

DOT ALCOHOL AND CONTROLLED SUBSTANCES POLICY

Just Us Trucking LLC is committed to protecting the safety, health and well being of all employees and other individuals in our workplace as well as complying with Federal Motor Carrier Safety Regulations. We have established a policy on the misuse of alcohol and use of controlled substances for drivers of this company's Commercial Motor Vehicles (CMVs) that are required to hold a Commercial Driver's License (CDL) to meet the requirement of the Federal Motor Carrier Safety regulations.

It is this company's goal to implement a program that is designed to deter and detect the use of illegal controlled substances and the misuse of alcohol by employees performing safety-sensitive transportation functions.

Federal regulations require that employers conduct alcohol and controlled substances testing of drivers who operate commercial motor vehicles, mechanics, and supervisors with a commercial driver's license who fill in. Of course, all the details of every possible situation can not be anticipated, so **Just Us Trucking LLC** reserves the right to determine the appropriate application of this policy and general employment policies to any particular case.

The following conditions and activities are expressly prohibited:

The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on company premises or property, or during work time, or while representing **Just Us Trucking LLC** in any work-related fashion.

Reporting for work having consumed alcohol or used illegal controlled substances or controlled substances at a time, or in such quantities, or in a manner that may impair work performance. For purposes of this policy, having any detectable level of an illegal or controlled substance, or alcohol with an alcohol concentration of .02 or greater, in one's system while covered by this policy will be considered to be a violation.

This policy provides guidelines for circumstances under which the Federal Motor Carrier Safety Administration (FMCSA) and the United States Department of Transportation (DOT) mandated testing must be conducted. For a detailed review of procedures related to this policy, please reference 49 CFR Part 382 and 49 CFR Part 40.

Applicability

Any individual who operates a Commercial Motor Vehicle and is required to hold a Commercial Driver's License is subject to our Controlled Substance & Alcohol policy. Our policy includes, but is not limited to drivers who operate commercial motor vehicles, mechanics, and supervisors with a commercial driver's license who fill in.

Definitions

Adulterated specimen A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

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 under this part (BAC).

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Approved laboratory means a laboratory which is certified, licensed, or accredited by National Institute of Drug Abuse (NIDA) (for drug testing), or Substance Abuse & Mental Health Service Administration (SAMHSA) or State of New York Department of Health (for drug and/or alcohol testing), **Just Us Trucking LLC** will contract only with a laboratory that is approved under the guidelines of these accrediting agencies.

Breath Alcohol Technician (BAT) is an individual who is certified as trained to operate an Evidential Breath Testing device (EBT) and who is proficient in breath-testing procedures.

Collection site means a place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances or a blood sample to measure the concentration of alcohol.

Commercial driver's license (CDL) means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes an individual to operate a class of a commercial motor vehicle.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Transports hazardous materials.

Company property includes Company-owned/leased buildings, property, vehicles and parking lots.

Confirmatory test/retest means a test used to confirm the presence of a controlled substance or alcohol in a specimen. The confirmatory test is a second, and the confirmatory retest is a third, analytical procedure which is independent of the initial test, and which uses a different technique and chemical principle from that of the initial test to ensure reliability and accuracy. The sample for the controlled substance confirmatory test and retest will be drawn from the same urine sample originally supplied by the employee. An alcohol initial and confirmatory test and retest (if requested) will be drawn from an employee's blood sample. If breath alcohol testing is conducted, a confirmatory test (a second test following a screening test with a result of 0.02 or greater) will be conducted 15 minutes later which provides quantitative data of alcohol concentration.

Controlled substance abuse includes prescribed drugs that are being used for a non-prescribed purpose, or in a manner that is inconsistent with a prescription.

Controlled substances mean marijuana (THC), cocaine, amphetamines (including methamphetamines), opiates, phencyclidine (PCP), heroin metabolite 6-Acetylmorphine (6MAM) and the designer amphetamine MDMA (Methylenedioxymethamphetamine, Ecstasy).

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 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 owner-operator contractors.

Employee means any employee of **Just Us Trucking LLC** or persons employed with an employment agency working for **Just Us Trucking LLC**.

Evidential Breath Testing Device (EBT) A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

Illegal Drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any country and Federal, State and local laws and regulations in the United States. Drug and controlled substances that are not legally obtainable, or are legally obtainable but have not been legally obtained, are considered to be illegal drugs. Examples include street drugs such as cocaine, heroin, marijuana, and phencyclidine and controlled substances such as amphetamine and methamphetamine.

Initial screening test for controlled substances means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Medical Review Officer (MRO) A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's controlled substance testing program and evaluating medical explanations for certain controlled substance test results.

Positive test result means a finding of the presence of drugs, alcohol, or their metabolites in the sample test at levels at or above the threshold detection levels (page 10).

Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer;
- (2) Fails to remain at the testing site until the testing process is complete for a random, reasonable suspicion, post-accident, return to duty or follow-up test.
- (3) Fails to provide a urine specimen for a random, post-accident, return to duty or follow-up test or any DOT controlled substance test, other than a pre-employment if the employee has left the testing site before the testing process begins.
- (4) In the case of a directly observed or monitored collection in a controlled substance test, fails to permit the observation or monitoring of the driver's provision of a 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 controlled substance 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 (e.g., refuse to empty pockets when so directed by the collector).
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.
- (10) Admits to the collector that he or she adulterated or substituted their specimen.
- (11) Behaves in a confrontational way that disrupts the collection process.
- (12) Fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
- (13) Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
- (14) Refuses to wash his or her hands – after being directed to do so.

Safety-sensitive function means all time from the time a driver begins to work or 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 shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment 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;
- (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, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Substance Abuse Professional (SAP). A person who evaluates employees who have violated a DOT controlled substance and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen. A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Preemption of State and local laws.

- (a) Except as provided in paragraph (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:
 - (a)(1) Compliance with both the State or local requirement in this part is not possible; or
 - (a)(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.
- (b) This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.

Rules of Conduct

A driver who is concerned that his/her BAC might be above 0.02 just before performing a safety-sensitive function may request to be tested for alcohol. If the test result is above 0.02, a driver who self-initiates an alcohol test will be removed from safety-sensitive functions without consequence. The driver will be placed on unpaid leave until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If an employee is concerned about drug and alcohol use by a coworker at work, or of drug trafficking, or of safety or job performance as it relates to another employee's drug and alcohol use, including managers and supervisors, under independent authority such concern may be reported confidentially to Designated Employee Representative without fear of recrimination or reprisal by the Company.

Prohibitions

Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

On-duty use

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in [§382.107](#), who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- (b) No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- (c) An employer may require a driver to inform the employer of any therapeutic drug use.

Pre-Duty use

No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

Use following an accident

No driver required to take a post-accident alcohol test under § 382.303 shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Other alcohol-related conduct

No driver tested who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for **Just Us Trucking LLC**, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Refusal to submit to a required alcohol or controlled Substances test

No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Testing

Testing Procedures

Every reasonable effort shall be made to obtain the most accurate controlled substances test result. If initial screening test is non-negative, a confirmatory test will be conducted at an approved lab.

To further ensure maximum accuracy, **Just Us Trucking LLC** will contract only with collection sites and testing labs that follow strict standards regarding methods specimen collection and a written chain of custody in order to help ensure that the specimen test result is accurate and attributed to the person who provided the sample.

Testing shall be conducted utilizing urine, blood, saliva, breath, hair, or any other bodily tissue sample to determine chemical or drug content. Rapid drug and alcohol initial screening tests may also be utilized with GS/MS Confirmation for any non-negative screening results.

Urine samples will be screened for cocaine, marijuana, amphetamines (and methamphetamine), opiates, and phencyclidine (PCP), and their drug metabolites.

Alcohol tests, alcohol screens, and alcohol confirmatory tests will be conducted on blood specimens and/or breath samples. Alcohol confirmatory retests may be redone only when blood specimens have been used.

Adulteration (or attempted adulteration) shall be considered and handled according to the policy as a refusal to test or positive result.

Just Us Trucking LLC reserves the right to reject the results of a non-testable specimen. (A non-testable specimen includes, but is not limited to, a dilute specimen, an insufficient specimen, and a specimen that contains interfering substances.)

No employee will be tested without his written consent.

The cost of initial and confirmatory testing for full-time, part-time or temporary employees shall be borne by **Just Us Trucking LLC**. Any non-negative results for pre-employment shall be presented and discussed with applicant. If requested, GS/MS Confirmation shall be paid for by the applicant. If result is reported as negative, **Just Us Trucking LLC** shall reimburse applicant.

The cost of an employee-requested confirmatory retest must be paid by the employee.

Personnel action will be taken based only on a positive confirmatory test or confirmatory retest. No personnel action shall be taken as a result of a positive initial screening test alone.

Any non-negative GC/MS Confirmation shall be forwarded to the MRO (Medical Review Officer) whom shall contact the employee to obtain information which may explain the non-negative result. The result reported by the MRO shall be documented and deemed as fact. Consequences shall be in accordance with this policy

An employee who admits to being under the influence of alcohol, illegal drugs, or misused legal drugs, or whom **Just Us Trucking LLC** concludes has violated this or any other **Just Us Trucking LLC** policy may be terminated or otherwise disciplined without a controlled substances or alcohol test.

Types of alcohol and controlled substance tests

Pre-employment: (a) Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.

(b) An employer is not required to administer a controlled substances test required by paragraph of this section if:

(b)(1) The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and

(b)(2) While participating in that program, either:

(b)(2)(i) Was tested for controlled substances within the past 6 months (from the date of application with the employer), or

(b)(2)(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and

(b)(3) The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

- (c)(1) An employer who exercises the exception in paragraph (b) of this section shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:
 - (c)(1)(i) Name(s) and address(es) of the program(s).
 - (c)(1)(ii) Verification that the driver participates or participated in the program(s).
 - (c)(1)(iii) Verification that the program(s) conforms to [part 40](#) of this title.
 - (c)(1)(iv) Verification that the driver is qualified under the rules of this part, including that the driver has not refused to be tested for controlled substances.
 - (c)(1)(v) The date the driver was last tested for controlled substances.
 - (c)(1)(vi) The results of any tests taken within the previous six months and any other violations of [subpart B](#) of this part.
- (c)(2) An employer who uses, but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with [§382.401](#). If the employer cannot verify that the driver is participating in a controlled substances testing program in accordance with this part and [part 40](#) of this title, the employer shall conduct a pre-employment controlled substances test.
- (d) An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:
 - (d)(1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
 - (d)(2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
 - (d)(3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
 - (d)(4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of [49 CFR part 40](#) of this title.
 - (d)(5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

A driver will not be allowed to perform a safety sensitive function until **Just Us Trucking LLC** has received a negative controlled substance test result.

Post-Accident: As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, **Just Us Trucking LLC** will require a DOT test for alcohol and controlled substances for each surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within 8 hours under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- b. 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.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. A driver required to take a post-accident alcohol test shall not use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If a driver is required to take a post-accident alcohol and/or controlled substance test, the tests must be performed using the following time table:

1. Alcohol
 - a. If the test is not administered within two hours following the accident, **Just Us Trucking LLC** shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
 - b. If the test is not administered within eight hours following the accident, **Just Us Trucking LLC** shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
 - c. Records shall be submitted to the FMCSA upon request.
2. Controlled Substance
 - a. If a test is not administered within 32 hours following the accident, **Just Us Trucking LLC** shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.
 - b. Records regarding DOT tests shall be submitted to the FMCSA upon request.

An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

Exception. This section does not apply to:

- (h)(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (h)(2) An occurrence involving only the loading or unloading of cargo; or
- (h)(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in [§571.3](#) of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with [§177.823](#) of this title.

Random: Companies are to randomly test drivers at a minimum annual percentage rate of 10% of the number of drivers for alcohol testing, and 50% for controlled substances testing. The random alcohol test must be performed immediately prior, during or immediately after a driver is about to, or has performed a safety sensitive function. All drivers must have an equal chance of being selected.

THIS POLICY IS NOT AN EMPLOYMENT CONTRACT OR AN OFFER OF AN EMPLOYMENT CONTRACT.
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The FMCSA Administrator could increase or decrease the minimum annual percentage rate for alcohol and controlled substances testing based on the reported positive rate for the entire industry. All information used for this determination is drawn from the controlled substances management information system reports required by [§382.403](#).

Reasonable Suspicion: **Just Us Trucking LLC** will require a driver to submit to an alcohol and/or controlled substance test when **Just Us Trucking LLC** has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The required observations shall be made by a supervisor or company official who has attended a Reasonable Suspicion course.

Return-to-Duty: **Just Us Trucking LLC** will ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited conduct concerning alcohol or controlled substances, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

Follow-up: The Substance Abuse Professional will establish a follow-up testing plan. The employer must ensure that the follow-up testing plan is carried out. A minimum of six unannounced tests must be conducted in the first 12 months, and the driver may be subject to this test for a maximum of 60 months.

Consequences

A driver who has engaged in prohibited conduct (including accidents and reasonable suspicion determinations) will be immediately removed from performing safety-sensitive functions, including driving. Until a determination has been completed concerning alcohol and/or drug use.

Just Us Trucking LLC will provide to each employee who violates a DOT controlled substance and alcohol regulation a listing of SAPs with names, addresses, and telephone numbers.

It will be the employee's responsibility to obtain a SAP evaluation or any subsequent recommended education or treatment.

Drivers who have successfully complied with the SAPs evaluation recommendations may re-apply for a position with **Just Us Trucking LLC**.

No driver who has engaged in prohibited conduct shall perform safety-sensitive functions for **Just Us Trucking LLC** including driving a commercial motor vehicle, unless the driver is actively completing the return-to-duty process or has completed the return-to-duty process.

Return to Duty Process

In order to return to a DOT safety-sensitive duty following a violation, the driver must, provide, to **Just Us Trucking LLC**, an evaluation by a SAP and documentation showing the driver has successfully complied with the SAP's evaluation recommendations. All costs relating to the SAP evaluation or any subsequent recommended education or treatment will be the responsibility of the employee.

Before returning to the performance of safety-sensitive function, a driver must take a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative controlled substance test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

Any driver who does not complete the return-to-duty process will be terminated.

A driver who has completed the return to duty process will be eligible for applying for a safety-sensitive position at **Just Us Trucking LLC**. An employee who has met the condition of the return-to-duty process is not guaranteed the same position will be available.

Follow-Up Testing

Just Us Trucking LLC will carry out the SAP's follow-up testing requirements. Follow-up testing will be scheduled on dates of **Just Us Trucking LLC** own choosing, they will be unannounced with no discernable pattern as to their timing, and the employee will not be given advance notice.

Other tests (e.g., those carried out under the random testing program) conducted on the employee cannot be substituted for this follow-up testing requirement. Follow up tests that have been cancelled will not be counted as a completed test. A cancelled follow-up test will be recollected.

Testing Procedures

Every reasonable effort shall be made to obtain the most accurate controlled substances test result. If initial screening test is non-negative, a confirmatory test will be conducted at an approved lab.

To further ensure maximum accuracy, **Just Us Trucking LLC** will contract only with collection sites and testing labs that follow strict standards regarding methods specimen collection and a written chain of custody in order to help ensure that the specimen test result is accurate and attributed to the person who provided the sample.

Urine Specimen Collection: Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended. The collection procedures are designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be to preserve the individual's privacy as much as possible consistent with ensuring an accurate result. Drivers will be required to empty their pockets before providing the controlled substance test specimen.

Laboratory Analysis: As required by 49 CFR Part 40, only a laboratory certified by the Department of Health and Human Services (DHHS) will be retained by **Just Us Trucking LLC** to perform the analysis of the urine specimen for controlled substances. The initial screening test will be performed by immunoassay and will test for substances and at cutoff levels required by 49 CFR Part 40, as amended. All specimens identified as positive on the initial screening test will be confirmed using gas chromatography/mass spectrometry techniques at cutoff levels required by 49 CFR Part 40, as amended.

Breath Alcohol: Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures. Either a breath or saliva test by an EBT device will be used for the testing.

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to **Just Us Trucking LLC**. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to **Just Us Trucking LLC**.

The laboratory must test for the following thirteen drugs or classes of drugs in a DOT drug test.

Cutoff Concentrations for Drug Tests

Initial test analyte	Initial test cutoff ¹	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA) ²	50 ng/mL ³	THCA	15 ng/mL.
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL.
Codeine/ Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL. 2000 ng/mL.
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.
MDMA ⁴ /MDA ⁵	500 ng/mL	MDMA MDA	250 ng/mL. 250 ng/mL.

Retention of Records

Records will be maintained for all alcohol misuse and controlled substances use prevention programs in a secure location with controlled access. Records will be maintained in accordance with the following schedule:

1. *Five years*
 - a. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
 - b. Records of driver verified positive controlled substances test results,
 - c. Documentation of refusals to take required alcohol and/or controlled substances tests,
 - d. Driver evaluation and referrals,
 - e. Calibration documentation,
 - f. Records related to the administration of the alcohol and controlled substances testing programs, and
 - g. A copy of each annual calendar year summary required by § 382.403.
2. *Two Years:* Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) shall be maintained for two years.
3. *One Year:* Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.
4. *Indefinite period.* Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
5. *Types of records.* The following specific types of records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of this part. If the record is required to be prepared, it must be maintained.
 - (1) Records related to the collection process:
 - (i) Collection logbooks, if used;
 - (ii) Documents relating to the random selection process;
 - (iii) Calibration documentation for evidential breath testing devices;
 - (iv) Documentation of breath alcohol technician training;
 - (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
 - (vi) Documents generated in connection with decisions on post-accident tests;
 - (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and
 - (viii) A copy of each annual calendar year summary as required by §382.403.

Access to Records

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each driver shall, upon written request, be entitled to receive copies of his/her own records, and to have copies of his/her records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative or related proceedings (e.g., grievances and arbitration) initiated by or behalf of the driver.

Employee notifications

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to **Just Us Trucking LLC**. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to **Just Us Trucking LLC**.

Just Us Trucking LLC will notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this part if the test results are verified positive. **Just Us Trucking LLC** shall also inform the driver which controlled substance or substances were verified as positive.

The designated employer representative shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver. The designated employer representative shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 72 hours.

Confidentiality

All information acquired in the controlled substances and alcohol testing process, including but not limited to the results of an employee's controlled substances or alcohol test and/or information regarding assessment recommendations and an employee's treatment program reports will be kept in secured files in the Office, separate from personnel files, and will be held in confidence. Disclosure will be limited to members of **Just Us Trucking LLC**. Unless otherwise permitted or required by law, **Just Us Trucking LLC** will not disclose this information to any other employer, individual, or organization without the employee's written consent.

Designated Employer Representative (DER)

The primary Designated Employer Representative (DER) for **Just Us Trucking LLC** will be:

Josh Enger
701-289-0049

The DER is authorized by **Just Us Trucking LLC** to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. A DER also receives test results, SAP reports, and other communications on behalf of **Just Us Trucking LLC**.

Just Us Trucking LLC may, however, designate additional DER's at any time.

Designated Employee Contact

The primary Designated Employee Contact for **Just Us Trucking LLC** will be:

Josh Enger
701-289-0049

Clearing House Reporting:

The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- (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 required by subpart C of this part;
- (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.

Effects of Alcohol Misuse & Controlled Substance Use

The chronic consumption of alcohol or the use of controlled substances over time may result in the following life consequences:

Health: dependency on alcohol; fatal liver disease; increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma; kidney disease; decreased sexual functioning; pancreatitis; spontaneous abortion and neonatal mortality; ulcers; and birth defects.

Work: impairment in coordination and judgment and increased likelihood of having an accident than that of a sober person.

Personal Life: increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide and greater exposure to other forms of accidents.

Signs and Symptoms: dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuporous condition, slowed reaction rate and slurred speech.

If you believe that you or a co-worker has an alcohol or substance abuse problem please seek help. If you would like to find a treatment facility, check the yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

***THIS DRUG AND ALCOHOL POLICY IS NOT AN EMPLOYMENT CONTRACT,
OR AN OFFER OF AN EMPLOYMENT CONTRACT***

Just Us Trucking LLC may change, alter, or eliminate any or all portions of this policy as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstance. An up-to-date copy of the policy is kept in the office of the Designated Employer Representative (DER). Employees may request to see the policy at any time during normal business hours.

CERTIFICATE OF RECEIPT

Federal law requires applicants to indicate whether they have previously refused to be tested or received a positive test result on any pre-employment for any other DOT employer. Please provide this information below. It is a federal offense to falsify this information.

- I have NOT tested positive on a pre-employment drug test for any other DOT employer in the past two years, nor have I refused to be tested. (If so, please sign below, and complete the remainder of this form.
- Yes, I tested positive (or I refused to be tested) on a pre-employment drug test for another DOT employer in the past two years. (If so, please sign below, and do not continue.)

Driver's Signature	Driver's Printed Name	Date
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Each applicant for a DOT-covered position at **Just Us Trucking LLC**, after being notified that he/she will be offered a job, must be drug tested, in accordance with federal regulations 49 CFR Part 382. If the test result is positive, or if the applicant refuses to submit to a pre-employment test, the job offer will be withdrawn.

We must have a negative test result in our file before we can request or allow an employee to provide safety-sensitive function for us.

The cost of the initial screening test and the confirmatory test will be paid by **Just Us Trucking LLC**.

A positive dilute drug test will be considered to be a positive test. A negative dilute drug test (or the report of an invalid specimen) will result in the employee being required to immediately take another test, with minimum advance notice.

Every applicant who provides a positive test result will have an opportunity to speak with a Medical Review Officer about any recent use of prescription and non-prescription drugs that might explain the positive test result.

An applicant whose test result is positive may, within 72 hours, request a re-test, at his/her own expense. The re-test will be conducted on the same sample as was provided for the initial test, and must be conducted by a different certified testing laboratory.

My signature below means that I have read this information, that I have had an opportunity to review a copy of the **Just Us Trucking LLC** drug and alcohol policy, and that if I am offered a position, I consent to being tested for drugs as a condition of employment.

Driver's Signature	Driver's Printed Name (Employee to receive duplicate copy)	Date
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CERTIFICATE OF RECEIPT

Federal law requires applicants to indicate whether they have previously refused to be tested or received a positive test result on any pre-employment for any other DOT employer. Please provide this information below. It is a federal offense to falsify this information.

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Driver's Signature	Driver's Printed Name	Date
(Original to be kept in Driver Qualification Folder)		