmation testing will be done by a second more specific test known as gas chromatography/mass spectrometry (GC/MS).

Any sample requiring laboratory processing will be collected, sealed and monitored by trained collection personnel. After the specimens have been prepared for shipment, they will be transported to a laboratory that is certified and monitored by the DHHS.

For additional information regarding drug test collection procedures refer to Appendix C, D, and E.

3. Alcohol Testing

All alcohol tests will be conducted following strict chain-of-custody procedures. Alcohol testing will be conducted by saliva strip or breathalyzer. Blood specimens may be taken if breath or saliva specimens cannot be provided.

Alcohol tests conducted by an Evidential Breath Testing Device (EBT) will be collected by certified Breath Alcohol Technicians (BATs). For more information regarding EBT collection procedures refer to Appendix F.

Alcohol tests collected by saliva strip will be conducted in accordance with the manufacturer's guidelines.

All confirmation alcohol tests will be conducted utilizing an Evidential Breath Testing Device.

Alcohol test results will be reported directly to the Employer or the Employer's representative. The collector will then transmit, in a confidential manner, the alcohol test result to CMI.

VIII. Laboratory

Drug test specimens requiring laboratory processing will be conducted at laboratories certified by the Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP).

The Employer uses the laboratory listed in Appendix A as the primary laboratory for urine specimen processing. Other certified laboratories may be utilized when conducting screening on specimens other than urine (e.g., hair, saliva).

IX. Medical Review Officer (MRO)

The Employer has designated the Medical Review Officer (MRO) listed in Appendix A to receive, report, and store drug testing information transmitted by the laboratory.

The MRO is a licensed physician with detailed knowledge of possible alternate medical explanations and of substance abuse disorders. The licensed physician is properly trained and licensed to act as an MRO.

The MRO shall review drug test results as requested by the Employer or required by law. An essential part of the drug testing program is the final review of test results reported by the laboratory.

The MRO may talk with the employee or applicant by telephone upon exchange of acceptable identification.

When the MRO makes a final determination of the result of a drug test, the MRO will transmit, in a confidential manner, the test result to CMI. CMI will then transmit the test result, in a confidential manner, to the Employer or the Employer's designated representative authorized to receive drug test results.

The MRO will mail the original signed MRO letter reporting results of non-Negative test results to the Employer's Substance Abuse Program Manager.

X. Employee Notifications

The Employer shall notify an applicant of the results of a pre-employment drug test, if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

The Employer shall notify an employee of the results of their drug tests if the test results are verified and/or confirmed positive. The Employer shall also inform the employee of the specific substances verified as positive.

If a test is reported as positive by the laboratory, the MRO, if applicable, will attempt to contact the employee to discuss the results of the test. If, after making reasonable attempts, the MRO is unable to successfully contact the employee, the designated Employer representative shall make reasonable efforts to contact the employee to request that the employee contact the MRO immediately, but not later than 72 hours, to discuss the results of the drug test.

Once the designated Employer representative has contacted the employee, the designated Employer representative shall immediately notify the medical review officer that the employee has been notified to contact the medical review officer within 72 hours.

XI. Re-Analysis Procedures

Drug Tests - If a drug test is confirmed positive, adulterated, or substituted and there is no legitimate medical reason, the split specimen, if applicable, may be analyzed if the employee or applicant makes a written request for such screening within 72-hours of the receipt of the final test result. The re-analysis will be at the employee's or applicant's expense. The re-analysis may be conducted at the same laboratory or any other DHHS approved laboratory.

The result of the re-analysis will be reported to the MRO, if applicable, who will review the result and make the final determination. If there will be no MRO review, the result will be transmitted to CMI for final transmission to the Employer.

Alcohol Tests - There is no option for re-analysis.

XII. Consequences for Employees Engaging in Prohibited Conduct

Compliance with this policy is a condition of employment. Any applicant who refuses to test or tests positive will be denied employment. Any employee who refuses to test or tests positive will be removed from their duties and may be subject to disciplinary action up to and including termination.

The Employer may consider the following factors in determining the appropriate disciplinary action:

- The employee's work history;
- The length of employment;
- Current work assignment;
- Current job performance; and
- Past disciplinary actions.

If the Employer chooses to provide an employee with an opportunity to return to work, the Employer may require the employee to comply with any or all of the following:

- a) Be evaluated, face to face, by a Substance Abuse Professional (SAP) and complete any treatment recommended by the SAP;

- b) Enter into an Employer approved rehabilitation program and successfully complete the program; and/or
- c) Take and pass a return-to-duty test and submit to a program of unannounced follow-up testing. Refer to Section V. of this plan for additional information regarding Return-to-Duty and Follow-up Testing.

The Employer will comply with all of its clients' requirements regarding violations of their substance abuse prevention policies (i.e., if a client's policy is to not allow on its property an employee who has previously tested positive, the employee will not be authorized access to the client's property).

Additional information regarding disciplinary actions after engaging in prohibited conduct, refer to Appendix B.

XIII. Re-Employment Eligibility

If an employee is terminated as a result of violating this policy, the Employer may consider the employee for rehire if the employee agrees to comply with the following stipulations:

- a) Face to face evaluation by a Substance Abuse Professional (SAP) and complete or engage in treatment program as recommended by the SAP;
- b) Entrance into an Employer approved rehabilitation program and successful completion of the program (not applicable if treatment is not prescribed/required by a SAP);
- c) During the re-employment period there must be no indication that the employee is violating this policy on or off the job;
- d) Take and pass any return-to-duty test and submit to a program of unannounced follow-up testing.

XIV. Employee Assistance Program (EAP)

An Employee Assistance Program (EAP) including education, training, and literature is available to help employees address substance abuse problems by providing educational information concerning the effects and consequences of substance abuse on personal health, safety and work environment.

It is the Employer's desire that employees voluntarily seek assistance under a program designed for substance abuse rehabilitation when such action is determined to be in the best interest of the employee. To assist in this, a listing of assistance groups will be maintained, including a twenty-four (24) hour community service Hot-Line for crisis assistance.

An employee's decision to seek assistance will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. However, it will not be a defense to the imposition of disciplinary action where the facts proving a violation of this policy are obtained outside of the Employee Assistance Program. An employee must also seek assistance prior to being notified that they must submit to a drug and/or alcohol test.

Accordingly, the purposes and practices of this plan and the Employee Assistance Program are not in conflict and are distinctly separate.

All employees who participate or who have participated in the Employee Assistance Program will still be expected to maintain satisfactory job performance and fully comply with this policy.

Confidentiality, in accordance with the Employer's policies, will be guaranteed in all aspects of the counseling and/or medical treatment conducted under the auspices of the Employee Assistance Program. When it becomes necessary for an employee to undergo appropriate treatment or rehabilitation, absences will be handled in accordance with the Employer's standard policies regarding disability, sick leave or leave of absence.

The Employer requires those persons it employs to perform their respective duties and functions in a proper workmanlike manner, unimpaired by the side effects of substance abuse. While no system or program will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with substance abuse.

The Employer realizes that those employees, applicants, and others with substance abuse problems may make up only a fraction of the work force and regrets any inconvenience that may be caused to the non-abusers by the reckless behavior of a few; however, the Employer must comply with Federal and State laws, and the benefits derived from the prevention of accidents, the greater safety of employees, customers, and the counseling/rehabilitation or discharge of those whose substance abuse problems are a potential danger to others, will more than make up for any inconvenience.

The Employer will abide by any restrictions or requirements set forth in applicable State and/or local laws.

XV. HIPAA Privacy and Security Rules

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy and security rules, in general, do not apply to this policy. However, to the extent that any testing is conducted for the purpose of workplace medical surveillance or work-related illness or injury, and the Employer needs the information to comply with the requirements of Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), or the requirements of similar State laws, the protected health information the Employer needs to meet such legal obligation may be disclosed to the Employer by a health care provider without authorization from the employee. The health care provider who makes such disclosure must provide the individual with written notice, in accordance with HIPAA rules, that the information is to be disclosed to the Employer.

XVI. Privacy and Confidentiality

Employee's expectations of privacy and confidentiality will be carefully considered in maintaining a record retention program. Contractual arrangements between the Employer, CMI, collectors, laboratories, and the MRO, if applicable, require all test records to be maintained in confidence and to prohibit the release of any drug and/or alcohol test result to any other person except under written authorization from the employee or applicant, unless such results are necessary in the process of resolution of accident (incident) investigations, required by court order, or required to be released to parties having a legal right-to-know as determined by State and Federal law.

Any employee who is the subject of a drug and/or alcohol test conducted under this policy shall, upon written request, have access to any records relating to the employee's drug and/or alcohol test and any records relating to the results of any relevant certification, review or revocation-of-certification proceedings.

To maintain confidentiality, written requests regarding the employee's drug and/or alcohol tests will be stored in a secured manner. The employee's drug and/or alcohol testing records will not be made a part of the employee's personnel file.

Unless an employee gives consent, the employee's counseling/rehabilitation or drug and/or alcohol test records will not be released to a subsequent Employer.

XVII. Record Keeping

Security - All records will be maintained in a secure manner.

Types of Records - Specific types of records to be maintained include, but are not limited to, the following:

- Chain-of-custody forms
- Laboratory test results
- Alcohol testing forms
- Signed Acknowledgment of Receipt forms
- Laboratory certification documentation
- MRO reports (if applicable)
- SAP Documentation (if applicable)

Appendices

Appendix A - Designated Personnel and Service Agents

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

Name: CMI
Address: 6704 Guada Coma, Schertz, TX 78154
Phone Number: (210) 967-6169

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

Name: Twila Minter
Address: 8300 Bissonnet St Ste 570, Houston Tx 77074-3915
Phone Number: (210) 454-5239

MEDICAL REVIEW OFFICER (MRO)

Name: William Buhrow, M.D.
Address: 6704 Guada Coma, Schertz, TX 78154
Phone Number: (888) 844-9806 or (210) 967-9806

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

Name: Clinical Reference Laboratory
Address: 8433 Quivira Rd, Lenexa, KS 66215
Phone Number: (800) 445-6917

COLLECTION SITE(S) - DRUG AND BREATH ALCOHOL

Name: Texas Med Clinic-Forum
Address: 8341 Agora Pkwy, Selma, Tx 78154
Phone Number: (210) 659-5533

Various collectors/collection sites may be used, CMI will provide client with list of additional or alternate collectors/collection sites.

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

EBT Manufacture Name and EBT Model Name: Intoxilyzer 400PA*

**Various EBTS may be utilized.*

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Name: Twila Minter
Address: 8300 Bissonnet St Ste 570, Houston Tx 77074-3915
Phone Number: (210) 454-5239

SUBSTANCE ABUSE PROFESSIONAL (SAP) – Referrals

Name: CMI
Address: 6704 Guada Coma, Schertz, TX 78154
Phone Number: (210) 967-6169

Appendix B – Employer Additional Requirements, Protocols, and Disciplinary Actions

Policy Statement. The Employer is committed to maintaining a drug-free environment. Violations to this Plan include:

1. 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 Employer business, or while in work areas or Employer vehicles on or off Employer premises. No employee will work under the influence of prohibited drugs and alcohol.
2. 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 Employer.

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

Reservation of Rights. Amsys Energy, LLC reserves the right to interpret, amend, 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 Employer reserves the right to terminate any employee's employment, for any or no reason, without notice.

Employer Requirements

Pre-Employment Alcohol Testing. DOT does not mandate a pre-employment alcohol test for covered employees. DOT does, however, give regulated employers, such as this Employer, the authority to conduct such testing. With respect to this option, **Amsys Energy, LLC does not require covered employees to submit to DOT Pre-employment alcohol testing.**

Disciplinary Actions

Amsys Energy, LLC has established a **2nd Chance Policy**. The Employer has established a 2nd Chance Policy. Barring any extenuating circumstances that may impact the Employer's decision with respect to the employee's continued employment, employees who are determined to be first-time violators of this policy will be provided an opportunity to retain their employment contingent upon the employee's completion of any prescribed rehabilitation and return-to-duty requirements as specified by a DOT Qualified Substance Abuse Professional (SAP).

Prior to being placed back into a safety-sensitive function, the employee must comply with the Return to Duty testing requirements of this Plan. Once the employee has been placed back into a safety-sensitive function, the employee will be subject to applicable unannounced Follow-up testing as directed by a DOT Qualified Substance Abuse Professional (SAP).

If an employee is determined to have a subsequent violation of this plan, the employee will be subject to disciplinary actions up to and including termination.

Additional Employer Protocols

Alcohol Test result of 0.02 or greater, but less than 0.04. Amsys Energy, LLC considers this prohibited conduct; therefore, this may result in termination from employment.

Negative drug test reported as dilute with creatinine concentration greater than 5 mg/dL: DOT does not consider this type of result to be a violation but does give Employers options regarding requiring employees who receive a test result of this nature to submit to a 2nd test. Employer will require a retest.

Negative drug test reported as dilute with creatinine concentration greater than 2 md/dL but less than 5 md/dL: MRO will require a recollection under direct observation.

Appendix C: Urine Specimen Collection

Security, Integrity and Privacy

Collection site personnel shall be responsible for maintaining specimen collection and transfer process integrity. The modesty and privacy of the donor shall be carefully ensured at all times. Conduct or remarks that might be construed as accusatorial, offensive, or inappropriate will not be permitted, and must be avoided.

Any person requested to undergo a drug test will be required to provide a urine specimen at a designated collection site. In order to ensure integrity of the specimen collection procedures, a standard Urine Custody and Control Form (CCF) will be used, with an appropriate form for split sample procedures, if applicable. This form shall be completed by the employee and the collection site personnel. The form will be completed by the person responsible for collecting the urine specimen and then will be forwarded along with the urine specimen to a designated laboratory, which will analyze the specimen. The laboratory will then forward a copy of the CCF to CMI, the Substance Abuse Program Administrator, who will review it along with the test result. CMI will retain a copy of the CCF for each drug test it conducts. The chain-of-custody portion of the Urine CCF must be completed by every person who handles or otherwise comes in contact with the urine specimen.

All urine specimens will be collected in a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean single-use collection container that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided; and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.

If the donor is unable to provide a sufficient amount of urine for the drug test:

- 1) The insufficient specimen shall be discarded unless the insufficient specimen was out of temperature range or showed evidence of adulteration of tampering, will be discarded.
- 2) The donor is to remain at the designated collection site and urged to drink up to 40 ounces of fluid, distributed reasonably throughout a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. It is not a refusal to test if the employee declines to drink.
- 3) If the donor has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection process will be discontinued, noted on the chain-of-custody control form; and the DER will be immediately notified.

Unauthorized personnel shall not be permitted access to any part of the designated collection site. In order to ensure accuracy and security, only one donor shall be under the supervision of the collection site person at any time.

Collection Procedures

Designated Collection Sites - The Employer will utilize an approved collection site which will have the personnel, materials, equipment, facilities and supervision necessary to provide for the collection, security, temporary storage and shipping of urine specimens to a SAMHSA-certified laboratory for testing.

The Employer will designate specimen collection sites that have:

- 1) An enclosure for urinating in private

- 2) A toilet or receptacle large enough to contain a complete void
- 3) A source for washing hands
- 4) A suitable surface for writing
- 5) The collection site will be secure to prevent unauthorized access during the collection process.

Supervisory Collections - A direct supervisor of an employee shall not serve as the collection site person for a drug test, unless a trained collector is not available to do the collection.

Alternative Collection Sites - If one of the Employer's designated collection site facilities cannot be used to collect a specimen, the Employer and /or the employee will attempt to use another collection site facility which is familiar with collection procedures. In the event such an alternative collection site is not available, the urine specimen must still be collected in a secure manner, described as follows:

- 1) Procedures shall be provided for the collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.
- 2) A facility normally used for other purposes, such as a public restroom, may be secured by visual inspection to ensure other persons are not present and undetected access is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public restroom, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.
- 3) If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed shipping container is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the shipping container. The shipping container shall be immediately shipped, maintained in secure storage, or remain until shipped under the personal control of the collection site person.

Individual Privacy - Collection procedures allow urine specimens to be provided by the individual in private, unless there is reason to believe that the individual may alter or substitute the specimen.

Circumstances Requiring Direct Observation - A second specimen of urine will be obtained as soon as possible under the direct observation of a same gender collection site person whenever:

- 1) There is reason to believe that a particular donor has altered or substituted the specimen under the following circumstances; or
- 2) The donor has presented a specimen which falls outside the allowable temperature ranges (32° - 38° C / 90° - 100° F); and/or
- 3) The collection site person observes donor conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen.

When it is necessary to collect a second specimen of urine, the donor may find it difficult to immediately give another specimen. In such cases, the donor is to remain at the designated collection site (up to three hours), and urged to drink up to 40 ounces of fluid.

Circumstances When Direct Observation of Collection will be OPTIONAL - Under certain circumstances, collection of a second specimen of urine may be optional. A collector of the same gender as the donor will observe this second collection of urine. The circumstances are as follows:

- 1) The last urine specimen provided by the donor on a previous occasion was determined by the SAMHSA certified laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2g/L; or
- 2) The donor has tested positive in a prior drug test and the particular test being conducted was either a return to duty test or an unannounced follow-up test.

Specimen Integrity and Identity - The Employer, the employee and the collection site person shall take appropriate precautions to preserve the integrity and identity of the urine specimen by ensuring that it is not adulterated or diluted during the collection procedure and that the urine specimen tested is that of the person from whom it was collected. Collection site personnel will be responsible for maintaining the integrity of the specimen collection and transfer process, but employees are expected to cooperate with collection site personnel and to exercise good faith in conjunction with the written specimen collection procedures.

To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in the toilet tanks, so the reservoir of water in the toilet bowl always remains blue. Where practical, there shall be no other source of water in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

When an individual arrives at the collection site, the collection site personnel shall ensure that the individual is positively identified as the employee selected for testing through presentation of valid photo identification or identification by an Employer management official. If the individual's identity cannot be established, the collection site person shall not proceed with the collection.

If the employee asks, the collector must provide his/her identification to the employee. The collector's identification must include name and Employer's name, but does not have to include the collector's picture, address, or telephone number.

Collection Control - The collection site person shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. The Urine Custody and Control form shall be used for maintaining control and accountability of each specimen from the point of collection to the final disposition of the specimen. The date and purpose shall be documented on an approved Chain-of-Custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling the specimens.

Transportation to Laboratory - Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in a container designed to minimize the possibility of damage during shipment and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date the specimens were sealed in the containers for shipment. The collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the drug testing laboratory.

Failure to Cooperate - If the employee refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, and initial specimen) the collection site person shall inform the Employer and shall document the non-cooperation in the Urine Custody and Control Form. Employees are expected to exercise good judgment and cooperate during the collection process and failure to do so will be treated the same as a positive drug test, the employee will be removed from his/her safety-sensitive position, and may be terminated from employment, independent and regardless of the results of any subsequent drug test.

Any employee required to provide a urine specimen will be expected to complete any necessary forms required by the collection site person or the Employer, including those authorizing the disclosure of test results to the Employer and the Substance Abuse Program Administrator. Failure or refusal to do so may result in discharge as set forth in the Employer Policy.

Employees Requiring Medical Attention - If the specimen is being collected from an employee in need of medical attention, necessary medical attention shall not be delayed in order to collect the specimen.

Appendix D: Urine Quick Test Collection Procedures

Security, Integrity and Privacy

Collection site personnel shall be responsible for maintaining specimen collection and transfer process integrity. The modesty and privacy of the donor shall be carefully ensured at all times. Conduct or remarks that might be construed as accusatorial, offensive, or inappropriate will not be permitted, and must be avoided.

Any person requested to undergo a drug test will be required to provide a urine specimen at a designated collection site. In order to ensure integrity of the specimen collection procedure, a standard Urine Custody and Control Form (CCF) will be used. This form shall be completed by the employee and the collection site personnel. The form will be completed by the person responsible for collecting the urine specimen and then will be forwarded along with the urine specimen, if the sample is non-negative, to a designated laboratory, which will conduct the confirmation analysis of the drug test. The laboratory will then forward a copy of the CCF to CMI, the Substance Abuse Program Administrator, who will review it along with the test results. CMI will retain a copy of the CCF for each drug test it conducts. The chain-of-custody portion of the CCF must be completed by every person who handles or otherwise comes in contact with the urine specimen.

All urine specimens will be collected in a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean single-use collection container that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided; and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.

Unauthorized personnel shall not be permitted access to any part of the designated collection site. In order to ensure accuracy and security, only one donor shall be under the supervision of the collection site person at any time.

Collection Procedures

Designated Collection Sites - The Employer will utilize an approved collection site which will have the personnel, materials, equipment, facilities and supervision necessary to provide for the collection, security, temporary storage and shipping of urine specimens to a SAMHSA-certified laboratory for testing.

The Employer will designate specimen collection sites that have:

- 1) An enclosure for urinating in private
- 2) A toilet or receptacle large enough to contain a complete void
- 3) A source for washing hands
- 4) A suitable surface for writing

The collection site will be secure to prevent unauthorized access during the collection process.

Supervisory Collections - A direct supervisor of an employee shall not serve as the collection site person for a drug test, unless a trained collector is not available to do the collection.

Alternative Collection Sites - If one of the Employer's designated collection site facilities cannot be used to collect a specimen, the Employer and /or the employee will attempt to use another collection site facility which is familiar with collection procedures. In the event such an alternative Collection site is not available, the urine specimen must still be collected in a secure manner, described as follows:

Procedures shall be provided for the collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

A facility normally used for other purposes, such as a public restroom, may be secured by visual inspection to ensure other persons are not present and undetected access is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public restroom, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.

If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed shipping container is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the shipping container. The shipping container shall be immediately shipped, maintained in secure storage, or remain until shipped under the personal control of the collection site person.

Individual Privacy - Collection procedures allow urine specimens to be provided by the individual in private, unless there is reason to believe that the individual may alter or substitute the specimen, as set forth below.

Circumstances Requiring Direct Observation - A second specimen of urine will be obtained as soon as possible under the direct observation of a same gender collection site person whenever:

- 1) There is reason to believe that a particular donor has altered or substituted the specimen under the following circumstances: or
- 2) The donor has presented a specimen which falls outside the allowable temperature ranges (32° - 38° C / 90° - 100° F); and/or
- 3) The collection site person observes donor conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen.

When it is necessary to collect a second specimen of urine, the donor may find it difficult to immediately give another specimen. In such cases, the donor is to remain at the designated collection site (up to three hours), and be given fluid to drink.

Circumstances When Direct Observation of Collection will be OPTIONAL - Under certain circumstances, collection of a second specimen of urine may be required. A collector of the same gender as the donor will observe this second collection of urine. The circumstances are as follows:

- 1) The last urine specimen provided by the donor on a previous occasion was determined by the SAMHSA certified laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L; or
- 2) The donor has tested positive in a prior drug test and the particular test being conducted was either a return to duty test or an unannounced follow-up test.

Specimen Integrity and Identity - The Employer, the employee and the collection site person shall take appropriate precautions to preserve the integrity and identity of the urine specimen by ensuring that it is not adulterated or diluted during the collection procedure and that the urine specimen tested is that of the person from whom it was collected. Collection site personnel will be responsible for maintaining the integrity of the specimen collection and transfer process, but employees are expected to cooperate with collection site personnel and to exercise good faith in conjunction with the written specimen collection procedures.

To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in the toilet tanks, so the reservoir of water in the toilet bowl always remains blue. Where practical, there shall be

no other source of water in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

When an individual arrives at the collection site, the collection site personnel shall ensure that the individual is positively identified as the employee selected for testing through presentation of valid photo identification or identification by an Employer management official. If the individual's identity cannot be established, the collection site person shall not proceed with the collection.

If the employee asks, the collector must provide his/her identification to the employee. The collector's identification must include name and Employer's name, but does not have to include the collector's picture, address, or telephone number.

Collection Control - The collection site person shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. The Urine Custody and Control form shall be used for maintaining control and accountability of each specimen from the point of collection to the final disposition of the specimen. The date and purpose shall be documented on an approved Chain-of-Custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling the specimens.

Testing Procedures

Onsite Testing - The collector or a designated site person shall perform the quick test testing procedures to determine if the specimen is negative or non-negative. The person performing this process shall be familiar with the quick test product and testing procedure. If the specimen is determined to be *non-negative or unreadable* the specimen will be resealed and shipped to the Employer's designated lab for confirmation testing. If the specimen is determined to be *negative* the site person conducting the testing shall document the result on the CCF and forward the CCF to the Employer's laboratory and CMI.

Transportation to Laboratory (if applicable) - Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in a container designed to minimize the possibility of damage during shipment and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date the specimens were sealed in the containers for shipment. The collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the drug testing laboratory.

Failure to Cooperate - If the employee refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, and initial specimen) the collection site person shall inform the Employer and shall document the non-cooperation in the CCF. Employees are expected to exercise good judgment and cooperate during the collection process and failure to do so will be treated the same as a positive drug test, the employee will be removed from his/her safety-sensitive position, and may be terminated from employment, independent and regardless of the results of any subsequent drug test.

Any employee required to provide a urine specimen will be expected to complete any necessary forms required by the collection site person or the Employer, including those authorizing the disclosure of test results to the Employer and CMI. Failure or refusal to do so may result in discharge as set forth in the Employer Policy.

Employees Requiring Medical Attention - If the specimen is being collected from an employee in need of medical attention, necessary medical attention shall not be delayed in order to collect the specimen.

Appendix E: Hair Testing Procedures

The Employer may require hair testing be conducted in addition to or in lieu of another type of sample. The following procedures shall be followed when collecting a hair sample.

Verify the Donor's Identity - The collector shall verify the test subject's identity. This shall be accomplished either by checking the donor's driver's license or other photo ID. A visual ID of the subject may be done if the Employer is present and can visually ID the donor. If a visual ID of the subject is performed, this must be noted on the Test Request Form (TRF).

Completing the Chain-of-Custody Form - The collector and the donor will complete the Hair testing chain-of-custody form by following the steps and instructions specified on the form itself.

Completing the Sample Acquisition Card (SAC) - The Sample Acquisition Card (SAC) is found inside the plastic collection pouch. The collector should remove the foil and integrity seal from inside the card. The collector should fold the foil in half lengthwise, open it up again and set it aside. If the integrity seal requires a date and signature, the collector should complete this information.

On the card itself, the collector and/or donor should complete the instructions as indicated.

Once the sample collection is completed and the sample is sealed inside the white card by the integrity seal, the donor should initial the card where indicated. This is NOT DONE until after the sample has been collected and sealed in the SAC.

Collecting a Hair Sample - The collector will wipe the scissors and hair clip with an alcohol pad in order to clean it. The collector should stand behind the test subject in order to take the sample from the crown of the head.

The collector will select the area where the sample will be collected. The collector should use his/her finger to part the hair across the scalp (horizontally). The collector will lift the top portion of the hair that will not be cut and use the hair clip to pin that hair out of the way.

The collector should select the hair to be cut by grasping a small lock of hair visibly equal to 1/2 inch wide by 1 strand deep when held flat across the finger. This is roughly equal to the distance between the 2nd and 3rd joint of the index finger. The collector should position the scissors as close to the scalp as possible and cut all the hair the hair being held. The collector should be sure to keep the root ends aligned. After putting down the scissors, the collector should grasp the root ends firmly to ensure that the sample remains aligned. The sample should be placed into the foil with the root ends extending ¼ inch beyond the slanted end of the foil.

If the donor has thin or short hair, more hair may need to be collected in order to meet the weight requirement of a sample. The collector may need to take samples from several different areas on the head. If this is done, however, the collector must ensure that the root ends are kept aligned in the foil. **Please note: samples may NOT consist of both head and body hair.**

After placing the hair in the foil, the collector should press the sides of the foil together and pinch it tightly closed trapping the hair inside. If the hair is long, the remaining hair should be wrapped around the foil. The ends of the hair should NOT be cut off.

The collector should never cut hair that is in a ponytail or braid. The collector should ask the donor to undo their hair so that it hangs loosely prior to taking the sample. Similarly, the collector should never collect a sample from a hair weave or dreadlocks.

Once the collector has collected the sample, he/she will place the sample into the SAC in the presence and full view of the donor. The collector should make sure the hair's root ends are aligned to the left.

The collector should seal the SAC by placing the red integrity seal over the designated spot on the SAC. The collector should make sure he/she has signed and dated the seal.

The donor should initial the SAC in the space provided. By doing so, the subject is certifying that he/she knows the sample contained in the SAC is his/hers, that it was collected close to the skin, and that he/she has watched the collector seal the sample into the SAC.

At this point, the collector and the donor should finish completing the Chain-of-custody form. The Chain-of-custody should be separated and distributed as indicated on the form. Generally the distribution is as follows:

Copy 1 - Laboratory Copy. Accompanies specimen to the Laboratory

Copy 2 - Donor Copy. Give to Donor after collection has been completed

Copy 3 - Employer Copy. Mail to Designated Employer Representative

Copy 4 - MRO Copy. Mail to the MRO

After separating the Chain-of-custody copies, Copy 1 should be placed along with the completed and sealed SAC into the plastic collection pouch.

The collector should remove the blue strip from the top of the pouch, revealing an adhesive strip. The collector should fold the adhesive strip over to meet the other side of the collection pouch and press firmly to seal.

The collector should have the donor initial and date the space at the top of the pouch. By initialing this space, the subject is certifying that he/she knows the sample contained in this pouch is his/her sample.

Storage and Shipping -The collector must keep the sealed sample in a secure location until it is shipped to the laboratory for processing. The sample does not require refrigeration. The sample should be shipped using the client's designated carrier. Samples should be shipped in a standard letter size envelope. One envelope can hold up to twenty-five (25) samples. Hair samples are not infectious; therefore they do not need to be shipped in laboratory packs.

Invalid Tests - A Hair test will be invalid under the following circumstances:

- 1) No identifying information on the SAC
- 2) Sample collector not signing the Chain-of-custody or the SAC
- 3) Donor ID number is not on the Chain-of-custody or the SAC
- 4) Name of donor is written on the Chain-of-custody
- 5) SAC or collection pouch not sealed properly
- 6) Sample submitted with root ends too mis-aligned to run
- 7) A braid or dreadlocks is submitted
- 8) Sample contains both head and body hair

Quantity Not Sufficient (QNS) - QNS samples are samples received that do not contain enough hair to complete the testing procedure. A sufficient sample is approximately ½ inch wide by 1 strand deep when laid flat across one's finger. If the subject's hair is less than one inch long, or is very thin or fine, more hair will need to be collected to ensure the sample meets the required testing weight. A QNS result means the subject will need to have another sample collected.

Appendix F: Evidential Breath Testing (EBT) Procedures

General

Alcohol Testing Form (ATF) - The Screening Test Technicians (SSTs) or the Breath Alcohol Technician (BAT) shall utilize a standard Breath Alcohol Testing form.

The Employer may utilize a form that is directly generated by an EBT and may omit the space for affixing a separate printed result to the testing form. The form shall provide triplicate or three consecutive identical copies with copy 1 (white copy) being retained by the Employer, copy 2 (green copy) shall be provided to the employee, and copy 3 (blue copy) shall be retained by the BAT.

The breath alcohol testing form may include such additional information as may be required for billing or other legitimate purposes necessary to the testing, provided that personal identifying information on the individual (other than the social security number or employee identification number) may not be provided.

Breath Testing Locations - The Employer shall conduct the testing in a location that affords visual and aural privacy to the employee being tested. The location shall be secured as to prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel, and materials for conducting the alcohol testing shall be provided at the testing site.

A mobile collection facility, such as a van that is equipped for alcohol testing, maybe utilized.

No unauthorized persons shall be permitted access to the testing site when the EBT remains unsecured, or in order to prevent such individuals from seeing or hearing a test result.

In some circumstances the Employer may have to conduct such alcohol testing outdoors at the scene of an accident that does not meet the requirements above. In such cases, the STT or BAT shall provide the necessary visual and aural privacy to the employee to the greatest extent practicable.

The STT or BAT shall supervise only one employee's use of the EBT at a time. The BAT shall not leave the alcohol testing site while the testing process is in progress.

Conducting the Alcohol Test

Breath Alcohol Testing Preparations - When an employee arrives at the alcohol testing site, the STT or BAT shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by the Employer's representative). If the employee's identity cannot be established, the BAT shall not proceed with the alcohol test. Upon request by the employee, the STT or BAT shall show proper identification to the employee.

The STT or BAT shall explain the alcohol testing process to the employee.

If the employee fails to arrive at the assigned time, the STT or BAT will contact the appropriate authority to obtain guidance on any action to be taken.

Screening Test Procedures - The STT or BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.

Breath Alcohol Testing Procedures - The BAT shall select an individually-sealed mouthpiece and it shall be opened in full view of the employee and the BAT and attached to the EBT in accordance with the manufacturer's instructions.

The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.

If the EBT does not meet the requirements listed on the NHTSA CPL, the BAT shall ensure before a screening test is administered to each employee that (s) he and the employee read the sequential test number displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, and the time in step 3 of the form.

Appendix G: Testing Panels & Detection Levels

Testing Panels & Detection Levels

DOT Drug Testing (Urinalysis) - The Table below reflects the Employer's drug testing panel as well as the cut-off levels for determining positive drug tests. Additional substances may be included in the Employer's testing panel at any time.

Substances Tested	Initial Testing Cut-Off Levels	Confirmation Testing Cut-Off Levels
Amphetamines	500 ng/ml	250 ng/ml
Methamphetamine (MAMP)	500 ng/ml	250 ng/ml
Methylnexedixymethamphetamine (MDMA)	500 ng/ml	250 ng/ml
Cocaine metabolites	150 ng/ml	100 ng/ml
Cannabinoid metabolites	50 ng/ml	15 ng/ml
Opioids	2000 ng/ml	2000 ng/ml
Codeine/Morphine	2000 ng/ml	2000 ng/ml
6-Acetylmorphine (6AM)	10 ng/ml	10 ng/ml
Hydrocodone/Hydromorphone	300 ng/ml	100 ng/ml
Oxycodone/Oxymorphone	100 ng/ml	100 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Alcohol	Detection	0.04 gm/deciliter

Non-DOT Drug Testing (Urinalysis) - The Table below reflects the Employer's drug testing panel as well as the cut-off levels for determining positive drug tests. Additional substances may be included in the Employer's testing panel at any time.

Substances Tested	Initial Testing Cut-Off Levels	Confirmation Testing Cut-Off Levels
Amphetamines	1000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Methadones	300 ng/ml	300 ng/ml
Methaqualones	300 ng/ml	300 ng/ml
Opioids	2000 ng/ml	2000 ng/ml
Phencyclidines	25 ng/ml	25 ng/ml
Propoxyphenes	300 ng/ml	300 ng/ml
Marijuana	50 ng/ml	15 ng/ml

Alcohol Testing (Breath)- The cut-off levels shown below will be used to determine whether confirmation testing is required. Alcohol testing violations are determined based on the results of confirmation testing.

Screen Level: 0.02 Confirmation Level: 0.04

Employees subject to the testing requirements/protocols of any of the Employer's clients will be tested at the level specified in the appropriate policy addendum. If the Employer's level of detection is lower than

the level designated in the client's protocol, the Employer may opt to only test at the Employer's level of detection.

