

<b>Anti Drug Plan Pipeline (DOT)</b>	S.O.P. 5A.1		Page 1 of 16
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STANDARD OPERATING PROCEDURE			

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## **I. INTRODUCTION**

- a. **Drug Policy** - Basic Industries of South Texas, Ltd. and its associates are committed to providing a safe, comfortable, and enjoyable work environment for its employees. Protecting company property and prohibiting adverse influences in the work place that have a detrimental effect on job performance and quality are of utmost and the highest priority.
  - i. The purpose of the anti-drug plan is to reduce accidents that result from the use of controlled substances, thereby reducing fatalities, injuries, and property damage. The presence of prohibited substances in the body is not condoned.
  - ii. Basic Industries of South Texas, Ltd. (hereinafter known as *the Company*) has adopted this policy to bring the organization into compliance with federal law.
- b. **Implementation of Anti-Drug Plan** - The Company has implemented the *Research and Special Programs Administration, Drug Testing Regulations* as set forth in **49 CFR Part 199** and the *Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs* as set forth in **49 CFR Part 40**.
- c. **Background** - The catalyst for the anti-drug plan is *Title 49 Code of Federal Regulations (CFR) Part 199*; which requires pipeline operators subject to *49 CFR Parts 192, 193, and 195*, and their contractors to test their employees for prohibited drugs under the following work-related conditions:
  - i. Pre-Employment
  - ii. Random
  - iii. Post-Accident
  - iv. Reasonable Cause
  - v. Return-to-Duty

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*Title 49 CFR Part 40* specifies procedures which must be followed by the Company when conducting drug testing in accordance to regulations issued by agencies of the *Department of Transportation*.

## II. DEFINITIONS

- a. **Accident** - an incident reportable under *Part 191* involving gas pipeline facilities or LNG facilities or an accident reportable under *Part 195* involving hazardous liquid pipeline facilities.
  - i. db191.3 - An accident on a gas pipeline or LNG Facility is defined as an “incident,” as follows:
    1. An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility; and a death, or personal injury necessitating inpatient hospitalization, or estimated property damage, including cost of gas lost, to the operator or others, or both, of \$50,000 or more.
    2. An event that results in an emergency shutdown of an LNG facility.
    3. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
  - ii. 195.50 - **An accident** report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:
    1. Explosion or fire not intentionally set by the operator.
    2. Loss of 50 or more barrels of hazardous liquid or carbon dioxide.
    3. Escape to the atmosphere of more than five barrels a day of highly volatile liquids.
    4. Death of any person.
    5. Bodily harm to any person resulting in one or more of the following: loss of consciousness; necessity to carry the person from the scene; necessity for medical treatment; or disability which prevents the discharge of normal duties or the continuance of normal activities beyond the day of the accident.
    6. Estimated damage to the property of the operator or others, or both, exceeding \$50,000.
- b. **Blind Sample** - a urine specimen submitted to the laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or contains no drugs at all (blank).
- c. **Chain of Custody** - procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition of the specimen. These procedures require that an approved drug testing custody form from a *Department of Health & Human Services (DHHS)* certified laboratory be used from time of collection to receipt by the approved

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laboratory.

- d. **Collection Site** - a designated facility where applicants or employees may present him / herself for the purpose of providing a specimen of their urine to be tested for the presence of drugs.
- e. **Collection Site Person** - a person who conducts and assists donors through the specimen collection process.
- f. **Company** - the organization that uses this anti-drug plan.
- g. **Confirmation Test** - A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Gas Chromatography / Mass Spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.
- h. **Covered Employee** - any person who performs on a pipeline or LNG facility in operating, maintenance, or emergency response function regulated by *Parts 192, 193, or 195*. This person may be employed directly by the operator, or by a contractor engaged by the operator. This could apply to “employee” or “applicant.”
- i. **Initial Test** - An immunoassay screen to eliminate “negative” urine specimens from further consideration.
- j. **Operator** - an owner or operator of the pipeline facility in which the Company is working.
- k. **Negative Test Result** - The initial testing or confirmation testing under DOT procedures does not show the presence of a prohibited drug in the person’s system.
- l. **Pipeline** - All parts of the physical facilities through which product moves in transportation. This includes pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, delivery stations, holders, and fabricated assemblies.
- m. **Pipeline Facilities** - This includes new and existing pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of products.
- n. **Positive Test Result** - The confirmation test result shows a definite presence of a prohibited drug, under DOT procedures, in the person’s system.
- o. **Prohibited Drug** - This includes: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines / methamphetamines.
- p. **Refusal to Submit** - Refusal by a person to provide a urine specimen after receiving notice of the requirement to be tested in accordance with this anti-drug plan.
- q. **SAMHSA** - *Substance Abuse and Mental Health Services Administration*, was National Institute on Drug Abuse, ADAMHA, HHS was established by the DHFIS in 1986 to regulate laboratories performing drug tests on human body fluids for employment purposes in the public sector.

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### **III. COMPANY AND EMPLOYEE RESPONSIBILITIES**

- a. The Company will elect a company representative (Drug Program Manager) who shall be responsible for the preparation of this Anti-Drug Plan, including liaison with any contractor which comply with the requirements of the *Department of Transportation* regulations as set forth in *49 CFR Parts 199 and 40*.
- b. This person shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling random drug testing and return to duty testing; maintaining a locked file system on drug testing results; and overseeing the employee assistance program (EAP) as it is defined in *49 CFR Part 199.19*. This person will ensure that all covered employees are aware of the provisions and coverage of this anti-drug plan.
- c. The Company's Supervisors working under this plan shall be responsible for observing the performance and behavior of employees; as well as responsible for the request of a second supervisor in the observation and documentation of events possibly requiring a "reasonable cause" drug test.
- d. All information generated in association with this Anti-Drug Plan inherently sensitive and will be treated and labeled as "*confidential*" at all times. The procedures for protecting drug test results will comply with the Privacy Act, 5 U.S.C. 552a, and the patient access and confidentiality provisions of Section 503 of Public Law 100-71.
- e. The Company's Employees have the responsibility to be aware and knowledgeable of this plan and to fully comply with the provisions herein.

### **IV. INDIVIDUALS SUBJECT TO TESTING**

- a. Any applicant / employee who will perform on a pipeline, an operating, maintenance, or emergency response function regulated by *Part 192, 193, or 195*, will be subject to drug testing under this plan.
- b. This includes an employee of the operator or a contractor engaged by the operator.

### **V. PROCEDURES FOR NOTIFYING EMPLOYEES**

- a. All covered employees will be provided a complete copy of the anti-drug plan or a condensed version of the plan. If a condensed copy is issued, the summarized version will indicate where the entire plan may be obtained for the employee's review.
- b. Upon receipt of this anti-drug testing plan, each supervisor shall post the plan in a prominent location that is readily accessible to all covered employees.

## VI. SUBSTANCES / CUT-OFF LEVEL

- a. The following classes of drugs are tested under *Federal Mandated DOT Regulations* and as per this **Plan**.
- b. Initial cut off levels are used when screening specimens to determine whether they are negative.
- c. Confirmation levels are used when confirming a specimen that has screened positive at the initial levels.

Substance	Cut-off:	Initial	Confirmation
Amphetamine/ Methamphetamine		1000 ng/ml	500 ng/ml
Opiates		300 ng/ml	300 ng/ml
Phencyclidine (PCP)		25 ng/ml	25 ng/ml
Cocaine		300 ng/ml	150 ng/ml
Cannabinoids (THC)		50 ng/ml	15 ng/ml

- d. All specimens will be initially screened for the use of prohibited substances using an immunoassay test, which will eliminate negative urine specimens from further, or confirmatory, testing. Specimens which result in a positive after the initial screen will be subject to a confirmation test and the confirmation testing levels using a more stringent and precise testing methodology, **Gas Chromatography / Mass Spectrometry** technology.

## VII. DRUG TESTS REQUIRES

- a. **Pre-employment:** Prior to the first time a covered employee performs a covered function for *the Company*, he or she will first have to pass a pre-employment drug test. *The Company* will not allow a covered employee to perform the covered function until he or she has received a drug test result from the MRO indicating a verified negative test result. A covered employee will also be given a pre-employment drug test if that employee is transferred from a non-covered function to a covered function. The employee must receive a verified negative result from the MRO prior to performing the duties of the covered function. This also applies to an employee returning from a leave of absence who has not been participating in the *Anti-Drug Plan* and subject to the random election process.
- b. **Random:** *DOT regulations* require that covered employees be subject to drug testing on an unannounced and random basis. All covered employees, after they are pre-employment tested, will participate in a random drug testing program. The primary purpose for random testing is to deter prohibited drug and alcohol use and to ensure a drug free workforce. *Analytical Testing of Texas, Inc.* will randomly select employees working in a covered function for a drug test. A.T.T.I.

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shall conduct a minimum of twenty-five percent (25%) of all covered employees each calendar year, selected on a quarterly basis. Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with the employee's social security number or employee ID number.

- i. The process will be unannounced as well as random. Employees will be notified that they have been selected for testing after they have reported for duty.
  - ii. Specimen collections will be conducted on different days of the week throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule of collection.
  - iii. The *Drug Program Manager* will notify the employee which has been selected for testing to report to the appropriate collection location. This process will take place only after the employee has reported for duty. Once notified, the employee will have 30 minutes, plus travel time, to report to the collection site.
- c. **Post Accident** - As soon as practicable, but not later than 32 hours after an accident, each covered employee will be drug tested if that employee's performance either contributed to the accident or cannot be discounted as a contributing factor to the accident.
- i. A covered employee who is subject to a post accident drug test must remain readily available for testing or may be deemed by the employer to have refused to submit to testing. However, nothing in this paragraph should be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical car.
  - ii. Attempts to conduct post-accident drug testing will cease 32 hours after the accident, even if no drug test has been conducted. Nevertheless, all reasonable measures will be taken to obtain a urine specimen from an employee after an accident.
  - iii. In the case of a conscious but hospitalized employee, the company will request that the hospital obtain a specimen, following the *Department of Transportation Drug Testing Requirements* provided in *49 CFR Parts 40 and 199*. A sample will not be taken unless the employee is conscious and can agree to a post-accident test.
- d. **Reasonable Cause** - In conjunction with supervisor training on the signs and symptoms of drug use, reasonable cause testing is designed to provide management with a tool to identify employees who may pose a danger to themselves and others while under the influence of drugs.
- i. If an employee is at work in a condition that raises concern regarding their

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safety or productivity, Supervisors must then make a determination as to whether there is reasonable cause to request a drug test. The decision to test must be based on a reasonable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use.

- ii. At least two of the employee’s supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. This agreement between the two supervisors can be accomplished by phone, by discussions a few hours later, or by having another supervisor travel to the job site, if only one supervisor is available at the particular job site.
  - iii. In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:
    - 1. Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment altered reason, exists, or a change in an employee’s prior pattern of work performance, especially where there is some evidence of drug related behavior on or off the job site.
    - 2. Evidence of illegal substance use, possession, sale, or delivery while on the job site, or any properties of the company.
    - 3. Physical signs and symptoms consistent with substance abuse.
    - 4. In the event of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.
  - iv. The suspected employee will not be allowed to proceed alone to or from the collection site. Following the collection process, the employee will not be allowed to return to the job until the company has received the drug test results. Arrangements will be made for transportation of the employee to his or her home.
  - v. The employee will be instructed not to drive any motor vehicle; if the employee insists on driving, the company will take appropriate measures to discourage the employee from doing so. If needed, the company will notify the local law enforcement and explain the situation.
- e. **Return to Duty** - An employee who refuses to take or fails a drug test may not return to a covered position until he or she has passed a return-to-duty drug test. In addition, the Medical Review Officer and the company must make the determination of the employee as to whether he or she may return to duty. An employee who returns to duty will be subject to a reasonable program of follow-up drug testing. This will be conducted without prior notice, for up to 60 months after returning to duty.

### **VIII. STIPULATIONS OF A “RETEST”**

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- a. If the MRO determines there is no legitimate reason for a positive drug test result, he will verify the result as positive. Utilizing the split specimen collection procedures, the employee has 72 hours after receiving the positive result from the MRO to submit a written request to have the split specimen analyzed.
- b. The analysis of the split will be conducted at a *DHHS certified laboratory* of the employee's choice. A list of *DHHS certified laboratories* can be obtained from Analytical Testing of Texas @ (361) 289-8222.
- c. The employee will be required to pay for the cost of the second test. In the event the split fails to confirm the presence of the prohibited substance, the MRO will investigate and cancel the test and the employee will be reimbursed for the cost of the test and any lost time hours.

#### **IX. CONSEQUENCES FOR VIOLATION: FAILURE / REFUSAL**

- a. Complying with this **Anti-Drug Plan** is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result.
- b. *The Company* shall not use, in a function covered by *Part 199*, anyone who fails a drug test as verified by the MRO, or refuses to take a drug test required by this plan.
- c. *Return-To-Duty* options may be given to an employee in order to retain his or her employment, providing the following conditions are met.
  - i. Been evaluated by a MRO and / or SAP to determine whether the employee is in need of assistance in resolving problems related to drugs or alcohol.
  - ii. Completed any treatment recommended by the MRO and/or SAP
  - iii. Been evaluated by the MRO and/or SAP to ensure that the employee has properly followed the treatment program; and
  - iv. Undergone required return-to-duty testing.

#### **X. COLLECTION FACILITY REQUIREMENTS**

- a. The designated collection site is arranged to be secure at all times. No unauthorized personnel are permitted in any part of the designated collection area when urine specimens are collected or stored.
- b. Chain of Custody standardized forms will be properly executed by the authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another will be accomplished through proper chain of custody procedures. Every effort will be made to minimize the number of persons handling specimens.
- c. Procedures for collecting urine specimens will allow the individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. Otherwise, the individual is allowed to void in the

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privacy of a stall.

- d. A higher level supervisor will review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of the same gender. Collection site person must provide documentation based on a “reason to believe” the donor’s collection must be witnessed.
- e. Precautions will be taken to ensure that a urine specimen not to adulterated or diluted during the collection procedure and that information on the urine bottle and in the record book can identify the individual from who the specimen is collected. Any unusual behavior or appearance will be noted in the permanent record book.
- f. To deter the dilution of specimens at the collection site, toilet bluing agents are placed in toilet tanks so the reservoir of water in the toilet remains blue. There will be no source of water in the enclosure where urination occurs.
- g. When the individual arrives at the collection site, the collection site person will ask the individual to present a photo identification card. If the individual does not have proper photo identification, the collection site person will contact the supervisor of the individual, or the coordinator of this program who can positively identify the individual.
- h. The collection site person will ask the individual to remove any unnecessary outer garments such as a coat, jacket, or hat that may conceal items or substances that could be used to tamper with or adulterate the individual’s urine specimen. The collection site person will ensure that all personal belongings, such as purse or briefcase remain with the outer garments. The individual may retain his or her wallet.

## **XI. SPECIMEN COLLECTION PROCEDURES**

- a. For the purpose of this Anti-Drug Plan and DOT requirements.
  - i. Only the collection agent and the donor should be present in the portion of the facility used for the collection.
  - ii. Agent will check the donor’s ID (photo required) to ensure that it bears a legal signature.
  - iii. Agent will fill out all donor information required on standard Chain of Custody form (social security number).
  - iv. Agent will mark appropriate box regarding reason for test; as well as “DOT / NTDA Profile” to request required test.
  - v. Agent will ask donor to remove any unnecessary garments before entering the restroom.
  - vi. Agent will then instruct donor to wash his/her hands prior to urination.
  - vii. Agent will give donor sterile specimen containers; instructing him/her to enter the restroom and donate a minimum of 30ml and 15ml (split).
  - viii. Donor may not flush toilet.
  - ix. After donation, Agent will check that toilet has not been flushed then flush it.

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- x. Agent will inspect the color of the urine and note any unusual odors (e.g., bleach or perfume).
- xi. Agent will ask donor to securely cap specimens. At this time, Agent will check temperature strip for the appropriate temperature and record on form.
- xii. Agent will complete information requested on the security seal and place over top and down sides of containers. Donor will then initial the seal (on cap).
- xiii. After completely sealing the specimens and donor has initialed the seal, Agent will turn to the “Medical Review Officer” copy of Custody Form. Agent will instruct donor to complete required information.
- xiv. Agent will then fill out remaining Chain-of-Custody steps on Control Form to complete the collection process.
- xv. Agent will place specimen’s containers in the security bags following the instructions on the bag; donor must initial bag after it has been sealed.
- xvi. Agent will place the required copies of Custody/Control Form in box to accompany specimens to the laboratory.
- xvii. Agent will then give donor the “Donor Copy” of Custody/Control Form.
- xviii. Donor may now leave the collection site.
- xix. Collection Agent will retain the “Collector Copy” of Custody/Control Form for collection site records. The “Employer Copy” will be returned to the employer with the results of the drug test.
- xx. Agent will arrange for transportation of specimens in accordance with instruction from testing laboratory.

## **XII. SAMPLE ANALYSIS: LABORATORY REQUIREMENTS**

- a. *The Company* shall use a *NIDA / SAMSHA* certified laboratory who complies with *DHHS Mandatory Guidelines* for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments. The laboratory shall provide services in accordance with *Part 40* and *Part 199*. The laboratory shall permit inspections by a *Company Representative* or a *RSPA Administrator*.
- b. All samples for drug testing as per mandated DOT regulations on covered employees will be collected at *Analytical Testing of Texas, Inc.* or a site specified by the Company. A.T.T.I. is located at 2209 North Padre Island Dr., Ste. C in Corpus Christi, Texas (78408). The specimens collected for analysis will be shipped via Airborne Express to be analyzed at *Premier Analytical Laboratories*. Premier Laboratories is located in Channel View, Texas. (SAMSHA / NIDA certified lab).
- c. The testing laboratory follows strict chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, during storage, and continuing until final disposition of specimens. The date and purpose is documented on an appropriate chain of custody form each time a specimen is handled or transferred.

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- d. When a shipment of specimens is received by the testing laboratory, lab personnel carefully inspects each package for evidence of possible tampering and verify proper information on samples.
- e. When the laboratory conducts the initial test, every batch of specimens will contain a minimum of 10% controls to ensure accuracy; as well as regularly performing quality control and blind performance testing.
- f. Employee's specimens showing positive test results upon confirmation for the presence of prohibited drugs shall be retained by the testing laboratory for a period of 365 days (1 year) in secured frozen storage.

### **XIII. BLIND PERFORMANCE TEST PROCEDURES**

- a. *The Company* shall use blind testing quality control procedures as required by DOT mandated regulations.
- b. *A.T.T.I.* shall submit three blind performance test specimens for each 100 employee specimens submitted. Approximately 80 percent of the blind samples shall be blank (containing no drugs) and the remaining samples shall be positive for one or more drugs per sample.
- c. The positive samples shall be spiked only with those drugs for which *DOT Regulations* require.

### **XIV. REVIEWING DRUG TESTING RESULTS: M.R.O.**

- a. The mandatory guidelines specify the following M.R.O. responsibilities:
  - i. Must be a licensed physician with knowledge of drug abuse disorders.
  - ii. Receive and evaluate all drug screen results from the testing laboratory.
  - iii. Obtain, as required, a quantitative description of positive test results.
  - iv. Examine a certified copy of the original chain of custody related to each confirmed positive test result.
  - v. Inform the tested individual of positive test results and provide those results before notifying the company.
  - vi. Conduct a medical interview with an individual who has tested positive.
  - vii. Review the medical history or any other relevant biomedical factors related to an individual who has tested positive.
  - viii. Allow a discussion (although not necessarily face-to-face) of positive test results related to an individual who has tested positive.
  - ix. Order a re-analysis of the original specimen, if necessary.
  - x. Consult with others if a question of accuracy arises.
  - xi. Consult with laboratory officials.
  - xii. Refuse to accept test results that do not comply with the mandatory guidelines.
  - xiii. Not declare as positive an opiate-positive urine without clinical evidence.
  - xiv. Determine whether a test result is scientifically insufficient.

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- xv. Determine whether a test result is consistent with legal drug use.
- xvi. Forward results of verified positive tests to an “E.A.P.” and/or management officials empowered to recommend or take administrative action.
- b. The M.R.O. will not adjudicate, punish, or otherwise arrange consequences for employees whose drug-positive urine apparently do not results from medical treatments or from problems in handling or analyzing samples.

**XV. RETENTION OF SPECIMENS**

- a. Specimens that render positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days.
- b. Within this 365 day period, the employee or designated representative, RSPA or other state agencies with jurisdiction, or the company may request in writing that the sample be retained for an additional period. If the laboratory does not receive a written request to further retain the sample within the 365 day period, the sample may be discarded.

**XVI. RETESTING OF SPECIMENS**

- a. An employee or applicant may request in writing to the MRO a retest of the sample within 60 days of notification of a positive test result from the MRO. The employee shall specify that the sample be retested by the original laboratory or sent to another certified laboratory.
- b. The employee will be required to pay in advance for the cost of the shipment and reanalysis of the sample.
- c. In the event the retest of the sample is negative, the employee will be reimbursed for the costs incurred.
- d. If a second laboratory is chosen, the original laboratory shall follow the approved custody and control procedures in transferring a portion of the specimen.
- e. The original detection levels do not apply to a reanalysis due to the deterioration of analyze that may have been lost during freezing and/or storage. If there is sufficient data of the presence of the drug or metabolite, a quantitative result will be reported.

**XVII. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

- a. *The Company* believes that early recognition and treatment of drug and alcohol abuse is important for successful rehabilitation.
- b. The EAP will provide education and training to all employees on drug use. Informational material displayed on bulletin boards, employee break rooms, locker rooms, etc., and distributed to employees.
- c. An employee assistance hot line telephone number (below) is available 24 hours a



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2. Such information may be disclosed regardless of consent in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug test.
- iv. Statistical data and reports related to drug testing and rehabilitation that is non mane-specified and training records may be released to RSPA or other governmental agency upon request.
- b. Record Retention:
  - i. *The Company* shall maintain the following records:
    1. Records demonstrating the collection process required by 40.25 will be retained for a 3-year period.
    2. Drug test results that show positive and test type (pre-employment, random, etc.) and records that demonstrate rehabilitation including MRO's determination). These records shall be retained for a 5-year period. Also included with these records shall be job classification and functions of the employee, prohibited drug(s) used, and the disposition of the employee (i.e., rehabilitation, suspension, termination, etc.)
    3. Employee drug tests that demonstrate negative results shall be retained for a 1-year period.
    4. Records indicating the total number of employees tested and the results of tests separated into categories shall be retained for a 5-year period.
    5. Training records confirming that supervisors and employees have been trained as required under Part 199.19, and copies of training material used shall be retained for a 3-year period.

## **XX. CONTRACTOR MONITORING PROCEDURES**

- a. In order for **the Company** to assure a possible contractor is complying with DOT's regulations set forth in *49 CFR Part 199* and *Part 40*, the following procedures shall be followed.
  - i. ***Determining Compliance*** - Qualifications of the potential contractor as it pertains to drug testing policies / procedures is assured by requesting the potential contractor to submit a copy of its anti-drug plan for review and compliance with RSPA/DOT regulations.
    1. After review of the anti-drug plan is completed, written correspondence to the contractor will advise it whether or not the plan is acceptable or in need of further additions and/or revisions.
    2. The review of the contractor plan shall be completed utilizing the criteria established in the RSPA Headquarters Drug Inspection for and the DOT Part 40 Drug Inspection forms.
    3. Any addenda made to the contractor's plan shall be attached to the previously submitted plan.
    4. Upon approval, a letter of acceptance is then sent to the contractor.

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The contractor will then be eligible to bid on the Company's contract work that would be covered under *Part 199 and Part 40*.

5. Additional information may be requested from the contractor during the period of the job for monitoring purposes.
- ii. ***Monitoring Contractor's Compliance*** - The contractor may be required to provide information on their employees who will perform covered functions for the operator.
  1. This information may include the name and job title of its employees who will perform any work or functions covered by Part 199 under that contract.
  2. A list of each contractor's covered employees may be distributed to appropriate company field management.