



NATIONAL SAFETY COMPLIANCE, INC.

"Federal D.O.T. Certified Inspectors"

Re: Enrollment in Small Company Drug Testing Consortium
(Owner Operator – FMCSA)

Dear valued client;

Included in this package you will find all of your materials for your new employees' enrollment in our Drug & Alcohol testing consortium. To complete the enrollment process, please complete the following ASAP and **return ONLY requested items:**

1. Your company Representative must sign and **RETURN the signed Contract** to National Safety Compliance, Inc. (NSC).
2. Have enrolling employee sign the Policy "Certificate of Receipt" and **RETURN completed form to NSC** (The employee must read the entire policy and sign and return this receipt).
3. **RETURN to NSC** a Request for Previous Drug/Alcohol information form – **Need one for EACH Previous employer during prior three years NO MATTER HOW MANY EMPLOYERS ARE INVOLVED!!**
4. Complete the Clinic Authorization form required for getting a drug test. **RETURN this completed form to NSC** which MUST be used ONLY WITH the drug testing form we will mail to you after your payment is received.

AFTER ALL FORMS ARE COMPLETED AS REQUESTED PLEASE RETURN TO:

**NATIONAL SAFETY COMPLIANCE, INC.
P.O. Box 3160
LAGUNA HILLS, CA 92654-3160**

Thank you for using us to help you with your Regulated Drug and Alcohol testing needs! If we can be of any assistance when completing this package, please do not hesitate to call us at (949) 472-0645.

- **IF YOU ARE A RE-ENROLLING COMPANY WITH NO GAP IN SERVICE USING NSC AS YOUR PROVIDER ----- RETURN ONLY THE SIGNED CONTRACT!**

Sincerely,

Elizabeth Moss

Elizabeth Moss

National Safety Compliance, Inc

National Safety Compliance, Inc.

Owner Operator/Small Company/HO EUC/HVgo wgtu Drug & Alcohol Misuse Testing Consortium Service Contract

Whereas, _____ ("Carrier") requires medical, educational, and administrative services for the purpose of compliance with Federal and/or State Law and regulations with regard to driver/employee controlled substance & alcohol misuse testing; and Whereas National Safety Compliance, Inc. ("Provider") is in the business of supplying medical, educational, and administrative services to the transportation industry;

Carrier and Provider agree as follows:

1. The term of this agreement will be the date the agreement is signed until December 31 of the same year.
2. Provider will assist Carrier in the development of a controlled substance & alcohol misuse policy consistent with the Federal Regulations 49 CFR Part §382 effective January 1, 1996.
3. Provider will contract with qualified collection sites of the Carrier's choice who agree to perform collection services for free, and Medical Review Officer (MRO), and will provide necessary training and certification for Carrier's collection site in accordance with 49 CFR Part §382 of the Department of Transportation (DOT) Code of Federal Regulations. Provider will assume responsibility for providing collection sites with all necessary forms, collection materials, shipping materials, and instructions for proper collection, handling and shipment. Should Carrier decide to have an independent collection site perform donor specimen collection, it is the sole responsibility of the Carrier to ensure all additional expenses for services performed outside of National Safety Compliance, Inc. as well as chain of custody liability until such time as the specimen reaches a SAMHSA Certified Laboratory.
4. Provider will be responsible for all transportation costs of the urine specimen by overnight courier service to a SAMHSA certified laboratory.
5. Provider will contract directly with the SAMHSA certified laboratory to provide drug-testing services according to and in compliance with applicable Department of Transportation regulations. Provider will establish a "no test" policy with said SAMHSA certified laboratory to ensure that no specimen will be tested if the Chain of Custody and Control Form should be incomplete, inadequate, or should the integrity of the chain of custody be in question.
6. Provider will arrange to receive and will receive drug test results electronically from said SAMHSA certified laboratory.
7. Provider will store all negative laboratory results for a minimum of one (1) year, and all positive laboratory results will be stored for a minimum of five (5) years, or as required by Federal Regulations.
8. Provider will validate and report to Carrier all true positive results in accordance with nationally accepted standards of medical judgement, to the extent that said standards are consistent with the Department of Health and Human Services Guidelines, and the Carrier's controlled substance & alcohol misuse policy. Provider will refer all drivers who test positive to a Substance Abuse Professional (SAP) for assistance with substance abuse.
9. Provider will report to Carrier all negatives, all false positive, and all invalid or inconclusive test results as negative in accordance with Department of Health and Human Services and Guidelines.
10. Provider will conduct alcohol misuse testing for Carrier in accordance with Federal Regulations 49 CFR Part §382. Provider will refer all donors who test positive for alcohol misuse to a Substance Abuse Professional (SAP). All results will be reported to carrier as soon as practicable following testing. Provider will store all negative results for alcohol testing as stated in section (7) of this contract.
11. Provider will be responsible for maintenance of the "Random Testing" program in accordance with the Department of Transportation, P.U.C. and Federal Highway Administration Guidelines. On a periodic basis to be determined jointly by Provider and Carrier, Provider will generate a random sampling of drivers

and/or terminal locations. Carrier will provide MRO with employee database for generation of said random selections. Provider will random test for controlled substances at a rate of 50% the first year and 50% the consecutive years, at a minimum. Provider will also random test for alcohol misuse at a rate of 25% the first year and 25% the consecutive year, at a minimum.

12. Provider will provide an electronic reporting protocol, for reporting results, and other pertinent information to Carrier in a timely manner. Provider will further provide Carrier with annual summary reports as required by law.
13. Provider agrees to be reasonably available for expert witness testimony and opinions as is reasonably required by Carrier or Carrier's legal counsel.
14. Provider will coordinate and administer Carrier's Blind Performance Testing Program for Quality Assurance of Carrier's SAMHSA certified laboratory, in accordance with 49 CFR Part 40.
15. Carrier agrees to make payment to Provider within thirty (30) days of presentation of Provider's invoice for services rendered pursuant to this Agreement. Payments not received shall bear interest at the maximum rate of interest provided by law. Any returned checks are subject to a TWENTY FIVE DOLLAR (\$25.00) service fee.
16. Carrier agrees to hold Provider harmless for any of the following reasons: For errors or omissions, negligence on the part of the Carrier, or actions taken by the Carrier not in accordance with Federal Regulations, or Carrier's Controlled Substance & Alcohol Abuse Policy.
17. Provider agrees to indemnify and hold Carrier harmless for any of the following reasons: errors or omissions, negligence on the part of Provider, or actions taken by Provider not in accordance with Federal Regulations, or Carrier's Controlled Substance & Alcohol Abuse Policy.
18. Carrier agrees that provider will be its sole and exclusive provider of services specified in this agreement and that the Provider has set the fees and conditions in reliance of said exclusivity. In the event of a default on the part of Carrier; Carrier will be invoiced for educational services and other services rendered based in Providers customary fees for services.
19. This agreement is governed by the Laws of the State of California.
20. The provisions of this agreement are severable. The invalidation of any provision of this agreement deemed invalid in any proceeding shall not invalidate any other provision of this agreement.

"Carrier" - Company Name

National Safety Compliance, Inc.
Company Representative Signature

Signature of Carrier Representative

Print Name

Print Name

Date

Date

National Safety Compliance, Inc.

Consortium Drug & Alcohol Testing

Program Policy

Effective

August 25, 2008

This Policy Has Been Prepared By National Safety Compliance, Inc.
Duplication of this policy is prohibited!!!!!!

Drug & Alcohol Testing Program Policy (For Consortium Drivers Only)

I. Purpose and Philosophy

The purpose of this policy is to ensure that employees are fit for duty and to protect the public from risks posed by the use of alcohol and controlled substances. This policy establishes guidelines in compliance with the Federal Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act), the Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) Regulations of 1994 (49C.F.R. Parts 40 and 382 et al.) and section 34520(a) of the California Vehicle Code. Each of these measures requires that drug and alcohol testing be performed on drivers in safety-sensitive positions who operate specified commercial vehicles. These regulations also prevent performance of any safety-sensitive function when there is a positive, adulterated, substituted, or refusal to test result. The DOT has also adopted 49 Code of Federal Regulations (CFR) Part 40, which sets standards for the collection and testing of urine and breath specimens. This policy incorporates these federal requirements for safety-sensitive individuals operating a commercial motor vehicle.

II. Definitions

Accident: an incident involving a commercial motor vehicle in which there is a fatality, or a citation was issued and either an injury is treated away from the scene, or a vehicle is required to be towed from the scene.

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

Alcohol: means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. (The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.)

Alcohol Use: the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Adulterated Specimen: a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

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

Chain of Custody: the procedures used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF). The CCF also ensures the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to its final disposition.

Collection Site: a place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for specific controlled substances. The site possesses all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the specimens to a laboratory.

Commercial Motor Vehicle: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle;

- a) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b) Has a gross vehicle weight rating of 26,001 or more pounds; or
- c) Is designed to transport 16 or more passengers, including the driver; or
- d) Is of any size and is used in the transportation of hazardous materials requiring placards.

Confirmation Test: for alcohol testing means a subsequent test using an EBT, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data about the alcohol concentration. For controlled substances testing means a second analytical procedure performed on a urine specimen to identify and quantify a specific drug or drug metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Contract Company: an individual, company or organization with whom National Safety Compliance, Inc. has a written or verbal contract for services, and whose employees are required to be subjected to controlled substance and alcohol testing. Contracted employees are required to be tested for controlled substances and alcohol under this policy or a policy which meets the requirements of the Federal Motor Carrier Safety Administration (FMCSA), subject to approval by National Safety Compliance, Inc.

Designated Employer Representative (DER): 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 processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Dilute Specimen: a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling Damage: means damage, which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

2. Exclusions.

- (i) Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
- (ii) Tire disablement without other damage even if no spare tire is available.
- (iii) Headlight or taillight damage.
- (iv) Damage to turn signals, horn, or windshield wipers that make them inoperative.

Driver: a 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. For the purpose of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

Drug & Alcohol Policy: policy set up by National Safety Compliance, Inc. to provide the necessary elements to promote a drug free working environment. Hereinafter referred to as Policy.

Employer: means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. Employer also means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers.

Evidential Breath Testing Device (EBT): a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Medical Review Officer (MRO): a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing (a safety-sensitive function): any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

Reasonable Suspicion/Cause: means that National Safety Compliance, Inc. believes the actions or appearance or conduct of a driver who is on duty as defined above, are indicative of the use of a controlled substance or alcohol.

Screening Test (aka initial test): in alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

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

Substance Abuse Professional (SAP): a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Substituted Specimen: a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

III. Applicability and Methods

A. Covered Drivers

Effective January 1, 1996 the Department of Transportation drug and alcohol testing rules apply to all owner-operators and independent contractors who operate the following:

1. A vehicle with a gross combination weight of at least 26,001 pounds, inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
2. A vehicle of over 26,001 GVWR;
3. A vehicle placarded under Department of Transportation hazardous material regulations; and
4. A vehicle designed to transport 16 or more passengers, including the driver.

B. Preemption of State and local laws

This part preempts any State or local law, rule, regulation, or order to the extent that:

1. Compliance with both the State and local requirement in this part is not possible; or
2. Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.

C. Safety-Sensitive Functions

“On-Duty” time for safety-sensitive functions commences at the time covered driver begins work or is required to be in readiness for work until the time they are relieved of work responsibilities. *“On-Duty”* time includes the following safety-sensitive functions:

Safety-Sensitive Function 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. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the FMCSA’s subchapters § 392.7 and 392.8, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle (except for time spent resting in the sleeper berth.)
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded and unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

D. Prohibited Alcohol and Controlled Substance Related Conduct

The following alcohol and controlled substance related activities are prohibited by the Federal Motor Carrier Safety Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMVs):

1. Reporting for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of 0.04 or greater;
2. Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
3. Using alcohol while performing safety-sensitive functions;
4. When required to take a post accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements;
6. Reporting for duty or remain on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV; and
7. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.

E. Drug Testing

FMCSA regulations specifically prohibit the use of the following illegal substances and require testing for their presence under certain circumstances. In addition to FMCSA regulations, urine specimens shall be tested for the following substances:

1. Amphetamines/Methamphetamines;
2. Cocaine;
3. Opiates;
4. Phencyclidine (PCP); and
5. THC (Marijuana).

Drug tests will be analyzed from a urine specimen. Each urine sample will be collected into a primary and a split sample. The urine samples will be sent under seal, with required custody and control forms, to a laboratory approved by SAMHSA. At the laboratory, specimens are placed in secure storage. An initial drug screen will be conducted on each primary specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40. Under these testing rules, the laboratory must conduct validity tests on each specimen it receives. This allows the lab to evaluate the specimen to

determine if it is consistent with normal human urine. The laboratory is then able to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. If the result of the primary specimen is positive, the split sample as well as the primary sample will be retained in frozen storage for at least 1 year from the date the laboratory receives it.

Split Specimen Procedures

Any safety-sensitive employee who questions the results of his/her required drug test under this section of this policy may, within 72 hours of having been notified of a verified positive test by the MRO, request that an additional test be conducted on the split sample (bottle B) of the original specimen that was voided. This test must be conducted at a different DHHS certified laboratory. Each urine sample is to be a minimum of 45ml. The sample is to be split at the time of collection into 30 ml. for the primary test (bottle A) and 15ml. for the split (bottle B). The test must be conducted on the split sample that was provided at the same time as the original sample. Requests after 72 hours will only be accepted if the delay was due to facts, that can be documented, that were beyond the control of the employee. If the second portion of the sample also tests positive, then the driver is subject to the sanctions contained in the regulations. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered cancelled and no sanctions are imposed. However, a re-collection under direct observation may be ordered by the MRO.

If you as a driver request your split sample to be tested by another laboratory, you will be responsible for all payments associated with the test of the split specimen, providing that the split test is not cancelled or comes back as a negative.

F. Alcohol Testing

The regulations require an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA) for testing of alcohol use. An alcohol testing form is completed by the driver and a certified breath alcohol technician (BAT) ensures the results are properly recorded. Two breath tests are required to determine if the driver has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test, and no further testing is required.

If the alcohol concentration is 0.02 or greater, a second or confirmation test shall be conducted. When a confirmation test is required, the EBT equipment shall print the screening and confirmation test numbers in sequential order. The device shall also print the result, date, and time of both tests, along with the name and serial number of the EBT equipment in order to ensure the reliability of the results. Any actions taken will be based on the confirmation test result.

G. Medical Review Officer

All drug test results shall be interpreted and evaluated by an MRO, who shall be a licensed physician. The MRO shall comply with the drug testing procedures set forth in 49 CFR Part 40. The MRO

does not review alcohol test results. When a urine specimen is confirmed positive and reported from the testing laboratory to the MRO, it is the MRO's responsibility to: (a) review the individual's medical history, including any medical records and biomedical information provided; (b) contact the employee and afford the employee an opportunity to discuss the test results with him/her; (c) determine whether there is a legitimate medical explanation for the result, including legally prescribed medication. The MRO shall not convey test results until the MRO has made a definite decision that the test result was positive or negative. The MRO may request the laboratory to analyze the original sample again in order to verify the accuracy of the test result. When the MRO reports the result of the verified positive test, the MRO may disclose the drug (s) for which there was a positive test. The MRO may only reveal the levels of a positive drug test result to the employer, the employee, or the decision maker in lawsuit, grievance or other proceeding initiated by the employee and arising from a verified positive result.

If the MRO declares a drug test to be invalid for any reason, the test is considered canceled, and neither positive nor negative. However, a re-collection under direct observation may be ordered by the MRO.

H. Types of Tests Required

The following tests are required for testing covered drivers who perform safety-sensitive functions:

1. Pre-employment

Prior to hire or assignment to a safety-sensitive position covered by this policy, the applicant or driver shall undergo testing for drugs. Failure to pass the test shall be deemed a basis upon which employment or assignment to a safety-sensitive position shall be denied.

2. Random Selection

Regulations require random testing of all drivers covered by this policy. The ongoing testing will be conducted on an unannounced basis before, during, or immediately after the performance of safety-sensitive functions. Drivers will have an equal chance of being selected every time a selection is conducted. All eligible drivers' names will be placed in a pool, from which names are drawn on a "random" basis. Once a driver's name is pulled for testing, his or her name will be returned to the pool for the next random selection. Therefore, it is feasible for a driver to be tested repeatedly while participating in a true random testing program.

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive duties. The number of random alcohol tests annually must equal a minimum of 10% of the average number of safety-sensitive employee positions. The number of random

drug tests annually must equal at a minimum of 50% of the average number of safety-sensitive employee positions. These testing percentages may be changed by the Federal Motor Carrier Safety Administration in the future. Safety-sensitive employees shall be selected by a scientifically valid random process, matched with social security numbers or other unique identification numbers. The selected driver shall be notified immediately and proceed to the testing site as soon as possible. If the selected safety-sensitive employee is off duty, on vacation or out on a medical absence, the random selection can be maintained in confidence until the employee's return.

3. Reasonable Suspicion

All safety-sensitive drivers shall be subject to reasonable suspicion testing, to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance or the safety-sensitive employee has violated the FMCSA's alcohol or drug prohibitions. A reasonable suspicion referral for testing will be made based on documented objective facts and circumstances that are consistent with chronic and short-term effects of controlled substances. Reasonable suspicion tests for the presence of alcohol shall only be made during, just proceeding, or just after period of the workday. A driver may be directed to undergo a reasonable suspicion test while the employee is performing safety-sensitive functions, just before, or just after the employee has ceased performing safety-sensitive functions.

The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, observations that can be articulated concerning appearance, behavior, speech, or body odor of the safety-sensitive employee.

Once a driver has been determined to undergo reasonable suspicion testing, a supervisor must ensure that the safety-sensitive employee does not continue to operate in a safety-sensitive function. If there is a decision to test based on observable symptoms, the safety-sensitive employee is ordered to submit to a drug and/or alcohol test and is taken to the collection site by an employer representative and at the completion of testing, an offer of transportation to home will be made.

Persons designated to determine whether reasonable suspicion exists will receive at least two hours of training to detect and document the physical, behavioral, speech, and performance indicators of alcohol misuse and controlled substance use. (49 CFR 382.307, 603).

A written record shall be made of the observations leading to a controlled substance or alcohol test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earliest.

If an alcohol test is not administered within two hours following the determination for reasonable suspicion testing, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not

administered in eight hours following the determination for reasonable suspicion testing, the supervisor will cease all attempts and shall state the reasons for not administering the test.

4. Post-Accident

A Post-Accident test will be required under the following circumstances per Federal Motor Carrier Safety Regulations 49 CFR Part 382.303:

- (a) As soon as practicable following an accident involving a commercial motor vehicle, a test for alcohol and controlled substances will be administered on each surviving safety-sensitive employee:
 - 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; **or**
 - 2. Who receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; **or**
 - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- (b) A safety-sensitive employee must be tested for controlled substances use within 32 hours after the accident and for alcohol use within 8 hours after the accident has occurred.
- (c) A safety-sensitive employee who leaves the scene of an accident before being tested or is not available for testing is considered to have refused to take a test; but the safety-sensitive employee may leave the scene to get help or emergency medical care. In the event of an accident, the safety-sensitive employee must contact the company as soon as possible to find out where to go to be tested.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the driver must prepare and maintain records explaining why the test was not conducted. Tests may not be given if not administered within 8 hours after an accident for alcohol or within 32 hours for drugs. If a law enforcement officer does not issue a citation within the specified time frame, (8 hours for alcohol testing and 32 hours for controlled substance testing) all attempts to conduct post-accident testing under the FMCSA requirements will cease.

Alcohol tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the Company. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

If testing has not occurred within eight hours, attempts to test should be discontinued, and the driver must record why he/she was unable to administer the required test. All documentation must be forwarded to National Safety Compliance, Inc. It is the

responsibility of the driver to notify National Safety Compliance, Inc. when he/she has been involved in an accident.

The driver must remain readily available for testing or he/she will be deemed to have refused the test. This rule does not require the delay of necessary medical attention for injured persons following the accident nor prohibit the driver from leaving the scene to obtain assistance or necessary emergency medical care.

A driver subject to post-accident testing may not use alcohol within eight hours following the accident or before an alcohol test, whichever comes first.

5. Return-to-Duty

Testing shall be conducted on any covered driver who has violated the prohibited drug and alcohol rules and regulations and is accepted into return-to-duty status. Prior to resuming his/her safety-sensitive functions, the driver must undergo a new drug and/or alcohol test. The test results must be negative for the driver to return to work. If applicable, the driver shall be referred to a Substance Abuse Professional for further assessment.

All expenses related to the cost of treatment or rehabilitation is the responsibility of the safety-sensitive employee, unless the employee has insurance that will cover the prescribed rehabilitation.

6. Follow-up Testing

Any covered driver identified by the Substance Abuse Professional as needing assistance will be subject to follow-up testing upon returning to duty. A minimum of six unannounced tests will be performed over the following twelve-month period. Follow-up testing may be extended for up to 60 months following return to duty. The same criteria used for the return-to-duty testing will be used for any follow-up testing. Such testing shall not be subject to the random testing procedures. Moreover, follow-up testing may include tests for other substances beyond the driver's initial positive test of drug and/or alcohol use when the Substance Abuse Professional has reason to believe that additional testing is warranted. If follow-up testing is required, the driver assumes full responsibility for paying the follow-up testing expenses.

I. Refusal to Submit

A driver that refuses to submit to drug or alcohol testing required by National Safety Compliance, Inc. shall be prohibited from performing or continuing to perform safety-sensitive functions. Refusal to test shall include, but not limited to:

- A. Engage in any conduct that clearly obstructs or does not allow for the successful completion of the testing process, including refusal to sign the breath alcohol form, not

- being readily available following an accident, using alcohol within eight hours of an accident, or adulterating or substituting a sample.
- B. Fail to provide adequate breath or saliva for any alcohol test as required by DOT regulations without a valid medical explanation (as determined by a medical evaluation).
 - C. Fail to provide a urine specimen for *any* required DOT drug test. Fail to provide adequate urine sample for controlled substances testing as required by the DOT regulations without a genuine inability to provide a specimen as determined by a medical evaluation.
 - D. Fail to appear for any test within a reasonable time after being directed to do so, or to remain at the testing site until the collection process is complete.
 - E. Fail to permit the observation or monitoring of the provision of a specimen, in cases of a directly observed or monitored collection in a drug test, or fail 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 prosthetic or other device that could be used to interfere with the collection process.
 - F. Fail or decline to be re-tested, as directed by MRO, DER etc. (e.g., following a negative dilute result.)
 - G. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER concerning the evaluation as part of the "shy bladder" procedures.
 - H. Fail to cooperate (refuse to empty pockets, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector, fail to remove and leave outer clothing, purse, briefcase, or other personal belongings with collector).
 - I. For an observed collection, fail 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.
 - J. Possess or wear a prosthetic device or other device that could be used to interfere with the collection process.
 - K. Admit to the collector or MRO that you adulterated or substituted the specimen, or if the MRO reports that you have a verified adulterated or substituted test result.

Any employee who has been determined to have "refused to test" will face the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions until all return-to-duty requirements are met.

Any time a driver "Refuses to Test" proper documentation shall be kept for future reference and in the case of a DOT/CHP audit.

J. Consequences of Positive Test Results

If drug and/or alcohol test results are positive, adulterated, substituted, or the driver has refused to test, the driver may be disciplined up to and including termination. If the driver is not dismissed from employment, the driver's authorized manager shall:

1. Immediately remove any driver who has engaged in prohibited drug or alcohol use from his/her safety-sensitive function.
2. If the alcohol concentration level is greater than 0.02, but less than 0.04, the employee may not return to his/her safety-sensitive function for a minimum of 24 hours and until another a breath alcohol test is administered, and the result is less than 0.02 concentration.
3. If the alcohol concentration level is greater than 0.04 or a drug test is positive for any of the prohibited controlled substances, the driver will be removed from his/her safety-sensitive position until:
 - A) he/she undergoes evaluation, and where necessary, rehabilitation;
 - B) a Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation; and
 - C) the driver undergoes a return-to-duty test with a result of a blood alcohol concentration of less than 0.02 if the driver initially tested positive for alcohol, and/or with a negative test result for controlled substances if the driver initially tested positive for controlled substances.

National Safety Compliance, Inc. is not required under these circumstances to provide rehabilitation, pay for treatment, or reinstate the driver to safety-sensitive positions. Each driver must arrange for alternative transportation when test results are positive for drug or alcohol concentration of 0.02 or greater.

K. Substance Abuse Professional

National Safety Compliance, Inc. will only provide a referral to a Substance Abuse Professional. Under this policy, National Safety Compliance, Inc. has no obligation to provide or pay for further treatment, as this is the responsibility of the driver. Some financial assistance may be available under the driver's individual insurance plan.

L. Testing Records

Records shall be maintained on test results, prevention programs, policies, training, drug use and alcohol misuse, refusals to submit to testing, driver evaluations, and annual summary of the consortium's testing program. These records shall be maintained by National Safety Compliance, Inc. The retention period for these records is as follows:

1. Five Year Retention Period

This pertains to the results of alcohol test of 0.02 or higher, confirmed positive drug tests, documentation of any driver who has refused to submit to a required drug or alcohol test, driver assessments and referrals by the Substance Abuse Professionals, and each calendar year summary.

2. Two Year Retention Period

This pertains to records documenting this collection process for the drug and alcohol tests and training of supervisors.

3. One Year Retention Period

This pertains to any alcohol tests results that are less than 0.02 and the documentation of any negative or canceled drug tests.

All records are confidential; however, the regulations require that they be made available for inspection at the offices of National Safety Compliance, Inc. within two business days following a request by an authorized person. The records are kept in a separate file and will not be made a part of the driver's personnel file. An exception to this is when disciplinary action results from the incident. When there is disciplinary action, disciplinary notices and related documents will be placed in the personnel file. The results of any testing done pursuant to this policy shall be used for employment purposes only and shall not be released for use in the criminal justice system, unless compelled by court order.

M. Access to Records

The following agencies shall have access to all test results without verbal or written consent of covered drivers:

1. National Safety Compliance, Inc.
2. Department of Transportation or any state or local official with regulatory authority over National Safety Compliance, Inc. or any of its employees; and
3. National Transportation Safety Board when conducting an investigation of an accident where drug and/or alcohol testing was performed.

N. Inquiries for Alcohol and Controlled Substances Information from Previous Employers

Each Employer who hires/transfers or uses a driver to perform any safety-sensitive functions must obtain from each driver's previous employer within the past three years, provided the driver has given his/her written consent, any information concerning the driver's participation in a controlled substance and alcohol testing program.

An employer must obtain and review the information listed below from any employer the driver performed safety-sensitive functions for in the previous three years. The information must be

obtained and reviewed prior to the first time a driver performs safety-sensitive functions. If not feasible, the information should be obtained no later than thirty (30) days after the first time a driver performs safety-sensitive functions. The information obtained must include:

1. Information of the driver's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the driver's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test. (including verified adulterated or substituted drug test results)
4. Other violations of DOT agency drug and alcohol testing regulations
5. If the driver has violated any of the DOT drug and alcohol regulations, you must also obtain documentation of the driver's successful completion of the DOT return-to-duty requirements (including follow-up tests).

If the driver stops performing safety-sensitive functions for the employer before expiration of the 30-day period or before the employer has obtained the information listed above, the employer must still obtain the information. For example, if a driver quits after one week of employment and the information has not been obtained, the employer must still obtain the information.

The prospective employer must provide to each of the driver's previous employers of the past three years a written authorization from the driver for release of the required information. The release of this information may take the form of personal interviews, telephone interviews, letters, or any other method that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

The employer 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 0.04 breath alcohol concentration, or refused to test unless the employer has evidence the driver has been evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and is or has been subject to follow-up testing.

O. Training

As part of the emphasis on education and safety, the Omnibus Act requires providing educational materials and two hours of training of supervisors before testing can begin. This administrative manual policy is such educational material that addresses all of the required topics. Your drivers' handbook that accompanies this policy shall provide enough material to meet the above training requirements. If you feel you would like additional material and/or training, you may contact National Safety Compliance, Inc. for times and dates of training seminars. These seminars are at additional expense to the driver.

P. Effective Date and Notice to Drivers

This policy shall become effective on January 1, 1996. Covered drivers will receive a copy of this

policy concurrent with its effective date. Drivers who are hired after the effective date shall be given a copy at the time they commence employment as a driver.

Q. Compliance with Federal Law

At all times, National Safety Compliance, Inc. will comply with the current applicable federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this policy will be determined by referring to the law and official regulations outlining policies and procedures relative to the law. Due to the complexities involving the law and this type of policy, not all of the particulars may necessarily be covered in this policy. National Safety Compliance, Inc. reserves the right to make changes to this policy at any time.

R. Driver Contact

National Safety Compliance, Inc. has been designated to answer driver questions about this policy. Your contact person is Lizz Moss or David Raslowsky if you have any questions please call (949) 472-0645.

CERTIFICATE OF RECEIPT

I, _____, hereby certify that I have received a copy of National Safety Compliance, Inc.'s consortium substance abuse and alcohol misuse policy for drivers of commercial motor vehicles. I understand that it is my responsibility to familiarize myself with the policy and its requirements and seek appropriate guidance or explanation if needed. I also understand that the provisions of this policy are part of the terms and conditions of my enrollment and participation of the consortium program, and that I agree to abide by them.

Driver Name (print)

Signature

Date

This form must be signed by all drivers enrolled in the consortium, and must be mailed back to the offices of National Safety Compliance, Inc. immediately upon completion.

Rıgcug'ıgpf 'ıj kılhtıo .ıy j gp'eqo rıgvıf 'ıq<'

NATIONAL SAFETY COMPLIANCE, INC.

P.O. Box 3160

Laguna Hills, CA 92654-3160

Attn: Consortium Enrollment Dept.

REQUEST/CONSENT FOR ALCOHOL AND CONTROLLED SUBSTANCE INFORMATION

Previous Employer Information

Company Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Fax _____

Name of Applicant _____

Social Security: _____ Date of Birth: _____

I hereby authorize and request that you furnish all information in your possession concerning my participation in an alcohol and controlled substance testing program as requested below.

Requesting Company Information

Company Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Fax _____

Applicant Signature _____

Date _____

We are interested in offering the identified applicant a position with our company. Pursuant to 49 CFR Part 391.23 (e)-(f) stated below, we are requesting authorized information regarding Alcohol and Controlled Substance test results for the above applicant.

In addition to the investigations required by 49 CFR 40.25, the prospective motor carrier employers must investigate the information listed below in this paragraph from all previous DOT regulated employers that employed the driver within the previous three years from the date of the employment application, in a safety-sensitive function that required alcohol and controlled substance testing specified by 49 CFR part 40.

A prospective motor carrier employer must provide to the previous employer the driver's written consent meeting the requirements of § 40.321(b) for the release of the information listed below. If the driver refuses to provide this written consent, the prospective motor carrier employer will not permit the driver to operate a commercial motor vehicle.

As the previous employer you **MUST** immediately release this information per Federal regulations 49 CFR 40.25(H) **AND** you must also release any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations per the employee's written authorization above.

FAILURE to provide this information will be reported to FMCSA per Federal regulation 391.23(c) (3)

HUMAN RESOURCE REPRESENTATIVE, PLEASE COMPLETE THE FOLLOWING

1. Has this person ever tested positive for a controlled substance in the last 3 years? ☐ YES ☐ NO
2. Has this person ever had an alcohol test with a breath alcohol concentration of 0.04 or greater in the last 3 years? ☐ YES ☐ NO
3. Has this person ever refused a required drug test or alcohol test in the past 3 years? (including verified adulterated or substituted drug test results) ☐ YES ☐ NO
4. Other violations of DOT agency drug and alcohol testing regulations. ☐ YES ☐ NO

If you answered YES to any of the questions above, please provide any documentation of the employee's successful completion of the return-to-duty and follow-up tests including the Substance Abuse Professional's name, address, and telephone number for further reference.

Name of SAP: _____ Phone: _____

Address: _____ City: _____ State _____ Zip: _____

COMPLETED BY (Signature) _____

Printed Name _____

Date Completed _____

This form was (check one) ☐ Faxed to previous employer. Date(s): _____ ☐ Mailed to previous employer. Date(s): _____

Complete below when information is obtained.

Information received from: _____

Recorded by: _____ Method: ☐ Fax ☐ Mail ☐ E-mail

**NATIONAL SAFETY COMPLIANCE, INC.
SUBSTANCE ABUSE DIVISION**

**This certifies that the bearer of this card is enrolled in a
Random Drug and Alcohol Program in accordance
with 49 CFR Part 382 of the Federal Motor Carrier
Safety Regulations.**

Name: _____ **CDL:** _____

SSN: XXX-XX-X **Card EXP:** _____

See Additional Information on Back

TERMS AND CONDITIONS

This card is the property of National Safety Compliance, Inc. This card is subject to revocation in the event the bearer of this card violates mandated drug and alcohol testing rules or regulations. This card shows proof of participation in an approved drug and alcohol testing program. If there are any questions regarding the authenticity of this card and/or the status of bearer, please call 1-949-472-0645.

**National Safety Compliance, Inc.
P.O. Box 3160, Laguna Hills, CA 92654-3160**

NATIONAL SAFETY COMPLIANCE, INC.

Presents This

Certificate of Enrollment To

THE BEARER OF THIS CERTIFICATE IS ENROLLED IN A DRUG AND ALCOHOL TESTING
PROGRAM IN COMPLIANCE WITH FMCSA FEDERAL REGULATIONS SET FORTH IN 49
CFR PART 40 & PART 382

THIS CERTIFICATE EXPIRES: _____

Carrier's Drug Program Manager (Printed Name)

National Safety Compliance, Inc Representative

Signature

Signature



National Safety Compliance, Inc.
CLINIC PASSPORT/Authorization form
DOT

To Be Filled Out By Drug Program Manager
DO NOT LEAVE ANYTHING BLANK – RESULTS WILL BE DELAYED

Company Name: _____ **QUEST ACCT #** _____

Donor's Name: _____

Social Security #: _____ - _____ - _____ Driver's License Number: _____

BILLING Address: _____ P.O. Box 3160 _____ Apt.# _____

City: _____ Laguna Hills _____ State: _____ CA _____ Zip Code: 92654-3160

Donor's **Home** Phone: (_____) _____ (Include Area Code) Birth Date: _____

Other Phone Number: (_____) _____ **Circle One:** Work # Message Voice Pager Digital Pager

Picture I.D. Type and Number: _____ (Donor Must Go **Immediately**)

Authorization for testing requested by (Employer rep): _____

Drug Program Manager Name: _____ Phone#: _____

Time of donor arrival _____ **Time of donor departure** _____

The Collection Site Is Located At: _____



The Collection Site Phone Number Is: _____

☐ Pre-Employment

ONLY Check box for test(s) Required!

DOT split Drug Collection ☐

ONLY perform test(s) that is checked!!!!

DONOR INSTRUCTIONS: You **MUST** take the white copy of this form to the clinic at appointed time!!

COLLECTION SITE INSTRUCTIONS:

1. The Donor's ID must match the ID on the Passport. If it does not, call the Drug Program Manager listed above.
2. Please be sure to perform the appropriate test checked above. (ie. Drug Only, Alcohol Only, or Both)
3. **Fax a copy of the Breath Alcohol Testing form with Result immediately after performing the test to (949) 472-9439.**
4. **Please fax the MRO copy of the CCF to the MRO immediately after performing the test to (501) 954-2624.**
Then mail the MRO copy to the MRO: Baber MRO Services 1 Innwood Cl Suite 202 Little Rock, AR 72211
5. Please mail this form along with the Employer Copy of the Chain-of-Custody form and Employer Copy of the BAT form to:
National Safety Compliance, Inc. P.O. Box 3160 Laguna Hills, CA 92654-3160

If you have any questions, please call (949) 472-0645 (C/TPA for above noted Company)