

## ***Broadband Telecom Services***

### ***Commercial Driver License.....Drug and Alcohol Policy***

#### **A. Purpose**

1. The purpose of this policy is to promote a drug and alcohol-free workplace which will help to ensure a safe and productive work environment.

#### **B. Definitions**

1. Alcohol – Any beverage that contains ethyl alcohol, including but limited to beer, wine and distilled spirits.
2. Biological testing – The scientific analysis of urine blood, breath, saliva, hair, tissue and other specimens of the human body for the purpose of detecting an illegal drug or alcohol.
3. Contractor – Any contractor’s employee’s, agents, subcontractors, or subcontractors’ employees working on company or customer’s property.
4. Reasonable cause situation – Any situation in which an employee’s job performance conflicts with established job standards relating to safety and efficiency. The term includes incidents, near misses, erratic conduct suggestive of illegal drug or alcohol use, any unsafe performance behaviors, and unexplained deviations from productivity.
5. Illegal Drug – Any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the purpose for the prescribed purpose; any over-the-counter drug being used as a dosage level different than recommended but he manufacturer; and any drug being used for the purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances (i.e. marijuana and hashish), cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs known as synthetic.
6. Legal drug – Any prescribed drug or over-the-counter drug, which has legally obtained and is being used for the purpose for which it was prescribed or manufactured.
7. Prohibited substance – Illicit or non-prescribed drugs and controlled substances; mood or mind-altering substances; prescribed drugs used in a manner inconsistent with the prescription, or alcoholic beverages.
8. Random testing – A testing process in which a selection for testing is made by a method employing objective, neutral criteria which ensures that every person subject of testing has a substantially equal statistical chance of being selected. The method does not permit subjective factors play a role in selection.
9. Reasonable suspicion – A belief based on objective facts sufficient to lead a prudent person to conclude that a person performed an act.
10. Safety sensitive – High exposure to a catastrophic operational incident and has access to operations where failure could result in serious harm to public or employee’s well-being or company assets.
11. Testing positive on an alcohol screen – At a level .02 or greater and confirming at a level of .02 or greater for DOT regulated individuals.
12. Under the influence – The presence of a prohibited substance, or metabolites in body fluids, which is above commonly, accepted cut-off levels established, or other commonly accepted cut-off levels and/or the presence of a prohibited substance that affects an individual in any detectable manner.
13. DOT recordable accident – Incident that involves a Commercial Motor Vehicle that results in a fatality, disabling damage of any vehicle involved which requires the vehicle to be towed from the scene and/or injury to any person involved that requires medical treatment away from the scene.
14. Refusal of drug and/or alcohol test – Failure to appear within a reasonable amount of time, failure to remain at the testing site until the testing process is complete, fail to provide enough urine, breath or saliva specimen for test, fail to provide enough urine and there is no medical explanation, you fail or decline taking a second drug

test when required, a verified adulterated or substituted drug test or fail to cooperate with any part of the testing procedure.

#### C. Testing

1. Pre -Employment- The company shall be entitled to screen applicants before placement. The Company shall be entitled to deny employment to an applicant whose test reveals the presence of a prohibited substance or derivative thereof.
2. Reasonable Cause – Any employee/contractor may be tested based on a reasonable belief that the Employee/Contractor may be under the influence of prohibited substances. The reasonable belief is based on, but not limited to, the following conditions when coupled with changes in the Employee/Contractors attitude or work performance:
  - a. Excessive absenteeism
  - b. Excessive tardiness
  - c. Physical evidence (i.e. stumbling, slurred speech, dilated pupils)
  - d. Noted differences or decline in quality of work
  - e. A credible eyewitness report of possession or use of drugs on the job.
3. Post-accident – All employees who are involved in a Commercial Motor Vehicle recordable accident in which at least one person requires a doctor's care, a vehicle is disabled and is towed from the scene or there is a fatality are subject to a post-accident drug and alcohol test.
4. Random Testing- All employee/contractors are subject to unannounced random testing as a deterrent to substance abuse in the work place. Random testing will be spread throughout the year and employee/contractors may be selected more than once a year.

#### D. DOT Regulated Drivers

1. Alcohol Prohibitions:
  - a. Use while performing safety-sensitive functions.
  - b. Use during the four-hour period performing safety sensitive functions.
  - c. Report or remain on duty with an alcohol concentration of .04 or greater.
  - d. Use during the 8 hours following an accident, or until the driver undergoes post-accident testing.
2. Drug Prohibitions:
  - a. Use of any drug, except by a doctor's prescription, only if the doctor has advised the driver that the drug will not adversely affect his driving ability.
  - b. Testing positive for drugs.

#### E. Required Tests and when they are performed

1. Pre-Employment drug and alcohol:
  - a. Conducted before a driver performs any safety sensitive function.
2. Random Drug and/or Alcohol:
  - a. Conducted any time after employment.
3. Post-accident drug/alcohol:
  - a. Conducted after a DOT Recordable Accident.
4. Reasonable suspicion drug/alcohol:
  - a. Conducted when an employer has a reason to believe the driver may be using any type of drugs and/or alcohol.

5. Return to duty and follow-up drug/alcohol:
  - a. Conducted following a positive test result or refusal and after successful completion of SAP referral.

F. Consequences of violation the Drug and Alcohol Policy:

1. You will be removed from all safety sensitive functions,
2. Be referred to and complete treatment program by a Substance Abuse Professional(SAP), pass return to duty test and participate in follow up testing.
3. You may not return to safety sensitive functions for 24 hours after an alcohol concentration of .02 or greater but less than .04.

G. Reporting results

1. The laboratory will report all test results to designated company MRO or program administrator, as applicable, after completion of testing process. No copies or results of the tests will be released beyond this point without the written consent of the individual being tested.
2. The company shall be entitled to inform an applicant whose test result was positive that employment will not be offered because he/she did not pass the drug test. He/she shall not receive a copy of the test results. However, upon request, the company may advise him/her of the substance of the substance(s) detected.

H. Appeals Process

1. Any employee/contractor wishing to challenge a positive test result must notify the MRO in writing of this intent within seventy-two hours of the employees/contractor's notification of a positive test.
2. The cost of the challenge will be the responsibility of the employee/contractor.
3. The test must be performed on the same specimen as the original test. If the test is negative, the cost of the test and lost wages will be refunded to the employee/contractor.

I. Re-Employment eligibility

1. If an employee/contractor is terminated because of a substance abuse screening, the company MAY consider the employee/contractor eligible for re-hire with the following stipulations:
  - a. The successful completion of a substance abuse rehabilitation at a AADAC (American Association of Drug Abuse Counselors) recognized treatment facility.
  - b. The treating physician must provide the company with his/her evaluation of the individual's response to the treatment and his/her recommended one year after care program.
  - c. During the re-employment period at the company, there must be no evidence indicating that the work performance is affected by alcohol/drug use or abuse on or off her job.

**Note: Completion of the above stipulations will not guarantee re-employment; these criteria mean that the employee/contractor may be considered eligible for re-hire.**

J. Evaluation, referral and rehabilitation

1. Should a DOR regulated employee/contractor test positive for drugs and/or alcohol, he/she must be referred to a Substance Abuse Professional (SAP) for evaluation. Payment for this evaluation will be the responsibility of the employee/contractor.

K. Recordkeeping

1. All records shall be maintained in a separate, locked, limited access file, in the offices of the company and/or Substance Abuse Program Administrator, as per federal and state regulations.

L. Employee Assistance Program

1. An Employee/Contractor Assistance Program (EAP) including educational training and literature is available to help employee/contractors solve drug and alcohol problems by providing educational information concerning the effects and consequences of drug use on personal health, safety and the work environment.
2. The company has trained its management and supervisors in:
  - a. Identifying evidence of on job use of prohibited substances.
  - b. Identifying and documenting job performance and on the job behavior that may reflect the impact of personal problems
  - c. Procedures for referral for testing of an employee/contractor suspected of violating this policy.
  - d. Drug testing procedures and technology
  - e. Employee/contractor assistance for substance abuse problems.

**NIDA Helpline 1-800-843-4971**

**National Institute on drug abuse hotline 1-800-622-HELP**

**Alcoholics Anonymous 1-800-356-9996**

**Cocaine Hotline 1-800-COCAINE**

The company requires those persons it employees to perform their respective functions in a proper workmanlike manner, unimpaired by the side effects of drug or alcohol abuse. While no system or program will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with drug and alcohol abuse.