Dear Designated Employer Representative (DER):

Enclosed is a U.S. Department of Transportation (DOT) / **PIPELINE and HAZARDOUS MATERIALS SAFETY ADMINSTRATION (PHMSA)** (formerly RSPA), **ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY**. Please insert this policy in your Operations Manual. The policy has been written so that the testing program is covered in the same sequence and manner as the current regulations published by PHMSAand cross-references the actual regulation.

The following documents are included in this package in this order:

1. COVER LETTER

1. FOR YOUR IMMEDIATE ATTENTION
2. COVERED EMPLOYEE CERTIFICATE OF RECEIPT
3. FREQUENTLY ASKED QUESTIONS AND ANSWERS
4. ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY

**FOR YOUR IMMEDIATE ATTENTION contains very important instructions and information. You must address the 14 items to make this a compliant policy.**

**FREQUENTLY ASKED QUESTIONS and ANSWERS**, although not part of Federal regulations or the policy, provides a great deal of information for employees. Please provide these the employee as well.

Educational materials for employees and training materials required for supervisors are available from DISA.

Many of the alcohol and drug testing regulations, which affect employers and employees, appear only in 49 CFR Part 40, PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS.

**49 CFR Part 40 DOWNLOAD INSTRUCTIONS**

Log-in with your username and password at [www.disa.com](http://www.disa.com/)

Once logged into DISAWorks™ place your curser on Compliance

Click on DOT Policies

Download whichever 49 CFR Part 40 your prefer. The 49 CFR Part 40 w Q&A;s is a DISA document that includes all Q&A’s that DOT wrote for further interpretation of certain regulations. The 49 CFR Part 40 Government Document is the PDF publication of the current part 40 that the DOT has written.

This document supersedes all previous policies distributed under the heading of PHMSA Anti-Drug and Alcohol Misuse Prevention Plan.

Please call me at 281-673-2400 if you have any questions or e-mail me at [mary.brown@disa.com](mailto:mary.brown@disa.com).

Sincerely,

Mary Brown-YbosDirector –

Compliance / QA

**FOR YOUR IMMEDIATE ATTENTION**

**BEFORE PRINTING THE POLICY**,there are 15 items that must be addressed before the policy is complete.

**1.** Insert your company name at the top of the COVERED EMPLOYEE CERTIFICATE OF RECEIPT.

**2.** On the second page of the COVERED EMPLOYEE CERTIFICATE OF RECEIPT, you have two options under the section titled: CONSEQUENCES OF PROHIBITED CONDUCT. Option 1 is for a zero tolerance policy. Option 2 is for a second chance policy. You may write additional actions for those who violate the regulations but it must be in **bold and underlined.**

**3.** On the second page of the COVERED EMPLOYEE CERTIFICATE OF RECEIPT, there are several options for the **0.02 – 0.039 Consequences.** In option 1, these are the rules per part 199 PHMSA regulations. The last sentence in the first paragraph addresses if you require the employee to have a loss of wages until the eight hours have elapsed or you take the option to retest the employee to receive a result below 0.02. If it is not appropriate, you may write your own policy, but it must be in **bold and underlined.**

**4.** On the third page of the COVERED EMPLOYEE CERTIFICATE OF RECEIPT, you must decide if the **Other Alcohol Consequences** are appropriate, and if so, leave it as written. **HOWEVER**, if you elect to **terminate** anyone who violates the policy, you must **DELETE** parts a. & b. and re-letter c. & d. as the new a., &b.

**5.** On the policy cover page, insert your company name and address. The **IMPLEMENTATION DATE** is the date you started testing under PHMSA regulations.

CLIENTS WHO CURRENTLY HAVE A PHMSA POLICY: The “Implementation Date” appears on the cover page of the old PHMSA policy.

NEW CLIENTS OR CLIENTS WHO HAVE JUST ADDED A PHMSA PROGRAM: The “Implementation Date” is the date you registered the program with DISA, Inc.

**6.** On the policy cover page, the **EFFECTIVE DATE** is the date when this policy is being completed.

**7.** On page 7, at the top of the page, section 7 of Random Testing, the default frequency is **quarterly**. If you select a different frequency, you must replace the word “quarterly” in bold and underline with the appropriate selection frequency.

1. On page 9, section (d), MRO reports, please note there are two options you may choose with regards to the handling of negative-dilute results that have a creatinine concentration greater than 5 mg/dL. You are to delete the option you do not choose.

(Note: You may choose other test purposes to conduct recollection for negative-dilute test results but must include them in this section.)

Starting on page 26 you will find pages that are titled “APPENDIX”. Your DOT/PHMSA testing program policy will not be valid until these appendices are completed,

**9. APPENDIX A:** **DESIGNATED EMPLOYER REPRESENTATIVE** **(DER)**

The person(s) responsible for receiving drug and alcohol test results and for answering employee questions about the testing program. (See complete description of responsibilities on page 3)

**10. APPENDIX C: SUBSTANCE ABUSE PROFESSIONAL (SAP) and EMPLOYEE ASSISTANT PROGRAM**

The SAP is an individual that is qualified to diagnose and determine what assistance an employee needs to overcome any type of chemical dependency. The SAP must be local in order to discuss the problem with the employee face to face. If your employer does not have an Employee Assistance Program and/or a SAP, there is a non-profit referral service which can be used for the required information on this appendix.

National SAP Network

1615 Orange Tree Lane, Suite 101

Redlands, CA 92374

800-879-6428

Even if you terminate employees who test positive or refuse to test, you are required by Federal regulation to give that employee, in writing, the name, address and phone number of a SAP. This includes applicants who have failed a pre-employment test. Because this is requirement, the best practice is to have the employee sign a form that they received SAP you provided. A form has been provided in Appendix M.

The second section of this requirement is to list the person in charge of your employee assistant program. This can be the SAP or a company EAP service that you utilize. It can also be the name of the DER or HR representative who is in charge of function of the program. The requirement of the EAP program is listed on page 13 and Part 199.113 is the regulation that addresses this compliance for this requirement.

**11. APPENDIX D: ALCOHOL TESTING SITE(S) & SPECIMEN COLLECTION SITE(S)**

You are to put the location where your employees will go to provide either a urine specimen and/or take an alcohol test. If you use more than one medical collection facility location, list all locations; name, physical address and phone number. For those sites that do alcohol testing you must also list the approved Evidential Breath Testing (EBT) device. That information can be obtained by contacting the collection/testing site.

**12. APPENDIX E: MEDICAL REVIEW OFFICER**

The name of your medical review officer appears on the Federal Drug Testing Custody and Control Form.

**13. APPENDIX F: EMPLOYEE/SUPERVISORY POSITIONS SUBJECT TO DRUG TESTING**

Position titles, not names of individuals. Place an asterisk (**\***) beside those supervisory positions that are you have determined will make reasonable suspicion determinations. All supervisors with the (\*) must go through 60 minutes of training in the indicators of drug use and 60 minutes of training in the indicators of alcohol misuse. You must have documentation of this requirement for audit purposes.

**14. APPENDIX G: DEPARTMENT OF HEALTH & HUMAN SERVICES (DHHS) LABORATORIES**

The laboratory that performs the analysis for your drug testing program must be listed in the Appendix. You can find the laboratory name on your custody and control form. Note: If you use Quest Diagnostics, you are to leave all four Quest laboratories in this appendix and delete the Kroll laboratory. If you use Kroll, delete all the Quest laboratories. If you are using a different laboratory, you are to put that laboratory delete the laboratories listed in the appendix and place your laboratories information there.

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**APPENDIX I: SPECIAL ADDITIONAL DOCUMENT**

Page 31 is Federal regulation 49 CFR Part 40.25 which mandates a background check, and page 32 is a suggested format written by the Office of Drug & Alcohol & Program Compliance (ODAPC) of the Request For DOT Drug and Alcohol Testing Information From Previous Employer.

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**APPENDIX M:** Employee Acknowledgement of SAP Referral:

This document was created so documentation of the requirement for providing all employees or applicants that refuse to test or test positive on a drug result can be made for auditing purposes.

**CAUTION: Although every effort has been taken to make sure the policy downloads properly, different makes of printers will handle the document differently. You may need to make changes to the page numbers in the table of contents to compensate for those differences in printers. PLEASE CHECK PAGE NUMBERS AGAINST THE TABLE OF CONTENTS and make corrections as necessary.**

**Do not remove hard page breaks – this should help keep page numbers matching the TABLE OF CONTENTS. The document has been set-up to run properly on HP Laser Jet and Epson Stylus Color printers.**

**COVERED EMPLOYEE CERTIFICATE OF RECEIPT**

of the

**PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)**

**ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY**

For

***SOUTHWEST TEXAS MUNICIPAL GAS CORP.***

hereafter referred to as

“This Employer” or “This Company”

Each covered employee shall sign a statement certifying that he/she has received a copy of the Pipeline & Hazardous Materials Safety Administration, ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY. This Company should maintain the original of the signed certificate and may provide a copy of the certificate to the employee.

**STATEMENT OF POLICY**

Every covered employee is required to refrain from the use of prohibited controlled substances on and off duty. Every covered employee is required to refrain from the use of alcohol before (within 4 hours) and during the performance of safety-sensitive functions.

Covered employees will be tested for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Covered employees will also be tested for alcohol. Covered employee applicants will be subject to a pre-employment drug test. This Company must receive a verified NEGATIVE result before covered employee applicants will be permitted to perform safety-sensitive functions.

**REFUSAL TO TEST OR FAILED A DRUG/ALCOHOL TEST**

I understand that I have refused to take a drug/alcohol test or failed a drug/alcohol test if I:

(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;

(2) Fail to remain at the testing site until the testing process is complete; Provided, that an employee who leaves the testing site **before** the testing process commences for a pre-employment test is not deemed to have refused to test;

(3) Fail to provide a urine specimen for any drug test required by part 40 or DOT agency regulations; Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;

(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Fail or decline to take an additional drug test the employer or collector has directed you to take;

(7) 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 under part §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or

(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, refuses to remove hot, coat, gloves, coveralls when directed or failure to wash hands as directed).

(9) 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;

(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process;

(11) Admit to the collector that you adulterated or substituted the specimen.

(12) The confirmed specimen reported to the MRO by the laboratory was adulterated or substituted.

(13) Fail to sign the certification statement at Step 2 of the Alcohol Testing Form (ATF).

(14) Fail to cooperate with any part of the alcohol testing process.

**CONSEQUENCES OF PROHIBITED CONDUCT**

**Any employee who has a POSITIVE drug test result, and/or an alcohol test with a result of 0.02 OR GREATER, and/or has engaged in other conduct prohibited by this policy, will be immediately removed from safety sensitive functions. If a drug test is positive, the employee is automatically terminated. When the results of an alcohol (screen/confirmation) test indicate an alcohol concentration of 0.02 or greater the employee will be removed immediately from performing the covered function for the remainder of his/her shift, but not less than eight hours. The employee will be subject to loss of pay for that period of time. An applicant who has a POSITIVE drug test result will not be hired. Section 199.105, DRUG TESTS REQUIRED, parts (e) & (f) will not be applicable and Section 199.225, ALCOHOL TEST REQUIRED, parts (c) & (d) will not be applicable. The employee will be provided with a name of a Substance Abuse Professionals (SAP) for compliance with the DOT regulations.**

**ADDITIONAL DISCIPLINARY ACTIONS: Levels of disciplinary action for each of the described circumstances.**

**This Employer may elect to “retest” the employee as provided in 199.225 ALCOHOL TESTS REQUIRED, section (e),** “Each employer shall retest a covered employee to ensure compliance with the provisions of 199.237 following a positive alcohol test of .02 or greater.

**Subsequent 0.02 or greater alcohol tests**

**When an employee has an alcohol (screen/confirmation) test conducted and the alcohol concentration is 0.02 or greater on a subsequent test, the employee will be removed immediately from performing the covered function and shall be suspended. The employee shall be referred to a substance abuse professional and must follow all the recommendations following completion of the assessment. Any subsequent test at 0.02 or greater will result in disciplinary action up to and including termination**.

**2.** **Other Alcohol Consequences.**

**a. When an employee refuses to report for assessment, evaluation, and/or referral for treatment with a substance abuse professional he/she will be removed immediately from performing the covered function and will be subject to disciplinary action up to and including termination**.

**b. When an employee, after assessment, is referred for rehabilitation and/or treatment and the employee refuses to enter or successfully complete such a rehabilitation and/or treatment assessment program, he/she will be removed immediately from performing the covered function and subject to disciplinary action up to and including termination.**

**c. Pre-duty use (within 4 hours), on duty use or possession of alcohol on This Company’s time, on This Company’s premises, or in This Company’s vehicles will result in immediate removal from performing the covered function. The employee will be subject to disciplinary action up to and including termination.**

d**. Use of alcohol following an accident for which an alcohol test is required, prior to the test being conducted or for up to eight hours after the accident will result in immediate removal from performing the covered function. The employee will be subject to disciplinary action up to and including termination.**

**ADDITIONAL REQUIREMENTS**

This Company is permitted by Federal regulations to require and enforce more stringent requirements relating to safety of operation and employee safety and health including additional requirements relating to alcohol and controlled substances testing.

**THIS COMPANY’S INDEPENDENT AUTHORITY**

**This Company retains the right to change this ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY from time to time as necessary.**

I hereby acknowledge receipt of the U.S. DEPARTMENT OF TRANSPORTATION (DOT), PIPELINE and HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA), ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY. I agree to familiarize myself with the requirements of the policy and comply with its provisions.

X

Print Name Social Security Number

EMPLOYEE’S SIGNATURE DATE

This receipt is to be read and signed by the employee. A copy of this receipt may be given to the employee. The original of this receipt must be kept on file.

**FREQUENTLY ASKED QUESTIONS and ANSWERS**

This Employer has contracted with DISA, Inc. to provide a full compliance, safe, effective, and reliable alcohol and controlled substances testing program as mandated by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA). The Federal regulations not only establish rules, which This Employer must comply with, but they also protect your rights. We urge you to take the time to read this document carefully so you better understand the testing program. This Employer has on file a complete copy of the CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY for your inspection.

**COLLECTIONS AND LABORATORY**

1. **SHOULD I HAVE IDENTIFICATION WITH ME WHEN I REPORT TO THE COLLECTION SITE?**
2. YES. The collection site person must positively identify you by a photographic identification such as a driver’s license or other picture I.D. In the absence of a photo I.D., you may be identified by a representative of This Employer who can vouch for your identification, either in person or by phone. You may request the collection site person to show you their identification.
3. **WILL I HAVE TO TAKE OFF MY CLOTHING FOR THE TEST?**
4. NO. Only unnecessary outer garments, such as coats, or jackets that might conceal substances that could be used to tamper with the specimen, must be removed. This is also true of purses or briefcases; however, you may keep your wallet. Be aware that it is the practice of some physicians to ask the donor to put on an examination gown as a matter of general practice, however, the donor is within their right to refuse to do so. You may be asked to empty and show the collector items you have in your pockets. If you would like, you may request that the collection site person give you a receipt for any personal belongings that you are requested to leave with the collector during the collection process.
5. **I’VE HEARD THAT THERE ARE OBSERVED COLLECTIONS, IS THIS TRUE?**

A. Yes. The collector will follow the part 40 guidelines for observing the collection. There are several reasons a direct observation is to take place which are outlined below. In the event of an observed collection, the observer must be of the same gender.

Your employer must request a directly observed collection if: (1) The laboratory reported to the MRO that a specimen is invalid, and the MRO determines that there is not an adequate medical explanation for the result; or (2) The MRO reports that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed. Your employer may request a directly observed collection if you are taking a return-to-duty or a follow-up test.

The collector must immediately conduct a collection under direct observation if: (1) Instructed to do so by your employer; (2) You are observed bringing materials to the collection site or your conduct clearly indicates an attempt to tamper with a specimen, (3) The temperature on the original specimen was out of range; or (4) The specimen appeared to have been tampered with.

Refusal to submit a second observed collected specimen is treated as a positive and reported to the employer as such.

**Q. WHAT IS “VALIDITY” TESTING?**

A. Laboratories test every specimen for adulteration, substitution and dilution. An adulterated or substituted specimen is a violation of Federal drug testing regulations.

1. **IS IT TRUE THAT I MUST WASH MY HANDS BEFORE PROVIDING A SPECIMEN?**
2. YES
3. **WHY IS THERE COLORING AGENT IN THE BOWL?**
4. To prevent the dilution or tampering of a specimen, a variety of measures are required by Federal regulations. Other measures are designed to prevent donor access to any materials or substances which could be used to adulterate specimens. These include barring access to any water fountain, faucet, soap dispenser, cleaning agent or other such potential adulterants. Similarly, a coloring agent (other than red) in the bowl prohibits dilution of the urine by water from the bowl.

**Q. WHAT IS THE COLLECTION PROCESS ACTUALLY LIKE?**

1. The collection site will provide you a clean, single-use specimen container that is still securely sealed in a plastic bag. You should take the container out of the bag yourself.

After affording you privacy behind the stall door to provide your sample, within four (4) minutes of voiding, the collector will measure the temperature and also inspect the specimen for color and any sign of contaminates. If the specimen is outside the permitted temperature range, the collector is required by Federal regulation to immediately conduct a direct observation collection.

DOT regulations require a “split specimen”, that is, two specimen bottles. In the event of a positive test, you will have 72 hours to request a testing of the second or split sample by another DHHS lab.

1. **DOES THIS EMPLOYER CONTROLLED SUBSTANCES TESTING PROGRAM USE A RELIABLE LABORATORY TO PERFORM THE URINALYSIS?**
2. YES, ABSOLUTELY. The testing laboratories used by DISA, Inc. have been certified by the U.S. Department of Health and Human Services (DHHS) and follow strict procedures set forth in 49 CFR part 40, **Procedures for Transportation Workplace Drug and Alcohol Testing Programs**.
3. **HOW CAN I BE SURE THAT THE URINE SAMPLE TESTED BY THE LABORATORY IS MINE?**
4. Our laboratories have been evaluated by DHHS to ensure that they adhere to strict laboratory security and chain of custody procedures. The labs strictly control access to keep unauthorized personnel from all testing processes as well as areas where records are stored. Similarly, labs must be able to prove, in court, that chain of custody (COC) procedures were maintained to control your specimen from collection through completion of testing, reporting of results, storage and final disposition. For this reason, our labs use federally mandated chain of custody procedures and forms and will insure that your own chain of custody form (CCF) is shipped with your specimen. You will participate in the identification of your own specimen while observing the sealing of your specimen bottles.

**Q. HOW DOES THE RANDOM SELECTION PROCESS WORK?**

1. This Employer has contracted with DISA, Inc. because it gives This Employer access to a highly sophisticated computer program through which employees are selected for random testing. This process is not subject to tampering by anyone and contains a variety of security passwords and encryption codes to ensure that no employee can be “singled out” for a random test. For your protection, this computer program will only be provided to duly authorized FMCSA inspectors for their review to ensure compliance with the law. Be aware that a true random program gives each employee in the random pool an equal opportunity to be picked and therefore, it is possible and quite probable that some employees will be picked more than once.

**MEDICAL REVIEW OFFICER**

1. **WHAT IS THE MEDICAL REVIEW OFFICER (MRO) AND WHAT DOES HE DO?**
2. The MRO is a licensed physician with knowledge of substance abuse disorders. MRO duties include:
3. Reviewing and verifying both negative and positive test results,
4. Contacting the employee whose test is reported positive by the lab and providing the employee an opportunity to discuss the test results,
5. Reviewing and interpreting positive test results to determine if an alternate medical explanation, medical history, relevant biomedical facts and medical records made available by the employee could have cause the positive, including legally prescribed medications and,
6. If required by the employee, the split specimen will be analyzed by another DHHS laboratory.
7. **WHAT IF THE MRO CAN’T CONTACT ME?**
8. If the MRO can’t contact you, he must (by Federal regulation) notify the Designated Employer Representative (DER), without revealing the test result or any information. That person will then attempt to contact you and request that you contact the MRO. After notification by whatever means, you have 72 hours to contact the MRO. If you do not contact the MRO within this time period, he will automatically verify the test as positive and notify the DER. Moreover, if the DER is unable to contact you, they have a right to place you on temporary medically unqualified leave.
9. **DO I HAVE A RIGHT TO A RETEST?**
10. ABSOLUTELY YES! If the MRO determines there is no legitimate medical reason for a positive, within seventy-two (72) hours of receipt of those test results from the MRO, you may request a test of the split specimen (the second specimen). The retest will be done at another DHHS certified laboratory and both labs must follow DHHS approved custody transfer procedures. A retest of the first (primary) specimen or giving a new specimen is NOT permitted by Federal rules.
11. **WHAT HAPPENS IF THE MRO DETERMINES THERE IS A LEGITIMATE MEDICAL REASON FOR A POSITIVE TEST RESULT?**
12. He reports the result to the Designated Employer Representative as a “negative” and no further action is taken.

**NOTE:** If there are other questions concerning This Employer’s alcohol and drug testing program, please contact your DER.

U. S. DEPARTMENT OF TRANSPORTATION

**(DOT)**

PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION

**(PHMSA)**

**49 CFR PART 199**

**ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY**

for

***SOUTHWEST TEXAS MUNICIPAL GAS CORP.***

***203 N. APPLE STREET***

***ALPINE, TEXAS 79830***

aka

“This Employer” or “This Company”

Implementation Date:

Effective Date: 08/31/2009

**DEPARTMENT OF TRANSPORTATION (DOT)**

**PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)**

**SUBCHAPTER D    PIPELINE SAFETY**

**49 CFR PART 199**

**ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY**

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**Subpart A    General**

**49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, is an important part of the testing regulations. Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping and all other procedural requirements shall adhere to 49 CFR part 40. Part 40 is included in its entirety in Appendix N of this policy and is an integral part of this ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY.**

**Scope – (§199.1)**

This Company has a long-standing commitment to maintain the highest standards for the safety and health of employees and the public. This Company has adopted this ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY to help prevent accidents and injuries resulting from the use of controlled substances and the misuse of alcohol by employees who perform covered functions. This Company has also adopted this policy to be in compliance with applicable Federal Regulations.

Operators of pipeline facilities subject to 49 CFR Parts 192, 193, and/or 195 are required to test covered employees for the presence of prohibited drugs and alcohol. Pipeline operators are also required to ensure that contractors are in compliance with Part 199. This policy has been designed to bring contractor companies into compliance with that requirement.

**Applicability – (§199.2)**

(a) This part applies to pipeline operators and their contractors only with respect to employees located within the territory of the United States, including those employees located within the limits of the "Outer Continental Shelf " as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331)

(b) This part does not apply to any person for whom compliance with This part would violate the domestic laws or policies of another country.

(c) This part does not apply to covered functions performed on

(1) Master meter systems, as defined in 191.3 of this chapter; or

(2) Pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

**Definitions – (§199.3) (Definitions related to Part 40 are in Appendix M)**

Definitions found in Parts 192, 193 and 195 are also applicable to this policy.

As used in this part

*Accident* means an incident reportable under Part 191 of this chapter involving gas pipeline facilities or LNG facilities, or an accident reportable under Part 195 of this chapter involving hazardous liquid pipeline facilities.

§191.3 - Definitions.

Incident means any of the following events:

(1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

(i) A death, or personal injury necessitating in-patient hospitalization; or

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of $50,000 or more.

(2) An event that results in an emergency shutdown of an LNG facility.

(3) An event that is significant, in the judgment of the operator *(or contractor)*, even though it did not meet the criteria of paragraphs (1) or (2).

§195.50 – An accident report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

(1) Explosion or fire not intentionally set by the operator.

(2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if this release is:

(a) Not otherwise reportable under this section;

(b) Not one described in §195.52(a)(4);

(c) Confined to company property or pipeline right-of-way; and

(d) Cleaned up promptly;

(3) Death of any person.

(4) Personal injury necessitating hospitalization;

(5) Estimated property damage, including cost of clean up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding $50,000.

*Administrator* means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

*Covered employee, employee, or individual to be tested* (or applicant) means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.

*Covered function* means an operations, maintenance, or emergency response function regulated by Parts 192, 193, or 195 that is performed on a pipeline or on an LNG facility.

*DOT Procedures* means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in 49 CFR Part 40.

*Fail a drug test* means that the confirmation test result shows positive evidence of the presence under DOT Procedures of a prohibited drug in an employee's system.

*Operator* means a person who owns or operates pipeline facilities subject to Parts 192, 193, or 195.

*Pass a drug test* means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in a person's system.

*Performs a covered function* includes actually performing, ready to perform, or immediately available to perform a covered function.

*Pipeline or pipeline system* means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

*Pipeline facility* means new and existing piping, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

*Positive rate for random drug testing* means the number of verified positive results for random drug tests conducted under this policy plus the number of refusals of random drug tests required by this policy, divided by the total number of random drug tests results (*i.e.,* positives, negatives, and refusals) required by this policy.

*Prohibited drug* means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

*Refuse to submit, refuse, or refuse to take* means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test.

*State agency* means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq).

**Designated Employer Representative (DER)**

Appendix A contains the name, address, and phone number of the responsible individual(s). The DER shall be responsible for the preparation of an ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY which complies with requirements of the Department of Transportation regulations as set forth in 49 CFR Parts 199 and 49 CFR Part 40. The DER shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. This Company shall ensure that all covered employees are aware of the provisions and coverage of This Company's ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY and that all employees are notified prior to testing that such a test is required by Part 199.

**DOT Procedures – (§199.5)**

The anti drug and alcohol programs required by this policy must be conducted according to the requirements of 49 CFR Part 199 and DOT Procedures. Terms and concepts used in this policy have the same meaning as in DOT Procedures. Violations of DOT Procedures with respect to anti drug and alcohol programs required by this policy are violations of this policy.

**Stand down waivers – (§199.7)**

(a) Each operator who seeks a waiver under 40.21 from the stand down restriction must submit an application for waiver in duplicate to the Associate Administrator for Pipeline Safety, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590.

(b) Each application must

(1) Identify 40.21 of this title as the rule from which the waiver is sought;

(2) Explain why the waiver is requested and describe the employees to be covered by the waiver;

(3) Contain the information required by 40.21 of this title and any other information or arguments available to support the waiver requested; and

(4) Unless good cause is shown in the application, be submitted at least 60 days before the proposed effective date of the waiver.

(c) No public hearing or other proceeding is held directly on an application before its disposition under this section. If the Associate Administrator determines that the application contains adequate justification, he or she grants the waiver. If the Associate Administrator determines that the application does not justify granting the waiver, he or she denies the application. The Associate Administrator notifies each applicant of the decision to grant or deny an application.

**Preemption of State and local laws – (§199.9)**

(a) Except as provided in paragraph (b) of this section, Part 199 preempts any State or local law, rule, regulation, or order to the extent that:

(1) Compliance with both the State or local requirement and Part 199 is not possible;

(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 199; or

(3) The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.

(b) Part 199 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 or This Employer or to the general public.

**Contractor Monitoring**

This Company shall prepare and submit to the appropriate pipeline operator and/or designated agent for contractor monitoring requested information and the proper statistical data report (as directed by the pipeline operator) twice a year. The first report shall cover the 1st and 2nd quarters of This Company’s testing program for the current calendar year and shall be due no later than 30-days after the end of the 2nd quarter (quarter ends June 30th, report due no later than July 30th). The second report shall cover the 3rd and 4th quarters of This Company’s testing program and shall be due no later than 30-days after the end of the 4th quarter (quarter ends December 31st, report due no later than January 30th) of the preceding calendar year.

**This Company’s Independent Authority**

**This ANTI-DRUG and ALCOHOL MISUSE PREVENTION POLICY sets forth the requirements of 49 CFR Parts 199 and 40. Those areas of the policy that appear in bold and underline print reflect This Company’s independent authority to require additional provisions with regard to drug and alcohol testing procedures.**

**Subpart B    Drug Testing**

**Purpose – (§199.100)**

The purpose of this policy is to establish programs designed to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions for operators of certain pipeline facilities subject to Parts 192, 193, or 195.

**Anti drug plan – (§199.101)**

(a) This Employer shall maintain and follow a written anti drug plan that conforms to the requirements of Part 199 and the DOT Procedures. The plan must contain

(1) Methods and procedures for compliance with all the requirements of Part 199, including the employee assistance program;

(2) The name and address of each laboratory that analyzes the specimens collected for drug testing;

(3) The name and address of This Company's Medical Review Officer, and Substance Abuse Professional; and

(4) Procedures for notifying employees of the coverage and provisions of the plan.

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

**Use of persons who fail or refuse a drug test – (§199.103)**

(a) This Employer may not knowingly use as an employee any person who

(1) Fails a drug test required by this policy and the medical review officer makes a determination under DOT Procedures; or

(2) Refuses to take a drug test required by this policy.

(b) Paragraph (a)(1) of this section does not apply to a person who has

(1) Passed a drug test under DOT Procedures;

(2) Been considered by the medical review officer in accordance with DOT Procedures and been determined by a substance abuse professional to have successfully completed required education or treatment; and

(3) Not failed a drug test required by this policy after returning to duty.

**Drug tests required – (§199.105)**

This Company shall conduct the following drug tests for the presence of a prohibited drug:

(a) Pre employment testing.

This Employer may not hire or contract for the use of any person as an employee unless that person passes a drug test or is covered by an anti drug program that conforms to the requirements of this policy. This Employer shall conduct a pre employment drug test before the first performance of covered functions by every covered employee, whether a new employee or someone who has transferred to a position involving the performance of covered functions.

(b) Post accident testing.

As soon as possible but no later than 32 hours after an accident, This Employer shall drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. This Employer may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

See **APPENDIX J: POST-ACCIDENT GUIDELINES FOR SUPERVISORS and Decision Tree**

(c) Random testing.

(1) Except as provided in paragraphs (c)(2) through (4) of this section, the minimum annual percentage rate for random drug testing shall be 25 percent of covered employees.

(2) The Administrator's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by Part 199. In order to ensure reliability of the data, the Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from operators, and may make appropriate modifications in calculating the industry positive rate. Each year, the Administrator will publish in the FEDERAL REGISTER the minimum annual percentage rate for random drug testing of covered employees. The new minimum annual percentage rate for random drug testing will be applicable starting January 1 of the calendar year following publication.

(3) When the minimum annual percentage rate for random drug testing is 50 percent, the Administrator may lower this rate to 25 percent of all covered employees if the Administrator determines that the data received under the reporting requirements of 199.119 for two consecutive calendar years indicate that the reported positive rate is less than 1.0 percent.

(4) When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of 199.119 for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent, the Administrator will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered employees.

(5) The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

(6) This Employer shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator. If This Employer conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual employer or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under Part 199 or any DOT drug testing rule.

(7) This Company shall ensure that random drug tests conducted under this policy are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted **quarterly**.

(8) If a given covered employee is subject to random drug testing under the drug testing rules of more than one DOT agency for This Employer, the employee shall be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the employee's function.

(9) If This Company is required to conduct random drug testing under the drug testing rules of more than one DOT agency, This Company may

(i) Establish separate pools for random selection, with each pool containing the covered employees who are subject to testing at the same required rate; or

(ii) Randomly select such employees for testing at the highest percentage rate established for the calendar year by any DOT agency to which This Company is subject.

(10) Following are the key aspects of the random testing selection process.

1. Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
2. Employees will be selected for random testing based on the number of covered employees in the random pool at the time and the current PHMSA random testing rate.
3. Employees shall be selected for testing by using a computer based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number.
4. The process will be unannounced as well as random. Employees will be notified that they have been selected for testing after they have reported for duty on the day of collection.
5. Specimen collection will be conducted on different days of the week throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule for collection.
6. The list of employees that have been selected for random drug testing will be retained by the DER or his/her designee in a secure location.
7. Employees shall report immediately to the collection site once notified by the appropriate official of This Company.

(d) Reasonable cause.

This Company shall drug test each employee when there is reasonable cause to believe the employee is using a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. However, in the case of employer with 50 or fewer employees subject to testing under This part, only one supervisor of the employee trained in detecting possible drug use symptoms shall substantiate the decision to test.

See **APPENDIX K: REASONABLE SUSPICION GUIDELINES FOR SUPERVISORS** and **APPENDIX L: REASONABLE CAUSE OBSERVATION CHECKLIST**

***Return-to-duty and follow-up testing may not be applicable – see COVERED EMPLOYEE CERTIFICATE OF RECEIPT, CONSEQUENCES OF PROHIBITED CONDUCT.***

(e) Return to duty testing.

A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has complied with applicable provisions of DOT Procedures concerning substance abuse professionals and the return to duty process.

Per 49 CFR part 40.67 the DER must direct the drug collection of the employee for a return-to-duty test be performed as a direct observation.

(f) Follow up testing.

A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow up drug tests administered by This Company following the covered employee's return to duty. The number and frequency of such follow up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR Part 40. Follow up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

Per 49 CFR part 40.67 the DER must direct the drug collection of the employee for a follow-up test be performed as a direct observation.

**Drug testing laboratory – (§199.107)**

(a) This Company shall use for the drug testing required by This part 199 only drug testing laboratories certified by the Department of Health and Human Services under the DOT Procedures. **See Appendix G for the laboratory this Company utilizes.**

(b) The drug testing laboratory must permit

(1) Inspections by the operator before the laboratory is awarded a testing contract; and

(2) Unannounced inspections, including examination of records, at any time, by This Company, the Administrator, and if This Company is subject to state agency jurisdiction, a representative of that state agency.

**Review of drug testing results – (§199.109)**

(a) MRO appointment. This Company shall designate or appoint a medical review officer (MRO). If This Company does not have a qualified individual on staff to serve as MRO, This Company may contract for the provision of MRO services as part of its anti drug program. **See Appendix E for the MRO this Company utilizes.**

(b) MRO qualifications. Each MRO must be a licensed physician who has the qualifications required by DOT Procedures.

(c) MRO duties. The MRO must perform functions for This Company as required by DOT Procedures.

**Option 1:**

(d) If the MRO reports a negative dilute test that is has a creatinine concentration greater than 5 mg/dL per 49 CFR Part 40.197 (b)(2), the Company has the opportunity to have an immediate recollection of the employee. This test will **not** be conducted under direct observation per the regulations unless the MRO directs you to do so. All employees with a negative dilute test reported will be asked to proceed to the collection facility for the recollection under the original reason for test. The regulation states if the Company conducts negative dilute tests they must be performed for every employee or perspective employee for all reasons for test the Company dictates in this policy. The employee must be treated the same. This Company requires a recollection for negative dilutes on every **pre-employment tests.**

If the second test result is also negative dilute, the second test result is the result of record. If the employee declines to take the test as directed, the employee will be considered to have refused to test which will result in disposition the Company has stipulated in this policy.

**Option 2:**

(d) This Company will not require a re-collection of a urine specimen if the result is negative-dilute.

As required by 49 CFR Part 40.197(b)(1): If the dilute specimen has a creatinine concentration equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL, the MRO shall require a recollection of the specimen under direct observation.

(e) Evaluation and rehabilitation may be provided by This Company, by a substance abuse professional under contract with This Company, or by a substance abuse professional not affiliated with This Company. The choice of substance abuse professional and assignment of costs shall be made in accordance with employer/employee agreements and employer/employee policies.

(f) This Company shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

(1) A public agency, such as a State, county, or municipality;

(2) This Company or a person under contract to provide treatment for drug problems on behalf of This Company;

(3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

**Retention of samples and additional testing – (§199.111)**

(a) Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365 day period, the employee or the employee's representative, This Company, the Administrator, or, if This Company is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If, within the 365 day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the 365 day period.

(b) If the medical review officer (MRO) determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, and if timely additional testing is requested by the employee according to DOT Procedures, the split specimen must be tested. The employee may specify testing by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services. This Company may require the employee to pay in advance the cost of shipment (if any) and reanalysis of the sample, but the employee must be reimbursed for such expense if the additional test is negative.

(c) If the employee specifies testing by a second laboratory, the original laboratory must follow approved chain of custody procedures in transferring a portion of the sample.

(d) Since some analytes may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborative of the original positive results.

**Employee assistance program – (§199.113)**

(a) This Employer shall provide an employee assistance program (EAP) for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. This Company may establish the EAP as a part of its internal personnel services or This Company may contract with an entity that provides EAP services. Each EAP must include education and training on drug use. At the discretion of This Company, the EAP may include an opportunity for employee rehabilitation.

(b) Education under each EAP must include at least the following elements: display and distribution of informational material; display and distribution of a community service hot line telephone number for employee assistance; and display and distribution of This Company's policy regarding the use of prohibited drugs.

(c) Training under each EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60 minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

**Contractor employees – (§199.115)**

With respect to those employees who are contractors or employed by a contractor, an operator may provide by contract that the drug testing, education, and training required by Part 199 be carried out by the contractor provided:

(a) The operator remains responsible for ensuring that the requirements of Part 199 are complied with; and

(b) The contractor allows access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring This Company's compliance with the requirements of Part 199.115.

**Recordkeeping – (§199.117)**

(a) This Employer shall keep the following records for the periods specified and permit access to the records as provided by paragraph (b) of this section:

(1) Records that demonstrate the collection process conforms to Parts 199 and 40 must be kept for at least 3 years.

(2) Records of employee drug test that indicate a verified positive result, records that demonstrate compliance with the recommendations of a substance abuse professional, and MIS annual report data shall be maintained for a minimum of five years.

(3) Records of employee drug test results that show employees passed a drug test must be kept for at least 1 year.

(4) Records confirming that supervisors and employees have been trained as required by This part must be kept for at least 3 years.

(b) Information regarding an individual's drug testing results or rehabilitation must be released upon the written consent of the individual and as provided by DOT Procedures. Statistical data related to drug testing and rehabilitation that is not name specific and training records must be made available to the Administrator or the representative of a state agency upon request.

**Reporting of anti drug testing results – (§199.119)** *(This requirement applies only to operators and not contractor employers)*

(a) Each large operator (having more than 50 covered employees) shall submit an annual MIS report to PHMSA of its anti drug testing using the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at §40.25 and appendix H to Part 40), not later than March 15 of each year for the prior calendar year (January 1 through December 31). The Administrator shall require by written notice that small operators (50 or fewer covered employees) not otherwise required to submit annual MIS reports to prepare and submit such reports to PHMSA.

(b) Each report, required under this section, shall be submitted to the Office of Pipeline Safety Compliance (OPS), Pipeline & Hazardous Materials Safety Administration, Department of Transportation, room 2335, 400 Seventh Street, SW., Washington, DC 20590.

(c) Each report shall be submitted in the form and manner prescribed by the Administrator. No other form, including another DOT Operating Administration's MIS form, is acceptable for submission to PHMSA.

(d) Each report shall be signed by the Operator's anti drug manager or designated representative. PHMSA will allow the operator the option of sending the report on the computer disk provided by PHMSA. If this option is used, a signature page attesting to the validity of the information on the computer disk must be sent to the address in paragraph (b) of this section.

(e) Each operator's report with verified positive test results or refusals to test shall include all of the following informational elements:

(1) Number of covered employees.

(2) Number of covered employees subject to testing under the anti drug rules of another operating administration.

(3) Number of specimens collected by type of test.

(4) Number of positive test results, verified by a Medical Review Officer (MRO), by type of test and type of drug.

(5) Number of employee action(s) taken following verified positive(s), by type of action(s).

(6) Number of negative tests reported by an MRO by type of test.

(7) Number of persons denied a position as a covered employee following a verified positive drug test.

(8) Number of covered employees, returned to duty during this reporting period after having failed or refused a drug test required under the PHMSA rule.

(9) Number of covered employees with tests verified positive by an MRO for multiple drugs.

(10) Number of covered employees who refused to submit to a random or non random (post accident, reasonable cause, return to  duty, or follow up) drug test and the action taken in response to each refusal.

(11) Number of supervisors who have received required initial training during the reporting period.

(f) Each operator's report with only negative test results shall include all of the following informational elements:

(1) Number of covered employees.

(2) Number of covered employees subject to testing under the anti drug rules of another operating administration.

(3) Number of specimens collected by type of test.

(4) Number of negative tests reported by an MRO by type of test.

(5) Number of covered employees who refused to submit to a random or non random (post accident, reasonable cause, return to duty, or follow up) drug test and the action taken in response to each refusal.

(6) Number of supervisors who have received required initial training during the reporting period.

**Subpart C    Alcohol Misuse Prevention Program**

**Purpose – (§199.200)**

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol by employees who perform covered functions for operators of certain pipeline facilities subject to Parts 192, 193, or 195.

**Alcohol misuse plan – (§199.202)**

This Employer must maintain and follow a written alcohol misuse plan that conforms to the requirements of Part 199 and DOT Procedures concerning alcohol testing programs. The plan shall contain methods and procedures for compliance with all the requirements of Part 199, including required testing, recordkeeping, reporting, education and training elements.

**Other requirements imposed by This Employer – (§199.209)**

(a) Except as expressly provided in Part 199, nothing in Part 199 shall be construed to affect the authority of This Employer, or the rights of employees, with respect to the use or possession of alcohol, including authority and rights with respect to alcohol testing and rehabilitation.

(b) This Employer may, but are not required to, conduct pre employment alcohol testing under Part 199. If This Employer conducts pre employment alcohol testing This Employer must –

(1) Conduct a pre employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions);

(2) Treat all covered employees the same for the purpose of pre employment alcohol testing (i.e., This Company must not test some covered employees and not others);

(3) Conduct the pre employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre employment alcohol test;

(4) Conduct all pre employment alcohol tests using the alcohol testing procedures in DOT Procedures; and

(5) Not allow any covered employee to begin performing covered functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

**The use or possession of alcoholic beverages while on This Company’s property, or in any of This Company’s vehicle, or on This Company’s time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**

**Requirement for notice – (§199.211)**

Before performing an alcohol test under Part 199, This Company shall notify a covered employee that the alcohol test is required by Part 199. This Employer shall not falsely represent that a test is administered under Part 199.

**Alcohol concentration – (§199.215)**

This Employer shall prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. This Employer, having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater, shall not permit the employee to perform or continue to perform covered functions.

**On duty use** (**§199.217)**

This Employer shall prohibit a covered employee from using alcohol while performing covered functions. This Employer, having actual knowledge that a covered employee is using alcohol while performing covered functions, shall not permit the employee to perform or continue to perform covered functions.

**Pre duty use – (§199.219)**

This Employer shall prohibit a covered employee from using alcohol within four hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. This Employer, having actual knowledge that a covered employee has used alcohol within four hours prior to performing covered functions or within the time period after the employee has been notified to report for duty, shall not permit that covered employee to perform or continue to perform covered functions.

**Use following an accident – (§199.221)**

This Employer, having actual knowledge of an accident in which the employee’s performance of covered functions has not been discounted by This Company as a contributing factor to the accident, shall prohibit the employee from using alcohol for eight hours following the accident, unless the employee has been given a post accident test under 199.225(a), or This Company has determined that the employee's performance could not have contributed to the accident.

**Refusal to submit to a required alcohol test –** (**§199.223)**

This Employer shall require a covered employee to submit to a post accident alcohol test required under 199.225(a), a reasonable suspicion alcohol test required under 199.225(b), or a follow up alcohol test required under 199.225(d). This Employer shall not permit an employee who refuses to submit to such a test to perform or continue to perform covered functions.

**Alcohol tests required – (§199.225)**

This Employer shall conduct the following types of alcohol tests for the presence of alcohol:

(a) Post accident.

(1) As soon as practicable following an accident, This Employer shall test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on This Company's determination, using the best available information at the time of the determination, that the covered employee's performance could not have contributed to the accident.

(2) If a test required by this section is not administered within 2 hours following the accident, This Company shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within 8 hours following the accident, This Company shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(3) A covered employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying This Company’s or This Employer’s representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by This Company to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

See **APPENDIX J: POST-ACCIDENT GUIDELINES FOR SUPERVISORS**

(b) Reasonable suspicion testing.

(1) This Employer shall require a covered employee to submit to an alcohol test when This Company has reasonable suspicion to believe that the employee has violated the prohibitions in this policy.

(2) This Company's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.

(3) Alcohol testing is authorized by this section only if the observations required by paragraph (b)(2) of this section are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with Part 199 and this policy. A covered employee may be directed by This Company to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.

(4) (i) If a test required by this section is not administered within 2 hours following the determination under paragraph (b)(2) of this section, This Company shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the determination under paragraph (b)(2) of this section, This Company shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the Administrator.

(ii) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, This Employer shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall This Employer permit the covered employee to perform or continue to perform covered functions, until:

(A) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or

(B) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following the determination under paragraph (b)(2) of this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this policy.

(iii) Except as provided in paragraph (b)(4)(ii), This Employer shall not take any action under Part 199 against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit This Employer with the authority independent of Part 199 from taking any action otherwise consistent with law.

See **APPENDIX K: REASONABLE SUSPICION GUIDELINES FOR SUPERVISORS** and **APPENDIX L: REASONABLE CAUSE OBSERVATION CHECKLIST**

***Return-to-duty and follow-up testing may not be applicable – see COVERED EMPLOYEE CERTIFICATE OF RECEIPT, CONSEQUENCES OF PROHIBITED CONDUCT.***

(c) Return to duty testing. This Employer shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by 199.215 through 199.223, the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(d) Follow up testing.

(1) Following a determination under 199.243(b) that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, This Employer shall ensure that the employee is subject to unannounced follow up alcohol testing as directed by a substance abuse professional in accordance with the provisions of 199.243(c)(2)(ii).

(2) Follow up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.

(e) Retesting of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04. This Employer shall retest a covered employee to ensure compliance with the provisions of 199.237, if This Employer chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

**Retention of records – (§199.227)**

(a) General requirement. This Employer shall maintain records of its alcohol misuse prevention program as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) Period of retention. This Employer shall maintain the records in accordance with the following schedule:

(1) Five years. Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater, documentation of refusals to take required alcohol tests, calibration documentation, employee evaluation and referrals, and MIS annual report data shall be maintained for a minimum of five years.

(2) Two years. Records related to the collection process (except calibration of evidential breath testing devices), and training shall be maintained for a minimum of two years.

(3) One year. Records of all test results below 0.02 (as defined in 49 CFR Part 40) shall be maintained for a minimum of one year.

(c) Types of records. The following specific records shall be maintained:

(1) Records related to the collection process:

(i) Collection log books, if used.

(ii) Calibration documentation for evidential breath testing devices.

(iii) Documentation of breath alcohol technician training.

(iv) Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.

(v) Documents generated in connection with decisions on post  accident tests.

(vi) Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing.

(2) Records related to test results:

(i) This Company's copy of the alcohol test form, including the results of the test.

(ii) Documents related to the refusal of any covered employee to submit to an alcohol test required by this subpart.

(iii) Documents presented by a covered employee to dispute the result of an alcohol test administered under this subpart.

(3) Records related to other violations of this subpart.

(4) Records related to evaluations:

(i) Records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance.

(ii) Records concerning a covered employee's compliance with the recommendations of the substance abuse professional.

(5) Record(s) related to This Company's MIS annual testing data.

(6) Records related to education and training:

(i) Materials on alcohol misuse awareness, including a copy of This Company's policy on alcohol misuse.

(ii) Documentation of compliance with the requirements of 199.231.

(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion.

(iv) Certification that any training conducted under this subpart complies with the requirements for such training.

**Reporting of alcohol testing results – (§199.229)** *(This requirement applies only to operators and not contractor employers)*

(a) Each large operator (having more than 50 covered employees) shall submit an annual MIS report to PHMSA of its alcohol testing results using the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at §40.25 and appendix H to part 40), not later than March 15 of each year for the previous calendar year (January 1 through December 31). The Administrator may require by written notice that small operators (50 or fewer covered employees) not otherwise required to submit annual MIS reports to prepare and submit such reports to PHMSA.

(b) Each operator that has a covered employee who performs multi-DOT agency functions (*e.g.,* an employee performs pipeline maintenance duties and drives a commercial motor vehicle), count the employee only on the MIS report for the DOT agency under which he or she is tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Operators may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(c) Each report required under this section shall be submitted to the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington, DC 20590.

(d) A service agent (*e.g.,* Consortia/Third Party Administrator as defined in part 40) may prepare the MIS report on behalf of an operator. However, each report shall be certified by the operator's anti-drug manager or designated representative for accuracy and completeness.

**Access to facilities and records – (§199.231)**

(a) Except as required by law or expressly authorized or required in Part 199, This Employer shall not release covered employee information that is contained in records required to be maintained in 199.227.

(b) A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his or her alcohol tests. This Company shall promptly provide the records requested by the employee. Access to a employee's records shall not be contingent upon payment for records other than those specifically requested.

(c) This Employer shall permit access to all facilities utilized in complying with the requirements of this subpart to the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over This Company.

(d) This Employer shall make available copies of all results for alcohol testing conducted under this policy and any other information pertaining to This Company's alcohol misuse prevention program, when requested by the Secretary of Transportation, any DOT agency with regulatory authority over This Company, or a representative of a state agency with regulatory authority over This Company. The information shall include name specific alcohol test results, records, and reports.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, This Employer shall disclose information related to This Company's administration of any post  accident alcohol tests administered following the accident under investigation.

(f) This Employer shall make records available to a subsequent employer upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

(g) This Employer may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.

(h) This Employer shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

**Removal from covered function – (§199.233)**

Except as provided in 199.239 through 199.243, This Employer shall not permit any covered employee to perform covered functions if the employee has engaged in conduct prohibited by 199.215 through 199.223 or an alcohol misuse rule of another DOT agency.

**Required evaluation and testing – (§199.235)**

This Employer shall not permit a covered employee who has engaged in conduct prohibited by 199.215 through 199.223 to perform covered functions unless the employee has met the requirements of 199.243.

**Other alcohol related conduct – (§199.237)**

(a) This Employer shall not permit a covered employee tested under the provisions of 199.225, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, to perform or continue to perform covered functions, until:

(1) The employee's alcohol concentration measures less than 0.02 in accordance with a test administered under 199.225(e); or

(2) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, This Employer shall not take any action under Part 199 against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit This Employer with authority independent of Part 199 from taking any action otherwise consistent with law.

**On-Call Employees**

1. 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. An employee, who has been notified to report for duty to respond to an emergency, may not use alcohol after being notified to report. If This Company’s personnel determine that an employee has used alcohol within the time period after the employee has been notified to report for duty, This Company shall not permit the covered employee to perform or continue to perform covered functions.

2. **Employees who are not at work, but who could be called out are expected to be fit for duty upon reporting for work. If an employee is under the influence of alcohol, the employee must notify This Company’s personnel when contacted. Failure to advise This Company of alcohol consumption may result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employees supervisor must be notified.**

3. **The supervisor must objectively observe the employee’s behavior and if possible, substantiate the behavior with a second supervisor. Supervisors must have received training in alcohol and/or substance abuse detection. The supervisor must follow procedures outlined in the policy. If a determination to test for reasonable suspicion is made, the employee is immediately removed from safety-sensitive duties and the alcohol program manager is contacted. An alcohol test site location is identified to conduct the test. The supervisor will accompany the individual to the test site and remain at the location for results of the test. If the results are positive, the individual is removed from safety-sensitive duties and may be subject to disciplinary action up to and including termination.**

**This Employer’s obligation to promulgate a policy on the misuse of alcohol – (§199.239)**

(a) General requirements. This Employer shall provide educational materials that explain these alcohol misuse requirements and This Company's policies and procedures with respect to meeting those requirements.

(1) This Company shall ensure that a copy of these materials is distributed to each covered employee prior to start of alcohol testing under Part 199, and to each person subsequently hired for or transferred to a covered position.

(2) This Employer shall provide written notice to representatives of employee organizations of the availability of this information.

(b) Required content. The materials to be made available to covered employees shall include detailed discussion of at least the following:

(1) The identity of the person designated by This Company to answer covered employee questions about the materials.

(2) The categories of employees who are subject to the provisions of this subpart.

(3) Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart.

(4) Specific information concerning covered employee conduct that is prohibited by this subpart.

(5) The circumstances under which a covered employee will be tested for alcohol under this subpart.

(6) The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.

(7) The requirement that a covered employee submit to alcohol tests administered in accordance with Part 199 and this policy.

(8) An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences.

(9) The consequences for covered employees found to have violated the prohibitions under Part 199 and this policy, including the requirement that the employee be removed immediately from covered functions, and the procedures under 199.243.

(10) The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(11) Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

(c) Optional provisions. The materials supplied to covered employees may also include information on This Employer’s additional policies with respect to the use or possession of alcohol, including any consequences for an employee found to have a specified alcohol level, that are based on This Company's authority independent of this subpart. Any such additional policies or consequences shall be clearly described as being based on independent authority.

**Training for supervisors – (§199.241)**

This Employer shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under 199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

**Referral, evaluation, and treatment – (§199.243)**

(a) Each covered employee who has engaged in conduct prohibited by Parts 199.215 through 199.223 shall be advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

(b) Each covered employee who engages in conduct prohibited under Parts 199.215 through 199.223 shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse.

**Return-to-duty and follow-up testing may not be applicable – see COVERED EMPLOYEE CERTIFICATE OF RECEIPT, CONSEQUENCES OF PROHIBITED CONDUCT.**

(c) (1) Before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by Parts 199.215 through 199.223, the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(2) In addition, each covered employee identified as needing assistance in resolving problems associated with alcohol misuse

(i) Shall be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program prescribed under paragraph (b) of this section, and

(ii) Shall be subject to unannounced follow up alcohol tests administered by This Company following the employee's return to duty. The number and frequency of such follow up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the employee's return to duty. In addition, follow up testing may include testing for drugs, as directed by the substance abuse professional, to be performed in accordance with 49 CFR Part 40. Follow up testing shall not exceed 60 months from the date of the employee's return to duty. The substance abuse professional may terminate the requirement for follow up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

(d) Evaluation and rehabilitation may be provided by This Company, by a substance abuse professional under contract with This Company, or by a substance abuse professional not affiliated with This Company. The choice of substance abuse professional and assignment of costs shall be made in accordance with employer/employee agreements and employer/employee policies.

(e) This Company shall ensure that a substance abuse professional who determines that a covered employee requires assistance in resolving problems with alcohol misuse does not refer the employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring an employee for assistance provided through

(1) A public agency, such as a State, county, or municipality;

(2) This Company or a person under contract to provide treatment for alcohol problems on behalf of This Company;

(3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

**Contractor employees – (§199.245)**

(a) With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this subpart be carried out by the contractor provided:

(b) The operator remains responsible for ensuring that the requirements of Parts 199 and of PHMSA and DOT regulations are complied with; and

(c) The contractor allows access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator's compliance with the requirements of Parts 199 and 40.

**ALCOHOL SUPPLEMENT**

For many people, the facts about alcoholism are not clear. What is alcoholism, exactly? How does it differ from alcohol abuse? When should a person seek help for a problem related to his or her drinking? The National Institute on Alcohol Abuse and Alcoholism (NIAAA) has prepared this booklet to help individuals and families answer these and other common questions about alcohol problems. The following information explains both alcoholism and alcohol abuse, the symptoms of each, when and where to seek help, treatment choices, and additional helpful resources.

***A Widespread Problem***

For most people who drink, alcohol is a pleasant accompaniment to social activities. Moderate alcohol use—up to two drinks per day for men and one drink per day for women and older people—is not harmful for most adults. (A standard drink is one 12-ounce bottle or can of either beer or wine cooler, one 5-ounce glass of wine, or 1.5 ounces of 80-proof distilled spirits.) Nonetheless, a large number of people get into serious trouble because of their drinking. Currently, nearly 14 million Americans—1 in every 13 adults—abuse alcohol or are alcoholic. Several million more adults engage in risky drinking that could lead to alcohol problems. These patterns include binge drinking and heavy drinking on a regular basis. In addition, 53 percent of men and women in the United States report that one or more of their close relatives have a drinking problem.

The consequences of alcohol misuse are serious—in many cases, life threatening. Heavy drinking can increase the risk for certain cancers, especially those of the liver, esophagus, throat, and larynx (voice box). Heavy drinking can also cause liver cirrhosis, immune system problems, brain damage, and harm to the fetus during pregnancy. In addition, drinking increases the risk of death from automobile crashes as well as recreational and on-the-job injuries. Furthermore, both homicides and suicides are more likely to be committed by persons who have been drinking. In purely economic terms, alcohol-related problems cost society approximately $185 billion per year. In human terms, the costs cannot be calculated.

***What Is Alcoholism?***

Alcoholism, also known as “alcohol dependence,” is a disease that includes four symptoms:

• **Craving:** A strong need, or compulsion, to drink.

• **Loss of control:** The inability to limit one’s drinking on any given occasion.

• **Physical dependence:** Withdrawal symptoms, such as nausea, sweating, shakiness, and anxiety, occur when alcohol use is stopped after a period of heavy drinking.

• **Tolerance:** The need to drink greater amounts of alcohol in order to “get high.”

People who are not alcoholic sometimes do not understand why an alcoholic can’t just “use a little willpower” to stop drinking. However, alcoholism has little to do with willpower. Alcoholics are in the grip of a powerful “craving,” or uncontrollable need, for alcohol that overrides their ability to stop drinking. This need can be as strong as the need for food or water.

Although some people are able to recover from alcoholism without help, the majority of alcoholics need assistance. With treatment and support, many individuals are able to stop drinking and rebuild their lives.

Many people wonder why some individuals can use alcohol without problems but others cannot. One important reason has to do with genetics. Scientists have found that having an alcoholic family member makes it more likely that if you choose to drink you too may develop alcoholism. Genes, however, are not the whole story. In fact, scientists now believe that certain factors in a person’s environment influence whether a person with a genetic risk for alcoholism ever develops the disease. A person’s risk for developing alcoholism can increase based on the person’s environment, including where and how he or she lives; family, friends, and culture; peer pressure; and even how easy it is to get alcohol.

***What Is Alcohol Abuse?***

Alcohol abuse differs from alcoholism in that it does not include an extremely strong craving for alcohol, loss of control over drinking, or physical dependence. Alcohol abuse is defined as a pattern of drinking that results in one or more of the following situations within a 12-month period:

• Failure to fulfill major work, school, or home responsibilities;

• Drinking in situations that are physically dangerous, such as while driving a car or operating machinery;

• Having recurring alcohol-related legal problems, such as being arrested for driving under the influence of alcohol or for physically hurting someone while drunk; and

• Continued drinking despite having ongoing relationship problems that are caused or worsened by the drinking.

Although alcohol abuse is basically different from alcoholism, many effects of alcohol abuse are also experienced by alcoholics.

Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don’t come to work, you may have to do their jobs in addition to your own. Workers who misuse alcohol don’t function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of hazardous liquid (or natural gas), alcohol misuse is an especially serious issue.

***Where To Get Help***

Outpatient programs exist in a variety of settings:

Community mental health centers.

Full service agencies

Private physicians’ and therapists’ offices

Occupational settings

Specialized alcoholism treatment facilities

Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

Your local phone directory will list helpful referral organizations such as:

Local council on alcoholism

Alcoholics Anonymous

Community alcoholism or mental health clinic

Social services or human resources department

County medical society

**APPENDIX A**

**DESIGNATED EMPLOYER REPRESENTATIVE (DER)**

NAME:

TITLE:

EMPLOYER:

ADDRESS:

PHONE:

HOURS WHEN AVAILABLE:

**APPENDIX B**

**CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)**

NAME: DISA, Inc.

ADDRESS: 12600 Northborough Dr., Ste. 300, Houston, TX 77067

PHONE: 281-673-2400

**APPENDIX C**

**SUBSTANCE ABUSE PROFESSIONAL (SAP)**

NAME:

ADDRESS:

PHONE:

**EMPLOYEE ASSISTANT PROGRAM**

NAME:

ADDRESS:

PHONE:

**APPENDIX D**

**ALCOHOL TESTING SITE(S) & SPECIMEN COLLECTION SITE(S)**

LIST ALL SITES USED FOR ALCOHOL TESTING AND SPECIMEN COLLECTIONS. GIVE COMPLETE PHYSICAL ADDRESS AND PHONE NUMBER. Attach a list if necessary.

For those sites which do alcohol testing, list the approved evidential breath testing devices (EBTs) used.

**APPENDIX E**

**MEDICAL REVIEW OFFICER (MRO)**

Note: This information appears on the Custody and Control form

NAME:

ADDRESS:

PHONE:

**APPENDIX F**

**EMPLOYEE/SUPERVISORY POSITIONS**

**SUBJECT TO DRUG/ALCOHOL TESTING**

**(JOB CLASSIFICATIONS/TITLES)**

Place an asterisk (**\***) beside those supervisory positions subject to 60 minutes of training in the indicators of drug use and 60 minutes of training in the indicators of alcohol misuse. Attach a list if necessary.

**Employee Titles Supervisory Titles**

**APPENDIX G**

**DEPARTMENT OF HEALTH & HUMAN SERVICES (DHHS) LABORATORIES**

**Quest** Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770-452-1590/800-729-6432.

**Quest** Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600/877-642-2216.

**Quest** Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 866-370-6699/818-989-2521.

**LabOne, Inc. d/b/a Quest Diagnostics**, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

**OR**

**Kroll Laboratory Specialists, Inc.,** 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823, (Formerly: Laboratory Specialists, Inc.).

**APPENDIX H**

**DRUG PANEL**

The following table lists the drugs tested for. Initial and confirmation cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

|  |  |  |
| --- | --- | --- |
| **Type of Drug or Metabolite** | **Initial Test** | **Confirmation Test** |
| (1) **Marijuana metabolites**  …..Delta-9-tetrahydrocanna-binol -9-carboxylic acid(THC) | 50 | 15 |
| (2) **Cocaine metabolites**  (Benzoylecgonine) | 300 | 150 |
| (3) **Phencyclidine (PCP)** | 25 | 25 |
| (4) **Amphetamines**  (i) Amphetamine  (ii) Methamphetamine | 1000 | 500  500 (Specimen must also contain  amphetamine at a concentration of  greater than or equal to 200 ng/mL.) |
| (5) **Opiate metabolites**  (i) Codeine  (ii) Morphine  (iii) 6-acetylmorphine (6-AM) | 2000 | 2000  2000  10 (Specimen tested for 6-AM. This test conducted only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.) |

Specimens with morphine >2000 ng/ml will be subjected to an additional confirmation test, 6-acetylmorphine (also known as 6-MAN), using a 10 ng/ml cutoff. REVISED: December 1, 1998

On an initial drug test, a result below the cutoff concentration is a negative. If the result is at or above the cutoff concentration the lab must conduct a confirmation test.

On a confirmation drug test, a result below the cutoff concentration is a negative. If the result is at or above the cutoff concentration it is a “lab report” confirmed positive requiring an MRO review.

All specimens will undergo a validity test to determine if the specimen is consistent with normal human urine. The purpose of validity testing is to determine whether adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

**APPENDIX I**

**REQUEST FOR DOT DRUG AND ALCOHOL TESTING INFORMATION**

**FROM PREVIOUS EMPLOYER**

**EFFECTIVE AUGUST 1, 2001**, 49 CFR Part 40, U.S. Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs requires employers to do a background check of all new employees hired (or current employees transferred) to perform safety sensitive covered functions. Enclosed with this document is a suggested form for requesting that information. The following is the regulation.

**§49 CFR Part 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?**

(a) Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.

(b) You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years (three years for FMCSA) before the date of the employee's application or transfer:

(1) Alcohol tests with a result of 0.04 or higher alcohol concentration;

(2) Verified positive drug tests;

(3) Refusals to be tested (including verified adulterated or substituted drug test results);

(4) Other violations of DOT agency drug and alcohol testing regulations; and

(5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-do-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

(c) The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

(d) If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of This part and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.

(j) As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

Federal Register: March 30, 2004 (Volume 69, Number 61),Rules and Regulations

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Sec. 390.5 Definitions.

Previous employer means any DOT regulated person who employed the driver in the preceding **3 years**, including any possible current employer.

**REQUEST FOR DOT DRUG AND ALCOHOL TESTING INFORMATION**

**FROM PREVIOUS EMPLOYER**

**PLEASE RETURN TO:**

COMPANY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITY, ST. ZIP:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PHONE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTENTION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ FAX:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***(Name of individual requesting information)***

APPLICANT NAME:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_SSN:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby authorize\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(****Previous employer’s name****)*

to release information from my Department of Transportation regulated drug and alcohol testing records to the individual and company listed at the top of this form. This is limited to the following DOT-regulated testing items: (1) Alcohol tests with a result of 0.04 or higher; (2) Verified positive drug tests; (3) Refusals to be tested; (4) Other violations of DOT agency drug and alcohol testing regulations; (5) Information obtained from previous employers of a DOT drug and alcohol rule violation; and (6) Documentation, if any, of completion of the return-to-duty process following a rule violation.

SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(****Signature of employee***

WITNESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­\_\_\_\_\_\_ DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Previous employer must supply the following information regarding the above named individual during the past two years while employed to perform DOT covered safety sensitive functions: (**3 years for FMCSA)**

**YES** **NO**

1. Alcohol tests with a result of 0.04 or higher alcohol concentration? ( ) ( )

2. Verified positive drug tests? ( ) ( )

3. Refusals to be tested (including verified adulterated or substituted drug test results)? ( ) ( )

4. Other violations of DOT agency drug and alcohol testing regulations? ( ) ( )

5. Did a previous employer report a drug or alcohol rule violation to you? ( ) ( )

6. If the answer is “yes” to any of the above items, did the employee complete the

return-to-duty process? ( ) ( )

SIGNED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(****Signature of individual supplying information****)*

If the answer to item #5 is “yes”, then you must provide the previous employer’s report even though it may be outside the two (**three for FMCSA**) year time period. If you answered “yes” to item #6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing records, etc.). If you referred the individual to a Substance Abuse Professional please supply the following information.

NAME of SAP: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADDRESS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITY, ST. ZIP:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PHONE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX J**

**POST-ACCIDENT GUIDELINES FOR SUPERVISORS**

1. The appropriate official of This Company must take all reasonable steps to obtain both an alcohol test and a urine sample from an employee after an accident, as defined in this policy, but any injury should be treated first. This Employer shall alcohol and drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. This Employer may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that an alcohol and/or drug test would reveal whether the performance was affected by alcohol and/or drug use.

2. Each employee shall be required to submit to an alcohol test within 2 hours of the accident. If a test is not administered within two hours following the accident This Company shall prepare and maintain on file a record stating the reasons why the test was not administered. If a test is not administered within 8 hours following the accident This Company shall cease all attempts to conduct an alcohol test and shall prepare and maintain on file written documentation indicating why the alcohol test was not conducted.

3. Each employee shall be required to submit to a drug test no later than 32 hours after an accident. If a test is not administered within 32 hours following the accident This Company shall cease all attempts to conduct a drug test and shall prepare and maintain on file written documentation indicating why the drug test was not conducted.

4. In the event the employee is injured, treatment comes first however; the following guidelines will be followed for alcohol/drug testing:

a. In the case of a conscious but hospitalized employee, management should request that the hospital or medical facility obtain the breath and urine samples from the employee under DOT drug testing requirements as set forth in 49 CFR Part 40.

b. If an employee is injured, unconscious (employee is unable to communicate), or otherwise unable to evidence consent (employee is unable to sign custody and control form) to the alcohol/drug test, a test should not be attempted.

c. If an employee is conscious (employee can communicate) and he/she is able to evidence consent (employee able to sign custody and control form) to the alcohol/drug test and is able to provide an adequate breath and void normally (without aid of catheters) the specimens shall be collected.

d. If an employee who is subject to post-accident testing is conscious, able to breath and urinates normally (in the opinion of a medical professional), and refuses to be tested, that employee will be removed from duty and will be subject to disciplinary action up to and including termination.

2. The following procedure should be followed to ensure a proper post-accident procedure.

1. Validate the post-accident decision by making sure the definition of an accident applies to the current event. If necessary, obtain approval from a supervisor or designee to proceed with post-accident testing.
2. Remove the employee from the work place and explain that you have reason to believe his/her performance contributed to the accident or cannot be completely discounted as a contributing factor to the accident and therefore, they will be required to submit to an alcohol & drug test.
3. For reasons of safety and to assure that there is no opportunity enroute to the collection site for the employee to ingest anything that could affect the outcome of the tests, transport the employee to the collection/testing site.
4. Document the reason to test or not to test and all other actives that take place surrounding the accident event.
5. Denial should be an expected reaction, even if they are not using drugs or misusing alcohol. Explain to the employee that even though it may feel like an accusation, stress that this is an attempt to gather additional data to determine why the accident happen.
6. After returning from the collection site, the employee should not be allowed to return to performing any covered functions pending the results of the alcohol and drug test and any discussion of disciplinary action that may occur.

g. Employee Responsibility. As soon as practicable following an accident as defined in this plan, the employee shall make every attempt to contact his/her supervisor and the DER. An employee who is subject to post-accident testing must remain available for testing, or This Company may consider the employee to have refused to submit to an alcohol & drug test.

The employee subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he or she submits to an alcohol test, whichever comes first.

**Part 199.3 Defines accident as: incident reportable under Part 191 involving gas pipeline facilities or LNG facilities or an accident reportable under Part 195 involving hazardous liquid pipeline facilities.**

**When to perform a PHMSA DOT Drug and alcohol test is depicted in the decision tree below:**

**PART 191.3**

**Senario 1 Senario 2**

Event that involves release of gas from

a pipeline or of liquiefied natural gas or

gas from an LNG facility

AND

A death or personal injury that

Requires inpatient hospitalization.

Event that involves release of gas from a pipeline or of liquiefied natural gas or gas from an LNG facility.

**AND**

Estimated property that is significant in the judgementof the operator even though it did no meet the criteria in Scenario 1 and 2.

**Perform DOT Drug and Alcohol Test**

**Scenario 3 Scenario 4**

An event that results in an emergency

shutdown of an LNG Facility

An event that is significant in the judgment

of the operator even though it did not meet

the criteria in Scenario 1 or 2.

**PART 195.5**

**Explosion or fire not intentionally set by**

**the operator.**

**Death of any Person**

**Personal injury necessitating**

**hospitalization**

Release of 5 gallons (19 liters) or more of

hazardous liquid or carbon dioxide, except

that no report is required for a release of

less than 5 barrels (0.8 cubic meters)

resulting from a pipeline maintenance if

The release is:

1. Not otherwise reportable under 195
2. Not one described in 195.51 (a)(4)
3. Confined to Company property or

pipeline right-of-way; cleaned up promptly.

Perform DOT Drug

And Alcohol Test

Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding $50,000.

**Note: All other post-accident/injury tests should be performed on a NonDOT Forensic CCF.**

**APPENDIX K**

**REASONABLE SUSPICION GUIDELINES FOR SUPERVISORS**

1. In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:

a. Adequately documented pattern of unsatisfactory work performance, for which no apparent non impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of alcohol misuse or drug related behavior on or off the work site.

b. Physical signs and symptoms consistent with alcohol misuse or controlled substance use.

c. Evidence of illegal substance use, possession, sale, or delivery while on duty.

1. Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.
2. Use the checklist in APPENDIX L, REASONABLE CAUSE OBSERVATION CHECKLIST to assist in making the reasonable suspicion determination.

2. The following are recommended actions a supervisor should take when confronted with a possible drug or alcohol use situation:

* Ask the employee to come to private area with another supervisor and/or security personnel
* Inquire about the behavior, rumor or report
* Inform the employee of your concerns
* Get his or her explanation of what is going on
* If you feel there is a problem, notify your superior
* If there is evidence or suspicion of recent use and based upon the employee’s response the supervisor should:
* Transport the employee to the collection/testing site
* Refer the employee to the EAP, if applicable
* Place the employee on suspension until a formal investigation takes place
* Arrange for the employee to be escorted home
* If you make observations regarding the illegal distribution, possession, sale, transportation or manufacturing of controlled and dangerous substances on work property, contact local law enforcement. These situations usually result in a uniformed officer responding to conduct an investigation, make an arrest (if appropriate) and prepare a report

**APPENDIX L**

**REASONABLE CAUSE OBSERVATION CHECKLIST**

Employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time: \_\_\_\_\_\_\_\_\_\_\_\_

**OBSERVATIONS**

Breath (Odor of Alcoholic Beverage): ( ) Strong ( ) Faint ( ) Moderate ( ) None

Eyes ( ) Bloodshot ( ) Glassy ( ) Normal ( ) Watery ( ) Clear

( ) Heavy Eyelids ( ) Fixed Pupils ( ) Dilated Pupils ( ) Normal

Speech ( ) Confused ( ) Stuttered ( ) Thick-Tongued ( )Accent ( ) Mumbled

( ) Fair ( ) Slurred ( ) Mush Mouthed ( ) Good ( ) unintelligible

( ) Cotton Mouthed ( ) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attitude ( ) Excited ( ) Combative ( ) Hilarious ( ) Indifferent ( ) Talkative

( ) Insulting ( ) Care-Free ( ) Cocky ( ) Sleepy ( ) Cooperative

( ) Profane ( ) Polite ( ) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Unusual ( ) Hiccoughing ( ) Belching ( ) Vomiting ( ) Fighting ( ) Crying

Action ( ) Laughing ( ) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Balance ( ) Needs Support ( ) Falling ( ) Wobbling ( ) Swaying

( ) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Walking ( ) Falling ( ) Staggering ( ) Stumbling ( ) Swaying

( ) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Turning ( ) Falling ( ) Staggering ( ) Stumbling ( ) Swaying ( ) Hesitant

( ) Other\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Indicate any other unusual actions, statements or observations: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signs of complaints of illness or injury: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Performing Safety-sensitive function: ( ) Yes ( ) No Describe:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Apparent effects of alcohol/drug use: ( ) None ( ) Slight ( ) Obvious ( ) Extreme

Additional Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness (Second Supervisor)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX M**

**EMPLOYEE ACKNOWLEDGEMENT**

**OF RECEIVING SAP INFORMATION**

U.S. Department of Transportation (DOT) 49 CFR Part § 40.287requires an employer provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of Substance Abuse Professional’s (SAPs) readily available to the employee and acceptable to the employer, with names, addresses, and telephone numbers. Attached is a list of resources available to you.

By virtue of signing this form, I acknowledge that I have received a list of Substance Abuse Professionals available to me for achieving an assessment as required by the regulation.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME OF EMPLOYEE (PRINT) SOCIAL SECURITY NUMBER

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE OF EMPL0YEE DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE OF SUPERVISOR DATE

If the employee should refuse to sign this form, two supervisors should sign and note that an attempt was made to give the employee the information but that the employee refused to sign.

APPENDIX N:

49 CFR PART 40

Revision Date of:

August 25, 2008

(NOTE: See the instructions page for downloaded this document)