

# AWB Transport Inc., Employment Application

## Employment Application



### E. Alcohol Testing.

#### 1. Pre-Employment (Background Check Only – Alcohol Testing is Optional).

The company must obtain and review the information listed below from any employer for whom the driver performed safety-sensitive functions in the previous two years. The information must be obtained and reviewed to later than 30 days after the driver performs safety-sensitive functions (driving).

- Information of the driver's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated
- Information on the driver's-controlled substances test in which a positive result was indicated.
- Any refusal to submit to a required alcohol or controlled substance test.

The company must provide to each of the driver's previous employers of the past two years a written authorization from the driver for the release of the required information. The company may not use a driver to perform safety-sensitive functions if the employer obtains information indicating the driver has tested positive for controlled substances, tested at or above .04 breath alcohol concentration, or refused to test unless the employer has evidence the driver has been evaluated by a SAP, completed any required counseling, passed a return-to-duty test, and been subject to follow-up testing.

#### 2. Random Testing.

- Employees in "covered" positions will be subject to random testing at any time with no advance notice. The random selection process will ensure each employee the same fair and equal chance of being selected.
- An employee randomly selected will be notified by his/her supervisor of the selection and instructed to immediately go to the designated alcohol-testing site.
- Random testing will be conducted monthly and will be administered at a 10% annualized rate. This means that the total number of tests conducted during any 12-month period will be equal to at least 10 percent of the total pool of covered employees.

#### 3. Reasonable Suspicion.

- An employee/driver shall submit to testing, for reasonable suspicion, for the use of alcohol when requested to do so by the Company.
- The employee conduct must be witnessed by at least one supervisor and company official. The supervisor or witnesses must have received training in the specific identification of actions, appearance, behavior, or conduct of a commercial motor vehicle driver, which are indicative of alcohol use.
- The supervisor shall ensure that the employee is transported to the alcohol-testing site.
- If an employee refuses to submit to the alcohol test or attempts to leave Company premises and is impaired to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the Company representative.
- While waiting for an employee's alcohol test results, that employee will be removed from performing safety-sensitive functions and, if the test results are positive, may be subject to further disciplinary action up to and including termination. Specific disciplinary actions are described in detail in the end of this policy

#### 4. Post-Accident Testing.

- A driver shall submit to an alcohol test within 2 hours (but not later than 8 hours) of a determination by the Company officials that a test is required and that circumstances indicate the accident is reportable under the FMSCA regulations. It must be determined that the driver received a citation for a moving traffic

violation arising from the accident. A DOT reportable accident is defined in 49 CFR Part 394.3 (Federal Motor Carrier Safety Regulations Pocketbook, Form 2133) as;

- indicate the accident is reportable under the FMSCA regulations. It must be determined that the driver received a citation for a moving traffic violation arising from the accident. A DOT reportable accident is defined in 49 CFR Part 394.3 (Federal Motor Carrier Safety Regulations Pocketbook, Form 2133) as;
  - (1) An occurrence involving a commercial motor vehicle operating on a public road in commerce:

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

- A driver who is seriously injured and cannot be tested at the time of the accident should provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there was any alcohol in his/her system.
- The results of a breath or blood test for the use of alcohol conducted by Federal, State, or Local law enforcement officials having independent authority to conduct such tests, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State, or Local requirements. Company officials shall obtain such test results.
- The Company shall provide drivers with necessary information and procedures so that the driver will be able to meet the requirement as set forth in this section.
- While waiting for an employee's alcohol test results, that employee will be removed from performing safety-sensitive functions and, if the test results are positive, may be subject to further disciplinary action up to and including termination. Specific disciplinary actions are described in detail in the end of this policy.
- Employee Responsibility. As soon as practicable following an accident as defined in this plan, the employee shall make every attempt to contact his/her supervisor and the substance abuse program administrator.
  - The employee will be given instructions for obtaining alcohol and substance abuse testing.
  - An employee who is subject to post-accident testing must remain available for testing, or company may consider the employee to have refused to submit to testing.
  - The employee subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he or she submits to an alcohol test, whichever comes first.
- Company Responsibility.
  - Upon receiving a report of an accident, the company shall test the employee (if no a fatality) for alcohol and controlled substances as soon as practicable.
- Return to Duty.
  - The requirements for return-to-duty testing must be performed in accordance with 49 CFR Part 40, Subpart O and that information can be found in Section V of the Alcohol Misuse Prevention plan.
- Follow-up Testing.

- The requirements for follow-up testing must be performed in accordance with 49 CFR Part 40, Subpart O and that information can be found in Section V of the Alcohol Misuse Prevention plan.

## F. Drug Testing.

**Dilute Specimens** – If the Company receives a test result, which is verified positive, but dilute, it will be treated as a positive test.

1. If the Company receives a test, which is negative and dilute, it will not retest the employee.

**Invalid Tests**- If the Company receives a test result, which is determined to be invalid (49 CFR 40.23) it will immediately have the employee retested. The employee will be given no notification of the need to retest. The test will be an observed specimen collection. No action will be taken on the first test result.

### Types of Drug Testing

#### 1. Pre-Employment Testing.

- (a) The Company shall require a driver-applicant who they intend to hire or use to be tested for the use of controlled substance as a pre-qualification condition.
- (b) A driver-applicant shall submit to controlled substance testing as a pre-qualification condition.
- (c) Prior to collection of a urine sample, a driver-applicant shall be notified that the sample will be tested for the presence of controlled substances.
- (d) The Company may use a driver who is a regularly employed driver of another motor carrier without complying with paragraph 1.a. above, if the driver meets the requirements of 391.65, "Drivers Furnished by other Motor Carriers".
- (e) The Company may use a driver who is not tested by the Company provided they assures itself:

1. That the driver has participated in a drug testing program that meets the requirements under this Plan within the previous 30 days and,

2. While participating in that program was either

- (a) Tested for controlled substances within the past 6 months (from the date of application with the Company) or
- (b) Participated in the drug-testing program for the previous 12 months (from the date of application with the Company).
- (f) When the Company exercises either paragraph d or e above, the Company will contact the controlled substances testing program in which the driver participates or participated and will obtain the following information;

1. Name and address of the program.
2. Verification that the driver participates or participated in the program.
3. Verification that the program conforms to 49 CFR Part 40.
4. Verification that the driver is qualified under the rules of this part including that the driver has not refused to be tested for controlled substances.
5. The date the driver was last tested for controlled substances.
6. The results, positive or negative, of any test taken.

#### 2. Random Testing.

- (a) Employees in "covered" positions will be subject to random testing at any time with no advance notice. The random selection process will ensure each employee the same fair and equal chance of being selected.
- (b) An employee randomly selected will be notified by his/her supervisor of the selection and instructed to immediately go to the designated collection site.
- (c) Random testing will be conducted monthly and will be administered at a 25% annualized rate. This means that the total number of tests conducted during any 12-month period will be equal to at least 25

percent of the total pool of covered employees.

### 3. Reasonable Cause.

- (a) An employee/driver shall submit to testing, for reasonable cause, for the use of controlled substances when requested to do so by the Company.
- (b) The conduct should be witnessed by at least two supervisors or company officials, if feasible. If not feasible, only one supervisor or company official need witness the conduct. The witness or witnesses must have received training in the identification of actions, appearance, or conduct of a commercial motor vehicle driver, which are indicative of the use of a controlled substance.
- (c) The supervisor shall transport the employee to the collection site.
- (d) If an employee refuses to submit to drug testing or attempts to leave the Company? premises and is impaired, in the opinion of a trained supervisor, to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the supervisor.
- (e) While waiting for an employee's drug test results, that employee will be removed from their "covered" position until the Medical Review Officer (MRO) confirms that the employee tested negative for drugs.

### 4. Post-Accident Testing.

- (a) A driver shall provide a urine sample to be tested for the use of controlled substances as soon as possible, but no later than 32 hours, after a reportable accident if the driver of the commercial vehicle received a citation for a moving traffic violation arising from the accident. A DOT reportable accident is defined in 49 CFR Part 394.3 (Federal Motor Carrier Safety Regulations Pocketbook, Form 2133) as;
  1. An occurrence involving a commercial motor vehicle operating on a public road in commerce:

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

- (b) A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.
- c. The Company shall provide drivers with necessary information and procedures so that the driver will be able to meet the requirement of paragraphs 5.a. and 5.b. of this section.
- d. While waiting for an employee's drug test results, that employee will be removed from their "covered" position until the Medical Review Officer (MRO) confirms that the employee tested negative for drugs.

### 5. Return to Duty.

- (a) The requirements for return-to-duty testing must be performed in accordance with 49 CFR Part 40, Subpart O

**6. Follow-up Testing.**

- (a) The requirements for follow-up testing must be performed in accordance with 49 CFR Part 40, Subpart O and that information can be found in Section V of the Alcohol Misuse Prevention plan.

**G. Employee Admission of Alcohol and Controlled Substances Use. (The Company does not have a voluntary admission program. This section is not applicable.)****1. Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this part and part 40 of this title, provided that:**

- (a) The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
- (b) The driver does not self-identify in order to avoid testing under the requirements of this part;
- (c) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (d) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

**2. A qualified voluntary self-identification program or policy must contain the following elements:**

- (a) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;
- (b) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- (c) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
- (d) It must ensure that:
  1. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
  2. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and
- (e) It may incorporate employee monitoring and include non-DOT follow-up testing

**H. Disciplinary Action.****1. Violation of Policy.**

- a) Any driver with a verified positive pre-employment drug test will not be hired. After a Return to Duty clearance the driver may be eligible for a new pre-employment after 30 days and shows qualification to drive under a Return to Duty authorization by SAP.
- b) Any driver with a verified positive drug test will be suspended from a safety sensitive duty and subject to disciplinary action up to and including termination.
- c) If Driver is not terminated for positive drug test the driver will be required to complete a treatment and counseling program that meets the requirements of the DOT for returning to duty (at the employees own expense). They employee will have to take and pass a return to duty test and will be subject to a minimum of six (6) unannounced tests in the first 12 months of returning to duty.
- d) Any driver with a positive alcohol test of 0.02-0.039 will be suspended with out pay for one work shift or 24 hours and will be required to have a negative alcohol test before returning to a covered position.
- e) Any employee who consumes alcohol or drugs while "On-duty" will be terminated.
- f) Any employee with an alcohol level of 0.04 or greater will be subject to disciplinary action up to and including termination from employment or will be required to meet the return to duty requirements listed in subsection (c).

- g) Any transferring employee found in violation of the Company policy will be subject to disciplinary action up to and including termination from employment.
- **h) Any attempt to adulterate, substitute, tamper or refuse to test will be treated as a positive test.**

**2. Refusal, Adulterate or Substitute a Test.**

- a) No employee shall adulterate, substitute or refuse a test or to submit to a random, reasonable-suspicion, post-accident, or follow-up alcohol test.
- b) An employee who refuses a return-to-duty test is not in violation of the plan; however, such refusal will result in not allowing the individual to perform safety-sensitive functions and may result in disciplinary action up to and including termination of employment.
- c) Employees who: (1) without a legitimate reason fail to report to the alcohol testing site; or (2) without a valid medical reason fail to provide an adequate breath sample under this policy will be suspended without pay and be subject to disciplinary action up to and including termination of employment.

**3. Return to Duty.**

- a) An employee testing positive for alcohol may be returned to a "safety-sensitive" position after a return-to-duty test with an alcohol concentration of less than 0.02.
- b) After returning to work the employee will be subject to: 1) unannounced follow-up testing, as determined by the SAP and the Company officials; and 2) the other required types of testing which includes random.

**4. Contesting a Test Result.**

An employee will have 72 hours from the time a positive drug test is reported to the company to contest a positive drug test result.

**I. Alcohol Testing Overview.**

1. Alcohol Testing Procedures. All collection, transportation, testing procedures, test evaluation measures, quality control measures, substance abuse professionals, record keeping, and reporting of alcohol test results will conform to the Department of Transportation regulations as set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

**J. Record Retention.**

**1. Record keeping.**

- a) The Company will retain the following records for a period of at least five (5) years:
  - (1) Records of driver alcohol test results with results indicating a level of greater than 0.02.
  - (2) Documentation of driver refusal to take required alcohol tests.
  - (3) Driver referral and evaluation records.
- b) The Company will retain records regarding the alcohol collection process for two years.
- c) The Company will retain test records of drivers with alcohol concentrations of less than 0.02 for a minimum of one year.
- d) The Company will retain records confirming supervisory and employee training for at least three (3) years.

**2. Driver Qualification Files.**

These records are subject to the Company's current divided record keeping authority and are to be maintained at authorized record keeping locations. Below is a list of information to be maintained in these files regarding employee alcohol abuse.

- a) The name of the employee submitted to a alcohol test;
- b) Date the alcohol test was conducted;
- c) Location of the alcohol test;
- d) Test category;

- e) Results of the alcohol test.

### 3. Record Confidentiality.

- a) Except for the breath alcohol technician, substance abuse professional, and designated Company personnel with a need to know, the Company will not release information regarding an employee's alcohol use or rehabilitation/treatment records without the express written consent of the tested employee. The only exception is when information must be released, regardless of consent, to the Federal Motor Carrier Safety Administrator to examine all records related to the administration and results of controlled substance testing performed under this program.
- b) To maintain confidentiality, written records regarding an employee's alcohol misuse and rehabilitation will be stored in a secured location. The employee's alcohol testing and/or rehabilitation/treatment records will not be made a part of the employee's personnel file.

### K. **Responsibility.**

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

2. **Compliance with All Laws.**

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

This policy is a general summary of the Company's Drug and Alcohol Misuse Prevention Policy for Commercial Drivers. IF THERE IS ANY QUESTION OR CONFLICT BETWEEN WHAT IS SAID IN THE POLICY AND THE LANGUAGE IN THE DOT REGULATIONS AS CODIFIED AT 49 CFR PART 40 AND 382, THE DOT REGULATIONS WILL PREVAIL.

### **ACKNOWLEDGMENT AND AGREEMENT WITH RESPECT TO DRUG AND ALCOHOL TESTING**

I, the undersigned employee hereby certify that I have been furnished with a copy of the DOT Alcohol and Drug Testing Program, and that I have read and understand same. I further certify that I have been provided with informational material, education and training on the dangers and problems of drug and alcohol misuse.

I am fully aware, and agree that I may be discharged or otherwise disciplined for any violation by me of said DOT Alcohol and Drug Policy, for any failure or refusal to provide urine and/or breath specimens when requested by my employer, for the failure or refusal to identify and certify same, for the failure to cooperate with the forms and other documents, and/or for any other Alcohol and Drug Testing Program.

**Executed on the date \***

12/7/2020



**Employee Name \***

asdsad

asdasd

**Employee Signature**



**Social Security Number \***

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