

ALCOHOL & DRUG POLICY

Revised 12/1/2015

The program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is Bob Zoufal.

All drivers employed by or leased to Larry's Cartage Co., Inc, are subject in the D.O.T. alcohol and drug testing requirements. Drivers must submit to alcohol and controlled substance test as required.

When? Drivers are required to be in compliance with this alcohol policy just before performing any safety-sensitive function, during performance of a safety-sensitive function, and immediately after the performance of a safety-sensitive function. All alcohol tests will be performed during these times. This is to include all on-duty time as defined in CRF 49 382. The drug and alcohol policy must be adhered to at all times. Drug testing may be performed at any time.

PROHIBITED CONDUCT

1. No driver shall report for duty or remain on duty to perform safety-sensitive functions while having saliva or breath alcohol concentration of 0.04 or higher, or while under the influence of any controlled substance.
2. No driver shall remain on duty or operate a Commercial Motor Vehicle while the driver possesses alcohol or any controlled substance, unless the alcohol or controlled substance is manifested and transported as part of the shipment. This includes the possession of medicine containing alcohol, (prescription or over the counter), unless the packaging seal is unbroken. Possession of any controlled substance must be accompanied by a doctor's statement that it will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
3. No driver shall perform a safety sensitive function while using alcohol or controlled substances.
4. No driver shall perform a safety-sensitive function within four hours after using alcohol.
5. No driver required to take a post-accident alcohol test shall use alcohol within 8 hours of the accident or until he/she undergoes a post-accident alcohol and drug test.
6. No driver shall refuse to submit to required alcohol or drug testing.

TYPES OF TESTING:

Pre-Employment Testing: The applicant must submit to pre-employment drug testing. The drug test will consist of a 5 panel screening for Marijuana, Opiates, Amphetamines, Cocaine and PCP. Applicants testing positive for drugs will be referred to a Substance Abuse Professional for evaluation. The application will no longer be considered eligible for hire, per company policy.

Post-Accident Testing. All drivers involved in an accident resulting in death or an accident resulting in injury or a towed vehicle, if the driver received a citation arising from the accident, must submit to alcohol and drug testing. Alcohol testing must be performed within 2 hours of the accident but no later than 8 hours after the accident. Drug testing must be performed within 32 hours of the accident. Drivers testing positive will be subject to disciplinary action up to and including termination at the company's discretion, per company policy.

Random Testing. The annual percentage rate for random drug testing will be 50% of all driving positions. The annual percentage rate for random alcohol testing will be 10% of all driving positions. The section process will be truly random and will be spread reasonably through the year. Separate selections will be made for alcohol and drug testing, per company policy. Drivers will be notified and must proceed immediately to the clinic or collection site to submit a saliva, breath, or urine sample. Drivers testing positive will be referred to a Substance Abuse Professional or evaluation. Drivers testing positive will be subject to disciplinary action up to and including termination of the company's discretion, per company policy.

Reasonable Suspicion Testing: Reasonable suspicion – Drivers who appear to be under the influence of drugs or alcohol can be immediately tested ([§382.307](#)). Employers must train CDL driver supervisors to detect the symptoms of driver impairment ([§382.603](#)).

Return-to-duty – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of [49 CFR Part 382](#) Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties ([§382.309](#) and [§40.305](#)).

Follow-up – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of [49 CFR Part 382](#) Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of 6 directly observed tests in 12 months, but can be extended an additional four years ([§382.311](#) and [§40.307](#)).

Larry's Cartage Co., Inc. will not assume financial responsibility for referral, evaluation, recommended treatment, rehabilitation, and return to duty testing, follow-up testing or re-analysis, per company policy.

DOT drug tests require laboratory testing (49 CFR Part 40 Subpart F) for the following five classes of drugs:

- Marijuana
- Cocaine
- Opiates – opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine – PCP

DOT alcohol tests identify alcohol concentration of 0.02 and greater.

TESTING PROCEDURES:

All Alcohol and Controlled Substance Testing conforms to CFR 49 Parts 40 and 382. The collection sites used by Larry's Cartage are following standard procedures to:

- 1) Protect the driver and the integrity of the testing process
- 2) Safeguard the validity of the test results
- 3) Ensure the results are attributed to the correct driver

The following rules are extremely important and an employee who violates any one of them will be subject to disciplinary action, up to and including termination.

1. Alcohol An employee may not possess, use, transfer, offer, or be under the influence of any intoxicating liquor while at work or on company business. This rule prohibits using any alcohol prior to reporting to work, during breaks or meal periods, or in conjunction with any Company activity, except social or business events where a Corporate Officer has authorized the moderate consumption of Alcoholic Beverages.
2. An employee will be removed from a Safety Sensitive Position for 24 hours if your BA is more than .02 and less than .04. A Breath Test over .04 is a DOT Violation, and a referral will be required to a Substance Abuse Professional before being released back to a safety sensitive position.
3. Drugs An Employee may not possess, use, transfer, offer, share, attempt to sell or obtain, manufacture, or be under the influence of any drug or similar substance and also may not have any drugs of similar substances present in the body. Thus, an employee who tests positive for any illegal-drug violates this rule. This rule also pertains to Prescription drugs being taken without doctor's authorization.
4. Drug Paraphernalia and Alcohol Containers an Employee may not possess any Drug Paraphernalia or Alcohol Containers.
5. Prescriptions/ Over-the-counter Medications It is the employees responsibility to check the potential effects of prescribed drugs and over-the counter Medications with your doctor or pharmacists before starting work, and to immediately let your supervisor know when such use makes it unsafe for you to report to work or do your job.
6. Adulterants any substance that is used for the purpose of manipulating a drug tests by adding to the specimen or ingesting.

This Policy and each of its rules apply whenever an employee is on or in Company Property, surrounding grounds and parking lots, leased or rented space. Company time (including breaks and meal periods), in any vehicle used on Company business, and in other circumstances (such as on customer premises or at business/sales functions) we believe may adversely affect our operations, safety, reputation or the administration of this policy.

CONSEQUENCES:

- 1) All drivers that have an alcohol concentration of 0.02 or more but less than 0.04 will be immediately removed for performing safety-sensitive functions. A confirmation test will be performed no sooner than 15 minutes later and no later than 30 minutes later. The driver may not eat, drink, put any object or substance in his/her mouth and may not blech during the waiting period. If the confirmation test shows an alcohol concentration of 0.02 or more but less than 0.04 they will be given at least 24 hours off duty.
- 2) All drivers that have an alcohol concentration of 0.04 or more on a confirmation test will be immediately removed from performing safety-sensitive functions. They will be referred to a Substance Abuse Professional for evaluation. The recommended treatment must be successfully completed before returning to a safety-sensitive function at any company. These drivers will be subject to return-to-duty testing as well as follow-up testing at any company. Please note that drivers failing a return to duty test may not be eligible for re-hire, per company policy.
- 3) All drivers with a positive drug test will be contacted by the MRO to discuss the test results. The driver may request within 72 hours that the original sample be sent for re-analysis at a different laboratory if the re-analysis fails to confirm the drug(s), the test will be cancelled and will not be considered a positive result. If the driver refuses the opportunity to discuss the test, the MRO will verify the positive result without a re-analysis. All re-analysis tests will be performed at the driver's expense, per company policy.

All drivers with a verified positive drug test result will be removed from performing safety-sensitive-functions and will be referred to Substance Abuse Professional for evaluation. This recommended treatment must be successfully completed before returning to a safety-sensitive-function at any company. These drivers will be subject to return-to-duty testing as well as follow-up testing at any company. Please note the drivers failing a test may not be eligible for re-hire, per company policy.

- 4) **Refusal to Submit:** All refusals to submit to drug (except a pre-employment drug test) and or alcohol testing will be deemed as a positive result. A driver will be considered as refusing to submit if:
1. The driver fails to appear for any drug and/or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a Consortium/Third Party Administrator (C/TPA)
 2. The driver fails to remain at the testing site for a drug and/or alcohol test until the 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 to test.
 3. The driver fails to provide a urine specimen for any drug test or provide an adequate amount of saliva or breath for any alcohol test required,. Provided that an employee who does not provide a urine specimen or provide an adequate amount of or breath or saliva because the driver left the testing site for the testing process commences for a pre-employment drug or alcohol test is not deemed to have refused to test.
 4. In the case of a directly observed or monitored collection in a drug test, the driver fails to permit the observation or monitoring of your provision of a specimen.
 5. The driver fails to provide a sufficient amount of urine or insufficient amount of breath, when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 6. The driver fails to sign the certification at Step 2 of the alcohol testing form (ATF).
 7. The driver fails or declines to take a second drug test the employer or collection has directed.
 8. The driver fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process.
 9. The driver fails to cooperate with a part of the drug or alcohol testing process. For example, refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collections process, fail to wash hands after being directed to do so by the collector.
 10. For an observed collection, the driver fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 11. The driver possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
 12. The driver admits to the collector or MRO that you adulterated or substituted the specimen.
 13. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

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14. As an employee, if you refuse to take a drug or alcohol test, you incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
15. As an employee, when you refuse to take a non-DO test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Larry's Cartage Co., Inc. will not assume financial responsibility for referral, evaluation, recommended treatment, rehabilitations; return to-duty testing, follow-up testing, or re-analysis per company policy.