

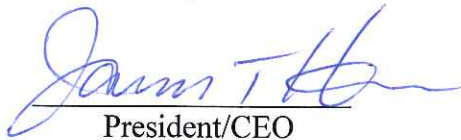
THE TRI-M GROUP, LLC'S SUBSTANCE ABUSE PREVENTION POLICY

Policy Statement


The Tri-M Group, LLC is committed to providing our employees with a safe and healthy work environment, protecting our customers and the public. Because of this commitment, the management of The Tri-M Group, LLC intends to make every effort to provide and maintain healthy and safe working conditions for our employees. Therefore, it is imperative that our workforce be free from any influences, resulting from the use of drugs (elicit, not prescribed or illegally obtained) and or alcohol that could impair the safety of our employees and the safety and quality of our service to customers.

It is the policy of The Tri-M Group, LLC that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance, excluding medically prescribed drugs, by any employee engaged in Company business, operating Company equipment, or while under the authority of The Tri-M Group, LLC is strictly prohibited. Violations of this policy will be subject to disciplinary action up to and including termination.

This substance abuse prevention policy and program is intended to address the potential influence of drugs and alcohol on the work environment, our employees and our ability to provide a safe workplace for our employees, protect our customers, and the public and therefore, this policy and program has the full cooperation and support of management. The Tri-M Group, LLC is committed to maintaining a drug and alcohol-free work environment.



President/CEO



Date Revised

THE TRI-M GROUP, LLC's SUBSTANCE ABUSE PREVENTION POLICY

Purpose:

The purpose of The Tri-M Group, LLC's Substance Abuse Prevention Policy and Program is to safeguard our employees, our customers and the public from the adverse effects of the use and/or abuse of drugs and alcohol. The program includes substance abuse screening and testing, employee and management education, and professional counseling. At a minimum, the policy and program will comply with all current applicable federal and state regulations.

The source of regulatory compliance for this policy is the Department of Transportation's 49CFR (Code of Federal Regulations) Federal Motor Carrier Safety Administration (FMCSA) regulations Parts 40 and 382 and Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations Part 199. In certain situations, customer contracts may also have substance abuse prevention and screening requirements and guidelines. While federal and state regulations and customer contracts set the minimum requirements for substance abuse prevention and testing for employees performing safety sensitive functions, the Company's policy, in certain instances, may be more stringent. Therefore, this policy will include mandated, contractual and Company requirements.

Compliance with this policy is a condition of employment, but neither the policy nor any of its terms are intended to create a contract of employment. Tri-M retains the sole right to change, amend, or modify any term or provision of this policy without notice. This revised policy is effective and will supersede all prior policies and statements regarding or relating to drugs and alcohol. In addition, if any applicable regulations are amended, Tri-M will comply with the amended regulations and they will automatically be incorporated into this policy by reference prior to rewriting/reissuing the policy.

I. Scope:

- A. Covered Employees: The Substance Abuse Prevention Policy and Program applies to all regular and temporary full-time, part-time, and casual employees for The Tri-M Group, LLC and its subsidiaries and all contracted labor working under Tri-M supervision. This includes all employees who perform safety sensitive functions and operate commercial motor vehicles under any Department of Transportation (DOT) Regulations.
- B. Subcontractors' employees are also subject to the provisions of this policy.
- C. Covered Activities: Employees who perform safety sensitive functions are covered by the terms and conditions of this policy when engaged in Company business. All work performed by each employee for the Company is considered a safety sensitive function. Company business includes, but is not limited to, work performed on or in Company property including a Company vehicle; work performed on or in a non-Company vehicle being used for conducting Company business; during meal, break or layover times; and on Company jobsites. More specifically employees working under FMSCA or PHMSA regulations will fall under those applicable parts of this policy.

II. Administration:

Levels of Authority: The President, Vice Presidents, Branch Managers, Human Resources Director (includes the person holding this title, person with a different title fulfilling the duties of this position, or a designee), Safety Manager (includes the person holding this title, person with a different title fulfilling the duties of this position, or a designee), and Supervisors are responsible for implementing and enforcing this policy and program. The Safety Manager and all Human Resources and Safety

department personnel are responsible for administering the terms and conditions of the policy and program.

Designated Employer Representative (DER): In compliance with the DOT, the designated employer representatives are responsible for monitoring, facilitating and answering questions pertaining to this substance abuse policy. Tri-M designated employer representatives are: Safety Manager and Human Resources Director/Manager.

DER Authority: The DER has the authority to remove an employee from a safety sensitive function either directly or by directing the employee's supervisor to remove the employee from a safety sensitive function for violations or reasonable suspicion of violations of the terms and conditions of this policy. All reports, questions and policy interpretations should be directed to a designated representative.

III. Confidentiality:

- A. All implementation of the terms and conditions of this policy and program will be conducted in a confidential manner. Information will be shared on a need to know basis only.
- B. All records pertaining to drug and alcohol testing and rehabilitation of drug and alcohol dependent employees are considered confidential.
- C. For the purpose of this policy, confidential recordkeeping means that the records are maintained in a secure manner and accessible only to authorized personnel.
- D. Information will be revealed on a need-to-know basis for the purpose of protecting employee safety or Company property.
- E. When it is established by licensed physicians or therapists that a person's condition constitutes a clear and present danger to the person or others, this information will not be held confidential and any individual or agency with a need-to-know will be notified of the situation.
- F. Drug and alcohol test results will be released by company designated testing facilities and Third Party Administrators (TPA's) only to the Safety Manager, designated Safety and HR personnel or Human Resources Director/Manager.
- G. Negative test results will be provided to other firms/agencies on a need to know basis as required by regulations and/or contract.
- H. Employees may request a copy of their individual test results. Any costs associated with providing the test results will be the responsibility of the employee.

IV. Definitions:

Policy definitions are listed in Appendix A.

V. Record Retention:

- A. General Requirements
 - 1. The Safety and HR Departments will be responsible for the retention of records generated by Tri-M's Substance Abuse Prevention program.
 - 2. The records must be maintained in a secure location with secure access.
- B. Types of Records To Be Maintained
 - 1. Records related to the collection process including logbooks; calibration documentation; documentation regarding reasonable suspicion & post-accident testing decisions; BAT technician training; medical documentation regarding employee inability to complete alcohol/urine testing and the annual summary of all testing results.
 - 2. Records related to testing including alcohol and drug test results; chain of custody forms; MRO documentation; documentation of employee refusal to test; employee documentation disputing test results; prior employer verification.

3. Records related to evaluations conducted by substance abuse professionals and employee compliance with subsequent recommendations.
4. Records related to training of supervisors, employees and collection technicians.
5. Some of the required record keeping is maintained by the TPA, collection facilities, and SAMSHA testing labs.

C. Periods of Record Retention

1. Records of positive test results, refusals to test, substance abuse evaluations, equipment evaluation, program administration, annual testing summaries, and all follow-up tests and schedules for follow-up tests must be kept for five (5) years.
2. Records of requests to prior employers as required under the FMCSA or PHMSA regarding an applicant's two year history of test results must be kept for three (3) years from the date the employee starts performing safety sensitive functions covered by these DOT agencies.
3. Records relating to the testing process must be kept for two (2) years.
4. Negative test results must be kept for one (1) year.
5. Substance Abuse training records must be kept indefinitely or for two (2) years after an employee stops performing a safety sensitive function.

VI. Conditions of Employment:

- A. All applicants covered by this policy will be required to submit to and pass, i.e. negative results, a pre-employment urine drug test as a condition of employment.
- B. All applicants must sign a consent form to submit to substance abuse testing. A copy of the Drug and/or Alcohol Consent Forms can be found in Appendix B. These are a condition of consideration for employment. Refusal to sign applicable forms will result in a withdrawal of the offer of employment.
- C. In compliance with regulatory requirements, all applicants applying for safety sensitive functions requiring a Commercial Driver's License, CDL, regulated by FMCSA or operations, maintenance, or emergency response function regulated by PHMSA's parts 192, 193, or 195 that is performed on a pipeline or on an LNG, must also complete a "Safety Performance History Records Request" form. The form will enable Tri-M to contact and obtain substance abuse testing information from the previous employer(s) for the two (2) years prior to employment with Tri-M or for an employee, who has been with Tri-M less than 3 years and is beginning to work at a PHMSA facility for the following:
 1. Positive drug and alcohol tests results
 2. Refusals to cooperate with testing.
 3. Any violations of DOT drug & alcohol testing regulations.
 4. Successful completion of return to duty requirements.
 All applicants & employees identified under "C" must sign a release to obtain this information. A copy of the "Safety Performance History Records Request" form can be found in Appendix D1 for FMSCA and D2 for PHMSA.
- D. All employees/applicants working under PHMSA regulations or a CDL will also be required to indicate in writing if they have tested positive, or refused to test, on any pre-employment drug test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive work during the previous two (2) years. Falsification of the above requested information will result in a withdrawal of the offer of employment or possible termination without the option of future re-hire. A copy of the "Pre-employment Alcohol and Drug Test Information Statement" can be found in Appendix C.
- E. If the CDL or PHMSA covered applicant admits that he/she has tested positive, or refused to test, on any pre-employment drug test, the applicant will not be considered for employment until the applicant can provide documentation of the successful completion of a substance abuse

treatment program as required in 49CFR Part 40 in addition, to successfully completing pre-employment substance abuse testing.

- F. An applicant, who is denied employment because of a positive test, must wait for 12 months from the date of the test before he/she can reapply for employment. In addition, the applicant must present verifiable proof that he/she has successfully completed a substance abuse treatment program, has been substance free for a minimum of 12 months, have a negative pre-employment substance abuse test, agree to 6 follow-up tests scheduled by the DER in the next 12 months at the employee's expense, and sign a "Conditions of Employment." For those covered by FMCSA or PHMSA the substance abuse treatment program must be administered by and completed under a Substance Abuse Professional (SAP).
- G. As a condition of employment, the applicant and/or employee must sign the acknowledgement that he/she has received a copy of Tri-M's Substance Abuse Prevention Policy and has agreed to abide by the terms and conditions set forth in the policy.

VII. Prohibitions:

- A. The manufacture, possession, use, sale, consumption or distribution of a controlled substance, illicit drugs or alcoholic beverages on Tri-M property, in Tri-M vehicles, at any jobsite or while conducting Tri-M business is strictly prohibited.
- B. Employees shall not report to work while under the influence and/or in an impaired condition due to the ingestion, use or consumption of controlled substances, illicit drugs, or alcohol.
- C. Refusal to submit to any pre-employment, pre-assignment, random, post-accident, reasonable suspicion, return to duty or follow-up drug or alcohol test will be grounds for withdrawal of offer of employment or termination of employment.
- D. The use of alcohol is further prohibited as follows:
 - 1. No covered employee shall use alcohol within the 4 hours before driving or performing another safety sensitive function.
 - 2. No covered employee shall report for duty, remain on duty or perform another safety sensitive function with an alcohol concentration of 0.04 or greater. An alcohol concentration of 0.04 is considered a positive test for alcohol.
 - 3. Covered employees who have an alcohol concentration of 0.02 or greater, but less than 0.04 shall be prohibited from performing safety sensitive functions for 24 hours.
 - 4. No covered employee shall use alcohol for up to 8 hours following an accident or until the employee completes a post accident alcohol test.
- E. Possession and use of prescription medication is permitted under the following conditions:
 - 1. The medication is prescribed specifically for the employee, is prescribed by a licensed physician and is in a container labeled with standard prescription information that has not expired.
 - 2. The employee has been informed by the prescribing physician that the medication does not cause impairment of the employee's mental or physical capabilities or otherwise interfere with the employee's ability to perform safety sensitive functions.
 - 3. Exception: A person testing positive for the use of medicinal marijuana, even though prescribed by a licensed physician, is a violation of this policy and will be handled as all other positives.
- F. An employee who must use prescription medication that impairs his/her mental or physical capability, must inform the Human Resources Director/Manager about the medication and will be prohibited performing any safety sensitive function until a licensed physician presents documentation that the employee is no longer impaired by the use of the medication.

VIII. Types of Testing:

- a. General Guidelines: Tri-M's Substance Abuse Prevention program will test applicants and employees for controlled substances (drugs) and alcohol under the following guidelines:
 1. All applicants and rehires applying for safety-sensitive positions, and current employees performing safety-sensitive functions are subject to urine drug testing and breathe alcohol testing. Where not prohibited by regulation, other testing methods such as oral fluids, blood and hair may be used.
 2. All drug and alcohol testing shall follow the collection, chain of custody and reporting procedures set forth in 49 CFR Part 40.
 3. Urine drug testing will be conducted for the following reasons:
 - a. Pre-employment screening
 - b. Random
 - c. Reasonable Suspicion
 - d. Post-Accident
 - e. Pre-assignment
 - f. Return to Duty
 - g. Follow-up Testing
 4. Breath Alcohol testing will be conducted for the following reasons:
 - a. Random DOT FMCSA/CDL only. There are no random alcohol tests for PHMSA.
 - b. Reasonable Suspicion
 - c. Post-Accident
 - d. Return to Duty
 - e. Follow-up Testing
 5. During regular business hours, drug and alcohol testing will be conducted by Tri-M's Occupational Health Centers or the TPA's designated collection sites.
 6. Outside of regular business hours contact the Safety Director, HR Director/Manager, DER or Tri-M's TPA, First Lab at 1-800-732-3784 for post-accident testing locations and procedures. Afterhours testing location information is also available at the back of the panel physicians list found in the green vehicle packets. Whether or not a DER is reached, employees have a responsibility to go for testing under this policy.
 7. Failure to cooperate with any drug or alcohol test procedures, or failure to report for any drug or alcohol test, as determined by the DER, will be considered a refusal to test and will be subject to the consequences of Section X.

- b. Controlled Substances (Drugs):

For DOT purposes all controlled substance testing will test for the following five drugs or classes of drugs and their metabolites: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

For non-DOT purposes all substance abuse testing will test for the previous five drugs or classes of drugs as well as barbiturates, benzodiazepines, methadone, propoxyphene, hydrocodone, hydromorphone, oxycodone, and oxymorphone. Customer contracts may also include testing for additional drugs.

Drug testing will be required in the following circumstances:

1. Pre-employment Testing
 - a. Every applicant for employment will be required to submit to and pass a urine drug test as a condition of employment. Former employees being rehired into a safety-sensitive position must complete pre-employment testing if their period of separation from Tri-M has exceeded 6 months.
 - 1) All pre-employment testing shall take place within 3 days of a job offer or the offer will be withdrawn and he/she must wait 12 months to reapply.

- 2) Should an applicant leave the testing site prior to the commencement of the testing procedure, the employment offer will be withdrawn and the applicant may not re-apply for employment until 12 months have passed.
 - 3) Should an applicant leave the testing site after beginning the testing procedure, but prior to completion of the testing procedure, this will be considered a refusal to test. The employment offer will be withdrawn and the applicant may not re-apply for employment until 12 months have passed. In addition, the applicant must provide documentation of having completed a substance abuse treatment program, pass a pre-employment test with negative results, agree to 6 follow-up tests assigned by the DER and at the employee's expense, and sign a "conditions of employment" document.
 - 4) Should an applicant test positive in pre-employment testing, the employment offer will be withdrawn and the applicant may not re-apply for employment until 12 months have passed. In addition, the applicant must provide documentation of having completed a substance abuse treatment program, pass a pre-employment test with negative results, agree to 6 follow-up tests assigned by the DER and at the employee's expense, and sign a "conditions of continued employment" document.
 - 5) No prospective employee shall be permitted to begin work until The Tri-M Group, LLC has received a verified negative pre-employment test result.
- b. An applicant with a CDL that will drive CDL required vehicles for the Company and employees who receive a commercial driver's license to operate Company vehicles must pass with negative results a DOT 5 panel pre-employment drug test. The new or existing employee will then be placed into the DOT CDL driver's random pool.
 - c. An applicant or existing employee going to work on a site requiring PHEMSA drug testing must pass with negative results a DOT 5 panel pre-employment drug test. The employee will then be placed into the PHMSA random pool. If an employee is removed from the PHMSA random pool due to no PHMSA work and is later expected to go on a PHMSA site, they must pass another DOT pre-employment drug screen and be put back in the PHMSA random pool.
2. Random Testing: All employees are subject to random drug testing.
 - a. The Tri-M Group, LLC will use a Third Party Administrator (TPA) to administer the random drug testing program.
 - b. All employees having a commercial driver's license and eligible to drive Tri-M vehicles requiring drug testing under FMCSA will be placed in a pool of drivers. Employees, who perform an operations, maintenance, or emergency response function regulated by 49CFR part 192, 193, or 195 that is performed on a pipeline or on an LNG facility under the Pipeline Hazardous Materials Safety Administration (PHMSA), will be in a separate pool. If there is only a small pool of PHMSA employees, they could be included in the FMSCA/CDL pool excluding random alcohol. Performing a covered function includes actually performing, ready to perform, or immediately available to perform a covered function. All other Tri-M employees are in a third non-DOT pool.
 - c. CDL carrying employees tested under FMCSA for pre-employment and random drug testing meet the requirements for PHMSA.
 - d. The rate for random testing for employees covered by the FMSCA and PHMSA will be determined by the Federal Department of Transportation.
 - e. The rate for random testing all other employees is 50% a year.
 - f. The selection of employees for random testing shall be made by a scientifically valid method with each covered employee having an equal chance of being selected.
 - g. Random testing will be conducted on a quarterly basis throughout the calendar year with all random tests being unannounced. All selected employees must complete testing during the quarter in which they are selected.

- h. Should an employee be unavailable to test during a quarter due to an extended leave, lay off, or termination; a replacement will be selected from the alternate list beginning with the first available employee.
 - i. Should the DER's or HR/Safety Personnel's (one assisting with the random program) names appear on the Quarter's random or alternate lists; they must go immediately for a random drug screen.
 - j. Selected employee will be given verbal notice on the day of the testing and must immediately proceed to the collection site or within no more than 30 minutes, plus travel time, once notified by the appropriate company official.
 - k. Random testing will be performed at Company designated sites and by trained collectors.
3. Reasonable Suspicion Testing: Any employee suspected of being under the influence of drugs is subject to reasonable suspicion testing.
- a. This determination to test shall be based on specific, clearly stated observations of the employee's appearance, behavior, speech, or body odors.
 - b. The required observation must be made by a supervisor(s) or other Company official, who is trained in accordance with FMCSR 382.603 regarding the signs and symptoms of drug use.
 - c. The determination to test must be made by a DER. The supervisor/manager alone cannot make the determination to test for reasonable suspicion, but must consult with a DER.
 - d. The employee who is subject to the reasonable suspicion test must be transported to and from the designated testing site by a Company representative.
 - e. As a safety precaution, arrangements will be made to have the employee transported to his/her home, but under no circumstances will the employee be permitted to drive his/her vehicle.
 - f. Employees undergoing reasonable suspicion testing will be suspended without pay pending test results.
 - 1) If results are negative, the employee will be reinstated immediately and will receive back pay for all time missed.
 - 2) If results are positive, the employee will remain suspended without pay and the procedures in Section X will be followed.
 - g. A written record of the observations leading to the reasonable suspicion drug test, signed by the supervisor or manager who made the observation, will be completed within 24 hours or before the results of the drug test are released, using the form in Appendix E.
4. Post Accident Testing:
- a. Any employee operating a commercial motor vehicle or working on a PHMSA covered site that is involved in an accident is subject to DOT post-accident testing under the following circumstances:
 - 1) If the accident involved a vehicle covered by FMCSA 49 CFR Part 382 and any of the following conditions resulted:
 - a) A fatality;
 - b) An employee is cited within 32 hours of the accident for a moving traffic violation and the accident involved injury to any involved party requiring medical treatment away from the scene.
 - c) An employee is cited within 32 hours of the accident for a moving traffic violation and the accident resulted in the towing of one or more of the vehicles from the scene.
 - 2) It is the employee's responsibility to inform the DER/Safety or HR Manager immediately of any citation received within 32 hours of the accident.
 - 3) Each employee working on a PHMSA covered site whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be post-accident drug tested. An accident is an incident

reportable under 49CFR Part 191 involving gas pipeline facilities or LNG facilities or an accident reportable under Part 195 involving hazardous liquid pipeline facilities.

- a) 191.3 – An accident on a gas pipeline or LNG facility is defined as an "incident," as follows:
 - (1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:
 - (i) A death, or personal injury necessitating inpatient hospitalization; or
 - (ii) Estimated property damage, including cost of gas lost, to the operator or others, or both, of \$50,000 or more.
 - (2) An event that results in an emergency shutdown of an LNG facility.
 - (3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
- b) 195.50 – An accident report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:
 - (1) Explosion or fire not intentionally set by the operator.
 - (2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if this release is:
 - (i) Not otherwise reportable under this section;
 - (ii) Not one described in 195.52(a)(4);
 - (iii) Confined to company property or pipeline right-of-way; and
 - (iv) Cleaned up promptly;
 - (3) Death of any person.
 - (4) Personal injury necessitating hospitalization;
 - (5) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.
- 4) A covered employee who is subject to post-accident testing must remain readily available for such testing or may be deemed as refusing to test.
- 5) Employees must report immediately to the designated testing facility upon notification that they are subject to post-accident testing.
- 6) If testing is required and not completed within 32 hours, all attempts to complete the testing shall end. The Safety Manager will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.
- b. Non-DOT post accident testing: Employees involved in a work place accident or while operating a Company vehicle (includes DOT vehicles or Pipeline work where no DOT post-accident test was required) or personal vehicle for Company business will be required to submit to drug and/or alcohol testing even if they do not exhibit observable symptoms of being under the influence.
 - 1) A work place accident is as an incident that causes death to any person or bodily injury that requires treatment by a licensed physician or results in damage to any equipment or property rendering it unusable or requiring repairs.
 - 2) A vehicle accident, regardless of fault, is defined as an incident:
 - a) during which an employee who is driving a Company vehicle, or mobile equipment, damages that vehicle, mobile equipment, any equipment or property, or while driving the vehicle or mobile equipment causes death or bodily injury requiring treatment by a licensed physician with the exception of:
 - Broken windshield from road hazards
 - Damage to vehicle as a result of striking wildlife

- Flat tire resulting from road hazards, as long as there is no other vehicle damage

OR

- b) during which an employee is operating a company vehicle or mobile equipment that involves a second party
 - 3) The drug and alcohol testing must take place as soon as practical, preferably within two (2) hours of the accident but not longer than eight (8) hours for alcohol or thirty-two (32) hours for drugs. An employee who does not cooperate with the time limits for post-accident testing will at management's discretion, receive disciplinary action, up to and including termination.
5. Pre-assignment Testing:
- a. Pre-assignment clauses generally require that the Company HR or Safety Department certify that the employees at a job site have had a current negative drug and/or alcohol test within a specified time period.
 - b. If an employee's last test does not fall within the specified time period, the employee must undergo drug and/or alcohol testing as required by the pre-assignment clause.
 - c. Pre-assignment testing will take place on an as needed basis and the employee will be given immediate verbal notice of test type, date, time and place.
6. Return to Duty Testing:
- a. Any employee covered by FMCSA or PHMSA who has tested positive in any type of drug test, or has self-declared a substance abuse problem will be subject to return to duty testing prior to the performance of any safety-sensitive function.
 - 1) Prior to being recommended for return to duty testing, the employee must have completed an initial evaluation with the Company designated SAP, must have completed all SAP recommended education and/or treatment plans and must have completed a follow-up SAP evaluation to the satisfaction of the SAP and the DER.
 - 2) Prior to conducting the return to duty testing, the DER must receive from the SAP: documentation that all education and/or treatment plans have been successfully completed, that a follow-up drug and/or alcohol testing plan has been developed for the employee, and that any recommendations for continuing education and/or treatment have been finalized.
 - b. All other employees who test positive in any type of drug test, or has self-declared a substance abuse problem will be subject to return to duty testing prior to returning to work.
 - 1) Prior to being recommended for return to duty testing, the employee must have completed an initial evaluation with the Company's EAP and must show compliance with all EAP recommended education and/or treatment plans to the satisfaction of the EAP and the DER. The DER must also receive from the EAP documentation of the finalized follow-up drug and/or alcohol testing plan developed for the employee.
 - 2) Failure to successfully complete all required education and/or treatment will result in termination.
 - c. Return to duty testing will be performed at Company-designated sites and by trained collectors and at the Company's expense.
 - d. The negative results of the return to duty test must be verified prior to the employee performing any safety-sensitive function(s), ie. return to work.
 - e. Failure to pass the return to duty test will result in termination.
7. Follow-Up Testing: Any employee who has had a drug violation and has returned to safety-sensitive duty will be subject to follow-up testing.
- a. The number of follow-up tests will consist of a minimum of six (6) tests in the first twelve (12) months.
 - b. For follow-up testing under the FMCSA or PHMSA

- 1) The frequency of follow-up testing for positive tests under the FMCSR will be determined by the SAP and may continue for an additional 48 months following the initial 12-month period.
- 2) The SAP must submit to the DER, a written follow-up testing plan, which must include the types of tests to be conducted.
- c. Follow-up testing will be unannounced and will be performed at Company designated sites and by trained collectors.
- d. Employees must report immediately to the designated testing facility upon notification that they are subject to follow-up testing.
- e. All follow-up testing will be at the employee's expense and will be payroll deducted.
- d. All alcohol testing will test for the presence of alcohol in employees performing safety-sensitive functions by means of a deep lung breath sample. Alcohol testing will be required in the following circumstances:
 1. Random Testing: All employees covered by FMSCA who perform safety-sensitive functions are subject to random alcohol testing.
 - a. The Tri-M Group, LLC will use a Third Party Administrator (TPA) to administer the random alcohol-testing program.
 - b. All employees eligible to drive Tri-M vehicles requiring alcohol testing under FMCSR will be placed in a pool of drivers.
 - c. The rate for random testing will be determined by the Federal Department of Transportation as described in FMCSR 382.
 - d. The selection of employees for random testing shall be made by a scientifically valid method with each covered employee having an equal chance of being selected.
 - e. Random testing will be conducted on a quarterly basis throughout the calendar year with all random tests being unannounced. All selected employees must complete testing during the quarter in which they are selected.
 - f. Selected employee will be given verbal notice on the day of the testing and must proceed to the test site immediately.
 - g. Random testing will be performed at Company-designated sites and by trained technicians
 2. Reasonable Suspicion Testing: Any employee, suspected of being under the influence of alcohol is subject to reasonable suspicion testing.
 - a. This determination to test shall be based on specific, clearly stated observations of the employee's appearance, behavior, speech, or body odors.
 - b. The required observation must be made by a supervisor(s), or other Company official, who is trained in accordance with FMCSR 382 regarding the signs and symptoms of alcohol use.
 - c. The determination to test must be made by a DER. The supervisor/manager alone cannot make the determination to test for reasonable suspicion, but must consult with a DER.
 - d. The employee who is subject to the reasonable suspicion test must be transported to and from the designated testing site by a Company representative.
 - e. As a safety precaution, for test results other than a clear negative result, arrangements will be made to have the employee transported to his/her home, but under no circumstances will the employee be permitted to drive his/her vehicle.
 - f. The employee who is subject to reasonable suspicion testing will be prohibited from performing safety-sensitive functions until testing is completed. The employee's ongoing duty status will be determined by test results.
 - g. If reasonable suspicion alcohol testing is required and not completed within 2 hours, the Safety Manager/DER will prepare and maintain a record stating the reason why the test was not promptly administered. If testing is required and not completed within 8 hours, all attempts to complete the testing shall end and the Safety Manager/DER will prepare and maintain a record stating the reason why the test was not administered.

- h. A written record of the observations leading to the alcohol reasonable suspicion test, signed by the supervisor or manager who made the observation, will be completed within 24 hours or before the results of the alcohol test are released, using the form in Appendix E.
3. Post Accident Testing: Any employee operating a commercial motor vehicle that is involved in an accident is subject to post-accident testing under the following circumstances:
 - a. If the accident involved a vehicle covered by FMCSR 49 CFR Part 382 and any of the following conditions resulted:
 - 1) A fatality; or
 - 2) An employee is cited within 8 hours of the accident for a moving traffic violation and the accident involved injury to any involved party requiring medical treatment away from the scene; or
 - 3) An employee was cited within 8 hours of the accident for a moving traffic violation and the accident resulted in the towing of one or more of the vehicles from the scene.
 - b. It is the employee's responsibility to inform the Safety Manager/DER immediately of any citation received within 8 hours of the accident.
 - c. A covered employee who is subject to post-accident testing must remain readily available for such testing or may be deemed as refusing to test.
 - d. For employees covered under PHMSA see reasons for post-accident drug testing for a description as to when post-accident alcohol testing is required.
 - e. Employees must report immediately to the designated testing facility upon notification that they are subject to post-accident testing.
 - f. If testing is required and not completed within 2 hours, the Safety Manager/DER will prepare and maintain a record stating the reason why the test was not promptly administered. If testing is required and not completed within 8 hours, all attempts to complete the testing shall end and the Safety Manager/DER will prepare and maintain a record stating the reason why the test was not administered.
 - g. For non-DOT post accident alcohol testing see the Controlled Substances (Drugs) section.
 4. Return to Duty Testing: Any employee who has tested positive in any type of alcohol test, or has self-declared an alcohol abuse problem will be subject to return to duty testing prior to the performance of any safety-sensitive function.
 - a. For return to duty testing under the FMCSA or PHMSA:
 - 1) Prior to being recommended for return to duty testing, the employee must have completed an initial evaluation with the company designated SAP, must have completed all SAP recommended education and/or treatment plans and must have completed a follow-up SAP evaluation to the satisfaction of the SAP and the DER.
 - 2) Prior to conducting the return to duty testing, the DER must receive from the SAP documentation that all education and/or treatment plans have been successfully completed, that a follow-up drug and/or alcohol testing plan has been developed for the employee, and that any recommendations for continuing education and/or treatment have been finalized.
 - b. For non-DOT alcohol return to duty testing requirements see the Controlled Substances (Drugs) section.
 - c. Return to duty testing will be performed at Company-designated sites and by trained technicians and at the Company's expense.
 - d. The negative results of the return to duty test must be verified prior to the employee performing any safety-sensitive function(s).
 - e. An employee will only be given only one opportunity to participate in the return to duty process.

5. Follow-Up Testing: Any employee who has had an alcohol violation and has returned to safety-sensitive duty will be subject to follow-up testing.
 - a. The number of follow-up tests will consist of a minimum of six (6) tests in the first twelve (12) months.
 - b. For follow-up testing under the FMCSA or PHMSA
 - 1) The frequency of follow-up testing for positive tests under the FMCSA and PHMSA will be determined by the SAP and may continue for an additional 48 months following the initial 12-month period.
 - 2) The SAP must submit to the DER, a written follow-up testing plan, which must include the types of tests to be conducted.
 - c. Follow-up testing will be unannounced and will be performed at company-designated sites and by trained collectors.
 - d. Employees must report immediately to the designated testing facility upon notification that they are subject to follow-up testing.
 - e. All follow-up testing will be at the employee's expense and will be payroll deducted.

IX. Testing Problems:

- A. Drug Testing
 1. Employee makes no attempt to provide specimen
 - a. Collector will document that the employee made no attempt to provide a specimen.
 - b. Collector will notify DER of occurrence.
 - c. The employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 2. Insufficient Specimen Quantity: Employee is unable to provide a sample meeting the minimum volume requirement.
 - a. Employee will be permitted to consume up to 40 ounces of liquids, spread reasonably over 3 hours, until a sufficient specimen is produced.
 - b. If unable to provide a sufficient specimen, the DER will be notified and the employee will be removed from safety-sensitive service. Within 24 hours, the employee must undergo a medical examination by a Tri-M panel physician, to determine if a medical cause exists for the inability to provide the specimen.
 - c. If no medical cause can be found, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 - d. If the employee refuses to attend the doctor's evaluation, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 3. Specimen Temperature Out of Range: Employee provides a specimen that has a temperature outside of the acceptable 90-100 F range.
 - a. The original specimen will be processed as usual with documentation of temperature out of range.
 - b. A second specimen will be collected immediately under direct observation by an observer of the same gender.
 - c. Both specimens will be processed and forwarded to the testing laboratory.
 - d. The collector will notify the DER.
 - e. Should the employee leave the testing site prior to the completion of the testing procedures, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 4. Adulterated and/or Substituted Specimen
 - a. The specimen has been presented to the collector and the collector has determined that the specimen has been adulterated and/or substituted.

- b. The original specimen will be processed as usual with documentation of temperature out of range, adulteration or substitution.
 - c. A second specimen will be collected under direct observation by an observer of the same gender.
 - d. Both specimens will be processed and forwarded to the testing laboratory.
 - e. The collector will notify the DER.
 - f. Should the employee leave the testing site prior to the completion of the testing procedures, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
5. Dilute specimen
- a. If the MRO informs Tri-M that a positive drug test was dilute, it is treated as a verified positive test and no further testing will be done.
 - b. If the MRO informs Tri-M that a negative test was dilute and the creatinine concentration is greater than 2mg/dL and less than or equal to 5mg/dL immediately conduct a re-test under direct observation.
 - c. If the MRO informs Tri-M that a negative test was dilute and the creatinine concentration is greater than 5mg/dL, a re-test will be immediately conducted without direct observation unless there is another basis to use direct observation.
 - d. Minimum advance notice must be given for any re-test.
 - e. The results of the re-test are the results of record and not the original dilute sample.
 - f. If the re-test is also negative and dilute the result will be considered negative unless directed by the MRO to re-conduct the test under direct observation.
 - g. If the employee or perspective employee declines to re-test, it will be recorded as a refusal to test and a positive.
6. Employee refuses to complete all necessary paperwork
- a. The collector should note on the CCF that the employee would not provide all requested information.
 - b. The collection process should be completed by the collector.
 - c. Should the employee leave the testing site prior to the completion of the testing procedures, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
- B. Alcohol Testing
- 1. The employee refuses to sign Step #2 of the Alcohol Testing form
 - a. The collector will document that the employee refused to sign the form.
 - b. The collector will notify the DER of occurrence.
 - c. The employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 - 2. The employee makes no attempt to provide a specimen.
 - a. The collector will document that the employee made no attempt to provide a specimen.
 - b. The collector will notify the DER of occurrence.
 - c. The employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 - 3. The employee is unable to provide an adequate breath specimen.
 - a. If unable to provide a sufficient specimen, the DER will be notified and the employee will be removed from safety-sensitive service. Within 24 hours, the employee must undergo a medical examination by a Tri-M panel physician, to determine if a medical cause exists for the inability to provide the sample.
 - b. If no medical cause can be found, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.
 - c. If the employee refuses to attend the doctor's evaluation, the employee will be considered as having refused to be tested. All test refusals will be treated as "positive" results.

X. Consequences of Policy Violations:

A. Reasons for Removal from Service & For Treatment Referral

1. Any employee who is treated as a positive under Section IX, receives a verified positive drug test result or a verified positive alcohol test from the Company's Third Party Administrator's Medical Review Officer or an MRO for another TPA, used for testing under contract, will be suspended without pay immediately for 10 workdays. The employee will be referred to The Tri-M Group, LLC's Employee Assistance Program (EAP) for any first time violation.
2. For employees under the FMCSA or PHMSA all requirements of 49 CFR Part 40, Subpart 0, regarding evaluation, treatment and return to work testing, must be met prior to resuming the performance of any DOT regulated safety-sensitive functions.
3. For all policy violations that do not fall under the FMCSA or PHMSA the requirements of this policy must be met.
4. Procedures for Positive Drug Test Results
 - a. Employees whose DOT drug tests are positive have seventy-two hours from the time of being notified of the positive results to request that the MRO have the split specimen tested in a different HHS lab. Actions for positive tests required by this policy and the DOT are not stayed pending the results of split specimen testing. If split specimen testing does not confirm the positive results obtained in the testing of the primary specimen, the MRO will void the test and the employee will be reinstated and returned to the random testing program. The cost for split specimen testing will be payroll deducted from the employee.
 - b. Within two (2) business days of being suspended, the employee must provide written notification to Tri-M Management regarding his or her intentions to retain employment and efforts to return to work.
 - c. An employee who, at the sole discretion of the Company is permitted to return to work shall do so subject to the following conditions in addition to any other conditions deemed appropriate by the Company:
 - 1) Sign a "Conditions for Continued Employment"
 - 2) Completion of a substance abuse evaluation conducted by Company EAP or SAP (for DOT).
 - 3) Completion of an approved counseling, education or rehabilitation program as recommended by Company EAP or SAP (for DOT).
 - 4) Passing of a "return to duty" drug test (negative results) conducted by a Company designated facility.
 - d. In addition, the employee will be subjected to a minimum of six (6) randomly scheduled drug follow-up tests for a one (1) year period after returning to work. Follow-up testing must take place at a Company designated facility and will be at the employee's expense. The SAP can require additional follow-up testing for DOT drivers and covered employees under PHMSA.
 - e. Return to duty and follow-up drug testing for employees under the FMCSA and PHMSA are done under direct observation by an observer of the same gender. The employee is required to raise and lower his or her clothing to be checked for the presence of prosthetic devices.
 - f. Failure by an employee to complete the EAP or SAP substance abuse evaluation or an approved counseling education or rehabilitation program or to pass any of the follow-up drug tests will result in termination.
 - g. In the event the employee tests positive (drugs present) in a subsequent test after returning to work, the employee will be terminated immediately.
 - h. An employee counseling form (Appendix F) must be completed when an employee's drug test is positive.

5. Alcohol

a. Any employee subject to an alcohol test of any type, whose results indicate a breath alcohol concentration greater than .02% but less than .04% will be removed from safety-sensitive service immediately and may return to duty as follows:

1) At the beginning of the employee's next regularly schedule shift, but not less than 24 hours following the administration of the test, for any employee covered by FMCSA 49 CFR Part 382 or PHMSA. An alcohol test must be performed, with results less than .02 %.

- a) If screening breath alcohol testing indicates a level of .02 or greater, confirmatory screening will be conducted.
- b) If confirmatory testing reveals an alcohol concentration of .02 or greater, but less than .04, the employee will be prohibited from performing safety sensitive functions for twenty-four (24) hours.
- c) If confirmatory breath alcohol testing indicates a level of .04 or greater, the test is considered positive and the employee will be suspended without pay immediately. Within two (2) business days of being suspended, the employee must provide written notification to Tri-M Management regarding his or her intentions to retain employment and efforts to return to work.
- d) An employee who at the sole discretion of the Company is permitted to return to work, shall do so subject to the following conditions in addition to any other conditions deemed appropriate by the Company:
 - 1) Completion of a substance abuse evaluation conducted by the Company EAP.
 - 2) Completion of an approved counseling, education or rehabilitation program as recommended by the Company EAP.
 - 3) Passing of a "return to duty" alcohol test (negative results) conducted by a Company designated facility.
- e) In addition, the employee will be subject to a minimum of six (6) random "follow-up" tests for a one (1) year period after returning to work. Follow-up testing must take place at a Company designated facility and will be at the employee's expense. The SAP can require additional follow-up testing for DOT drivers or PHMSA covered employees.
- f) Failure by an employee to complete the EAP or SAP substance abuse evaluation or an approved counseling, education or rehabilitation program or to pass any of the "follow-up" alcohol tests will result in termination.
- g) In the event an employee tests positively (alcohol level of .04 or greater) in a subsequent test after returning to work, the employee will be terminated immediately.
- h) Employees who hold a CDL or who work at pipeline facilities and whose breath alcohol level is .02 but less than .04, will be prohibited from performing safety sensitive functions for twenty-four (24) hours.
- i) An employee counseling form (Appendix F) must be completed when an employee's alcohol test is positive.

B. Reasons for Termination

1. Any employee/applicant not in compliance with the Conditions of Employment (Section VI) of this policy shall be discharged or will have the offer of employment withdrawn.
2. Any employee/applicant not in compliance with the prohibitions (Section VII) of this policy shall be discharged or will have the offer of employment withdrawn.
3. Any employee/applicant who refuses to submit to any drug or alcohol test required by this policy shall be discharged. A refusal will consist of the following conditions:

- a. Fails to appear for any test (except pre-employment – 3 days) within a reasonable time (2 hours), as determined by the Company, consistent with applicable DOT regulations, after being directed to do so by the Company.
 - b. Fails to remain at the testing site until the testing is complete.
 - c. In the case of a directly observed or monitored collection in a drug test, fails to cooperate with the observation or monitoring of the driver's provision of the specimen;
 - d. Fails to provide a urine specimen or 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;
 - e. Fails or declines to take a second test the employer or collector has directed the driver/employee to take;
 - f. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (In the case of a pre-employment test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment);
 - g. Fails to cooperate with any part of the testing process; or
 - h. Is reported by the MRO as having a verified adulterated or substituted test result.
- 4. Any temporary, part-time, casual, contracted employee or regular employee during his/her Introductory Period of employment, which is the first 90-days of employment, who tests positive for drugs or alcohol, will be terminated upon confirmation of the positive test results.
 - 5. Any employee who receives a second verified positive drug test result or a second verified positive alcohol test will be terminated.
- C. Re-applying for Employment
- 1. Any person who tests positive as a result of a pre-employment drug test or for any drug test after successfully completing a treatment program will be disqualified from further consideration for employment for a period of 12 months from the date of the positive test.
 - 2. After one year the person may reapply for employment under the following conditions:
 - a. He/she provides proof of the successful completion of a substance abuse rehabilitation program acceptable to the Company's EAP. The program must be completed after the termination for the above positive result, but before consideration for re-employment.
 - b. Have a negative re-employment substance abuse test.
 - c. Agree to 6 follow-up tests scheduled by the DER in the next 12 months at the employee's expense, in addition to any Company paid random tests.
 - d. Sign a "conditions of re-employment" document.
 - 3. Any subsequent positive drug screen would lead to immediate termination and a permanent exclusion from re-hiring.

XI. Self Declaration of a Substance Abuse Problem:

- A. Employees are encouraged to voluntarily seek assistance in dealing with substance abuse or alcohol dependency.
- B. Confidential professional assistance and referral for treatment and rehabilitation services are available through Tri-M's Employee Assistance Program (EAP) provided by Human Management Services (HMS).
- C. Self-declaration or request for assistance with a substance abuse problem will not, in itself, be grounds for disciplinary action.
- D. An employee's duty status will be determined following the EAP's assessment of the employee's substance abuse problem.
- E. An employee who self-declares must comply with the recommendations of the EAP's assessment including successfully completing a substance abuse treatment program and

successful completion of return to work and 6 follow-up drug and/or alcohol testing. Follow-up testing is at the employee's expense.

- F. A self-declaration will not prevent the administration of appropriate disciplinary action for misconduct or work performance problems not related to substance abuse.
- G. Under no circumstances will participation in an EAP program protect the employee from disciplinary action for violations of Tri-M's substance abuse and prevention policy.

XII. Employee Assistance Program:

- A. The Tri-M Group, LLC will contract with an Employee Assistance Program (EAP) to provide Substance Abuse Professional (SAP) assessment services for all covered employees.
- B. Covered employees will be required to use the contracted EAP for all assessment, educational and treatment referrals and return to duty clearance.
- C. Basic EAP services, including assessment and referral services, will be provided at no cost to employees.
- D. EAP referrals for educational and/or inpatient or outpatient substance abuse treatment will be at the employee's expense. Every attempt will be made to use referral resources covered by the employee's group health plan.
- E. The EAP will also provide employee and supervisory substance abuse prevention training.
- F. Information about the EAP and how to access services will be posted on employee bulletin boards at all offices and will be provided to employees at employee orientation and periodically through newsletters and payroll stuffers.
- G. The EAP will provide a written SAP report directly to the DER and will share information about the employee's compliance with treatment recommendations in a timely manner.
- H. In compliance with FMCSR Part 40, the SAP's evaluation and recommendation is final and there is no option for a second SAP evaluation.

XIII. Training and Information:

- A. Each covered employee will receive a copy of Tri-M's Substance Abuse Prevention Policy at the time of hire and whenever the Policy and/or program is updated so that the employee can fully understand the requirements and responsibilities of the program.
- B. Each covered employee will sign an acknowledgment form stating that he/she has received the policy and understands that it is his/her responsibility to read and understand its requirements.
- C. Employees can contact the Safety Manager and/or the Human Resources Director regarding questions about compliance and enforcement of the Substance Abuse Prevention Program.
- D. Substance abuse prevention training will include information about the effects of alcohol on a person's health, work and life; the signs and symptoms of drug and alcohol abuse; and the importance of intervention to protect employee health and safety.
- E. Supervisors will receive a minimum of 2 hours of training regarding drug and alcohol abuse prevention which covers the physical, behavioral, speech, and performance indicators and which will enable them to determine whether or not reasonable suspicion exists.

THE TRI-M GROUP, LLC
SUBSTANCE ABUSE PREVENTION POLICY

DEFINITIONS

- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- **Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- **Alcohol use** means the consumption of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.
- **Breath Alcohol Technician (or BAT)** means an individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).
- **Chain of custody** means the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) for employees under the FMCSR. For all other non-FMCSR testing requirements, employees use a non-DOT Custody and Control Form.
- **Collector** means a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who completes the CCF.
- **Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 1. Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
 2. Has a gross vehicle weight rating of 26,001 or more pounds (11,794 or more kilograms); or
 3. Is designed to transport 16 or more passengers, including the driver.
- **Confirmation (or confirmatory) Test**
 1. ***In testing for alcohol:*** a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. An evidential breath testing device must be used.
 2. ***In testing for controlled substances:*** a second procedure to
 - a. Identify and quantify the presence of a specific drug or metabolite; or
 - b. Further support a validity test result in the case of an adulterated, diluted, or substituted specimen.
- **Confirmed drug test** means a confirmation test result received by an MRO from a laboratory.
- **Controlled substances** -In the regulations the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
 1. For DOT required testing:
 - a. Marijuana
 - b. Cocaine
 - c. Opiates
 - d. Amphetamines

- e. Phencyclidine (CPC)
- 2. In addition to the five DOT required substances, under The Tri-M Group, LLC's Substance Abuse Prevention Policy for non-DOT required testing all employees will also be tested for the following:
 - a. Barbiturates
 - b. Benzodiazepines
 - c. Methadone
 - d. Propoxyphene
- 3. Some customers require testing for additional substances.
- **Designated employer representative (DER)** is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove Tri-M employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Company. Service agents cannot serve as DERs.
- **Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer. The Tri-M Group, LLC considers any employee operating any Company vehicle or their own vehicle for Company business a driver and subject to non-DOT required testing under this policy where a DOT test is not required.
- **Drug** See "Controlled Substances"
- **Evidential breath testing device (EBT)** is a device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration (NHTSA) and has been placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices".
- **FMCSA** means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.
- **Medical Review Officer (MRO)** is a person who is a licensed physician (Doctor of Medicine or Osteopathy) and who is responsible for receiving and reviewing laboratory results generated by the company's drug testing program and evaluating medical explanations for certain drug test results.
- **Refusal to submit (to an alcohol or controlled substances test)** means that a driver, other Tri-M employee, or individual extended an offer of employment:
 1. Fails to appear for any test (except DOT pre-employment) within a reasonable time (employees are to leave in time for the scheduled testing time, but must present to test within 2 hours), consistent with applicable DOT regulations and this Policy, after being directed to do so by the Company;
 2. Fails to remain at the testing site until the testing is complete (except DOT pre-employment if the driver leaves before the testing process begins);
 3. Fails to provide a urine specimen for any DOT or non-DOT required drug test (except DOT pre-employment if the driver leaves before the testing process begins);
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
 5. Fails 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. Fails or declines to take a second test the employer or collector has directed the driver to take;
 7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment);
 8. Fails to cooperate with any part of the testing process including but not limited to failure to empty pockets, confrontation with the collector, found to be with an adulterant, or found to have a prosthetic device; or is reported by the MRO as having a verified adulterated or substituted test result.
- **Safety-sensitive function** means all time from the time a driver begins to work is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:
 1. All time at an employer terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the company;
 2. All time inspecting equipment as required by Secs. 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 3. All time spent at the driving controls of a commercial motor vehicle in operation;
 4. All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of Sec. 393.76);
 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; and
 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
 7. For non-DOT purposes all Tri-M jobs and driving any Company vehicle or personal vehicle for Company business.
 - **Substance abuse professional (SAP)** is a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP must be:
 1. a licensed physician (Doctor of Medicine or Osteopathy);
 2. a licensed or certified social worker;
 3. a licensed or certified psychologist;
 4. a licensed or certified employee assistance professional; or
 5. a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/ Alcohol and Other Drug Abuse (ICRC).
 - **Third-party administrator (TPA)** is a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services for the Company. TPAs typically perform administrative tasks concerning the operation of the company's drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. TPAs are not "employers."



THE TRI-M GROUP, LLC'S SUBSTANCE ABUSE PREVENTION POLICY

Contact Information

LabCorp Testing Labs:

1. 69 First Ave, Raritan, NJ 08869
2. 1904 Alexander Dr., Research Triangle Park, NC 27709
3. 1120 Main St., Southaven, MS 38671
4. 7207 North Gessner, Houston, TX 77040

Medical Review Officer:

1. Dr. Natalie Hartenbaum 100 Highpoint Dr., Ste. 102, Chalfont, PA 18914

Employee Assistance Program:

1. HMS 1-800-343-2186

Substance Abuse Professional:

1. Debbie Clifton 835 Springdale Rd, Suite 100, Exton, PA 19341
2. Joe Marocco 835 Springdale Rd, Suite 100, Exton, PA 19341
3. Brad Moyer 835 Springdale Rd, Suite 100, Exton, PA 19341

Designated Employer Representative:

1. Mark Weaber 204 Gale Lane, Kennett Square, PA 19348 610-444-1000x122
2. Amanda Novak 206 Gale Lane Kennett Square, PA 19348 610-444-1000x114