

	COMPANY HEALTH AND SAFETY PROGRAM	
	Document No. 8.7	Date: August 17, 2006
	Driver Drug and Alcohol Testing Program	Revision: 0

1.0 PURPOSE

The Driver's Drug Testing Program is intended to set the policy HES's Commercial Drivers License (CDL) drivers must equally follow in an effort to comply with regulations set forth by the Occupational Safety & Health Administration, New York Department of Transportation and HES's Company Policy on Substance Abuse. General employees are included in a separate program and thus are not included in this drivers testing program.

2.0 SCOPE

The goal of this program is to ensure a drug-free workforce of driver personnel who operate HES's commercial vehicles. This program applies to all HES divisions with licensed CDL drivers.

3.0 PROGRAM MAINTENANCE

This plan will be maintained by the Health & Safety Manager and approved by the Director, Environmental Services with each revision. This program will be evaluated and reviewed on an annual basis or as needed.

4.0 RESPONSIBILITIES

HES management will notify CDL drivers that alcohol or controlled substance testing is required per 49 CFR Part 382. Unannounced driver selection will be made by a lottery system organized by a company approved outside service and announced by one of the following: Health & Safety Manager or Director, Environmental Services. Results will be reviewed by the issuing person(s) and discussed with the subject employee within 48 hours after initial review.

5.0 TRAINING

Training will be administered as required by 49 CFR Part 382. HES personnel affected by this program will read and understand this program document with each new revision and sign the *Employee Consent Form* of this document.

6.0 PROHIBITED ACTS

- * No driver will report for duty or remain on duty while having a blood alcohol level of 0.04%.
- * No driver will perform safety-sensitive functions within eight (8) hours after using alcohol.

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- * No driver will use alcohol while on duty.
- * Following an accident during work hours, Drivers will be required to take a post-accident alcohol test (under 49 CFR Part 382.303) and will not use alcohol until he/she undergoes a post-accident alcohol test.
- * No driver will refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, or a reasonable suspicion alcohol or controlled substances test.
- * No driver will report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- * Alcoholic beverages and/or illegal controlled substances are not to be brought onto HES's property or transported in HES's vehicles.

HES will not allow any driver to perform a work function or activity if any of the prior prohibited acts have been identified. Any person who engages in prohibited acts is subject to immediate termination for cause.

7.0 PRESCRIPTION AND NONPRESCRIPTION MEDICATIONS

Employees using prescribed drugs or nonprescription medications which could affect the employee's ability to perform the essential functions of their job or to safely perform such job duties without posing a direct threat to their health and safety or others are required to report any known side effects to the project manager and/or the Safety Department.

Even though the use of these types of medications is not grounds for disciplinary action or termination; failure to report the use of these types of medications when required, illegally obtaining the substances, or uses which may be inconsistent with their prescription or recommendations could subject the employee to disciplinary action.

8.0 TEST REQUIREMENTS

- * *Pre-employment testing:*
HES will require the driver to undergo testing for alcohol and controlled substances as a condition of and prior to employment.
- * *Pre-assignment Testing*
HES reserves the right to require existing employees to be tested for drugs or alcohol as part of a job assignment or when returning to work after an extended period of time. When required, employees will not be assigned to a project unless they have passed the particular tests.

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- ★ *Post-accident testing:*
 HES will require the driver to undergo testing for alcohol and controlled substances as soon as practicable following an occurrence or accident involving a commercial motor vehicle operating on a public road. The driver will be tested for alcohol within two (2) hours and for controlled substances within two (2) hours of the accident.
- ★ *Random testing:*
 HES will require drivers to submit to alcohol and controlled substance testing through a random selection process. Twenty-five percent (25%) of the total drivers will be tested for alcohol at a minimum on an annual basis. Fifty percent (50%) of the total drivers will be tested for controlled substances at a minimum on an annual basis. The selection of drivers will be made by a simple random method, such as a lottery. Under the selection process used, each driver will have an equal chance of being tested each time selections are made. The tests will be unannounced and the driver will proceed to the testing facility/site as soon as notification is made and in a safe manner.
- ★ *Reasonable suspicion testing:*
 HES will require a driver to submit to an alcohol and/or controlled substances test if it has reasonable suspicion to believe that the driver has violated any of the Prohibited acts. HES's determination that reasonable suspicion exists to require the driver to undergo the test(s) will be based on specific observation concerning appearance, behavior, speech or body odors of the driver. The driver will not report back for duty until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02 or twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion concerning the use of alcohol. A written record will be made of the observations leading to a controlled substance reasonable suspicion test. The record will be signed by the supervisor or company representative who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
- ★ *Return-to-duty testing:*
 HES will require a driver to undergo a return-to-duty alcohol test after engaging in any one of the prohibited acts. Before a driver returns to duty, the results must indicate an alcohol concentration of less than 0.02.

HES will also require a driver to undergo a return-to-duty controlled substances test after engaging in any one of the prohibited acts. Before a driver returns to duty, the results must indicate a verified negative result for controlled substances use.

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9.0 SEARCHES AND INSPECTIONS

HES reserves the right at any time and with or without cause to conduct searches of company property, including vehicles, lockers, desks, filing cabinets, or equipment owned or being operated by company employees. HES also reserves the right to conduct searches of employee's personal property (such as briefcases, purses, backpacks, coats, or vehicles) when, in the view of management, there is cause or reasonable suspicion to believe that an employee is buying, selling, transporting, or otherwise in possession of illegal drugs or alcohol on company property. The employee must sign an authorization form prior to having a search or inspection conducted of the employee's personal property. A refusal to submit to, or cooperate with, a search may result in immediate disciplinary action.

10.0 MEDICAL REVIEW

The Medical Review Officer is an authorized representative of Occupational Medicine Associates Employer Health Services approved by HES. The Medical Review Officer must forward a signed, written notification of report to the Health & Safety Manager within three business days of completion of the medical review officer's review.

The Medical Review Officer will maintain dated records and notifications, identified by individual, for a minimum of five years for verified positive controlled substances test results, for a minimum of one year for negative and canceled controlled substances test results.

11.0 RECORDS RETENTION

HES's Company Safety Department will manage and maintain the confidential records of its alcohol misuse and controlled substances use drug and alcohol testing program. The records will be maintained for a minimum of five years, unless otherwise noted and will be kept in employee personnel files.

Subcontractors may be required to maintain records associated with their drug-free workplace or related program on their employees and lower tier subcontractors. HES reserves the right to request copies and audit specific program related records.

12.0 REFERRAL, EVALUATION, AND TREATMENT

Each driver who has engaged in one of the prohibited acts will be advised by HES of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances in

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accordance with Part 382.605 of this title. Those drivers will be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol and controlled substances use.

The choice of the substance abuse professional will be in accordance with the company healthcare policy for those who carry medical insurance. The cost associated with the evaluations and rehabilitation will be covered by the employee's medical insurance or the employee's own pocket. HES has provided support through the employee's medical insurance. HES will not cover the cost of any evaluations or rehabilitation.

