

Drugs and Alcohol Policy

Cowtown Bus Charters, Inc. is dedicated to the health and safety of our drivers. Drug and/or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of Cowtown Bus Charters, Inc. to prevent the use of drugs and abuse of alcohol from having an adverse effect on our drivers.

The serious impact of drug use and alcohol abuse has been recognized by the federal government. The Federal Highway Administration (FHWA) has issued regulations which require the company to implement an alcohol and controlled substances testing program.

The purpose of the FHWA issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

The company will comply with these regulations and is committed to maintaining a drug-free workplace.

It is the policy of Cowtown Bus Charters, Inc. that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the company premises, engaged in company business, operating company equipment, or while under the authority of Cowtown Bus Charters, Inc. is strictly prohibited. Disciplinary action will be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The company retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective 11/1/99, and will supersede all prior policies and statements relating to alcohol or drugs.

Drugs and Alcohol Procedures

Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FHWA's drug and alcohol regulations, 49 CFR Part 382.

Non Regulatory Requirements

The Federal Motor Carrier Safety Regulations (FMCSR) set the minimum requirements for testing. The company's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSR and what is company procedure.

Who is Responsible?

It is the company's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. The company will retain all records related to testing and the testing process in a secure and confidential matter.

Cowtown Bus Charters, Inc.'s alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is:

- William Pippin
- General Manager
- 5404 Forest Hill Dr.
Fort Worth Texas 76119
- 817.654.1287

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of established threshold

levels while on duty. The driver will not use alcohol when preparing to perform a 'safety-sensitive' function, while performing a 'safety-sensitive' function, or immediately after performing a 'safety-sensitive' function.

All supervisors shall make every effort to be aware of a driver's condition at all times the driver is in service of the company. The supervisor shall be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary.

Definitions

When implementing and interpreting the drug and alcohol policies and procedures required by the FHWA as well as the policies and procedures required by the company, the following definitions apply:

- 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, mixture, or preparation, including any medication, containing alcohol.
- Breath Alcohol Technician (or BAT). An individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).
- CFR means Code of Federal Regulations.
- Collection site. A place designated by the company, where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
- 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 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
 2. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- Consortium means an entity, including a group or association of employers or contractors, that provides alcohol or controlled substances testing as required by this part, or other DOT alcohol or controlled substances testing rules, and that acts on behalf of the employers.
- Controlled substances has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V and any subsequent revisions to the list. The list can be found in 21 CFR 1308.

In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FHWA in accordance with the requirements established in 49 CFR, Section 40.29(e) (f).

- Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1. Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
 2. Exclusions.
 - I. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - ii. Tire disablement without other damage even if no spare tire is available.
 - iii. Headlight or taillight damage.
 - iv. Damage to turn signals, horn, or windshield wipers which make them inoperative.
- 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 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.
 - Drug means any substance (other than alcohol) that is a controlled substance as defined in this policy and 49 CFR Part 40.
 - EBT (or evidential breath testing device). An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's 'Conforming Products List of Evidential Breath Measurement Devices' (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.
 - FHWA means Federal Highway Administration, U.S. Department of Transportation.
 - Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
 - Medical Review Officer (MRO). A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
 - Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
 - Prescription Medications means the use (by a driver) of legally prescribed medications issued by a licensed health care professional familiar with the driver's work related responsibilities.
 - Refuse to submit (to an alcohol or controlled substances test) means that a driver:
 1. fails to provide adequate breath for alcohol testing as required by part 40 of this title, without a valid medical explanation, after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part,
 2. fails to provide an adequate urine sample for controlled substances testing as required by part 40 of this title, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or
 3. engages in conduct that clearly obstructs the testing process.
 - 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 as required by Secs. 392.7 and 392.8 of this subchapter 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 of this subchapter);
 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.
- Screening test (also known as initial test) In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.
 - Substance abuse professional. A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Alcohol Prohibitions

FHWA regulation (Part 382, Subpart B) prohibits any alcohol misuse that could affect performance of a safety-sensitive function.

This alcohol prohibition includes:

- use while performing safety-sensitive functions;
- Having any residual levels 4 hours before performing safety-sensitive functions;
- reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.00 or greater;
- use of alcohol for up to 12 hours following an accident or until the driver undergoes a post-accident test; or
- refusal to take a required test.

NOTE: A driver found to have an alcohol concentration of 0.00 or greater shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Drug Prohibitions

The regulations (Part 382, Subpart B) prohibit any drug use that could affect the performance of safety-sensitive functions, including:

- use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under California Proposition 215 or the use of any Schedule I drug under Arizona Proposition 200 is not a legitimate medical explanation. Under federal law, the use of marijuana or any Schedule I drug does not have a legitimate medical use in the United States.);
- testing positive for drugs; or
- refusing to take a required test.

All drivers will inform Fleet safety officer of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

Condition for Employment

A driver applicant, who has refused a drug or alcohol test, failed a random, reasonable suspicion, post accident, return to duty, follow up alcohol test, or tested positive for controlled substances will not be considered for employment with Cowtown Bus Charters, Inc.

Circumstances for Testing

Pre-Employment Testing (Sec. 382.301): All driver applicants will be required to submit to and pass a urine drug test as a condition of employment.

Driver applicant drug testing shall follow the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

An employee of Cowtown Bus Charters, Inc. transferring to a driving position is also subject to and must pass a urine drug test as a condition of the transfer.

An employee who tests positive for drugs or alcohol will not be considered for a driving position for two years.

Cowtown Bus Charters, Inc. will require a pre-employment drug test for all new employees regardless of their 30 day prior status.

Cowtown Bus Charters, Inc. must also ensure that no prior employer of the driver has a record of violations of any DOT controlled substance use rule for the driver in the previous 6 months.

Cowtown Bus Charters, Inc. must contact the previous employer's testing program prior to using the driver and obtain the following information:

- the name and address of the program (usually the driver's prior and/or current employer);
- verification that the driver participates or participated in the program;
- verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
- verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
- the date the driver was last tested for alcohol or drugs; and
- the results of any drug or alcohol test administered in the previous 6 months, and any violations of the alcohol misuse or drug use rules.

Reasonable Suspicion Testing (Sec. 382.307): If the driver's supervisor or another company official designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a breath test and/or urinalysis.

The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or another company official will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test.

Per FHWA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or after the driver is performing a safety sensitive function.

Per Cowtown rule, if the driver tests 0.00 or greater for alcohol the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle for at least 24 hours.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within 2 hours.

If the test was not administered within 8 hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.

A written record of the observations leading to a controlled substance reasonable suspicion test, signed by the supervisor or company official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is first.

A written record of the observations leading to a reasonable suspicion test for alcohol use will be completed and signed by the supervisor who made the observation within 24 hours of the observed behavior.

A driver awaiting the results of a reasonable suspicion drug test will be suspended.

Post-Accident Testing (Sec. 382.303): Drivers are to notify Fleet safety officer as soon as possible if they are involved in an accident.

According to FHWA regulations (Sec. 382.303), if the accident involved:

- A fatality,
- Bodily injury with immediate medical treatment away from the scene and the driver received a citation, or
- Disabling damage to any motor vehicle requiring tow away and the driver received a citation.

The driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed.

If the alcohol test is not administered within two hours following the accident Fleet safety officer will prepare a report and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within eight hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease.

Fleet safety Officer will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

Cowtown Bus Charters will test person involved as soon as possible after accident is reported.

Random Testing (Sec. 382.305): Cowtown Bus Charters, Inc. will conduct random testing for all drivers as follows:

- Cowtown Bus Charters, Inc. will use a company wide selection process based on a scientifically valid method, prescribed by FHWA regulations.
- Cowtown Bus Charters, Inc. will use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FHWA regulations.
- General manager will administer the random testing program, maintaining all pertinent records on random tests administered.

At least 25 percent of the company's average number of drivers' positions will be tested for alcohol each year. At least 50 percent of the company's average number of drivers' positions will be tested for drugs each year.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

Refusal to Submit

According to FHWA regulation 49 CFR Sec. 382.211, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A driver who refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the driver tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or tampering with a urine or breath sample.

Alcohol Testing Procedures

Alcohol testing will be conducted at Alcohol testing facility by a qualified breath alcohol technician (BAT), according to 49 CFR Part 40 Subpart C procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) will be utilized for testing under this policy.

The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the breath alcohol technician (BAT) will ask for identification.

The driver may ask the technician for identification.

The BAT will then explain the testing procedure to the driver. The BAT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. The mouthpiece of the evidential breath testing device (EBT) used in the test must be sealed before use, and opened in the driver's presence.

The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the EBT or may be displayed on the EBT. If the EBT does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the breath alcohol testing form. If the EBT prints results, but not directly onto the form, the BAT must affix the printout to the breath alcohol testing form in the designated space.

If the reading is less than 0.02, both the driver and the BAT must sign and date the result form. The form will then be confidentially forwarded to Cowtown Bus Charters, Inc.

If the reading is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.

The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same the confirmation test will be used.

Refusal to complete and sign the testing form or refusal to provide breath will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

A non-evidential breath testing or saliva testing device may be used for the screening test. The screening test technician (STT) must follow the same procedures as the BAT with the following differences:

- for saliva testing a sealed swab, rather than a mouthpiece, is used; (the swab is used to collect an adequate amount of saliva, and is then inserted into a testing device); and
- a non-evidential testing device may not be used for a confirmation test. An EBT is required.

Results: According to FHWA regulation, the BAT will transmit all results to the employer in a confidential manner. The results will be transmitted via mail, and must be done in a timely fashion so Cowtown Bus Charters, Inc. can prevent the driver who fails an alcohol test from performing any safety-sensitive functions.

If the initial transmission is not in writing, the BAT must send a copy of the driver's breath alcohol testing form as soon as possible.

Drug Testing Procedures

Drug testing will be conducted at Drug testing facility. Specimen collection will be conducted in accordance with 49 CFR Part 40, Subpart B, and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.

A drug testing custody and control form will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.

As well as the use of a custody and control form, test preparation includes:

- Use of a clean, single use specimen bottle that is securely wrapped until filled with specimen.
- Use of a tamperproof seal system designed in a manner that the specimen bottle can be sealed, revealing any unauthorized tampering (including unauthorized opening of the bottle). The system must allow for identification of the test subject, either by number or some other confidential mechanism.

- Use of a shipping container for transporting the specimens and associated paperwork which can be sealed and initialed to prevent undetected tampering.
- Written procedures and instructions for the collection site person.

The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet.

The drivers will then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The driver is then instructed to provide his/her specimen in the privacy of a stall, or otherwise partitioned area that allows for privacy.

The specimen must consist of at least 45 ml of urine. The sample must then be split in front of the driver into a primary specimen of 30 ml and a second specimen (used as the split) of 15 ml. Both bottles must be shipped in a single shipping container.

Within 4 minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature range is 90 to 100 degrees Fahrenheit. The collection site person will also inspect the specimen for color and look for any signs of contamination or tampering. Unusual signs must be noted on the collection form. Whether the specimen is suspected of being tampered with or not, it must be forwarded to the lab for testing.

If the collection site person believes the specimen was tampered with, a higher level supervisor of the collection site person, or a designated employer representative, shall review and concur with the collection site person that a second specimen will be collected immediately under the direct observation of a same gender collection site person.

The specimen must be kept in the view of the collection site person and driver at all times prior to the specimen being sealed and labeled. The specimen must be sealed and labeled by the collection site person in the presence of the driver. The identification label must be placed securely on the bottle and must contain the date, the individual specimen number, and any other identifying information required.

The driver must initial the identification label on the specimen bottle, certifying the specimen collected was his/hers.

All identifying information must be entered on the custody and control form by the collection site person.

The form must be signed, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.

Laboratory analysis: As required by FHWA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by Cowtown Bus Charters, Inc. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results. The confirmation process is done by gas chromatography/mass spectrometry (GC/MS), revealing a specific, scientific level of drug contained in a collected specimen.

Results: According to FHWA regulation, the laboratory must report all test results directly to Cowtown Bus Charters, Inc.'s medical review officer (MRO) within an average of 5 working days. All results, positive and negative, must be reported. Only specimens confirmed by the GC/MS as positive are reported as positive.

The MRO is responsible for reviewing and interpreting all positive results. The MRO must determine whether alternate medical explanations could account for the positive test results. The MRO must also give the driver who tested positive an opportunity to discuss the results prior to making a final determination that the test was positive. After the decision is made, the MRO must notify Cowtown Bus Charters, Inc.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact Fleet safety officer. This company official will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive test without having communicated with the driver about the test results if:

- the driver expressly declines the opportunity to discuss the results of the test;
- neither the MRO or employer has been able to make contact with the driver for 14 days; or
- within 5 days after a documented contact by the designated company official instructing the driver to contact the MRO, the driver has not done so.

Split Sample: As required by FHWA regulations, the MRO must notify each driver who has tested positive that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis.

Employee will pay for the testing of the split specimen.

If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DOT, Cowtown Bus Charters, Inc., and the driver.

Specimen Retention: Long term frozen storage will ensure that positive urine specimens will be available for any necessary retest. Cowtown Bus Charters, Inc.'s designated drug testing laboratory will retain all confirmed positive specimens for at least 1 year in the original labeled specimen bottle.

Confidentiality/Recordkeeping

All driver alcohol and controlled substance test records are considered confidential (Sec. 382.401). For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.

If the program administrator is unavailable, the president will have access to the alcohol and controlled substance records.

Driver alcohol and controlled substance test records will only be released in the following situations:

- to the driver, upon his/her written request;
- upon request of a DOT agency with regulatory authority over Cowtown Bus Charters, Inc.;
- upon request by the United States Secretary of Transportation;
- upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- upon request by subsequent employers upon receipt of a written request by a covered driver;
- in a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests; or
- upon written consent by the driver authorizing the release to a specified individual.

All records will be retained for the time period required in Sec. 382.401.

Driver Assistance

Driver Education and Training (Sec. 382.601): All drivers will be given information regarding this policy by their supervisor. All drivers will be given a copy of the policy.

Supervisor Training: According to FHWA regulation, all employees of Cowtown Bus Charters, Inc. designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on drug use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.

Referral, Evaluation, and Treatment (Sec. 382.605): According to FHWA regulation, a list of substance abuse professionals will be provided to all drivers who fail an alcohol test or test positive for drugs.

Discipline

According to FHWA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following company disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

Controlled Substance Positive Test Result: Upon notification that a driver tested positive for a controlled substance, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be suspended without pay until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive result, the driver will be terminated.

If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

Refusal to Test: A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and will also be considered a refusal to test. A driver whose conduct is considered a refusal to test will be terminated.

Failed Alcohol Test Result: Upon notification that a driver has failed an alcohol test (0.04% BAC or greater), the driver will be terminated.

Upon notification that a driver tested 0.02% BAC or greater, but less than 0.04% BAC in initial and confirmatory tests for alcohol, the driver will be terminated.