

Manual Section 2	Issue Date 10/16/97	Revision Date 01/01/24	Policy Number LLCP-016
	Non-DOT Drug & Alcohol		

Purpose

In order to comply with the Drug-Free Workplace Act of 1988, any and all applicable federal and state laws, and to provide a safe and healthful work environment to all employees of our Company, to protect the general public, to protect company property and the property of our Customers, and to cooperate with Customers in their efforts to provide safe and efficient operations.

Scope

All LLC Companies including, Blanchard Industrial, LLC, GIS Engineering, LLC, Grand Isle Shipyard, Inc., and GWIS, Mack Steel, NuWave, Sun Industries, Valvemax, Discovery Industries, Inc.; hereafter identified as “Company”.

1. POLICY DEFINITIONS:

- A. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. Alcohol Use: The consumption of any beverage, mixture, or preparations, including any medication, containing alcohol.
- C. Company Premises: All premises and locations owned by, leased by or under the control of the Company including all parking lots, lockers, and storage areas. All premises and locations at which work is performed by or assigned to Company employees, for its use or its use by any of its employees, by any client or customer. All automobiles, trucks, other vehicles, and vessels owned by, leased by, or used by otherwise under the control of our Company or any of its clients or customers.
- D. Covered Employee: All employees, full-time or part time.
- E. Covered Function: All functions performed by a covered employee for our Company.
- F. Drugs: Any chemical substance, including alcohol, that either produces physical, mental or emotional change in the user, or one that is capable of altering the mood, perception, pain level, or judgment of the individual consuming it.
- G. Illegal Drugs: Any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term (illegal drug) includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. The term illegal drug includes marijuana.
- H. Controlled Substance: Any and all drugs, substances and items which are defined or listed as a controlled substance in 21 U.S.C. 812 or by the laws of the state in which our Company premises are located.
- I. Legal Drug: Any prescribed drug or over – the – counter drug or medication that has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.
- J. Prescribed Drug: Any substance for which a prescription has been written by a licensed medical practitioner for consumption by the individual for whom it is written or ordered.

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- K. Look-Alike Drugs: A tablet, capsule, powder or liquid containing controlled over the counter ingredients whose physical appearance resembles various prescription drug products that contain popular substances of abuse and are regulated under the provisions of the CONTROLLED SUBSTANCE ACT OF 1970, as amended.
- L. Act-Alike Drugs: Those chemicals not manufactured to closely resemble controlled substance, but which are promoted in the same way and which contain the same ingredients as look – alike drugs.
- M. Designer (Synthetic) Drugs: Those chemical substances that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.
- N. Drug-Related Paraphernalia: Any material, equipment or items used or designed for the use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal, unauthorized controlled or dangerous substance.
- O. Reasonable Cause (For Cause Situations): A supervisor or management level's belief based on specific, contemporaneous physical, behavioral performance indicators, sufficient to lead a prudent person to suspect that an employee is using drugs or alcohol, or otherwise is in violation of this policy.
- P. Under The Influence: For the purpose of this policy, an employee is considered under the influence when said employee is affected by a drug, chemical substance or alcohol, or the combination of a drug, chemical substance or alcohol in any detectable manner.

2. POLICY STATEMENT (PROHIBITIONS):

The use, abuse, reporting to work with detectable amounts of drugs or alcohol in the system, bringing onto company premises, possession, transfer, storage, concealment, transportation, promotion or sale of illegal drugs, unauthorized controlled substances, look-alike drugs, inhalants of abuse, designer and synthetic drugs, alcohol or intoxication beverages (including the presence of any detectable amount of drugs/alcohol in the employee's body while working), and any drugs or substances which may affect a person's perception, performance, judgment, reactions or senses while working is prohibited.

An employee who is using any prescription drugs or over the counter medications, under doctor's orders, is prohibited from working until he first notifies his supervisor of the identity and dosage of such drugs or medications. Our Company reserves the right to have its' company physician determine whether it is advisable for an employee to work while taking such drugs or medication. Our Company may restrict the use of any such drugs or medications on company premises, and may restrict an employee's work activities or prohibit him/her from working entirely while he/she is taking such drugs or medications.

3. TYPES OF TESTS AND CONSEQUENCES:

- A. PRE-EMPLOYMENT TESTING: A pre-employment drug test will be conducted before an applicant can be considered for employment or when an employee is transferred or promoted from a non-covered to a covered position. **Anyone refusing to be tested or tests positive for drugs shall not be considered for employment.**
- B. RANDOM TESTING: Random testing applies to all full-time or part-time employees. Employees will be subject to random drug and/or alcohol screening Quarterly, chosen on a scientifically random basis, this method of allows all employees in the Non-DOT pool an equal chance to be selected. The company drug and alcohol target for Non-DOT is 25% annually. Our Company will maintain two separate random pools; one containing only DOT covered employees and the other containing Non-DOT employees.

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If an employee refuses to be tested he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be subject to disciplinary action up to and including termination. Anyone who tests verified positive for drugs or alcohol shall be removed from Customer property and will be subject to disciplinary action up to and including termination.

- C. POST-ACCIDENT TESTING: (1) Any employee who is involved in a work related incident or a “Near Miss” incident in which safety rules and regulations may have been violated, and it is felt that drugs and/or alcohol may have played a role in the incident, will be drug and alcohol tested as soon as possible, but not later than 32 hours for drugs and 8 hours for alcohol after the accident **is reported**. For purposes of this part “incident” means an accident that caused, or could have caused personal injury requiring medical treatment beyond first aid and/or property damage. (2) A covered employee who is subject to post-accident drug and alcohol testing must remain readily available for testing or may be deemed by the Company to have refused to submit to testing. Our Company also recognizes that certain clients require a negative test result in writing prior to allowing the employee to return to duty. This in no way should delay necessary medical attention for injured people or prohibit a covered employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary medical care. **If an employee refuses to be tested he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be subject to disciplinary action up to and including termination. Anyone who tests verified positive for drugs or alcohol shall be removed from Customer property and will be subject to disciplinary action up to and including termination.**

- D. REASONABLE CAUSE TESTING: Our Company will require any individual subject to this policy, who is reasonably suspected of using a prohibited drug, at any time, or using alcohol while on duty, to be tested for controlled substances and/or alcohol.

The decision to test will be determined by a company official or an identified competent person and shall be based on a reasonable and articulate belief that the individual has used a controlled substance or alcohol based on direct observation of specific, contemporaneous physical, behavioral, or performance indicators of probable drug or alcohol use.

When reasonable cause testing is required, the individual will be informed of that fact and directed to provide a urine specimen or hair sample; alcohol testing will also be required at the same time. Our Company recognizes that certain clients require a negative test result in writing prior to allowing the employee to return to their property. **If an employee refuses to be tested he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be subject to disciplinary action up to and including termination. Anyone who tests verified positive for drugs or alcohol shall be removed from Customer property and will be subject to disciplinary action up to and including termination.**

- E. PRE-ACCESS TESTING: When required by our clients, a pre-access drug/alcohol test will be required of all employees assigned to a specific job. **If an employee refuses to be tested he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be subject to disciplinary action up to and including termination. Anyone who tests verified positive for drugs or alcohol shall be removed from Customer property and will be subject to disciplinary action up to and including termination.**

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- F. **RETURN TO DUTY TESTING/ FOLLOW UP TESTING:** An employee who has violated this substance abuse policy by testing positive for controlled substances or alcohol usage, will be subject to return-to-duty and follow-up testing. An employee, after providing a negative return-to-duty test, shall be subject to follow-up drug/alcohol testing without prior notice for a period of one (1) year with a minimum of six (6) unannounced tests. **If such employee tests positive or refuses to take a follow-up test, he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be removed from Customer property and will be subject to disciplinary action up to and including termination.**
- G. **Company DIRECTED:** Our Company reserves the right to drug/alcohol test all Company employees as requested by management. **If an employee refuses to be tested he/she will be terminated. If any employee discloses to a Company collector, Supervisor or third party Collector that they have been under the influence of drugs or alcohol conflicting with this policy, shall be subject to disciplinary action up to and including termination. Anyone who tests verified positive for drugs or alcohol shall be removed from Customer property and will be subject to disciplinary action up to and including termination.**

All testing will be performed with concern for an employee's privacy. The results of any drug/alcohol tests will be considered a confidential matter.

Management reserves the right to have all tests on-site tested; 5-10 panel urine quick test. If results are negative, management has to right to accept results as is or send collection off to the lab for further testing; Pre-employment and Company Directed tests. If the results of this test are non-negative, the employee will be sent home until lab results are reported. If the lab report is negative employee will be able to continue the hiring process are report back to work and will be backed paid any time missed. If the lab results are confirmed positive employee will be subject to disciplinary action up to/including termination and/or hiring process stopped.

All drug tests will be performed by a federally certified (S.A.M.H.S.A.) laboratory. All positive test results will be GC/MS confirmed. In the event of a positive drug test result the employee, at his own expense, may request that a re-test be done. All drug tests will be collected, tested and any positive drug test results will be verified positive by an MRO under the guidelines of 49 CFR Part 40. (See Anti-Drug Plan).

All alcohol tests will be performed by trained SST or breath alcohol technicians. Confirmations will be performed using certified equipment. (See Alcohol Misuse Program Plan). All drug and alcohol testing will be performed according to DOT guidelines.

4. EMPLOYEE ASSISTANCE PROGRAM:

All employees and supervisory personnel will participate in the EAP program which will include education and training on drug use and alcohol abuse.

The EAP education consists of displaying and distribution of informational materials; displaying and distribution of a community service hot line telephone number for employee assistance; and display and distribution of our Company's policy regarding the use of prohibited drugs and alcohol as well as information on the following:

1. Effects and consequences of drug abuse and alcohol misuse on personal health and safety;
2. Effects and consequences of drug abuse and alcohol misuse in the workplace;
3. Manifestations and behavioral cues of drug abuse and alcohol misuse;
4. Employee rights of privacy and disclosure of testing results.

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In addition, supervisory personnel who make determinations whether an employee is subject to Reasonable Cause testing will receive additional training. This additional instruction will be at least 60 minutes for drugs and an additional 60 minutes for alcohol, and shall include the following:

1. The physical, behavioral, and performance indicators of probable drug use and/or alcohol misuse;
2. The profile of an at-risk employee;
3. The impact of drugs and alcohol in the workplace and in society in general;
4. Methods for communicating our Company’s Substance Abuse policy and program;
5. Confidentiality and how it applies to the Substance Abuse Program.

5. PROHIBITED ITEMS POLICY.

In addition to the federal DOT requirements for drug and alcohol testing, our Company enforces prohibition against the possession or use of items and materials that pose unnecessary threats to the health and well-being of its employees and those of its customers. This contraband policy is not federally mandated; it is solely a Company prerogative. Our Company exercises control of these items to eliminate needless security risks for personnel, property, and the environment. The methods of enforcement include warnings of the prohibitions, periodic searches to deter violations, and appropriate sanctions for those who do not comply. These search actions are beyond the scope of the federally required drug and alcohol testing programs. The prohibitions of these materials and items, and the search efforts to control them, are part of a supplementary effort to ensure safe and secure working environment for our Company employees and those of our customers. Our Company will abide by the prohibited items policy of its customers and clients and any employee of our Company will allow unannounced searches of his/her property as a condition of employment for such customer.

Our Company has established these additional policies to assist us in providing a safe and healthy working environment for our employees, to protect our property and property of our clients, and to cooperate with our clients in their efforts to provide safe and efficient operations for all employees.

6. PROHIBITED ITEMS (CONTRABAND).

The use, possession, concealment, promotion, transportation, sale, or knowledge of the same by another employee of the following items or substances by any employee of our Company or any employee of any sub-contractor, is strictly prohibited on all company and client premises: **Illegal drugs, controlled substances “including trace amounts”, look alike drugs, designer drugs, over-the-counter drugs, or any other substance which may have physical or mental effect on the human body such as a narcotic, depressant, hallucinogenic, cannabinoid, stimulant, alcoholic beverage, firearms, weapons, ammunition, explosive, any stolen property, drug paraphernalia, or unauthorized prescription drugs.**

Reporting to work or being present at work under any detectable, quantity of any drug mentioned above or any alcoholic beverage in the employees system is a violation of our Company policies and will result in disciplinary action, up to and including termination. Any employee who is found in violation of the policy or who refuses to permit an inspection will be removed and barred from any Company property or job site.

“Company” or “Client” premises include all areas or sites at which work is performed by our Company or its subcontractors or client. This includes parking lots, storage facilities, automobiles, trucks, aircraft and all other vehicles and equipment owned, borrowed, or leased by the same.

All employees of our Company and employees of all subcontractors who are on Company premises must notify the Company of the use of prescription drugs under doctor’s orders prior to beginning work.

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Our Company reserves the right, at all times, to have a prescription drug or medication analyzed by the Company's doctor, if it may produce hazardous effects or restrict an employee's work activity.

7. SEARCHES, EXAMINATIONS, AND INSPECTIONS.

When and where deemed necessary, our Company reserves the right to conduct examinations and make searches or inspections of company property and premises, including desks, work stations, cabinets and lockers, if there is reasonable cause to believe that an employee is in possession of or is using, distributing, or transporting illegal drugs, controlled substances, alcohol, firearms, weapons, and stolen or misappropriated property or company records.

To insure that our Company employees are not under the influence of alcohol or drugs whenever they enter onto any company facility, vessel, vehicle, or job site, our Company reserves the right to conduct searches and/or collect urine/hair samples for drug screening and saliva or breath for alcohol testing.

Only with their consent, may our Company employees be asked to reveal the contents of their pockets, purse, wallet, or other personal containers. These searches and inspections may be conducted at the Company's discretion with or without prior announcement and may occur with or without the employee present.

All applicants for employment and employees are required to sign a consent form authorizing our Company to search personal belongings and to collect urine/hair for drug and breath or saliva for drug and alcohol screening as a condition of employment.

Entry onto the Company's vessels, vehicles, premises, or work sites constitutes an employee's consent to examination, searches or inspections. Any employee who refuses to submit to such an examination, search, or inspection is subject to immediate dismissal.

Our Company's drug program manager (DPM) and alcohol misuse program plan manager (AMPP) can be contacted as listed below:

Eric Callais / Adam Simoneaux
18838 Hwy. 3235
Galliano, LA 70354
(985) 475-5238

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APPENDIX A

LIST OF Company DRUG AND ALCOHOL PROVIDERS

1. CERTIFIED LABORATORY

Clinical Reference Laboratory (CRL)
8433 Quivira Road
Lenexa, Kansas 66215
(800) 445-6917

Psychomedics Corp
5832 Uplander Way
Culver City, CA 90230
(800) 628-8073

2. EMPLOYEE ASSISTANCE PROGRAM (EAP)

CuraLinc
8707 Skokie Blvd. Suite 109
Skokie, IL 60077
(800) 881-1949

3. SUBSTANCE ABUSE PROFESSIONAL (SAP) EAP RESOURCE LIST

Susie Drell, LCSW
1605 Murray St. Suite 102
Alexandria, LA 71301
(318) 229-3973

4. MEDICAL REVIEW OFFICER (MRO)

Dr. Randy Barnett, D.O.
2837 SouthHampton Road
Philadelphia, PA 19154
(215) 637-6800 or (215) 637-6998

5. THE FOLLOWING BAT'S HAVE BEEN TRAINED IN ACCORDANCE WITH CURRENT DOT REGULATIONS:

Leon Bradberry
Adam Simoneaux
Drake Foret
Rhett Monier

Dexter Callais
Lawrence Plaisance
Holly Danos
Courtney Calderera

Danielle Leonard

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6. COLLECTION SITES

All Company office locations.

7. COVERED EMPLOYEES SUBJECT TO DRUG AND ALCOHOL TESTING:

All Full-Time and Part-Time Employees.

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APPENDIX B

DRUG SPECIMEN COLLECTION

A. COLLECTION SITES.

A urine collection for a drug test will take place in a collection site meeting the requirements of Subpart D of 49 CFR part 40. The collection site shall:

- (1) Control access to the specimen collection site to authorized personnel only;
- (2) Secure any water sources or otherwise make them unavailable to employees (e. g., turn off water inlet, tape handles to prevent opening faucets);
- (3) Ensure that the water in the toilet is blue;
- (4) Ensure that no soap, disinfectants, cleaning agents, or other possible adulterants are present;
- (5) Inspect the site to ensure that no foreign or unauthorized substances are present; Tape or otherwise secure shut any movable toilet tank top, or put bluing in the tank; Ensure that undetected access (e. g., through a door not in view) is not possible;
- (6) Secure areas and items (e. g., ledges, trash receptacles, paper towel holders, under-sink areas) that appear suitable for concealing contaminants; and
- (7) Recheck items in paragraphs (1) through (7) of this section following each collection to ensure the site's continued integrity.
- (8) To avoid distraction that could compromise security, the collector is limited to conducting a collection for only one employee at a time. However, during the time one employee is in the period for drinking fluids in a " shy bladder" situation (see §40.193(b)), the collector may conduct a collection for another employee.
- (9) To the greatest extent the collector can, keep an employee's collection container within view of both the collector and the employee between the time the employee has urinated and the specimen is sealed.
- (10) Ensure the collector is the only person in addition to the employee who handles the specimen before it is poured into the bottles and sealed with tamper-evident seals.
- (11) In the time between when the employee gives the collector the specimen and when the collector seal the specimen, remain within the collection site.
- (12) Maintain personal control over each specimen and CCF throughout the collection process.

B. COLLECTION PERSON'S DUTIES

In accordance with procedures contained in 49 CFR Part 40, the collector must take the following steps before actually beginning a collection:

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- (1) When a specific time for an employee's test has been scheduled, or the collection site is at the employee's work site, and the employee does not appear at the collection site at the scheduled time, contact the DER to determine the appropriate interval within which the DER has determined the employee is authorized to arrive. If the employee's arrival is delayed beyond that time, you must notify the DER that the employee has not reported for testing. In a situation where a C/TPA has notified an owner/ operator or other individual employee to report for testing and the employee does not appear, the C/TPA must notify the employee that he or she has refused to test (see § 40.191(a)(1)).
- (2) Ensure that, when the employee enters the collection site, the collector begins the testing process without undue delay, because an authorized company or employee representative is delayed in arriving.
 - (a) If the employee is also going to take an alcohol test, the collector must, to the greatest extent practicable, ensure that the alcohol test is completed before the urine collection process begins.

Example to Paragraph (2) (a): An employee enters the test site for both a drug and an alcohol test. Normally, the collector would wait until the SST/BAT had completed the alcohol test process before beginning the drug test process. However, there are some situations in which an exception to this normal practice would be reasonable. One such situation might be if several people were waiting for the SST/BAT to conduct alcohol tests, but a drug testing collector in the same facility were free. Someone waiting might be able to complete a drug test without unduly delaying his or her alcohol test. Collectors and SST/BATs should work together, however, to ensure that post-accident and reasonable suspicion alcohol tests happen as soon as possible (e. g., by moving the employee to the head of the line for alcohol tests).
 - (b) If the employee needs medical attention (e. g., an injured employee in an emergency medical facility who is required to have a post-accident test), do not delay this treatment to collect a specimen.
 - (c) The collector must not collect, by catheterization or other means, urine from an unconscious employee to conduct a drug test under this part. Nor may you catheterize a conscious employee. However, you must inform an employee who normally voids through self-catheterization that the employee is required to provide a specimen in that manner.
 - (d) If, as an employee, you normally void through self-catheterization, and decline to do so, this constitutes a refusal to test.
- (3) Require the employee to provide positive identification. The collector must see a photo ID issued by our Company (other than in the case of an owner-operator or other self-employed individual) or a Federal, state, or local government (e.g., a driver's license). The collector may not accept faxes or photocopies of identification. Positive identification by a company representative (not a co-worker or another employee being tested) is also acceptable. If the employee cannot produce positive identification, you must contact a DER to verify the identity of the employee.
- (4) If the employee asks, the collector must provide his/her identification to the employee. The collector's identification must include name and employer's name, but does not have to include the collector's picture, address, or telephone number.
- (5) Explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF.

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- (6) Direct the employee to remove outer clothing (e. g., coveralls, jacket, coat, hat) that could be used to conceal items or substances that could be used to tamper with a specimen. The collector must also direct the employee to leave these garments and any briefcase, purse, or other personal belongings with the collector or in a mutually agreeable location. The collector must advise the employee that failure to comply with these directions constitutes a refusal to test.
- (a) If the employee asks for a receipt for any belongings left with the collector the collector must provide one.
 - (b) The collector must allow the employee to keep his or her wallet.
 - (c) The collector must not ask the employee to remove other clothing (e. g., shirts, pants, dresses, underwear), to remove all clothing, or to change into a hospital or examination gown (unless the urine collection is being accomplished simultaneously with a DOT agency-authorized medical examination).
 - (d) The collector must direct the employee to empty his or her pockets and display the items in them to ensure that no items are present which could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen, the employee can place the items back into his or her pockets. The employee must allow the collector to make this observation.
 - (e) If, the duties under paragraph (6) d) of this section, the collector finds any material that could be used to tamper with a specimen, the collector must:
 - (1) Determine if the material appears to be brought to the collection site with the intent to alter the specimen, and, if it is, conduct a directly observed collection using direct observation procedures (see § 40.67); or
 - (2) Determine if the material appears to be inadvertently brought to the collection site (e. g., eye drops), secure and maintain it until the collection process is completed and conduct a normal (i. e., unobserved) collection.
- (9) The collector must instruct the employee not to list medications that he or she is currently taking on the CCF. (The employee may make notes of medications on the back of the employee copy of the form for his or her own convenience, but these notes must not be transmitted to anyone else.)

C. COLLECTION PROCESS.

The collector must take the following steps before the employee provides the urine specimen:

- (1) Complete Step 1 of the CCF.
- (2) Instruct the employee to wash and dry his or her hands at this time. Tell the employee not to wash his or her hands again until after delivering the specimen to you. Do not give the employee any further access to water or other materials that could be used to adulterate or dilute a specimen.
- (3) Select, or allow the employee to select, an individually wrapped or sealed collection container from collection kit materials. Either the collector or the employee, with both present, must unwrap or break the seal of the collection container. The collector must not unwrap or break the seal on any specimen bottle at this time. The collector must not allow the employee to take anything from the collection kit into the room used for urination except the collection container.

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- (4) Direct the employee to go into the room used for urination, provide a specimen of at least 30 mL, not flush the toilet, and return to the collector with the specimen as soon as the employee has completed the void.
- (a) Except in the case of an observed or a monitored collection (see §40.67 and 40.69), neither the collector nor anyone else may go into the room with the employee.
- (b) The collector may set a reasonable time limit for voiding.
- (5) The collector must pay careful attention to the employee during the entire collection process to note any conduct that clearly indicates an attempt to tamper with a specimen (e.g., substitute urine in plain view or an attempt to bring into the collection site an adulterant or urine substitute). If the collector detects such conduct, the collector must require that a collection take place immediately under direct observation (see § 40.67) and note the conduct and the fact that the collection was observed in the "Remarks" line of the CCF (Step 2). The collector must also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.
- (6) The collector must check the following when the employee gives the collection container to the collector:
- (a) Sufficiency of specimen. The collector must check to ensure that the specimen contains at least 30 mL of urine.
- (i) If it does not, the collector must follow "shy bladder" procedures (see §40.193(b)).
- (ii) When the collector follows "shy bladder" procedures, the collector must discard the original specimen, unless another problem (i.e., temperature out of range, signs of tampering) also exists.
- (iii) The collector should never combine urine collected from separate voids to create a specimen.
- (b) Temperature. The collector must check the temperature of the specimen no later than four minutes after the employee has given you the specimen.
- (i) The acceptable temperature range is 32-38°C/ 90-100°F.
- (ii) The collector must determine the temperature of the specimen by reading the temperature strip attached to the collection container.
- (iii) If the specimen temperature is within the acceptable range, the collector must mark the "Yes" box on the CCF (Step 2).
- (iv) If the specimen temperature is outside the acceptable range, the collector must mark the "No" box and enter in the "Remarks" line (Step 2) his/her findings about the temperature.
- (v) If the specimen temperature is outside the acceptable range, the collector must immediately conduct a new collection using direct observation procedures (see §40.67).
- (vi) In a case where a specimen is collected under direct observation because of the temperature being out of range, the collector must process both the original specimen and the specimen collected using direct observation and send the two sets of specimens to the laboratory. This is true even in a case in which the original specimen has insufficient volume but the temperature is out of range.

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The collector must also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.

- (vii) In a case where the employee refuses to provide another specimen (see §40.191(a) (3)) or refuses to provide another specimen under direct observation (see §40.191(a) (4)), the collector must notify the DER. As soon as you have notified the DER, you must discard any specimen the employee has provided previously during the collection procedure.
- (c) Signs of tampering. The collector must inspect the specimen for unusual color, presence of foreign objects or material, or other signs of tampering (e. g., if you notice any unusual odor).
 - (I) If it is apparent from this inspection that the employee has tampered with the specimen (e. g., blue dye in the specimen, excessive foaming when shaken, smell of bleach), the collector must immediately conduct a new collection using direct observation procedures (see §40.67).
 - (II) In a case where a specimen is collected under direct observation because of showing signs of tampering, the collector must process both the original specimen and the specimen collected, using direct observation and send the two sets of specimens to the laboratory. This is true even in a case in which the original specimen has insufficient volume but it shows signs of tampering. The collector must also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.
 - (III) In a case where the employee refuses to provide a specimen under the direct observation (see Sec. 40.191(a) (4)), you must discard any specimen the employee provided previously during the collection procedure. Then the collector must notify the DER as soon as possible.
- (7) The collector must take the following steps, in order, after the employee brings the urine specimen to the collector. The collector must take these steps in the presence of the employee:
 - (a) Check the box on the CCF (Step 2) indicating either split or single specimen collection.
 - (b) The collector, not the employee, must first pour at least 30 mL of urine from the collection container into one specimen bottle, to be used for the primary specimen.
 - (c) The collector, not the employee, must then pour at least 15 mL of urine from the collection container into the second specimen bottle to be used for the split specimen.
 - (d) The collector, not the employee, must place and secure (i. e., tighten or snap) the lids/ caps on the bottles.
 - (e) The collector, not the employee, must seal the bottles by placing the tamper-evident bottle seals over the bottle caps/ lids and down the sides of the bottles.
 - (f) The collector, not the employee, must then write the date on the tamper-evident bottle seals.
 - (g) The collector must then ensure that the employee initials the tamper-evident bottle seals for the purpose of certifying that the bottles contain the specimens he or she provided. If the employee fails or refuses to do so, you must note this in the "Remarks" line of the CCF (Step 2) and complete the collection process.

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- (h) The collector must discard any urine left over in the collection container after specimen bottle(s) have been appropriately filled and sealed and on-site test complete. There is one exception to this requirement: the collector may use excess urine to conduct clinical tests (e.g., protein, glucose) if the collection was conducted in conjunction with a physical examination. The employee has no legal right to demand that the excess urine be turned over to the employee.
- (8) The collector must do the following things to complete the collection process. The collector must complete the steps called for in paragraphs (9) (a) through (9) (g) of this section in the employee's presence.
- (a) Direct the employee to read and sign the certification statement on the CCF and provide date of birth, printed name, and day and evening contact telephone numbers. If the employee refuses to sign the CCF or to provide date of birth, printed name, or telephone numbers, you must note this on the "Remarks" line of the CCF, and complete the collection. If the employee refuses to fill out any information, you must, as a minimum, print the employee's name in the appropriate place.
- (b) Complete the chain of custody on the CCF by printing your name (note: you may pre-print your name), recording the time and date of the collection, signing the statement, and entering the name of the delivery service transferring the specimen to the laboratory,
- (c) Ensure that all copies of the CCF are legible and complete.
- (d) Remove Donor/Employee Copy of the CCF and give it to the employee.
- (e) Place the specimen bottle(s) and Original CCF in the appropriate pouches of the plastic bag.
- (f) Secure both pouches of the plastic bag.
- (g) Advise the employee that he or she may leave the collection site.
- (h) To prepare the sealed plastic bag containing the specimens and CCF for shipment you must:
- (i) Place the sealed plastic bag in a shipping container. (More than one sealed plastic bag can be placed into a single shipping container if you are doing multiple collections.)
- (ii) Seal the container as appropriate.
- (iii) If a laboratory courier hand-delivers the specimens from the collection site to the laboratory, prepare the sealed plastic bag for shipment as directed by the courier service.
- (iv) Send the MRO copy of the CCF to the MRO and the Employer copy to the DER. You must fax or otherwise transmit these copies to the MRO and DER within 24 hours or during the next business day. Keep collector copy for at least 30 days, unless otherwise specified by applicable agency regulations.
- (9) The collector or collection site must ensure that each specimen you collect is shipped to a laboratory as quickly as possible, but in any case within 24 hours or during the next business day.

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A. INDIVIDUALS TO BE DRUG TESTED

Individuals providing samples will:

1. Present himself/herself at the designated collection site at the specific date and time;
2. Remove any outer garments such as coats, hats, sweaters, handbags, etc., prior to entering the collection site (donors may retain their wallets);
3. Present to the collection site person positive identification or be identified by an Company representative;
4. Wash his/her hands prior to urination and remain in the presence of the collection site person without handling any materials that could be used to alter a sample;
5. Not tamper with, dilute, substitute, alter, or in any way change or attempt to cause a change to a specimen;
6. Remain in the presence of the collection site person and not distract or attempt to distract the collection site person from the performance of his/her duties;
7. Not permit anyone other than himself/herself and the collection site person to handle his/her specimen until the container is properly sealed by the collection site person;
8. Keep his/her specimen in sight at all times until the container has been properly labeled by the collection site person;
9. Allow his/her oral temperature to be taken with a sterile thermometer if the temperature of his/her specimen is outside the normal temperature range.
10. Cooperate fully with the collection site person to carry out these sampling requirements.

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B. DRUG TESTING LABORATORY:

Laboratories will conduct all requirements for chain of custody, testing, reporting and specimen retention in accordance with the provisions of 49 CFR Part 40.

Without exception, the following values for initial and confirmation tests are to be used:

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL
¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA)			
² Morphine is the target analyte for codeine/morphine testing			
³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specific cutoff			
⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing			
⁵ To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL			
⁶ Methylenedioxyamphetamine (MDMA)			
⁷ Methylenedioxyamphetamine (MDA)			
⁸ Methylenedioxyethylamphetamine (MDEA)			

(Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)

These cutoff levels are subject to change by DHHS as advances in technology or other considerations warrant identification of these substances at other concentrations.

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.

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APPENDIX C

**BREATH ALCOHOL TECHNICIAN (BAT)
AND SCREENING TEST TECHNICIAN (STT) GUIDANCE**

A. Breath Alcohol Technician (BAT).

1. The breath alcohol technician (BAT) shall receive sufficient training and be certified to proficiency in the specific operation of the evidential breath testing (EBT) device he/she uses in the required alcohol testing procedures as outlined in the AMPP. These procedures include the following:
 - a. Each BAT used by Company's third party provider shall be able to demonstrate by successful completion of a course of instruction which, at a minimum, provides training in the principals of EBT methodology, operation, and calibration checks, the fundamentals of breath analysis for alcohol content, and the procedures required for obtaining a breath sample, and interpreting and recording EBT results.
 - b. Company shall ensure that only courses of instruction that are equivalent to the National Highway Traffic Safety Administration (NHTSA), as amended, model course may be used to train BAT's to proficiency. Upon request to NHTSA, they will review a BAT's instruction to determine equivalency.
 - c. Company shall ensure that the course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specific EBT(s) to be used by Company.
 - d. Company shall ensure that any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check on the particular model of the EBT to be used by Company. The BAT training shall also include practical experience and demonstration competence in preparing the breath alcohol simulator or alcohol standard, and in the maintenance and calibration of the particular EBT.
 - e. Company shall ensure the BAT(s) receive sufficient additional training to ensure proficiency concerning any new or additional devices or changes in technology.
 - f. Company or its designated agent, who is involved in conducting alcohol testing, shall establish documentation regarding the training and proficiency testing of any BAT it uses to test employees. Qualified BATs must complete refresher training every five (5) years. The documentation shall be maintained in accordance with the requirements of the AMPP.
2. Company may authorize a BAT qualified supervisor of an employee to conduct an alcohol test for that employee if another BAT is unavailable to perform the required test in a timely manner. However, the supervisor who makes a determination that reasonable suspicion exists shall not be authorized to conduct the alcohol test on that employee.
3. Company may permit law enforcement officers who have been certified by state or local governments to conduct alcohol tests if they are deemed to be qualified to perform as a BAT. In order for a test to be accepted under DOT requirements, the officer must have been certified by a state or local government to use the EBT that was used for the appropriate test.

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B. Screening Test Technician (STT)

1. STTs are only permitted to conduct alcohol screening tests using an approved Alcohol screening device (ASD), while BATs can perform screening tests using an ASD or EBT and confirmation tests using an approved EBT device. So if a STT conducts a screening test with a result of .020% BAC or greater, the STT will contact a certified BAT to conduct the confirmation test immediately; within 30 minutes. The STT shall receive sufficient training and be certified to proficiency in the specific operation of the ASD he/she uses in the required alcohol testing procedures as outlined in the AMPP. These procedures include the following:
 - a. Each STT used by Company shall be able to demonstrate by successful completion of a course of instruction, which is either the Department of Transportation's (DOT) model course or a course of instruction determined by the DOT to be equivalent.
 - b. The ASD training must involve changes, contrasts, or other readings that are indicated on the device in terms of color. The STT shall, in order to be proficient, be able to discern correctly changes, contrasts, or readings.
 - c. The STT shall receive additional training, as needed, to ensure proficiency, concerning new or additional devices or changes in technology that he/she will be using.
 - d. Each qualified STT must go through refresher training every five (5) years in order to remain eligible to conduct DOT alcohol tests. Company shall document the training and proficiency of each STT it uses to test employees and maintain the documentation.
 - e. Anyone meeting the requirements of a BAT may act as a STT, provided that an individual has demonstrated proficiency in the operation of the ASD screening device he/she will be using. **ONLY** a BAT can be used to confirm a positive test.

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APPENDIX D

EVIDENTIAL BREATH TESTING AND ALCOHOL SCREENING DEVICE COLLECTION PROCEDURES

A. Scope

1. The EBT and ASD testing procedure set forth in this appendix address all the requirements as set forth in 49 CFR Part 40 and specifies the required form and disposition of such testing forms.

B. Breath Testing Locations

1. Company shall to the greatest extent practical ensure that there are sufficient breath testing sites of the availability of BATs/STTs located within a reasonable proximity to each of Company work locations.
2. Company shall conduct the testing in a location that affords visual and aural privacy to the employee being tested. The location shall prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel, and materials for conducting the alcohol testing shall be provided at the testing site.
3. A mobile collection facility, such as a van that is equipped for alcohol testing, that meets the requirements set forth in the AMPP may be utilized.
4. No unauthorized persons shall be permitted access to the testing site when the EBT remains unsecured, or in order to prevent such individuals from seeing or hearing a test result. When not in use the EBT shall be stored in a controlled access space.
5. In some circumstances Company may have to conduct such alcohol testing outdoors at the scene of an accident that does not meet the requirements as specified in the post-accident provisions of the AMPP. In these situations the BAT/STT shall provide the necessary visual and aural privacy to the employee to the greatest extent practicable.
6. The BAT/STT shall supervise only one employee's use of the EBT at a time. The BAT/STT shall not leave the alcohol testing site while the testing process is in progress.

C. Breath Alcohol Testing Preparations

1. When an employee arrives at the alcohol testing site, the BAT/STT shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by a Company representative. If the employee's identity cannot be established, the BAT/STT shall not proceed with the alcohol test. If the employee requests, the BAT/STT shall show proper identification to the employee.
2. The BAT/STT shall explain the alcohol testing process to the employee.
3. If the employee fails to arrive at the assigned time, the BAT/STT should contact Company's designated representative to obtain guidance on the action to be taken.

D. Screening Test Procedures for EBT and ASD Testing Devices

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1. The BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath testing form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.
2. The BAT shall select an individually-sealed mouthpiece and it shall be opened in full view of the employee and attach it to the EBT in accordance with the manufacturer's instructions.
3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.
4. If the EBT does not meet the requirements listed under Alcohol Testing Equipment of the AMPP, the BAT shall show the employee the result displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, time and quantified result in Step 3 of the form.
5. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
6. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
7. If the result of the screening alcohol test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4 for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
8. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and the employee shall initial or sign the notification. The alcohol test is invalid and Company representative and the employee shall be so advised.
9. At this point, no further testing is authorized. The BAT shall transmit the result of less than 0.02 to the DER or other appropriate company representative in a confidential manner. Company **shall** receive and store the information so as to ensure that confidentiality is maintained as required in the AMPP.
10. If the result of the screening test is an alcohol concentration of 0.02 or greater, then the BAT shall perform a confirmation test. If the confirmation test will be conducted by a different BAT, then the BAT who conducts the screening test shall complete and sign the form. The BAT will upon completion of the alcohol test provide the employee with Copy 2 of the breath alcohol testing form.

E. Screening Test Procedures for ASD Saliva Devices

1. STT will inform the employee of the procedures for the ASD testing. The STT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing Form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.
2. The STT shall check the expiration date of the saliva testing device, show the date to the employee. In the event, the date has passed the device is not to be used and a new device should be obtained for use.

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3. The STT shall open an individually sealed package containing the device in the presence of the employee.
4. The STT shall offer the employee the opportunity to use the swab. If the employee chooses to use the swab, the STT shall instruct the employee to insert the absorbent end of the swab into the employee's mouth, moving it actively throughout the mouth for sufficient time to ensure that it is completely saturated as provided in the manufacturer's instruction for the device.
5. If the employee chooses not to use the swab, or in all cases in which a new test is necessary because the device did not activate, the STT shall insert the absorbent end of the swab into the employee's mouth, moving it actively throughout the mouth for a sufficient time to ensure that it is completely saturated, as provided in the manufacturer's instruction for the device. The STT shall wear a surgical grade glove while conducting the test.
6. The STT shall place the device on a flat surface or otherwise in a position in which the swab can be firmly placed into the opening provided in the device for this purpose. The STT shall insert the swab into the opening and maintain firm pressure on the device until the device indicates that it is activated.
7. If the procedures of Step 3 through 5 are not followed successfully (e.g., the swab breaks, the STT drops the swab on the floor or other surface, the swab is removed or falls from the device before the device is activated), the STT shall discard the device and the swab, and conduct a new test using a new device. The new device shall be one that has been under control of the employer of STT prior to the test. The STT shall note in the "remarks" section of the form the reason for the new test. In this case, the STT shall offer the employee the choice of using the swab himself/herself or having the STT use the swab. If steps 3 through 5 are not successfully followed on the new test, the collection shall be terminated and an explanation provided in the "remarks" section of the form. A new test shall then be conducted, using an EBT for both the screening and confirmation tests.
8. If Steps 3 through 5 are completed successfully, but the device is not activated, the STT shall discard the device and swab and conduct a new test, in the same manner as above. In this case, the STT shall place the swab into the employee's mouth to collect saliva for the new test.
9. The STT shall read the result displayed on the device two minutes after inserting the swab into the device. The STT shall show the device and its reading to the employee and enter the result on the form.
10. Devices, swabs, gloves, and other materials used in saliva testing shall not be reused, and shall be disposed of in a sanitary manner following their use.
11. In any case in which the result of the screening test is an alcohol concentration of less than 0.02, the STT shall date the form and sign the certification and fill in the date in Step 4 of the form.
12. If the employee does not sign the certification in Step 4 of the form it shall not be considered a refusal to be tested.
13. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.
14. If the STT that performed the screening test is a different individual from that who will serve as the BAT during the confirmation test, then the STT will provide the employee with Copy 2 of the form and the BAT will follow the procedures for a confirmation test.

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15. If the confirmation test will be conducted at a different site from the screening test the employer or its agent shall ensure that:
 - a. The employee is advised not to eat, drink, or put any object or substance in his/her mouth and to the extent possible not to belch during the waiting period before the confirmation test. The time period begins with the completion of the screening test.
 - b. The employee is advised that he/she must not drive, perform a safety-sensitive duty or operate heavy equipment, as noted in block 4 of the alcohol testing form.
 - c. The employee is under the observation of a BAT, STT, or other company personnel while in transit from the screening test site to the confirmation test site.
16. The STT shall enter, in the “remarks” section of the form, a notation that the screening test was performed using a saliva device.
17. Following the completion of the screening test, the STT shall date the form and sign the certification in Step 3 of the form.

G. Confirmation Test Procedures

1. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT will require the employee to provide positive identification such as photo ID card or identification by a company representative. The BAT will upon request of the employee being tested provide such identification.
2. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not to belch during the waiting period just prior to the confirmation test being conducted. This waiting period shall begin with the completion of the screening test and shall not be less than 15 minutes, but must be within 30 minutes of the completion of the screening test. The time the employee spends in transit between the screening test and confirmation test, the employee is under direct observation, counts toward the mandatory 15 minute deprivation period.

If the BAT conducts the confirmation test more than 30 minutes after the result of the screening test has been obtained, the BAT shall not in the “Remarks” section of the form, the time that elapsed between the screening and the confirmation test and the reason why the confirmation test could not be conducted within 30 minutes of the screening test. The BAT shall also explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions. The BAT shall also explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions. Should the BAT become aware that the employee has not complied with the instructions provided; the BAT shall note the observations in the “Remarks” section of the form.

3. When a BAT, other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing Form. The BAT shall then complete Step 1 on the form and the employee shall then complete Step 2 by signing the certification. If the employee should choose not to sign the certification, the BAT shall then make an appropriate notation in the “Remarks” section indicating the employee’s refusal to take the alcohol test. The BAT shall note in the “Remarks” section that a different BAT conducted the screening test.

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4. The BAT shall open, in the presence of the employee, a new individually-sealed mouthpiece and attach the mouthpiece to the EBT in accordance with the manufacturer's instructions. The BAT will then instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
5. The BAT shall ensure, prior to the confirmation test being administered to the employee, that the EBT shall register 0.00 on an air blank. If the reading is greater, the BAT shall conduct one more air blank. Should the EBT again register greater than 0.00, the testing shall not proceed using the EBT. An EBT taken out of service because of the failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within the accepted tolerance limits. Alcohol testing using another EBT may proceed.
6. In the event that the screening and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result on which any disciplinary action by the Company may be taken in order to comply with the requirements of the AMPP and any applicable federal requirements.
7. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
8. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
9. After the confirmation test is completed, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then be instructed to sign the certification and fill in the date in Step 4. If the employee should elect to not sign the certification for the test conducted, it shall not be considered as a refusal to be tested. The BAT shall then note the employee's failure to sign in the "Remarks" section of the testing form.
10. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and employee shall initial or sign the notation on the testing form. The test shall be considered "invalid" and the Company representative and the employee shall so be advised.
11. The BAT shall transmit all alcohol testing results to the AMP or other designated company representative in a confidential manner. All communications by the BAT shall be to the DER or designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure that immediate transmission of the test results to our Company is conducted in order for our Company to prevent the employee from performing any covered functions.
12. Should the initial transmission not be accomplished in writing, but via telephone notification, the DER or designee shall establish a mechanism to verify the identity of the BAT providing the information. The BAT shall follow the initial transmission by providing to the DER or designee the Company copy of the breath alcohol testing form. The test results shall be stored in such a manner so as to protect the confidentiality of the results and to eliminate the disclosure of information to unauthorized persons.

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H. Refusals to Test and Uncompleted Tests

1. Refusal by an employee to complete and sign Step 2 of the breath alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT in the “Remarks” section of the form. The testing process shall be terminated and the BAT shall immediately notify the Company’s DER or designee.
2. If a screening or confirmation test cannot be completed or if an event occurs to invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test using a new breath alcohol testing form with a new sequential test number.

I. Inadequate Amount of Breath for EBTs and ASD Devices

1. If the employee is unable, or alleges that he/she is unable, to provide a sufficient amount of breath to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount. If the employee refuses to make an attempt, the BAT shall immediately inform the DER.
2. If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the “Remarks” section of the testing form and shall immediately inform the DER. The DER shall direct the employee to obtain, as soon as practical after the attempt, an evaluation from a licensed physician who is acceptable to our Company concerning the employee’s medical ability to provide an adequate amount of breath.
3. If the physician determines, in his/her reasonable medical judgment, that a medical condition has or could have precluded the employee from providing an adequate amount of breath, the employee’s failure to provide an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide to the Company’s DER a written statement of the basis of his/her conclusion.
4. If the physician, in his/her reasonable medical judgment, is unable to make the determination that a medical condition has precluded the employee from providing an adequate amount of breath, the employee’s failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The physician shall provide a written statement of the basis for his/her conclusion to the Company’s DER.

J. Inadequate Amount of Saliva for ASD Testing Devices.

1. If an employee is unable to provide sufficient saliva to complete a test on a saliva screening device (e.g., the employee does not provide sufficient saliva to activate the device) the STT shall conduct a new test using a new device as described in “Screening Test Procedures for ASD Saliva Devices paragraph 7.”
 - a. If the employee refuses to complete the new test, the STT shall terminate testing and immediately inform the employer. This constitutes as a refusal to test.
2. If a new test is completed, but there is an insufficient amount of saliva to activate the device the STT shall immediately inform the employer, which shall then immediately initiate an alcohol test to be administered to the employee using the EBT

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A. Invalid Test.

1. A breath alcohol test shall be invalid under the following circumstances:
 - a. The EBT does not pass its next external calibration check. This invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test. This would not invalidate any negative tests conducted.
 - b. The BAT does not observe the minimum 15 minute waiting period prior to conducting the confirmation test.
 - c. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to the administration of an alcohol test.
 - d. The BAT does not sign the breath alcohol testing form.
 - e. The BAT fails to note in the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test results.
 - f. An EBT fails to print a confirmation test result.
 - g. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.
2. An alcohol test using a ASD saliva screening device shall be invalid under the following circumstances:
 - a. The result is read before 2 minutes or after 15 minutes from the time the swab is inserted into the device.
 - b. The device does not activate.
 - c. The device is used for a test after the expiration date printed on its package.
 - d. The STT fails to note in the remarks section of the form the screening test was conducted using a saliva device.
3. An alcohol test using a ASD alcohol testing device shall be invalid under the following circumstances:
 - a. The STT has failed to note in the remarks section of the form that the employee has failed of refused to sign the form following the recording on the form of the test result.

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APPENDIX E

HAIR SAMPLING ACCORDING TO PSYCHEMEDICS SAMPLING GUIDELINES

A. Scope

1. The testing procedure set forth in this appendix addresses all requirements set forth by the collection agency and specifies the required form and disposition of such testing forms.

B. Hair Sampling Locations

1. Our Company shall, to the greatest extent practical, ensure that there is sufficient hair sampling sites located within a reasonable proximity to each of its work locations.
2. Our Company shall conduct the testing in a location that affords visual and aural privacy to the employee being tested. The location shall prevent unauthorized personnel from seeing or hearing Test results. All necessary equipment, personnel, and materials for conducting the hair testing shall be provided at the testing site.
3. A mobile collection facility, such as a van that is equipped for hair testing, that meets the requirements may be utilized.
4. No unauthorized persons shall be permitted access to the testing site when the Test remains unsecured, or in order to prevent such individuals from seeing or hearing a test result. When not in use the Test shall be stored in a controlled access space.
5. In some circumstances our Company may have to conduct such hair testing outdoors at the scene of an accident that does not meet the requirements as specified in the post-accident provisions. In these situations the Collector shall provide the necessary visual and aural privacy to the employee to the greatest extent practicable.
6. The Collector shall supervise only one employee's use of the Test at a time. The Collector shall not leave the hair testing site while the testing process is in progress.

C. Hair Sampling Preparations

1. When an employee arrives at the hair testing site, the Collector shall ensure that the individual is positively identified as the employee selected for hair testing (e.g. through presentation of photo identification or identification by a Company representative. If the employee's identity cannot be established, the Collector shall not proceed with the hair test. If the employee requests, the Collector shall show proper identification to the employee.
2. The Collector shall explain the hair testing process to the employee.
3. If the employee fails to arrive at the assigned time, the Collector should contact the Company's designated representative to obtain guidance on the action to be taken.

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D. Hair Sampling Procedures

1. The Collector will need a Control and Custody Form (CCF), a Sample Acquisition Card (SAC), a pair of scissors, and a hair clip.
 - i. Employee will be asked to sign a consent form.
 - ii. The Collector will gather all collection materials and verify that the pre-printed information on the CCF is correct.
 - iii. The Collector will complete sections B, C, D, E, and F on the CCF.
2. The Collector will remove the SAC, open it and remove the foil, integrity seal and alcohol pad. They will also be required to copy the donor ID # from the CCF to the SAC; sign the SAC, and fill out the date and time. Finally, the Collector will decide where the sample will be taken and check the appropriate box on the CCF.
3. Collecting the Sample.
 - i. The Collector will grasp a small lock of hair visibly equal to 1/2" wide by 1-2 strands deep when held flat across their finger.
 - ii. The Collector will cut as close to the scalp as possible, taking the sample from an area on the head that is cosmetically undetectable to the donor.
 - iii. The Collector will then put the sample in the foil and pinch it closed, put it in the SAC with the root ends to the left, and seal the SAC by removing the adhesive strip from both sides of the flap.
 - iv. Lastly the Collector will remove the bar code label from the CCF and place it on the SAC in the designated spot.
 - v. The employee will then read and initial the statement on the SAC, turn the page on the CCF and read and complete STEP 3A. The Collector will then sign and date the CCF.
 - vi. The Collector now removes page 1 of the CCF, folds it and places it and the sample in the plastic pouch and seals it. The employee will now initial and date the seal in the provided place.
 - vii. Page 2 of the CCF is sent to the MRO, Page 3 is retained by the Collector and Page 4 is given to the donor.
4. Hair samples can also be taken from the face, chest, arm/armpit and legs. Procedures for sampling will remain the same.
5. **If the employee has no hair available to sample, the employee will not be allowed to work on Company or Customer property until a sample can be taken. This means that the employee will have to wait until hair grows out in one or more of the sampling sites on the body before going to work.**

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E. Results of samples collected

1. ALL results will be sent to the Medical Review Officer (MRO). Benjamin Gerson, MD shall remain the MRO for hair sampling along with DOT urine screening.
 - i. Negative results, once confirmed as such by the MRO, will be communicated to the DER for our Company which is Adam Simoneaux or Eric Callais, Corporate HSE Director.
 - ii. Positive results will be confirmed by the MRO after talking with the employee from whom the sample was taken. Once confirmed as a positive result, the MRO will communicate this information to the DER. **A positive result for any substance abuse test shall result in an employee being subject to disciplinary action up to and including termination.**

F. Refusals to give hair sample

1. **If an employee refuses to be tested he/she will be terminated. Anyone who tests verified positive for drugs or alcohol shall be subject to disciplinary action up to and including termination.**

G. Type of tests for hair samples

1. Pre-Employment
 - i. ALL DOT employees going to work in the Gulf of Mexico will be required to take a pre-employment hair sample test in addition to urine screens. This will also add this employees name into our Random Pool.
2. Random
 - i. Our Company is required to pull 50% (pulled on a monthly basis) of all Gulf of Mexico DOT employees for random hair samples in addition to random urine screens.
3. Other
 - i. Our Company reserves the right to pull ANY employee at ANY time for a hair sample. Any employee that refuses the test WILL be terminated.

