



FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG & ALCOHOL POLICY



FirstGroup America is dedicated to providing safe, dependable, and economical transportation services to its patrons. FirstGroup America employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

This Substance Abuse Policy implements a drug and alcohol testing program for all safety-sensitive employees. Each employee shall be provided a signed copy of the adopted policy. *Policy items implemented under the authority of FirstGroup America are italicized throughout this policy.* All other policy items are implemented under the authority of the US DOT and/or the Federal Transit Administration.

Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

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A Zero Tolerance Company

1. Purpose

The purpose of this policy is to assure worker fitness for duty and to protect FirstGroup America employees, customers, and the public from the safety and health risks posed by the misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable federal, state, and local legislation and regulations governing workplace anti-drug use and alcohol misuse. These include DOT 49 CFR Part 40; 49 CFR Part 382 as well as the Company zero tolerance policy. This policy incorporates the requirements of the above regulations for safety-sensitive and non-safety sensitive employees.

Reporting to work in an impaired or unfit condition because of the use or consumption of controlled substances or alcohol is strictly prohibited. Any employee who uses, possesses, or is involved in the sale or purchase of any prohibited drugs, while on Company premises, conducting Company business or operating Company equipment is considered to be in violation of Company policy.

If any conflict occurs between state and local laws and any requirement of the above-mentioned Federal regulations, the Federal regulations prevail. However, Federal regulations do not pre-empt provisions of State criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

2. Covered Employees

As a condition of employment, all employees are required to submit to drug and alcohol testing as allowed by law. Testing of those in Safety Sensitive positions shall be in accordance with 49 CFR Part 382.

Safety Sensitive

As defined by the FMCSA, safety-sensitive employees include those who operate a commercial motor vehicle (CMV) in commerce. This includes drivers, mechanics, and dispatchers if they may be required to drive a CMV at any time. An employee is considered to be performing a safety-sensitive function when:

- Driving or required to be ready to drive
- Waiting to be dispatched
- Inspecting, repairing, securing assistance, loading or unloading the CMV

Non-Safety Sensitive Employees

Employees in non-safety sensitive positions are subject to the Company's drug and alcohol testing program pursuant to an applicable Collective Bargaining Agreement or State law. All employees not subject to federal drug and alcohol testing will be subject to testing under the Company policy. The same guidelines will be used for non-safety-sensitive testing.

3. Prohibited Substances

In accordance with US DOT 49 CFR Parts 382 and 40, the following are prohibited substances:

- Cocaine
- ~~Opiates (e.g., heroin, codeine)~~

- Phencyclidine (PCP)
- Cannabinoids (Marijuana)
- Amphetamines (includes methamphetamine and MDMA- Ecstasy)
- Opioids (includes Codeine, 6-Acetylmorphine, Morphine, Heroin, Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone)
- Alcohol Misuse as defined in Section 26, below.

4. Prescription and Over the Counter Medications

The appropriate use of legally prescribed drugs and non-prescription medications are not prohibited. A legally prescribed drug means a prescription or other written approval from a physician for the use of a drug by an individual in the course of medical treatment. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, before performing safety sensitive duties.

A verified positive drug test result whether for illegal substances, illegal use of prescriptions, or misuse of prescriptions will result in disciplinary action up to and including termination. A prescription is considered valid only if it indicates the employee's name, date, the name of the substance, quantity or amount to be taken, and the period of authorization. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with the prescription.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs.

FirstGroup America requires employees to inform their supervisor of over the counter or prescription medications that may potentially impair performance before the start of their shift. It is the employee's responsibility to obtain and provide documentation to the employee's supervisor from a certified medical professional confirming the employee's fitness to safely perform his/her job responsibilities.

5. Medical Marijuana

49 CFR Part 40.151 does not authorize "medical marijuana" under state law to be a valid medical explanation for an employee's positive drug test result. Marijuana remains a schedule I drug and the use of marijuana by safety sensitive employees is prohibited. CBD oil products may contain other cannabinoids such as THC, therefore, use of CBD oils and marijuana-derived products may result in a positive drug test. *FirstGroup America will not accept a prescription for medical marijuana as an explanation for a positive drug screen result. A confirmed positive drug screen will result in in termination unless state law explicitly prohibits adverse action by an employer.*

Regardless of circumstances no employee shall possess, use, or be impaired by marijuana or marijuana-derived products while in the workplace or otherwise on duty.

6. Synthetic Cannabinoids and Synthetic Stimulants

FirstGroup America prohibits the use and/or possession of synthetic cannabinoids ("K2", "Spice", "herbal incense") and synthetic stimulants ("Bath Salts"), while on Company property. Violation of this part will result in disciplinary action up to and including termination.

7. Employee Protections

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process, and the confidentiality of the test results.

All drug testing and breath alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. All specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS).

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT.

1. Except as required by law or expressly authorized in this section, FirstGroup America shall not release employee information that is contained in records maintained per 49 CFR Part 382.
2. An employee may, upon written request, obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. FirstGroup America shall release information regarding an 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 is permitted only in accordance with the terms of the employee's consent.
4. Records pertaining to a Substance Abuse Professional's evaluation, treatment and follow up testing results shall be made available to a subsequent DOT employer upon receipt of written consent from an employee.

8. Employee Responsibility to Notify FirstGroup America of Criminal Drug Conviction

It is a violation of this policy for any employee to fail to immediately notify FirstGroup America of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. Violating employee shall be immediately removed from safety sensitive duties.

Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

9. Voluntary Self-Referral

An employee who voluntarily (not in response to a Company request to take a drug or alcohol test or the positive result of a drug or alcohol test) admits to management that he or she has a substance abuse or alcohol problem, and who wishes to voluntarily submit to a Rehabilitation Program, shall be placed on unpaid medical leave. Any voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary related action.

An appropriate leave of absence may be granted for treatment and rehabilitation. The employee may be permitted to take accrued sick leave or administrative leave to participate in the Substance Abuse Counselor prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the Substance Abuse Counselor has determined that the employee has successfully completed the required treatment program and releases him/her to return to a safety sensitive duties. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

Payment for treatment will be coordinated through the employee's health insurance provider. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services. The employee must present evidence of having enrolled in and successfully completed, at his or her own expense, a rehabilitation program approved by FirstGroup America. The employee must submit to a non-DOT pre-employment drug and alcohol test, at his or her own expense, which produces a negative result. The employee must sign FirstGroup America's Post-Rehabilitation Return to Work Agreement. If a test result is canceled by the lab, the individual will be required to undergo another test and successfully pass the test with a verified negative result before performing safety- sensitive duties.

An employee placed on unpaid leave as provided in this section must satisfy the provisions of the items above not later than 12 weeks from the commencement of this leave. An employee failing to do so shall be deemed to have abandoned his or her job. Any employee who is returned to work as provided in this section of the policy and who fails to comply with any of the terms of the Post – Rehabilitation Return to Work Agreement will be discharged. Employees will not be disciplined for requesting treatment, but will be expected to observe job performance standards and work rules as they apply to every employee. Any decision to seek help will not interfere with an employee's eligibility for promotional opportunities. Confidentiality of information will be maintained at all times.

Under 382.107 Definitions, Actual Knowledge means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under §382.307. As used in this section, "traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances. In order for the exception to be used, all provisions and conditions must be met in section 382.121. If all the provisions and conditions are not met, then the driver would be fully subject to Part 40 Subpart O of the DOT regulations.

10. Employee Training

Information concerning the general effects of alcohol and controlled substances is available in section 29 of this policy.

Supervisors who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and 60 minutes on the physical, behavioral and performance indicators of probable alcohol use.

11. Pre-employment Drug and Alcohol Background Checks

In compliance with 49 CFR Part 40.25, FirstGroup America must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous three years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. FirstGroup America will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for FirstGroup America. Beginning January 6, 2023 with the 3 years of drug and alcohol violations reported in the FMCSA Drug and Alcohol Clearinghouse this written consent to previous employer requirement will no longer be required according to FMCSA Subpart G - Requirements and Procedures for Implementation of the Commercial Driver's License Drug and Alcohol Clearinghouse.

All safety-sensitive applicants who have previously failed a DOT drug or alcohol test must provide proof that they have completed a Substance Abuse Professional's evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to being considered for employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

12. Pre-Employment Testing

All safety-sensitive position applicants shall undergo a DOT drug test prior to placement in a safety sensitive position. FirstGroup America must be in receipt of a negative DOT drug test result prior to the applicant's performance of any safety sensitive function. A cancelled test result will require an applicant to undergo a subsequent pre-employment DOT drug test, until a negative test result can be obtained.

*If an applicant's pre-employment drug test result is verified as **positive**, the applicant will be excluded from consideration for employment per FirstGroup America authority. Applicant will be provided a referral to a Substance Abuse Professional meeting the required qualifications per 49 CFR Part 40.281, as amended.*

FirstGroup America requires a negative pre-employment test for final candidates of employment.

An employee returning from an extended leave period of 30 consecutive days or more, and whose name was removed from the random testing selection pool, will be subject to a pre-employment DOT drug test. FirstGroup America must be in receipt of a negative drug test result prior to the employee being reinstated to safety sensitive duty.

13. Random Testing

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing and the minimum annual percentage rate for random controlled substances testing shall be in accordance with 49 CFR Part 382, as amended. The percentages of testing shall be based on the average number of safety-sensitive employees per calendar year.

Random alcohol testing shall be conducted on a safety sensitive employee during, just before or just after the performance of a safety-sensitive function.

Random DOT drug testing may be conducted anytime while an employee is on duty or on call, or on

standby duty.

Non-safety-sensitive employees shall be subject to random, unannounced testing. The minimum annual percentage rate for testing is determined by FirstGroup America.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

14. Reasonable Suspicion Testing

All safety-sensitive employees are subject to reasonable suspicion drug testing and/or breath alcohol testing. Reasonable suspicion testing is required when one or more trained company officials can articulate and substantiate physical, behavioral, and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion testing for alcohol misuse can only be made when observations leading to that testing occur during, just preceding, or just after the period of the workday that the employee is required to be in compliance with FMCSA regulations. Reasonable suspicion testing for prohibited drugs may be conducted anytime an employee is on duty.

All FirstGroup America employees are subject to reasonable suspicion testing when one or more trained company officials can articulate and substantiate physical, behavioral, and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech, or body odors of the employee.

15. Post-Accident Testing

Any safety-sensitive employee involved in an accident that meets the criteria below shall be required to submit to drug and alcohol tests as soon as practicable after the accident.

FMCSA thresholds for post-accident testing:

Fatality: if the accident involved the loss of human life, any surviving covered employee will be required to submit to drug and alcohol tests.

Citation: if the employee receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- Bodily injury to any person whom as a result of the injury, immediately receives medical treatment away from the scene of the accident
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following chart may be used to determine if drug and alcohol tests are required:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical	YES	YES

treatment away from the scene	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

At FirstGroup America, for all FMCSA related accidents, we use the Post Accident Testing Chart to aid in our decision to test or not to test.

Covered employees are prohibited from using alcohol for eight hours following any accident or until the required post-accident test is administered, whichever comes first. Every effort will be made to conduct post-accident drug and alcohol tests as soon as possible following an accident. Covered employees involved in accidents must remain readily available for testing, including notifying the Company of their location if they leave the scene of the accident before testing, and will be considered to have refused to submit to testing if they fail to do so. This requirement will not require the delay of necessary medical attention for injured people following an accident or prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or obtain necessary emergency medical care.

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Following a Non-DOT or DOT mandated post-accident drug and alcohol test, the employee is permitted to perform a safety-sensitive function pending the test results, so long as the employee is not subject to any disciplinary actions related to the accident or otherwise. If the employee is unable to provide a sample (i.e., shy bladder/shy lung) or refuses to submit to the post-accident drug and alcohol test or the test result returns confirmed positive, the employee shall immediately be removed from duty pending final outcome.

16. Refusal to Submit to Drug Testing

All employees will be subject to drug testing and breath alcohol testing as described in sections 12-15. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have “refused testing”. Refusal to submit to required testing is a violation of this substance abuse policy.

Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

The following actions constitute a “refusal to test” in accordance with 49 CFR Part 40, as amended:

- (1) Failure to appear for any 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 (pre-employment testing not applicable).
- (2) Failure to remain at the testing site until the testing process is completed (after the process has been started)
- (3) Failure to provide a specimen for any drug test required by this part or DOT agency regulations
- (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) Failure 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) Failure or decline to take an additional drug test the employer or collector has directed you to take
 - (7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by FirstGroup America.
 - (8) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
 - (9) For an observed collection, failure 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) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
 - (11) Admitting to the collector or MRO that you adulterated or substituted the specimen.
 - (12) When the MRO verifies your drug test result as adulterated or substituted.

Refusals to test will result in employee's immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

17. Shy Bladder Situations

Urine is collected at a DOT approved collection site and is sent to a DHHS certified laboratory for testing. The employee must provide at least 45 mL of urine or they are considered or they are considered to have a "shy bladder".

If the employee cannot produce the required quantity of urine (shy bladder), the collection site will offer employee the opportunity to consume up to 40oz. of water within a three (3) hour time frame in order to produce the required 45mL of urine. The employee may NOT exit the premises of the testing facility for any reason during this time. If employee leaves the testing facility, the test will be considered a refusal subjecting the employee to immediate suspension and corrective action up to and including termination.

In the event of a "shy bladder," employee must undergo a medical review. The Company will refer the employee to a physician acceptable to the MRO and employee will be required to provide evidence of a medical condition hindering the production of urine. The employee has 5 days to get a medical evaluation once a shy bladder occurs. If the medical review proves that there is a valid medical condition, the employee shall be reimbursed and returned to duty with full pay or placed back into the recruiting process.

18. Observed Urine Drug Collections

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer must witness the employee's urine leave the body and enter the collection cup. The collector/observer must be the same gender as the employee being observed.

Observed collections are required in the following circumstances:

- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- Anytime a follow up or return to duty test is required (test types not applicable to FirstGroup America policy)

19. Specimen Analysis

All specimens will be analyzed in accordance with the procedures set forth in 49 CFR Part 40, as amended. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

20. Dilute Test Results

*Upon receipt of MRO verified **dilute** drug test results with creatinine levels greater than 5 mg/dL and less than 20 mg/dL, FirstGroup America will accept the result and there will be no retest.*

Upon receipt of a MRO verified dilute drug test result with creatinine levels greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL FirstGroup America will conduct a recollection under direct observation.

21. Medical Review Officer's Role and Responsibilities

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders. ~~FirstGroup America shall use the following Medical Review Officer:~~

~~**Name of MRO:** HireRight — Dr. Todd Simo M.D —~~

~~**Address:** 14002 E 21st St Suite 1200~~

~~Tulsa, OK 74134~~

~~**Phone Number:** 1-800-404-0016~~

~~**Fax Number:** 704-364-5961~~

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

22. Verified Positive Results

MRO verified positive drug tests will result in immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O, will be provided to employee.

Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

23. Cancelled/Invalid Test Results

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by the MRO as a cancelled test.

When a negative drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test. For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

24. Split Specimen Testing

Split specimen collection procedures will be followed in obtaining specimens for DOT safety sensitive employees only according DOT drug testing regulations. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split urine specimen be tested at a different DHHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Canceled". The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required. Direct

observation collection procedures will be in accordance with 49 CFR Part 40 as amended. *Non-DOT employees with single urine sample collections shall be the sample of record for testing.*

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

Payment of Split Specimen Testing:

When an employee has made a request to the MRO for a test of the split specimen, FirstGroup America is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. *FirstGroup America will seek reimbursement from the employee for the cost of the completed test, if the results reconfirm the original positive finding.*

25. Alcohol

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 382 authorizes alcohol testing and requires FirstGroup America to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

26. Alcohol Use and Breath Alcohol Testing

No safety-sensitive employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be under the influence of alcohol while performing safety sensitive functions, the employee shall not be permitted to perform or continue to perform safety-sensitive functions, pending a reasonable suspicion interview, conducted per Section 12. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

A Breath Alcohol Technician (BAT) qualified to conduct DOT breath alcohol testing shall conduct all DOT required alcohol screening tests.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to FirstGroup America in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

FirstGroup America affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Handling of tests and confidentiality shall be in conformance with 49 CFR Part 40, and as described below:

If the initial test indicates alcohol is present, but in concentrations less than 0.02, the employee may be returned to duty after a 24 hour stand-down (off-duty) period.

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed

to confirm the results of the initial test. An alcohol concentration of 0.04 or greater will be considered a DOT alcohol violation and a violation of this policy. An employee testing positive for alcohol at any level will be immediately removed from safety sensitive duty. Employees testing 0.40 or greater will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

FirstGroup America considers a confirmation test that indicates an alcohol concentration of .02 to be a positive test and a violation of this substance abuse policy. Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

27. Refusal to Submit to Alcohol Testing

The following actions constitute a refusal to submit to Alcohol Testing:

- (1) Fail to appear for any 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.
- (2) Fail to remain at the testing site until the testing process is complete.
- (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations.
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- (5) Fail to undergo a medical examination or evaluation, as directed by FirstGroup America.
- (6) Fail to sign the certification at Step 2 of the ATF.
- (7) Fail to cooperate with any part of the testing process.

A referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided. *Per FirstGroup America authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.*

28. Drug and Alcohol Clearinghouse

- Effective January 6, 2020, FirstGroup America will be required to report the following information to the DOT Drug and Alcohol Clearinghouse under FMCSA Subpart G - Requirements and Procedures for Implementation of the Commercial Driver's License Drug and Alcohol Clearinghouse. There are two types of queries under the regulations Full Query and Limited Query. A Full Query releases detail of the information in the clearinghouse to FirstGroup America.
 - (i) A verified positive, adulterated, or substituted drug test result;
 - (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (iii) A refusal to submit to any test as defined in §40.191;
 - (iv) An employer's report of actual knowledge, as defined at §382.107:
 - (A) On duty alcohol use pursuant to §382.205;
 - (B) Pre-duty alcohol use pursuant to §382.207;
 - (C) Alcohol use following an accident pursuant to §382.209; and
 - (D) Controlled substance use pursuant to §382.213;
 - (v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
 - (vi) A negative return-to-duty test; and
 - (vii) An employer's report of completion of follow-up testing.

A Limited Query only identifies whether information about the driver exists in the Clearinghouse and will not result in release of any driver information.

- Pre-employment Full Query 382.701(a) - Employers must not employ a driver subject to controlled substances and alcohol testing under this part to perform a safety-sensitive function without first conducting a pre-employment Full Query of the Clearinghouse.
- Annual Limited Query 382.701(b) - Employers must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under the regulations to determine whether information exists in the Clearinghouse about those employees.
 - If the limited query shows that information exists in the Clearinghouse, FirstGroup America must conduct a full query, in accordance with the regulations within 24 hours of conducting the limited query. If a full query within 24 hours is not performed FirstGroup America, (the employer) must not allow the driver to continue to perform any safety-sensitive function until the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in the regulations.
The limited query consent is for unlimited FMCSA Clearinghouse queries during the duration of employment with the company. Failure for an employee to grant Limited Query consent or Full Query electronic consent will be removed from safety sensitive duties and may be subject to termination.

29. General Effects of Controlled Substances and Alcohol

Alcohol

Alcohol is the most commonly abused substances in the United States. It is a depressant and it slows down physical responses and progressively impairs mental functions. Signs and symptoms of use include the following:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy reaction rate
- Slurred speech

Chronic consumption of alcohol (average of three serving per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Neurological problems, including dementia and stroke
- Cardiovascular problems
- Cancer of the mouth, throat, esophagus, liver, and colon. In general, the risk of cancer increases with increasing amounts of alcohol.
- Liver diseases, including alcohol hepatitis and cirrhosis.
- Gastrointestinal problems, including pancreatitis and gastritis
- Psychiatric problems, including depression, anxiety, and suicide

Cannabinoids/Marijuana

Marijuana is a solid form made of THC. THC binds to certain nerve cells and kicks off a series of cellular

reactions that ultimately lead to the high by affecting other chemical processes. Within a few minutes of inhaling marijuana smoke, a person will experience one or more of the following:

- Dreamy relaxation
- An increased or vivid sense of smell, taste, and hearing
- A dry mouth
- Rapid heartbeat
- Some loss of coordination
- Poor sense of balance
- A distorted sense of distance
- A diminished sense of time
- Slower muscular reaction times
- A general feeling of intoxication

Use of marijuana has both short term and long term health effects such as:

- Problems with the transfer of information from short to long term memory, and thus difficulty learning/remembering
- Distorted visual perception
- Difficulty thinking clearly
- Decreased ability to solve problems
- Loss of muscular coordination
- Increased heart rate
- Lung and other cancers, decreased immune responses and a significant decrease in the ability to learn new information
- A stronger tolerance for the drug, which requires increased dosage
- Increased risk of heart attacks
- Increased difficulty sustaining and shifting attention even in emergency situations
- Increased difficulty registering, organizing, and applying information which at first lasts several days after the “high”, and can continue for many weeks
- Brain cell damage
- Mood swings as the drug ebbs and flows in the body
- Altered psycho-social behavior which can manifest as a lack of caring
- The development of an entire new set of friends who “use.”

Cocaine and Crack Cocaine

Cocaine is a powerfully addictive central nervous stimulant that directly affects the brain but is also a topical deadening agent. Cocaine closes down the blood vessels that supply blood to the body.

Ingestion of cocaine results in the user feeling:

- Euphoric;
- Energetic;
- Talkative;
- Mentally alert, especially to the sensations of sight, sound, and touch;
- Without appetite; and
- With little need for sleep.

Use of cocaine has both short term and long term health effects such as:

- Bizarre, erratic, and violent behavior;
- Tremors;
- Nose bleeds;

- Paranoia;
- Restlessness;
- Irritability;
- Anxiety;
- Sudden death;
- Constricted blood vessels;
- Increased temperature;
- Increased heart rate;
- Dilated pupils; and
- Increased blood pressure.

Amphetamines/Methamphetamines – Amphetamines/Methamphetamines is a highly altered chemical mixture that releases large amounts of neurotransmitter dopamine and has a stimulant-like effect. Use of Amphetamines/Methamphetamines has both short term and long term effects to your health such as:

- A “rush”;
- Increased activity level;
- Decreased appetite;
- Heightened sense of well-being;
- Increased respiration;
- Increased body temperature;
- Insomnia;
- Compulsive drug-seeking and drug use;
- Functional and molecular changes in the brain;
- Violent behavior;
- Anxiety;
- Confusion;
- Mood disturbances and delusions;
- Pain and withdrawal; and
- Homicidal and/or suicidal thoughts.

Opiates

Opiates are a broad family derived from the processing of opium, which is extracted from the seed pod of certain varieties of poppy plants. The morphine derived from this process is one of the most powerful painkillers known. Heroin is the more famous of the opiates and is highly addictive. Use of opiates has both short term and long term effects to your health such as:

- Drowsiness lasting for several hours;
- Clouded mental function;
- Slowed heart rate;
- Severely slowed breathing;
- A warm flushing of the skin;
- Dry mouth;
- Heavy feeling in the arms and legs which may be accompanied by nausea, vomiting and severe itching;
- Suppression of pain;
- Addiction

- Infectious diseases (i.e., HIV/AIDS and hepatitis B and C)
- Collapsed veins
- Bacterial infections
- Abscesses
- Infection of heart lining and valves; and
- Arthritis and other rheumatologic problems.

Phencyclidine (PCP)

PCP is classified as a dissociative anesthetic and effects are unpredictable and often times trance-like. When PCP is snorted or smoked, PCP rapidly moves from the blood to the brain to disrupt the functioning of sites known as NMDA (N-methyl-D-aspartate) receptor complexes. Use of PCP has both short term and long term effects on your health such as:

- Shallow, rapid breathing;
- Increased blood pressure;
- Increased heart rate;
- Elevated temperature;
- Feelings of detachment from reality;
- Distortions of space, time, and how the user perceives his/her body;
- Hallucinations;
- Panic;
- Fear;
- Feelings of invulnerability and exaggerated strength;
- Severe disorientation;
- Violence;
- Suicidal tendencies;
- Memory loss; and
- Addiction.

Methylenedioxymethamphetamine (MDMA, Ecstasy)

The user of Ecstasy will feel a euphoria which takes effect 15-60 minutes after beginning use and lasts for many hours. Other effects include:

- Mild intoxication;
- Relaxation;
- Euphoria;
- Discomfort
- Disorientation
- Elevated blood pressure and heart rate;
- Irritation and nervousness;
- Optical and acoustic hallucinations;
- An excited calm or peace;
- Lack of appetite;
- Feelings of well-being;
- Increase in physical and emotional energy;

- Increased sociability and closeness;
- Heightened sensitivity;
- Increased responsiveness to touch;
- Changes in perception and;
- Empathy.

At higher doses and long terms use:

- Agitation;
- Panic attacks;
- Illusory or hallucinatory experiences may occur;
- Cerebral hemorrhage;
- Frequent bouts of dysphoria;
- Heart and circulatory failure;
- Neurotoxicity;
- Paranoid psychoses and;
- Stroke
- Users develop a strong psychological dependence on the drug. Chronic users develop increasing tolerance as they increase their doses. Those undergoing withdrawal will suffer bouts of depression and headaches.

Semi-Synthetic Opioids (hydrocodone, hydromorphone, oxymorphone, and oxycodone)

When you have a mild headache or muscle ache, an over-the-counter pain reliever is usually enough to make you feel better. But if your pain is more severe, your doctor might recommend something stronger -- a prescription opioid. Opioids are a type of narcotic pain medication. Common types are oxycodone (OxyContin), hydrocodone (Vicodin), morphine, and methadone. They can have serious side effects if you don't use them correctly.

Opiates usually produce a "high" of some type; the faster-acting they are, the more intense the high they produce. Heroin produces a very intense high thanks to its very short duration of action: its half-life is between 15 and 30 minutes. Morphine is much longer, lasting from 4 to 6 hours.

The short-term effects of opiate use can include:

- Feelings of euphoria.
- Pain relief.
- Drowsiness.
- Sedation.

Because of the intense high produced by the interaction of several opiates and the brain, the drugs remain extremely addictive, sometimes causing measurable symptoms of addiction in under three days.

30. System Contacts and Substance Abuse Assistance Resources

Corporate Drug and Alcohol Administrator

Address: 600 Vine St Cincinnati, OH 45202

Phone: 513-241-2200

National Hot-Line Numbers and Help Lines:

National Counseling Resource
1-800-607-1010

The American Council on Alcoholism Help Line
1-800-527-5344

The National Institute on Drug Abuse Hot Line
1-800-662 HELP

Alcoholics Anonymous 212-686-1100

American Substance Abuse Professionals (ASAP) – www.go2asap.com
888-792-2727

A copy of the referenced regulations (49 CFR Parts 40 and Part 382); are available on the DOT ODAPC website <https://www.transportation.gov/odapc/part40> and the FMCSA website <https://www.fmcsa.dot.gov/regulations/title49/part/382>

Please sign the Acknowledgement of Receipt of this Policy (attached) and return to your supervisor or Designated Employer Representative.

Employee Acknowledgement of Receipt
Of FirstGroup America Substance Abuse Policy

I have received a legible copy of FirstGroup America’s Substance Abuse Policy. I understand that my employment with FirstGroup America is conditioned upon full adherence to this policy.

Employee Name: _____

Employee Signature: _____

Date: _____

Supervisor Name: _____

Supervisor Signature: _____

Date: _____