

DRUG AND ALCOHOL POLICY STATEMENT

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I. PURPOSE

The GTC Drug and Alcohol Policy (the "Policy") is established to comply with the Federal Drug-Free Work Place Act of 1988, American With Disabilities Act, and the United States Department of Transportation (DOT) regulations, specifically 49 C.F.R. Parts 40, and 382. This policy is not intended to supersede any collective bargaining agreement except where Federal and State law takes precedence. In the absence of any Federal or State law, collective bargaining agreement or other legal requirement, this policy applies to all covered employees (defined as: anyone working directly for, leased to, or subcontracted by GTC). The purpose of this policy is to maintain a safe, healthful and efficient working environment for our employees, to protect company property, equipment and operations, and to protect the motoring public from the effects of alcohol, illegal drugs or drugs taken for non-medical purposes.

The illegal use of controlled substances and alcohol by employees in the work place is unacceptable since it can adversely affect health, safety, security and productivity, as well as public confidence and trust. This is particularly true in the transportation industry, which is subject to extensive government regulation. In view of this, the company wants to clearly state its policy to accurately detect and to deter the illegal use of drugs and alcohol in our transportation and work environment either through testing, cessation of use or termination of employment. This policy will take effect July 01, 2007.

II. APPLICATION

This policy is applicable to all employees. Employees who are subject to the drug and alcohol testing requirements set forth by the Department of Transportation will be in a separate consortium than the Non-DOT employees. This includes supervisors, managers and any other employee who operates equipment subject to the federal regulations governing drug and alcohol testing. This program includes DOT and Non-DOT consortiums.

III. DEFINITIONS

- A. "Commercial Motor Vehicle (CMV)" is any vehicle which has a gross combination weight rating of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; has a gross vehicle weight rating of 26,001 or more pounds; is designed to transport 16 or more passengers, including the driver; or is any size transporting hazardous materials requiring placards.

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- B. "Company Premises" includes, but is not limited to, all property whether it is owned or leased or used by the company. This policy also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment.
 - C. "Driver" means an employee who is required to operate a vehicle that requires a Commercial Driver's License (CDL).
 - D. "Follow-up Testing" means drivers who have tested positive and have been referred to rehabilitation must submit to a minimum of six (6) follow-up tests in a twelve (12) month period. The Substance Abuse Professional (SAP) may recommend a longer period of time not to exceed five (5) years and is in addition to the other types of testing and at the cost of the employee.
 - E. "Performing A Safety Sensitive Function" means any period in which the driver is actually performing, ready to perform or immediately available to perform any safety sensitive duty.
 - F. "Prohibited Substances" has the meaning defining by 21 U.S.C., Section 802, and includes all substances listed on Schedule I (21 C.F.R., Part 1308) or identified in Appendix D or the Federal Motor Carrier Safety Regulations; an amphetamine or any formulation thereof; a narcotic drug or any derivative thereof and any other substance which renders an employee incapable of safely operating a motor vehicle or performing their work assignments.
 - G. "Reportable Accident" means an occurrence involving a commercial motor vehicle on a public road which results in a fatality, injury to a person requiring immediate treatment away from the scene of the accident or disabling damage to a vehicle requiring it to be towed from the scene.
 - H. "Reasonable Cause" is the observation and documentation of any unusual on-duty behavior and includes, but is not limited to: slurred speech, unsteady walking, abrupt mood swings, breath (alcohol), or odor; observation of physical manifestations frequently associated with some forms of substance abuse, e.g., needle marks, sudden nose bleeds, frequent illness not explained by other medical conditions; accidents; injuries; absenteeism; declining productivity; misconduct; excessive tardiness and suspicious activity indicating possible involvement with prohibited substances or alcohol in violation of this policy. Reasonable cause will be determined to exist upon the concurrence of two members of management based on observation of the employee's job performance or personal behavior and any other evidence of alcohol or other drug use.
 - I. "Safety Sensitive Duties" include, but are not limited to, all the time from the time the driver begins work, is required to be in readiness to work or until

the time the driver is relieved from work and all responsibility for performing work.

- J. **"Split Specimen"** means that each urine specimen is split into two different containers. If retesting is requested the untested "split specimen" will be tested.
- K. **"Under The Influence" of any prohibited substance** means any detectable level of a prohibited substance in an employee's system *above* the National Institute on Drug Abuse (NIDA) cut off limits.
- L. **"Under The Influence" of alcohol** means a blood alcohol level of .04 percent. A positive alcohol test is a blood alcohol level of .02 percent or greater.

IV. PROHIBITIONS

This policy prohibits the:

- A. Use, possession or being under the influence of a prohibited substance while on duty, operating or in physical control of a motor vehicle and/or on company premises, property or worksite.
- B. Consuming an intoxicating beverage, regardless of its alcohol content, within four (4) hours of reporting for work or operating or having physical control of a motor vehicle. *(In instances where an employee is called into work with less than four (4) hours advance notice, the employee must inform their Supervisor if they have been drinking alcohol or using a controlled or illegal substance. It is the immediate responsibility of the Supervisor to determine if the person should be placed in a work status. In no case will a driver or equipment operator be allowed to operate company-owned vehicles or equipment if known to be impaired in any way.)*
- C. Possessing, consuming or being under the influence of an intoxicating beverage, regardless of its alcohol content, while on duty or operating or in physical control of a motor vehicle and/or on company premises, property or worksite.
- D. Refusing to sign consent or release form authorizing the collection of a specimen, analysis of the specimen for designated prohibited substances and/or alcohol and release of the results to the company.

V. IMPLEMENTATION AND ENFORCEMENT OF POLICY

A. DRUG TESTING

The following procedures will be employed to assure compliance with this policy. All testing will follow 49 CFR, Part 40.

1. Testing – Drivers are required to submit to urine analysis testing for prohibited substances under the following circumstances:
 - a. To be considered for employment. (If a prospective employee fails the drug test, they will not be hired. However, they may re-apply in three (3) months.)
 - b. Where management has reasonable cause to believe that an employee is under the influence of a prohibited substance while on duty.
 - c. Following a reportable accident in which there is the loss of human life, injury to a person requiring immediate treatment away from the scene of the accident or disabling damage to a vehicle requiring it to be towed from the scene. Following a recordable injury.
 - d. As part of a transfer/promotion to a position which requires the operation of company equipment or vehicles
 - e. As part of the random selection process, all employees that are subject to random testing will be chosen randomly by a third part administrator and after each selection for testing, each employee will be included in the testing pool for the next selection date. Random testing is done every quarter, exceeding 5% of our total number of employee's.
 - f. Return-to-Duty, following the completion of a substance abuse program the employee must take and pass a drug test before they may be returned to their safety sensitive position. (The employee is responsible for the cost of the rehabilitation drug testing.) They must also accept and sign a "Return-to-Work Monitoring Agreement".
 - g. Follow-up testing, after an employee has a confirmed positive test, they must agree to undergo follow-up drug testing – minimum of six (6) tests in a *twelve* (12) month period (the employee is responsible for the cost of the rehabilitation drug testing) and must accept and sign a "Return-to-Work Monitoring Agreement".
2. Post-accident Testing – A driver shall provide a urine specimen to be tested for prohibited substances as soon as possible after a reportable

accident, but in no case later than thirty-two (32) hours after the accident. If the driver is seriously injured and cannot provide a urine specimen for testing at that point, he/she must later provide authorization for a company representative to obtain hospital or doctor reports that would indicate if there were any prohibited substances or alcohol in his/her system at the time of the accident or incident.

3. Availability of Test Results – The results of any drug test, and the records connected with the testing procedures, will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician, medical review officer (MRO) who has knowledge of substance abuse disorders. If the tests are positive, the individual tested will be given the opportunity to discuss the test results with the MRO prior to the time the test results are made available to the employer. After notification of the MRO's final positive determination, the employee has seventy-two (72) hours to request a test of the "split specimen" at another Department of Health and Human Services (DHHS) certified laboratory.

The documentation of the test results will not be made available to other parties, except upon written request of the individual tested, or when an applicable DOT regulation requires such disclosure, or if in the MRO's reasonable judgment the information could result in the employee being medically unqualified to perform their duties or if the information would cause a safety risk.

4. Retesting of Original Split Specimen - The employee may request the MRO, in writing, to have the "split specimen" of a positive test tested at another DHHS certified laboratory selected by the employee. The employee will be required to pay for the test.

Should the results of such test be negative, the employer shall reimburse the employee for all costs related to such testing. Further, the employee shall not suffer any discipline as a result of the initial positive test and will be reimbursed for any lost wages or benefits that suffered as a result of preliminary actions taken by the employer based on the initial test results.

5. Method of Testing – Saliva strip testing will be collected for testing. Initially, an immunoassay drug screen will be performed. When the initial results identify a drug presence, a confirmation test will be performed using gas chromatography/mass spectrometry (GS/MS) techniques at the cutoff levels listed below. The confirmation test will be conducted at a NIDA-approved laboratory. Non-DOT collections involve a single specimen collection.

Testing shall be collected by an authorized third party testing administrator at a location approved by the company. COL *drivers* are required to complete and sign a standard "Custody and control" form as well as a "consent and release" form. The COL driver shall identify any and all medications he/she is taking on the appropriate forms.

6. Drug Levels

a. Initial Test

Marijuana metabolites	50 ng/ml
Cocaine metabolites	300 ng/ml
Opiate metabolites	300 ng/ml (or 25 ng/ml is test is specific for free morphine)
Phencyclidine	25 ng/ml
Amphetamines	1,000 ng/ml

b. Confirmation Test:

Marijuana metabolites	50 ng/ml
Cocaine metabolites	150 ng/ml
Opiate metabolites	
Morphine	300 ng/ml
Codeine	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine	500 ng/ml

B. ALCOHOL TESTING

The following procedures will be employed to assure compliance with this policy. All testing will follow CFR 49, Part 40.

1. **Testing** – All drivers are required to submit to breathe testing for alcohol under the following circumstances:
 - a. Where management has reasonable cause to believe that an employee is under the influence of alcohol while on duty
 - b. Following a reportable accident in which there is loss of human life, injury to a person requiring immediate treatment away from the scene or disabling damage to a vehicle requiring it to be towed from the scene. Following a recordable injury.

- c. As part of a random selection process (All employees that are subject to random testing will be chosen randomly by an authorized third party administrator and after each selection for testing, each employee will be included in the testing pool for the next selection date.)
 - d. Return-to-Duty, following the completion of a substance abuse program the employee must take and pass a alcohol test before they may return to their safety sensitive position. The employee is responsible for the cost of the rehabilitation alcohol testing
 - e. Follow-up testing, after an employee has a confirmed positive test, they must agree to undergo follow-up alcohol testing. A minimum of six (6) tests must be conducted in a twelve (12) month period. The employee is responsible for the cost of the follow-up testing
2. Post-Accident Testing – No driver that is required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test.

Post-accident alcohol tests must be administered as soon as practical, but in no case later than eight (8) hours following the accident involving a CDL holder. If the test is not administered within eight (8) hours, all attempts to perform the test shall cease.

If the test is not administered within two (2) hours, the company must prepare and maintain on file a written record stating the reason(s) why the test was not promptly administered.

3. Testing Procedure – All alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) and all tests will be administered using a DOT approved Evidential Breath Testing Device (EBT).
4. Penalties – Any driver who has a confirmed breath test greater than .02% but less than .04% will be removed from their duties and deemed medically unqualified to perform those duties until they have completed a substance abuse program and tested negative for drugs and alcohol.
5. Voluntary Disclosure – Employees who seek voluntary assistance for alcohol and/or substance abuse may not be disciplined for seeking such assistance. Requests from employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee's consent. Employees enrolled in substance abuse programs shall be subject to all company rules, regulations and job performance standards with the understanding that an employee enrolled in such a program is receiving treatment for an illness.

C. PRESCRIPTION AND NON-PRESCRIPTION MEDICINE

Before any drug test is given, the employee or prospective employee may note the use of any prescription or non-prescription medications. The laboratory procedures will report the significant presence of all prescription and non-prescription drugs.

An employee may be suspended, without pay, for using a medication until the company is provided with a copy of the prescription, the name of the physician prescribing the medication and a statement from the employee's physician describing the effects of the medication and indicating that the medication will not affect the employee's ability to safely operate a motor vehicle or otherwise perform the duties of his/her position without creating a risk to himself/herself or others.

VI. CONSEQUENCES FOR VIOLATION OF THIS POLICY

Drivers who are known to have engaged in prohibited behavior, with regard to alcohol misuse or the use of controlled or illegal substances, are subject to the following consequences per the DOT rules and regulations:

- A. Disqualification (unable to operate a commercial motor vehicle) for the following offenses:
 - 1. Driving a commercial motor vehicle (CMV) while under the influence of alcohol. This includes:
 - a. Driving a CMV with a blood alcohol concentration (BAC) of .04% or more
 - b. Driving under the influence of alcohol, as prescribed by State law
 - c. Refusal to undergo such testing as required by any State or jurisdiction with enforcement authority
 - 2. Driving a CMV under the influence of a prohibited drug or substance
 - 3. Transportation, possession, or unlawful use of a prohibited drug or substance while on duty
 - 4. Leaving the scene of an accident while operating a CMV
 - 5. Committing a felony involving the use of a CMV

B. DURATION OF DISQUALIFICATION

1. First Offense – The driver is disqualified for one (1) year after the date of conviction or forfeiture of bond or collateral if, during the three (3) years preceding that date, the driver was not convicted of, or did not forfeit bond or collateral upon a charge of, an offense that would disqualify the driver. Exemption: The period of disqualification is six (6) months if the conviction or forfeiture of bond or collateral solely concerned the transportation or possession of prohibited substances.
2. Second Offense – The driver is disqualified for three (3) years after the date of conviction or forfeiture of bond or collateral if, during the three (3) years preceding that date, he/she was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him/her.

C. TERMS OF DISQUALIFICATION

Drivers shall be subject to the following:

1. Not being permitted to perform safety-sensitive functions
2. Advised of the resources available to them in evaluating and resolving problems associated with misuse of alcohol and/or controlled or illegal substances
3. Evaluation by a substance abuse professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and/or controlled or illegal substances
4. Undergo a return-to-duty alcohol test, with a result indicating a breath alcohol level of less than .02%, if the conduct involved alcohol, or a controlled substance test, with a verified negative result, if the conduct involved controlled or illegal substances, before returning to duties requiring performance of a safety sensitive function
5. Evaluation by a SAP to determine that the employee has followed the rehabilitation program prescribed
6. Subjected to unannounced follow-up alcohol and controlled or illegal substance testing, which will consist of at least six (6) tests in the first twelve (12) months
7. Treated as having a positive test result if the employee refuses to be tested or does not cooperate with the testing personnel, therefore, will be considered medically unqualified to perform his or her normal work

In addition to the penalties imposed by the DOT, the company reserves the right to impose disciplinary action, up to and including discharge, for any violation of the Substance Abuse Policy.

D. VIOLATION OF POLICY - Penalties/Consequences: (Imposed by the company)

Any employee who violates the requirements of this policy shall be subject to disciplinary action up to and including termination as indicated below. Applicants who violate the requirements of this policy shall be deemed ineligible for hire or transfer to a safety sensitive position within the company.

1. First Offense:

- a. Suspended for thirty (30) days without pay.
- b. At the expense of the employee, be evaluated by a SAP who will make a determination of assistance of treatment programs.
- c. Comply with the recommendations of the SAP.
- d. Submit to return to duty testing.
- e. Submit to unannounced follow-up alcohol and controlled or illegal substance testing, which will consist of at least six (6) tests in the first twelve months, and may continue for a period of up to five (5) years.

2. Second Offense: Termination

VII. TRAINING - ASSISTANCE TO EMPLOYEES IN UNDERSTANDING ALCOHOL AND/OR SUBSTANCE ABUSE

To assist employees in understanding alcohol and controlled or illegal substance use and abuse, the company has made available and will provide training on information that details:

- A. The effects of alcohol and controlled or illegal substances on an individual's health, work and personal life.
- B. Signs and symptoms of an alcohol and controlled or illegal substances problem.
- C. Available methods of intervening when an alcohol or controlled or illegal substance problem is suspected.

The company shall provide information and training and shall document regarding the personal and professional affects controlled substances may have on your personal well-being. This training is compliant with the "Right to Know" requirements per current standards. Supervisors will further be trained in "reasonable suspicion" recognition commensurate with the company written program and current standards.

VIII. EMPLOYEE ASSISTANCE PROGRAMS (SAP)

GTC supports Employee Assistance Programs just as this policy supports the treatment of employees for alcohol and controlled or illegal substance abuse. GTC will supply employees with information about treatment programs on a timely basis whenever needed. GTC will not be financially responsible for any rehabilitation treatment.

Substance Abuse Professionals (SAP) are available at the following locations:

Al-Anon Family Groups	231-938-7399
Alcohol & Drug Services	231-258-5565
Alcoholics Anonymous	231-946-8823
Bay Area Counseling	231-933-4009
Munson Healthcare Drug & Alcohol Center	800-662-6766

The employee is responsible for the cost of the evaluation. The evaluation must be completed before an employee may return to work.

Questions regarding this policy should be directed to your Supervisor,

Grand Traverse Construction

**DRUG AND ALCOHOL POLICY
ACKNOWLEDGMENT**

I acknowledge receipt of the GTC Drug and Alcohol Policy. I have reviewed and understand the GTC Drug and Alcohol Policy and have had all of my questions answered to my satisfaction. Additionally, I understand and agree to abide by these guidelines and be bound by its contents while under the employ of GTC.

Employee

Signature: _____ **Date:** _____

Company Representative

Signature: _____ **Date:** _____