

AWB Transport Inc., Employment Application

Employment Application



DRUG PROHIBITIONS

1. Prohibited Drugs - The presence in the body (including the presence as a metabolite), possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs is not condoned while conducting Company business, or while in work areas or Company vehicles on or off Company premises. No employee will work under the influence of prohibited drugs. The following drugs are prohibited: **Marijuana, Cocaine, Opioids, Amphetamines, Phencyclidine, 6AM, Ecstasy**
2. Drivers Subject to Testing Covered Under This Plan - Company drivers and contract drivers under contract for 90 days or more in any period of 365 days, who perform safety sensitive trucking functions covered under 49 CFR Parts 382 and 383, and who meet the definition of "Driver" in D.6. of this section.
3. Drug Use Prohibitions
 1. (a) No driver shall be on duty, as defined in 395.2, if the driver uses any controlled substance, except as provided in 391.97 (prescribed drugs).
 2. (b) No driver shall be on duty, as defined in 395.2, if the driver tests positive for use of controlled substances, except as provided in 397.97 (prescribed drugs).
 3. (c) A person who tests positive for the use of a controlled substances as defined in 49 CFR Part 40, is medically unqualified to operate a commercial motor vehicle and will be suspended without pay.
 4. (d) A person who refuses to be tested under the plan provisions shall not be permitted to operate a commercial motor vehicle. Such refusal shall be treated as a positive test and subject the driver to the restrictions contained in paragraph (c) above.
 5. **(e) Use of a prescription drug, where the prescribing physician advises that it could impair the ability of an employee to operate in a safety sensitive manner must be reported to the employee's supervisor.**

D. Definitions:

1. **"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. **"Alcohol Concentration"** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.
3. **"Alcohol Testing"** - testing conducted by a Department of Transportation (DOT), certified breath-alcohol technician using a DOT approved breath-testing device.
4. **"Commercial Motor Vehicle"** - means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-
 1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placard under the Hazardous Materials Regulations (CFR part 172, subpart F).
5. **"Controlled Substance"** - any substance including those assigned by 21U.S.C. 802 and includes all substances listed on Schedule I. through Schedule V., as they may be revised from time to time (21 CFR 1308). Specifically for this policy a Controlled Substance is one listed in Section 40.85 49 CFR part 382.

6. **“Driver”** - means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.
7. **“Drug Testing” or “Drug Test”** - scientific analysis for the presence of drugs or their metabolites in the human body.
8. **“DER” (Designated Employee Representative)** is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation process. The individual must be an employee of the Company and not be a service agent
9. **“Employee”**- individual or officer in the service of the employer for compensation.
10. **“Employer”** - means any person (including the United States, a State, District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer includes an employer agents, officers and representatives.
11. **“Interstate Commerce”** - means (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States, and (2) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation as described above in this definition.
12. **“Medical Review Officer (MRO)”** – a licensed physician responsible for receiving laboratory results generated by an employer drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual confirmed positive test result together with his or her medical history and any other relevant biomedical information.
13. **“Motor Carrier”** - means a for-hire motor carrier or a private motor carrier of property. The term motor carrier” includes a motor carrier agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories.
14. **“On-Duty Time”** - means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On duty time shall include:
 1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
 2. All time inspecting equipment as required by 392.7 and 392.8 of this chapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 3. All driving time as defined in the term driving time in this section;
 4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth as defined by the term sleeper berth of this section;
 5. All time loading or unloading a vehicle, supervision, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts from shipments loaded or unloaded;
 6. All time spent performing the driver requirements of 392.40 and 392.41 of this chapter relating to accidents;
 7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
15. **“On Duty or Safety Sensitive Function”** - all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. This shall include:
 1. All time driving.
 2. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
 3. All time other than driving time, in or upon any commercial motor vehicle except time spent sleeping or resting in a sleeper berth.
 4. All time inspecting equipment or servicing a vehicle

5. All time at an employer or shipper plant, terminal, facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
16. **"Performing (a safety-sensitive function)"** - means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
17. **"Post-Accident Testing"** – is required when there is an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in the following:
1. a fatality; or
 2. and accident where a driver receives a moving violation citation and one of the following occurs
 1. injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
 2. or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle and the driver receives a moving citation violation.
18. **"Prospective Employee"** - any individual who has made a written or oral application to become an employee of the Company.
19. **"Reasonable Suspicion"** or **"For Cause Testing"** - an articulated belief, based on recorded specific facts and reasonable inference drawn from those facts that an employee is in violation of this policy.
20. **"Random Testing"** - unannounced drug testing of an employee who was selected by using a method uninfluenced by any personal characteristic other than job category.
21. **"Refusal"** means that a driver:
1. Fails to show up for any test within a reasonable time after being directed to do so by the employer or to remain at the testing site until the testing process is complete. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a Consortium/Third Party Administrator.
 2. Fails to provide a urine specimen for any drug test require by the Act.
 3. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation of monitoring of the provision of a specimen (Sec. Sec 40.76(k) and 40.69 (g) of this title.
 4. Fails to provide a sufficient amount of urine when directed, unless it has been determined through a required medical evaluation, that there was an adequate medical explanation for the failure.
 5. Fails to undergo an additional medical evaluation as directed by the MRO as part of the verification process or as directed by the DER concerning the evaluation of the shy bladder procedures in part 40, subpart I of this title.
 6. Fails to cooperate with any part of the testing process.
 7. Fails or declines to take a second test the employer has directed following a negative dilute result.
22. **"Sample"** - any sample of urine, blood, breath, saliva used for drug and/or alcohol testing.
23. **"Safety Sensitive Position"** - all employees who possess Commercial Driver's Licenses (CDL's) and who operate a vehicle with the following characteristics:
1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placard under the Hazardous Materials Regulations (CFR part 172, subpart F).

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