



## **Section 17: Substance Abuse and Alcohol Misuse Policy**

We have four separate drug and alcohol programs; 1) Drug-Free Workplace (DFWP), 2) Federal Motor Carrier Safety Administration (FMCSA), 3) Pipeline and Hazardous Material Safety Administration (PHMSA), and Federal Railroad Administration (FRA). The FMCSA, PHMSA, and FRA programs are regulated by the Federal Department of Transportation and apply to Commercial Driver License holders, employees who work on gas or petroleum pipeline systems, and employees performing regulated work on the railroad right-of-ways, respectively. The DFWP applies to all employees. The information below is excerpted from the detailed written programs for each DOT entity which are maintained separately at each division.

### **1. Drug-Free Work Place (DFWP)**

#### **Authority**

The Company has adopted a drug-free workplace policy to ensure that our business is functioning safely, efficiently and cost-effectively. The Company's program is designed to encourage employees to seek assistance if they have a drug or alcohol-related problem before they can affect the workplace.

The Company will require all employees and job applicants to participate in, consent to, and comply with the dictates of this policy as a condition of employment and continued employment. For those who refuse to cooperate fully with the terms and conditions of this policy will be terminated.

#### **Coverage**

The Company's drug-free workplace policy covers all part-time, full-time and, where applicable, contract employees. Job applicants are also covered by this policy insofar as the Company extends a conditional offer of employment and a pre-employment drug test is required.

For information about U.S. Department of Transportation (DOT) coverage see the Company's Federal Motor Carrier Safety Administration (FMCSA) and/or Pipeline and Hazardous Materials Safety Administration (PHMSA) policies.

#### **Drug and Alcohol Tests Required**

Individuals Subject to Drug and Alcohol Testing: All part-time, full-time and, where applicable, contract employees, and job applicants.

- Pre-employment
- Post Accident: a covered accident is one that takes place during work time or on company property and involves:
  - 1) a fatality, or
  - 2) an injury, or
  - 3) damage to property, including vehicles owned or leased by the company or personal vehicles being used on company business.
- Random



- Reasonable Suspicion or Cause (determined by trained company official)
- Regulated Drug and Alcohol Programs
- Client Mandatory Drug and Alcohol Program

**Validity Testing**

Employees are prohibited from tampering with a drug test specimen (including diluting, substituting or adulterating specimens). The Company will conduct validity testing to ensure the integrity of test samples. Employees who tamper with a test sample will be terminated. Job applicants who tamper with a test sample will not be considered for employment.

**Company Property**—includes all buildings, parking lots, vehicles owned or leased by the company or used for company purposes, work facilities and plants, warehouses, worksites, equipment, or land used by the Company or its customers or suppliers.

**Work time**—any time for which an employee is being paid, is representing, or is under the direction of the Company. This includes all breaks and meal times.

**Prohibited Conduct**

1. **Illegal Drugs** — Company employees are prohibited from:
  - being under the influence of illegal drugs as defined in this Policy (a confirmed positive drug test and/or demonstrating the symptoms of being under the influence of illegal drugs);
  - failing to notify a supervisor or manager of the use of a prescription drug or over-the-counter medication that could alter the ability of an employee to safely perform any job function.
  - testing positive for illegal drugs;
  - bringing illegal drugs, controlled substances or drug paraphernalia to work and/or storing illegal drugs, controlled substances or drug paraphernalia on Company property;
  - possessing, using, manufacturing, distributing or attempting to distribute, selling or dispensing drugs or illegal drug paraphernalia;
  - possessing, using, manufacturing, distributing or attempting to distribute, selling or dispensing drugs or controlled substances off Company property
  - being convicted of entering a guilty plea to a criminal drug offense, or entering a pre-trial diversion program for a drug offense. Employees are required to notify the Company in writing within 5 days of a criminal drug conviction or pleading guilty to a criminal drug offense;
  - abusing prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications;
  - switching, tampering with or adulterating any specimen or sample collected under the Company policy for the purpose of testing for illegal drugs, or attempting to do so;
  - Refusing to cooperate with the terms and conditions of this Policy, including submitting to drug testing. Failure to cooperate includes, but is not limited to:
    - a. refusal to be tested,
    - b. failure to provide an adequate sample (urine, saliva, hair, blood) without a valid medical excuse,



- c. refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, and chain of custody forms),
  - d. failure to show up timely at an assigned collection site to provide a urine specimen, and
  - e. failure to be reasonably available to be tested following an accident.
  - disclosing information related to drug test and/or treatment referrals, and test results, except as required by this policy.
2. **Alcohol** — Company employees are prohibited from:
- being under the influence of alcohol as defined in this Policy (a BAC of .04 or higher as demonstrated by an alcohol test and/or demonstrating the symptoms of being under the influence of alcohol) while performing work or while on Company property.
  - failing to notify a supervisor or manager if the employee believes that he or she is under the influence of alcohol; while performing work, or while on company property.
  - bringing and/or storing alcohol on Company property;
  - possessing, using, manufacturing, distributing or attempting to distribute, selling or dispensing alcohol while performing work, or while on Company property;
  - consuming alcohol while on duty, and away from the workplace, including during lunch or work break,
  - switching, tampering with or adulterating any specimen or sample collected under the Company's policy, or attempting to do so;
  - disclosing information related to alcohol test and/or treatment referrals, and alcohol test results, except as required by this Policy;
  - refusing to cooperate with the terms and conditions of this policy, including submitting to alcohol testing. Failure to cooperate includes, but is not limited to:
    - a. refusal to be tested,
    - b. failure to provide an adequate sample (breath, saliva, blood) without a valid medical excuse,
    - c. refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, rehabilitation agreements, and chain of custody forms),
    - d. failure to show up at an assigned collection site to provide a specimen, and
    - e. failure to be reasonably available to be tested following an accident; or
  - failing to consent to, cooperate with, participate in, and/or successfully complete all recommendations or conditions set forth in an authorized alcohol abuse treatment program,.

### **Consequences for Policy Violations**

Employees who violate any of the conditions of the Company's drug-free workplace program will be terminated.

The Company is under no obligation to provide such individuals with any job, much less their "old job" or compensation level.

The Company is under no obligation to provide workers who test positive for drugs or alcohol with treatment services, to pay for treatment services or to hold positions open for workers who take a leave of absence to participate in a drug or alcohol treatment program.



## *Safety Reference Manual*



## *Substance Abuse & Alcohol Misuse*

Issue Date: January 1992  
Revision Date: March 2017  
Page 4 of 10

Employees tested for reasonable suspicion will be removed from their positions and receive a non-disciplinary suspension until the Company receives the results of the test(s). If the result of the test(s) is negative, the employee will be reinstated and all appropriate back pay will be paid.

### **Inspections**

The Company reserves the right to inspect vehicles, premises, and property (including offices, desks, lockers, etc.) and personal effects (handbags, briefcases, backpacks, tool belts, gym bags, gang boxes, lunch boxes, packages, or coats and jackets) in furtherance of any Drug Free Work Place (DFWP) Policy.

## 2. Federal Motor Carrier Safety Administration (FMCSA)

### **Authority**

It is the Company's intention to comply fully with the DOT regulations. In compliance with the regulations, the Company has a designated employer representative (DER). The DER is an individual authorized 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.

### **Prohibited Conduct**

The U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) have issued regulations that restrict the use of drugs and alcohol by employees who hold a Commercial Driver's License (CDL) and who perform safety-sensitive transportation functions, including driving a Commercial Motor Vehicle (CMV).

### **Drug & Alcohol Tests Required**

Pre-employment,  
Post-Accident (DOT definition),  
Random,  
Reasonable Suspicion,  
Return to Duty,  
Follow-up.

### **Validity Testing**

Employees are prohibited from tampering with a drug test specimen (including diluting, substituting or adulterating specimens). The Company will conduct validity testing to ensure the integrity of test samples. Employees who tamper with a test sample will be terminated. Job applicants who tamper with a test sample will not be considered for employment.

If the MRO informs the Company that a positive drug test was diluted, the Company will treat test as a verified positive test. The employee will not be given the opportunity to provide another specimen.

If the MRO informs the Company that a negative drug test was diluted, the Company will direct the employee to take another test immediately.

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**Prohibitions**

No driver may report for duty or remain on duty when under the influence of alcohol or drugs.

**Controlled substances use**

No driver may report for duty or remain on duty when the driver uses any controlled substance.

**Consequences for Policy Violations**

Employees will not perform, nor be permitted to perform, a safety-sensitive function, including driving a commercial motor vehicle if any of the prohibitions are violated. The driver will be advised by the Company of the resources available in evaluating and resolving the drug and/or alcohol problem including the names, addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

The Company is not required to directly provide or pay for SAP services. The Company will not charge the employee for providing listings of SAP services.

**Return-to-Duty Procedures**

Upon receipt of a DOT positive drug and/or alcohol test result, the driver will be terminated. A driver, who has an alcohol concentration of 0.04 or greater, could return to a safety-sensitive position, but he or she must:

- Be evaluated by a Substance Abuse Professional (SAP);
- Properly follow all recommended rehabilitation;
- Take and provide a negative return-to-duty alcohol test.

**Employee Discipline**

Employees who engage in any conduct in violation of this Policy will be terminated. A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to perform a safety-sensitive transportation function for at least twenty-four (24) hours. Any employee who refuses to submit to testing or attempts to adulterate a specimen will be terminated.

**Employee Assistance Program**

Employees may have access to the services of an Employee Assistance Program (EAP) depending on the union to which they belong.

Costs associated with this benefit may be covered by the employee's medical insurance plan or other union program; however, any costs not covered by the employee's medical insurance plan or union, and which are not otherwise required to be paid by any applicable plan, are entirely the employee's responsibility.



### 3. Pipeline and Hazardous Materials Safety Administration (PHMSA)

#### **Authority**

It is the Company's intention to comply fully with the DOT regulations. In compliance with the regulations, the Company has a designated employer representative (DER). The DER is an individual authorized 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.

#### **Prohibited Drug Policy; Alcohol Misuse Prevention Policy**

This Policy is also to bring the Company into compliance with federal law. The use or possession of alcoholic beverages while on Company property, or in any Company vehicle, or on Company time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

#### **Implementation of Anti-Drug and Alcohol Misuse Prevention Plan (AMPP)**

The Company has implemented the Pipeline and Hazardous Materials Safety Administration, Drug & Alcohol Testing Regulations as set forth in 49 CFR Part 199 and the Department of Transportation, Procedures for Transportation Workplace Drug & Alcohol Testing Programs, 49 CFR Part 40.

#### **Drug and Alcohol Tests Required**

Individuals Subject to Drug and Alcohol Testing: Any applicant/employee who would perform on a pipeline, an operating, maintenance, or emergency response function regulated by Part 192, 193, or 195, would be subject to drug and drug testing under this program.

Pre-employment

Post-Accident ("PHMSA" definition)

Random

Reasonable Suspicion

Return to Duty

Follow-up

#### **Validity Testing**

Employees are prohibited from tampering with a drug test specimen (including diluting, substituting or adulterating specimens). The Third Party Administrator will conduct validity testing to ensure the integrity of test samples. Employees who tamper with a test sample will be terminated. Job applicants who tamper with a test sample will not be considered for employment.

If the MRO informs the Company that a positive drug test was diluted, the Company will treat test as a verified positive test. The employee will not be given the opportunity to provide another specimen.

If the MRO informs the Company that a negative drug test was diluted, the Company will direct the employee to take another test immediately.

**Company Requirements Upon Receiving Verified Test Results**

When the Company receives a verified positive drug test result, the Company must immediately remove the employee involved from performing safety-sensitive functions. The Company must take this action upon receiving the initial report of the verified positive test result.

When the Company receives a verified adulterated or substituted drug test result, the Company must consider this as a refusal to test and immediately remove the employee involved from performing safety-sensitive functions.

When the Company receives an alcohol test result of 0.04 or higher, the Company must immediately remove the employee involved from performing safety-sensitive functions.

When the Company receives notification that an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, the Company must not return the employee to the performance of safety-sensitive functions.

**Alcohol Prohibited Conduct**

Alcohol Concentration. A covered employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. If a Company representative has actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater, the employee shall not be permitted to perform or continue to perform covered functions.

Pre-Duty Use. The Company shall prohibit a covered employee from using alcohol within four hours prior to performing covered functions, or, if an employee is called to duty.

On-Duty Use. The Company shall prohibit a covered employee from using alcohol while performing covered functions.

On-Call Employees. Employees who are not at work, but who could be called at any time to perform covered functions is subject to the pre-duty alcohol prohibition.

**Employee Who Fails or Refuses a Drug and Alcohol Test**

Compliance with this anti-drug testing and the AMPP plan is a condition of employment. Refusal to take a required DOT drug test or failure of a drug test shall result in termination.

**Prohibitions with Use**

The company shall not use, in a function covered by Part 199, anyone who (1) fails a drug test as verified by the MRO and the determination is made by the MRO that there is no legitimate medical explanation for the confirmed positive test other than unauthorized use of a prohibited drug, or (2) refuses to take a drug and/or alcohol test required by this plan.

**Options for Return-To-Duty**

An employee who has an alcohol test administered, and the alcohol concentration is greater than 0.02,

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## *Safety Reference Manual*



## *Substance Abuse & Alcohol Misuse*

Issue Date: January 1992  
Revision Date: March 2017  
Page 8 of 10

shall not be permitted to perform covered functions, or not allowed to continue to perform covered functions. An employee who engages in prohibited conduct as outlined in the AMPP shall be advised of available resources to evaluate and resolve problems associated with alcohol misuse.

### **Employee Assistance Program**

Employees may have access to the services of an Employee Assistance Program (EAP) depending on the union to which they belong. Costs associated with this benefit may be covered by the employee's medical insurance plan or other union program; however, any costs not covered by the employee's medical insurance plan or union, and which are not otherwise required to be paid by any applicable plan, are entirely the employee's responsibility.

### 4. Federal Railroad Administration (FRA)

#### **Authority**

It is the Company's intention to comply fully with the DOT regulations. In compliance with the regulations, the Company has a designated employer representative (DER). The DER is an individual authorized 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.

#### **Prohibited Drug Policy; Alcohol Misuse Prevention Policy**

This Policy is also to bring the Company into compliance with federal law. The use or possession of alcoholic beverages while on Company property, or in any Company vehicle, or on Company time, or on railroad property, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

#### **Implementation: Control of Alcohol and Drug Use**

The Company has implemented the Federal Railroad Administration (FRA), Alcohol and Drug Use regulations as set forth in 49 CFR Part 219 and the Department of Transportation, Procedures for Transportation Workplace Drug & Alcohol Testing Programs, 49 CFR Part 40.

#### **Drug and Alcohol Tests Required**

Individuals Subject to Alcohol and Drug Testing: Any applicant/employee who performs FRA-regulated work on railroad right-of-way must comply with Part 219 and would be subject to alcohol and drug testing under this program.

Pre-employment  
Post-Accident (FRA definition)  
Random  
Reasonable Suspicion  
Return to Duty  
Follow-up



**Validity Testing**

Employees are prohibited from tampering with a drug test specimen (including diluting, substituting or adulterating specimens). The Third Party Administrator will conduct validity testing to ensure the integrity of test samples. Employees who tamper with a test sample will be terminated. Job applicants who tamper with a test sample will not be considered for employment.

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If the MRO informs the Company that a negative drug test was diluted, the Company will direct the employee to take another test immediately.

**Company Requirements Upon Receiving Verified Test Results**

When the Company receives a verified positive drug test result, the Company must immediately remove the employee involved from performing safety-sensitive functions. The Company must take this action upon receiving the initial report of the verified positive test result.

When the Company receives a verified adulterated or substituted drug test result, the Company must consider this as a refusal to test and immediately remove the employee involved from performing safety-sensitive functions.

When the Company receives an alcohol test result of 0.04 or higher, the Company must immediately remove the employee involved from performing safety-sensitive functions.

When the Company receives notification that an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, the Company must not return the employee to the performance of safety-sensitive functions.

**Alcohol Prohibited Conduct**

Alcohol Concentration. A regulated employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. If a Company representative has actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater, the employee shall not be permitted to perform or continue to perform covered functions.

Pre-Duty Use. The Company shall prohibit a covered employee from using alcohol within four hours prior to performing covered functions, or, if an employee is called to duty.

On-Duty Use. The Company shall prohibit a covered employee from using alcohol while performing covered functions.

On-Call Employees. Employees who are not at work, but who could be called at any time to perform covered functions is subject to the pre-duty alcohol prohibition.



## *Safety Reference Manual*



## *Substance Abuse & Alcohol Misuse*

Issue Date: January 1992  
Revision Date: March 2017  
Page 10 of 10

### **Employee Who Fails or Refuses a Drug and Alcohol Test**

Compliance with this anti-drug testing and the FRA plan is a condition of employment. Refusal to take a required DOT drug test or failure of a drug test shall result in termination.

### **Prohibitions with Use**

The company shall not use, in a function covered by Part 219, anyone who (1) fails a drug test as verified by the MRO and the determination is made by the MRO that there is no legitimate medical explanation for the confirmed positive test other than unauthorized use of a prohibited drug, or (2) refuses to take a drug and/or alcohol test required by this plan.

### **Options for Return-To-Duty**

An employee who has an alcohol test administered, and the alcohol concentration is greater than 0.02, shall not be permitted to perform regulated duties, or not allowed to continue to perform regulated duties. An employee who engages in prohibited conduct as outlined in our FRA compliance plan shall be advised of available resources to evaluate and resolve problems associated with alcohol misuse.

### **Employee Assistance Program**

Employees may have access to the services of an Employee Assistance Program (EAP) depending on the union to which they belong. Costs associated with this benefit may be covered by the employee's medical insurance plan or other union program; however, any costs not covered by the employee's medical insurance plan or union, and which are not otherwise required to be paid by any applicable plan, are entirely the employee's responsibility.