

Meridian Airport Authority

DBA

Dean Aircraft Service

**ANTI-DRUG AND ALCOHOL MISUSE PREVENTION
PROGRAM**

POLICY AND PROCEDURES

**Implementing U. S. Department of Transportation
Federal Aviation Administration (FAA) Regulations**

**14 CFR Part 121 Appendices I and J
49 CFR Part 40**

Effective Date: March 2003

**This policy only applies to Aircraft Maintenance Personnel. All others fall under the Authority's
general drug test policy.**

**Meridian Airport Authority
DBA
Dean Aircraft Service**

**ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PROGRAM
POLICY AND PROCEDURES**

Introduction

It is this Company's intention to comply fully with 49 CFR Part 40 et seq. U.S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs effective August 1, 2001 as well as 14 CFR Part 121, Appendices I and J of the Federal Aviation Administration's Rules regarding Drug Testing and Alcohol Misuse Prevention Programs effective August 9, 2001, and as amended November 19, 2001 (collectively referred to hereinafter as "FAA Testing Regulations"). These Regulations will be available for inspection and review by contacting the Designated Employer Representative (DER) for this Company.

49 CFR Part 40 and the FAA Testing Regulations, to be implemented together, govern the drug and alcohol testing and program requirements for covered aviation-industry employees as explained in the foregoing Regulations and hereafter in this Policy. As the Department of Transportation and/or FAA Regulations are amended and official guidance/interpretations are published, this Policy shall be deemed to be automatically amended, without the need for redrafting, to reflect and be consistent with those amendments, official guidance/interpretations. In such case, this Company reserves the right to apply the amended requirements upon their effective date without giving prior notice to covered employees and/or applicants, unless such notice is required by the Department of Transportation or another applicable law. Authority for program changes made in the future as a result of official guidance or interpretations from the Department of Transportation may be requested from this Company's Designated Employer Representative (DER).

The FAA Testing Regulations preempt any State or local law, rule, regulation, order or standard to the extent that compliance with both the State or local requirement and the FAA Testing Regulations is not possible; or compliance with the State or local requirement is an obstacle to the accomplishment and execution of any FAA Testing Regulations requirements. 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 or employers or to the general public are not preempted by the FAA Testing Regulations.

To the extent that any part of this Policy is inconsistent with federal or state law, such law will control over the Policy solely with respect to the inconsistent provision and shall have no effect on the remainder of the Policy.

I. GENERAL

A. Policy and Purpose

1. Employer has a long-standing commitment to maintain the highest standards for employee safety and health. The use of controlled substances or the misuse of alcohol by employees is contrary to these high standards. Employer also has an obligation to its employees, clients, customers and to the general public to provide a safe workplace. Employer is vitally concerned with those situations where the use of illegal drugs, the illegal use of legal drugs, and/or alcohol misuse seriously interferes with any person's health and job performance and the Employer's business operations and is a hazard to safety and welfare of other employees and the public at large.
2. The U. S. Department of Transportation (DOT) and the U.S. DOT Federal Aviation Administration (FAA) have each published regulations at 49 CFR Part 40 and 14 CFR Part 121, Appendices I and J which are read together and are directly applicable to aviation personnel in certain safety-sensitive positions, as defined in the FAA Testing Regulations. These regulations establish minimum content and procedural standards for Drug and Alcohol Testing Programs. This policy and program is being implemented in accordance with Employer's legal obligations in consideration of the DOT's mandatory Drug and Alcohol Testing requirements.
3. The Anti-Drug and Alcohol Misuse Prevention Program Policy and Procedures contained herein set forth the DOT requirements from 49 CFR Part 40 and the requirements from the FAA Testing Regulations. Appendix D attached hereto reflects Employer's organization specific discretionary policies and disciplinary consequences.

B. Applicability

1. The FAA Testing Regulations and this Policy apply to any employee (hereinafter referred to as "covered employee") who performs, either directly or by contract, a "safety-sensitive function" for an employer who:
 - (a) holds a Part 121 or 135 certificate (commercial air carriers, including commuter or air taxi services);
 - (b) is an operator as defined in 14 CFR § 135.1(c) (sightseeing operations originating and ending at the same airport and operating no more than 25 miles from that airport); or
 - (c) is an air traffic control facility not operated by the FAA or by or under contract to the U.S. military.
2. As defined by the FAA Testing Regulations, and for purposes of coverage under this

Policy, the covered "safety-sensitive functions" are:

- (a) Flight covered employee duties;
 - (b) Flight attendant duties;
 - (c) Flight instruction duties;
 - (d) Aircraft dispatch duties;
 - (e) Aircraft maintenance or preventive maintenance duties;
 - (f) Ground security coordinator duties;
 - (g) Aviation screening duties; or
 - (h) Air traffic control duties.
3. Applicants seeking positions as covered employees or to be transferred to a safety-sensitive position are also subject to the FAA requirements. For purposes of Pre-Employment testing only, applicants to perform a safety-sensitive function are considered covered employees within the meaning of the FAA Testing Regulations.
4. The categories of covered employees subject to these policies and procedures are included in Appendix A attached hereto.
5. The FAA Testing Regulations provide that no covered employee shall be tested for drugs or alcohol while located outside the territory of the United States. Moreover, the provisions of the FAA Testing Regulations do not apply to any person who performs a safety-sensitive function by contract for an employer outside the territory of the United States.
- (a) Each covered employee who is assigned to perform safety-sensitive functions solely outside the territory of the United States must be removed from the random testing pool upon inception of such assignment.
 - (b) Each covered employee who is removed from the random testing pool under this paragraph must be returned to the random testing pool when the employee resumes the performance of safety-sensitive functions wholly or partially within the territory of the United States.

C. Testing Procedures

1. Drug and alcohol testing shall be conducted in accordance with the procedures set forth in the DOT regulations 49 CFR Parts 40 as amended and interpreted by official guidance from time to time. This includes Part 40's requirements regarding the training of collectors, split-specimen procedures, Medical Review Officer (MRO) verification, and Substance Abuse Professional (SAP) referral for evaluation and qualifications.
2. 49 CFR Part 40 and the FAA Testing Regulations are available for review upon request to the Designated Employer Representative (DER). These regulations

contain the procedures that will be used to test for the presence of alcohol and controlled substances, protect the covered employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct covered employee.

D. Definitions

“Accident” – means an occurrence associated with the operation of an aircraft, which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

“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. If a specimen is reported by the laboratory to the Medical Review Officer to have been adulterated or substituted, the Medical Review Officer will offer the donor/employee/applicant the right to have his or her split specimen tested. If the Medical Review Officer reports that the donor/employee/applicant has a verified adulterated test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in consequences specified under DOT Agency regulations for violation of those DOT agency regulations. The Company's disciplinary policy and consequences for a positive test for refusal to submit to testing also applies.

“Alcohol” – means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or 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 the FAA Testing Regulations.

“Alcohol use” - means the consumption of any beverage, mixture, or preparation (including any medication), containing alcohol.

“Breath Alcohol Technician (BAT)” – an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

“Chain of custody” - the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Custody and Control Form (CCF).

“Confirmation (or confirmatory) drug test” - means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

“Confirmation (or confirmatory) validity test” - means a second test performed on a urine

specimen to further support a validity test result. Validity testing determines whether a specimen is adulterated or substituted. An adulterated specimen means that a specimen 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. A substituted specimen means that the specimen's creatinine and specific gravity values are so diminished that they are not consistent with human urine.

“Confirmed drug test” - means that a confirmation test result is received by an MRO from a laboratory.

“Consortium/Third Party Administrator (C/TPA)” - means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g.; having a combined random testing pool.) C/TPAs are not "employers" for purposes of the FAA Testing Regulations.

“Covered Employee” - means a person who performs, either directly or by contract, a safety-sensitive function as described herein and in the FAA Testing Regulations for an employer. For purposes of Pre-Employment testing only, the term "covered employee" includes a person applying to perform a safety-sensitive function.

“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 make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

“Dilute specimen” - A specimen with creatinine and specific gravity values that are lower than expected for human urine. If a specimen is reported by the laboratory to the Medical Review Officer as a dilute negative, the employer may require the donor/employee/applicant to submit to another unobserved collection immediately. The result from the second collection will become the test of record. A third or further collection is not permitted. Each type test and donor, employee or applicant category will be treated the same under this policy. Note that a dilute specimen may possibly be due to: 1) a medical condition; 2) the donor normally consumes large amounts of fluid; or 3) the donor hydrated in an attempt to reduce the level of detection on a drug test.

“Drugs” or “controlled substance” – means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The drugs for which tests are required under 49 CFR Part 40 and the FAA Testing Regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. Employer reserves its independent authority

and discretion to prohibit and test for other drugs, as defined above, within the limits of applicable state and/or local law or regulation.

“Employer” – is defined by the FAA Testing Regulations as a Part 121 certificate holder; a Part 135 certificate holder; an air traffic control facility not operated by the FAA or by or under contract to the U.S. military; and an operator as defined in 14 CFR § 135.1(c). Pursuant to Part 40, the term also includes a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with Part 40. The term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of Part 40 and any applicable DOT agency regulations. Service agents are not employers for purposes of Part 40.

“Evidential Breath Testing device (EBT)” – a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 concentrations, 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 NHTSA's Traffic Safety Program.

“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) qualified to act as an MRO under 49 CFR Part 40 by possessing the required (a) credentials, (b) basic knowledge, and (c) receiving qualification training meeting the requirements of 40 CFR Part 40.

“Performing (a safety-sensitive function)” – any period in which the covered employee is actually performing, ready to perform, or immediately available to perform such functions.

“Refuse to submit (to an alcohol or drug test)” - means that the covered employee

- (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. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see Section 40.61 (a));
- (2) fails to remain at the testing site until the testing process is complete. Provided, that the employee who leaves the testing site before the testing process commences (see Section 40.63 (c)) for a pre-employment test is not deemed to have refused to test;
- (3) fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations. Provided, that an employee who does not provide a urine

- specimen because he or she has left the testing site before the testing process commences (see Section 40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
- (4) in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the covered employee's provision of a specimen (see Sections 40.67 (l) and 40.60 (g));
 - (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 (see Section 40.193 (d) (2));
 - (6) fails or declines to take a second test the employer or collector has directed the covered employee 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 under Section 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
 - (8) fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
 - (9) is reported by the MRO as having a verified adulterated or substituted test result.

"Safety-sensitive function" - means the individual performs, either directly or by contract, for an employer one of the following functions: (1) flight crewmember duties, (2) flight attendant duties, (3) flight instruction duties, (4) aircraft dispatcher duties, (5) aircraft maintenance or preventive maintenance duties, (6) ground security coordinator duties, (7) aviation screening duties, or (8) air traffic control duties.

"SAMHSA Certified Laboratory" - Substance Abuse and Mental Health Services accredited drug-testing laboratories (laboratories were formerly accredited by NIDA). SAMHSA inspects and regulates such laboratories.

"Screening test (or initial test)" - (1) in drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. (2) in alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath, blood or saliva specimen.

"Substance Abuse Professional" (SAP) - a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. To be qualified to act as a SAP under the DOT program, the SAP must be a licensed physician (Doctor of Medicine or Osteopathy), a licensed or certified social worker, a licensed or certified psychologist, a licensed or certified Employee Assistance Professional, or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Drug Abuse (ICRC). The SAP

must also be knowledgeable about and have clinical experience in controlled substances, abuse disorders, including knowledge of the SAP function as it relates to employer interests in safety-sensitive duties. The SAP must also be knowledgeable about Part 40, the current SAP guideline, the DOT agency regulations applicable to the employer for whom the SAP evaluates employees and the SAP must keep current on any changes to these materials. Qualification training and continuing education requirements are also required.

"Substituted Test" - A substituted specimen is a specimen with creatinine and specific gravity values that are so diminished as that they are not consistent with human urine. If a specimen is reported to the Medical Review Officer to have been substituted, the Medical Review Officer will offer the donor/employee/applicant the right to have his or her split specimen tested. If the specimen is determined to have been substituted, the Medical Review Officer will advise the donor/employee/applicant of specific additional procedural steps that may be taken by the donor/employee/applicant to challenge the result. If the Medical Review Officer reports that the donor/employee/applicant has a verified substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in the consequences specified under the DOT Agency regulations for violation of those DOT agency regulations. The company's disciplinary policy and consequences for a positive test for refusal to submit to testing also applies.

"Verified Test " - A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

E. Employer Responsibilities

1. Designated Employer Representative (DER) - Appendix B attached hereto, contains the name, address, and telephone number of the Employer's various responsible parties. The DER and other Employer designated individuals shall be responsible for the implementation and management of the Employer's controlled substance and alcohol use and testing policy and procedures, which complies with DOT regulations 49 CFR 40 and the FAA Testing Regulations. The DER in coordination with the company's third-party program administrator shall be responsible for providing oversight and evaluation on the Employer's program: providing guidance and counseling; reviewing of all discipline applied under the Employer's policy and procedures for consistency and conformance to human resources policies and procedures; scheduling for types of testing; maintaining a secured file system on all alcohol and controlled substance test results; and overseeing the referral of employees for evaluation and treatment. The Employer shall ensure that all covered employees are aware of the provisions and coverage of the Employer's controlled substance and alcohol use and testing policy and procedures.
2. Supervisor(s) or Employer Official - Employer designated individuals responsible for determining whether reasonable suspicion exists to require a covered employee to undergo controlled substances and/or alcohol testing; based on physical,

behavioral, speech, and performance indicators of probable alcohol misuse and/or use of controlled substances. These designated individuals must be trained in accordance with the applicable FAA Testing Regulations and may not conduct the alcohol test on the covered employee.

3. Covered employee(s) - Each covered employee has the responsibility to be knowledgeable of the requirements of the Employer's policy and procedures and to fully comply with the provisions thereof.
4. Notice of Test(s) - Before performing each alcohol or controlled substances test under this part, the Employer must notify the covered employee that the alcohol or controlled substances test is required by the FAA Testing Regulations. The Employer must not falsely represent that a test is required by the regulations. The Employer must not require the covered employee to sign consent to test form because the testing is required by federal law and implementing regulations.
5. Testing Procedures - Each employer must ensure that all drug and alcohol testing conducted under the FAA Testing Regulations complies with the procedures set forth in 49 CFR Part 40.

F. Notification

The Employer's Controlled Substances and Alcohol Use and Testing Policy and procedures shall be included with the appropriate company material provided to covered employees. The Employer's Policy will be posted in prominent locations that are readily accessible to all covered employees. All covered employees will be provided a complete copy of the company's policy and procedures, and information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, and referral.

G. Implementation

Employers that apply for a FAA certificate under the provisions of Parts 121, 135, 145 or other relevant FAA provision must submit an anti-drug program plan and alcohol misuse prevention program certification statement to the FAA and must obtain such approval prior to beginning operations under the certificate. The required drug and alcohol programs must be implemented not later than the date of inception of operations, or as otherwise provided by FAA regulation. Thereafter, each employer or contractor that has submitted its drug and alcohol program plans directly to the FAA must obtain appropriate approval from the FAA prior to changing such programs.

1. The Employer hereby implements the Department of Transportation, Federal

Aviation Administration's Rules regarding Drug Testing and Alcohol Misuse Prevention Programs as set forth in 14 CFR Part 121, Appendices I and J; and the Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs as set forth in 49 CFR Part 40.

2. The privacy and confidentiality of all covered employees subject to these policy and procedures must be maintained at all times.
3. Implementation of this Employer's Controlled Substances and Alcohol Use and Testing Policy and Procedures is or was effective on March 2003 as revised.

II. PROHIBITIONS

A. Prohibited Conduct

The Company prohibits the following alcohol and drug abuse-related activities for all covered employees:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Covered employees with an alcohol test result between 0.02 and 0.039 will be temporarily removed from performing safety sensitive functions until:
 - (a) the employee's alcohol concentration measures less than 0.02; or
 - (b) the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.
2. Using alcohol or illegal drugs while performing safety-sensitive functions.
3. Performing flight crewmember or flight attendant duties within eight (8) hours after using alcohol, or performing any other safety-sensitive functions within four (4) hours after using alcohol.
4. When a covered employee's aircraft is involved in an accident, using alcohol within eight (8) hours following the accident unless the covered employee has been given a post-accident alcohol test or the employer has determined that the employee's performance could not have contributed to the accident.
5. Refusing to submit to an alcohol or drug test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
6. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the covered employee uses alcohol and/or any drug except when instructed by a physician who has advised the covered employee that

the substance does not adversely affect the covered employee's ability to perform safety-sensitive functions. The Company may require a covered employee to inform the Company of any therapeutic drug use.

7. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the covered employee tests positive for alcohol and/or drugs and has not yet completed the post-violation/return-to-duty procedures required by Part 40.

If the Company has actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions, the Company will not permit the covered employee to perform or continue to perform safety-sensitive functions. If the Company has actual knowledge that a covered employee has used a controlled substance, the Company will not permit the covered employee to perform safety-sensitive functions.

B. Consequences of Prohibited Conduct

Covered employees who are known to have engaged in prohibited conduct, with regard to alcohol misuse or use of controlled substances, are subject to the following consequences as further described in Part 40:

1. Shall not be permitted to perform safety-sensitive functions.
2. Shall be advised by the employer of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances.
3. Shall be evaluated by a substance abuse professional (SAP) that shall determine what assistance, intervention or assistance is required for the covered employee associated with alcohol misuse and/or controlled substances use. In addition, each covered employee must be re-evaluated by a SAP to determine that the covered employee has followed the rehabilitation program prescribed.
4. Before returning to duty requiring the performance of safety-sensitive functions, he/she shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use. It must be the start of the covered employee's next regularly scheduled duty period, but not less than eight (8) hours following the administration of a test, before a covered employee may be returned to a safety-sensitive function after an alcohol test result indicating a breath alcohol level of 0.02 or greater but less than 0.04. Except such actions required the FAA Testing Regulations, the Company will not take any action against a covered employee based solely on test results showing an alcohol concentration of less than 0.04.

5. In addition, each covered employee must be re-evaluated by a SAP to determine that the employee has followed the rehabilitation program prescribed.
6. Covered employees shall also be subject to unannounced follow-up drug and or alcohol testing.

C. Permanent Disqualification From Service

In addition to the Part 40 requirements described above in Section II.B, the FAA Testing Regulations provide that a covered employee who has two (2) verified positive drug or alcohol test results, or two (2) violations of the other alcohol prohibitions (e.g., pre-duty use, use within 8 hours of accident), is permanently precluded from performing for an employer the safety-sensitive duties the employee performed prior to the second test or violation. Additionally, a covered employee who has engaged in prohibited drug or alcohol use during the performance of a safety-sensitive function is permanently precluded from performing that safety-sensitive function for an employer.

D. Notice to Federal Air Surgeon

For covered employees that hold an air medical certificate (14 CFR Part 67) in connection with the performance of safety-sensitive functions, employers and their service agents must provide certain information to the Federal Air Surgeon as set forth in the FAA Testing Regulations, including the following.

1. Employers are required to notify the Federal Air Surgeon within two (2) working days of any covered employee who holds an air medical certificate and who has engaged in alcohol use that violates applicable FAA alcohol misuse provisions. Employers must also forward to the Federal Air Surgeon within two (2) working days of receipt a copy of any alcohol evaluation report prepared by a SAP pursuant Part 40 and the FAA Testing Regulations.
2. As part of the MRO verification process and SAP evaluation process, the MRO and SAP must make certain inquiries to determine whether the covered employee holds or is required to hold an air medical certificate; and, if so, the MRO and SAP must forward certain information to the Federal Air Surgeon as set forth in the FAA Testing Regulations. Moreover, the employer is required to forward to the Federal Air Surgeon within twelve (12) working days of receipt a copy of any drug evaluation report provided by the SAP regarding an individual previously reported to the Federal Air Surgeon by the MRO.
3. The required notices and reports to be submitted by employers must be sent to the following address:

Federal Air Surgeon

Office of Aviation Medicine
Federal Aviation Administration
Attn: Drug Abatement Division (AAM-800)
800 Independence Avenue SW
Washington DC 20591

4. The employer cannot permit a covered employee who is required to hold an air medical certificate to perform a safety-sensitive duty to resume that duty unless and until (i) the employee has received clearance from the Federal Air Surgeon to perform such duties, and (ii) the employer has ensured that the employee meets the return-to-duty requirements in accordance with Part 40.

E. Notice of Refusals to Submit to Testing

1. Employers must notify the FAA within five (5) working days of any covered employee who holds a certificate issued under 14 CFR Parts 61, 63 or 65 and who has refused to submit to any drug or alcohol test required by the FAA Testing Regulations, except refusals to submit to a Pre-Employment or Return-to-Duty tests.
2. The required notice must be sent to the following address:

Federal Aviation Administration
Office of Aviation Medicine
Drug Abatement Division (AAM-800)
800 Independence Avenue SW
Washington DC 20591

III. TYPES OF TESTING REQUIRED

The Federal Aviation Administration has established regulations requiring covered employees in the aviation industry be tested for the use of drugs and the misuse of alcohol. The following are the types of tests required by the FAA Testing Regulations:

- Pre-Employment Testing
- Periodic Testing
- Random Testing
- Post-Accident Testing
- Reasonable Cause Testing
- Return-to-Duty Testing
- Follow-Up Testing

Before performing each alcohol or drug test under this part, the Company will notify the covered employee that the alcohol or drug test is required by the FAA Testing Regulations. The Company will not falsely represent that a test is required under this part. The Company is not permitted to require the covered employee to sign a consent form because federal law and regulation require the testing.

A. Pre-Employment Testing

1. Prior to the first time an individual performs a safety-sensitive function; he/she must submit to and pass pre-employment testing for prohibited drug use. The FAA Testing Regulations also permit the Company to require, at its discretion, pre-employment drug testing of individuals if the following criteria are met:
 - (a) The individual previously performed a covered function for the employer;
 - (b) The employer removed the individual from the employer's random testing program conducted under the FAA Testing Regulations for reasons other than a verified positive test result on an FAA-mandated drug test or a refusal to submit to such testing; and
 - (c) The individual will be returning to the performance of a safety-sensitive function.
2. The Company must inform each individual applying to perform a safety-sensitive function at the time of application, or each individual otherwise required to undergo pre-employment testing pursuant to Section III.A.1, that the individual will be required to undergo pre-employment testing to determine the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs, in the individual's system.
3. The Company will not allow an individual required to undergo pre-employment testing to perform a safety-sensitive function unless the Company has received a drug test result from the Medical Review Officer (MRO) indicating a verified negative result.

The Company may, but is not required to, conduct pre-employment alcohol testing. If the Company does conduct such testing, it will fully comply with the requirements of the FAA Testing Regulation are followed. These requirements are as follows:

- (a) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every new employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
- (b) It must treat all safety-sensitive employees performing safety functions the same for purposes of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
- (c) 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) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR Part 40.
- (e) 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.

B. Periodic Testing

- 1. Each covered employee who performs a safety-sensitive function for an employer and who is required to undergo a medical examination under 14 CFR Part 67 must submit to a periodic drug test. The periodic test must be conducted in conjunction with the first medical evaluation of the employee or in accordance with an alternative method for collecting periodic test specimens otherwise detailed as part of the Company's approved anti-drug program.
- 2. An employer may discontinue periodic testing of its employees after the first calendar year of implementation of the employer's anti-drug program when the employer has implemented an unannounced testing program based on random selection of employees.

C. Random Testing

- 1. Covered employees performing safety-sensitive functions will be tested for alcohol at a minimum annual rate of ten percent (10%) of the total number of covered positions at the beginning of the calendar year, and for drugs at a minimum annual rate of twenty-five percent (25%) of the total number of covered positions at the beginning of the calendar year, or at such annual rates as otherwise modified/established by FAA regulation.

2. Random selection shall be performed independently by Employer's Consortium/Third Party Administrator (C/TPA) utilizing a computer-based scientifically valid method of selection. The selection process shall give each covered employee an equal chance of being selected each time a selection is made.
3. Employer shall conduct a minimum of four (4) selections annually, and the dates for administering random tests will be spread reasonably throughout the calendar year.
4. Each covered employee selected for testing shall be tested within the selection period.
5. Random testing of covered employees will be unannounced (i.e., no advance notice to employee). Upon notification of selection for random drug and/or alcohol testing, each covered employee shall proceed immediately to the designated testing site.
6. A covered employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

D. Post-Accident Testing

1. As soon as practicable following an accident, the Company will test each surviving covered employee for drugs and alcohol if that employee's performance of a safety-sensitive function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on the employer's determination, using the best available information at the time of the determination, that the covered employee's performance could not have contributed to the accident.
2. For purposes of this policy, an accident is defined as an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

3. When a required post-accident test has not been administered within a reasonable time frame following the accident, the following action shall be taken:

<u>Time Elapsed</u>	<u>Action Required</u>
2 hours	If the covered employee has not submitted to an alcohol test at this time, the employer shall prepare and maintain on file a record stating the reason the test was not promptly administered.
8 hours	Cease attempts to administer alcohol test, and prepare and maintain record described above.
32 hours	If the covered employee has not submitted to a drug test by this time, the employer shall cease attempts to administer the test and prepare and maintain the record described above.

IMPORTANT NOTE:

Nothing in this document should be construed as 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 care.

Covered Employee Responsibility:

A person who is subject to post-accident testing must remain available, or the Company may consider him/her to have refused to submit to testing. Persons subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test.

Company Responsibilities:

The Company shall provide necessary post-accident information, procedures and instructions, prior to the covered employee performing safety-sensitive functions, so that he/she will be able to comply with the requirement of this section.

E. Reasonable Suspicion Testing

1. The Company will require a covered employee to submit to an alcohol and/or drug test(s) when it has reasonable cause to believe the covered employee has violated the provisions of this policy and engaged in alcohol/drug-related conduct prohibited by FAA regulations.

2. A supervisor's determination that reasonable cause exists to require an alcohol or drug test(s) must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors. Observations may include indications of the chronic and withdrawal effects of controlled substances.
3. Where practicable, the reasonable cause determination should be based on the observation of the covered employee by two persons in supervisory positions. At least two of the employee's supervisors, one of whom is trained in the detection of the symptoms of possible drug use, shall substantiate and concur in the decision to test an employee who is reasonably suspected of drug use; provided, however, that in the case of an employer other than a Part 121 certificate holder who employs 50 or fewer employees who perform safety-sensitive functions, one supervisor who is trained in detection of symptoms of possible drug use shall substantiate the decision to test an employee who is reasonably suspected of drug use.
4. Supervisors or company officials making observations for alcohol and controlled substances reasonable suspicion testing shall be provided at least 60 minutes of training on alcohol misuse and at least another 60 minutes of training on controlled substances use. Supervisor training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.
5. Reasonable cause testing for alcohol shall occur only if the observations forming the basis for the reasonable cause determination are made during, just preceding, or just after the covered employee performs safety-sensitive functions and the alcohol test is administered during, just preceding, or just after the covered employee performs safety-sensitive functions.
6. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.
7. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the Company shall cease attempts to administer an alcohol test and shall state in the record the reasons for not completing the test.
8. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall an employer permit the covered employee to perform or continue to perform safety-sensitive functions until:

- (a) an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- (b) the start of the employee's next regularly scheduled duty period, but not less than 8 hours following the reasonable suspicion determination that the employee has violated the alcohol misuse provisions of the FAA regulations.

Except as otherwise provided by this section, no employer shall take any action under the FAA Testing Regulations against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an employer with authority independent of the FAA Testing Regulations from taking any action otherwise consistent with law.

F. Return-to-Duty Testing

1. The Company shall ensure that before a covered employee returns to duty to perform a safety-sensitive function after engaging in prohibited conduct concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
2. The Company shall ensure that before a covered employee returns to duty to perform a safety-sensitive function after engaging in prohibited conduct concerning controlled substances, the employee shall undergo a return-to-duty drug test with a result indicating a verified negative result for drug use.
3. The covered employee must comply with the education and/or treatment recommendations prescribed by the SAP in order to be considered eligible to return-to-duty and prior to taking the required return-to-duty test(s).

G. Follow-Up Testing

1. Following a determination that a covered employee is in need of assistance in resolving problems associated with alcohol and/or use of controlled substances, the employee will be subject to unannounced, follow-up alcohol and/or drug testing as directed by a Substance Abuse Professional (SAP).
2. The number and frequency of follow-up testing shall be determined by the Company's SAP, but must consist of: (a) a minimum of six (6) tests in the first year after the individual returns to work as required by 46 CFR Part 40; and (b) for any additional period as determined by the SAP up to a total of 60 months.
3. Follow-up alcohol testing shall be conducted only when the covered employee is performing safety-sensitive functions, just before the covered employee is to perform safety-sensitive functions, or just after the covered employee has ceased

performing safety-sensitive functions.

IV. TEST RESULTS REPORTING, RECORDKEEPING, AND CONFIDENTIALITY

A. Retention of Records

1. General requirements

- a. The Employer shall maintain all alcohol and controlled substances testing information including test results and other appropriate records in a secure location with controlled access.
- b. The DER shall maintain a secured file system that will contain the alcohol and controlled substances testing records. Files shall be maintained as confidential. Employee files shall be handled on a strict "need to know" basis.

2. Period of retention of records

- a. The following records shall be maintained by the company or its designated agent for a period of five years:
 - i. Records of alcohol test results with results indicating an alcohol concentration of 0.02 or greater.
 - ii. Records of verified positive controlled substances test results.
 - iii. Documentation of refusal to take a required alcohol or drug tests (including substituted or adulterated drug test results).
 - iv. SAP reports;
 - v. All follow up tests and schedules for follow up tests;
 - vi. A copy of each annual calendar year summary report submitted to the FAA;
 - vii. Records of notifications to the Federal Air Surgeon of violations of the FAA alcohol misuse prohibitions by covered employees who hold medical certificates issued under 14 CFR Part 67;
 - viii. Documents presented by a covered employee to dispute the result of an alcohol test administered under the FAA Testing

Regulations; and

- ix. Records related to other violations of 14 CFR § 65.46a, § 121.458, or § 135.253.
- b. Records related to information obtained from previous employers under § 40.25 concerning drug and alcohol test results of employees shall be maintained for a minimum of three years.
- c. The following records shall be maintained by the company or its designated agent for a period of two years:
 - i. Records of the inspection, maintenance, and calibration of EBTs;
 - ii. Documents related to the random selection process;
 - iii. Documents generated in connection with decisions to administer reasonable suspicion alcohol tests;
 - iv. Documents generated in connection with decisions on post-accident tests;
 - v. Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing;
 - vi. Materials on alcohol misuse awareness, including a copy of the employer's policy on alcohol misuse;
 - vii. Documentation of compliance with the requirements of the FAA Testing Regulations to promulgate a policy on the misuse of alcohol;
 - viii. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion; and
 - ix. Certification that any training conducted under this appendix complies with the requirements for such training.
- d. The company shall maintain for a period of one year records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02.

3. The following specific types of records should be maintained:
 - a. Records related to the collection process:
 - i. Collection logbooks, if used;
 - ii. Documents related to the random selection process;
 - iii. Calibration documentation for EBT devices;
 - iv. Documentation of Breath Alcohol Technician (BAT) training;
 - v. Documentation related to determination for reasonable cause testing;
 - vi. Documents related to decisions for post-accident testing;
 - vii. Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath or urine specimen for testing; and
 - viii. Consolidated annual calendar year-end summaries.
 - b. Records related to a covered employee's test results:
 - i. The employer's copy of the alcohol test form, including the results of the test;
 - ii. The employer's copy of the controlled substances test chain of custody and control form;
 - iii. Documents sent by the medical review officer to the employer;
 - iv. Documents related to the refusal of any covered employee to submit to an alcohol or controlled substances test;
 - v. Documents presented by a covered employee to dispute the result of an alcohol or controlled substances test;
 - vi. Records generated in connection with verifications of prior employers' alcohol or controlled substances test results.
 - vii. Records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance; and
 - viii. Records concerning a covered employee's compliance with recommendations of the substance abuse professional.

- c. Records related to evaluations
 - i. Records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance; and
 - ii. Records concerning a covered employee's compliance with recommendations of the substance abuse professional.

- d. Records related to education and training
 - i. Material on alcohol misuse and controlled substances use awareness, including a copy of the company's policy and procedures;
 - ii. Documentation of providing each covered employee with information related to alcohol misuse and controlled substances misuse, training, and referral; including the covered employee's signed receipt for educational materials and a copy of the company's controlled substances and alcohol use and testing policy and procedures;
 - iii. Documentation of training to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable cause; and
 - iv. Certification that training conducted complies with the training requirements required by the DOT.

- e. Records related to drug testing:
 - i. Agreements with collection site facilities, laboratories, medical review officers, and/or third-party program administrator.
 - ii. Name and positions of officials and their role in the company's alcohol and controlled substances testing program(s);
 - iii. Laboratory statistical summaries; and
 - iv. The company's controlled substances and alcohol use and testing policy and procedures.

- f. Location of records
 - i. All records shall be maintained at the company's principal place of business and shall be made available for inspection at the company's principal place of business after a request has been made by an authorized representative of the FAA.

B. Management Information System (MIS) Reporting

1. Annual reports summarizing the results of the Company's anti-drug and alcohol misuse programs shall be submitted to the FAA in the form and manner prescribed by the FAA by March 15 of each year, covering the previous calendar year (January 1 through December 31) in accordance with the provisions of the FAA Testing Regulations.
2. Each Part 121 certificate holder is required to submit an annual report each year. Each entity conducting testing pursuant to FAA-approved anti-drug and alcohol misuse programs, other than a Part 121 certificate holder, that has 50 or more employees performing safety-sensitive functions on January 1 of any calendar year is required to submit an annual report to the FAA for that calendar year. The FAA may require other aviation employers to submit annual reports, and the FAA will notify employers so required in writing.
3. Each report shall be submitted in the form and manner prescribed by the FAA. No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA. The employer's DER or other designated representative shall sign each report.

C. Access to facilities and records

1. Except as provided by law or expressly authorized by DOT and FAA regulations, the Company shall not release covered employee information unless directed by the specific, written consent of a covered employee authorizing release of the information to an identified person.
2. Upon written request to the DER, a covered employee may obtain copies of any records pertaining to the covered employee's alcohol or controlled substances tests.
3. Employer shall permit access to all facilities and records related to controlled substances and alcohol testing when requested by the Secretary of Transportation, the FAA or any DOT agency with regulatory authority over the employer or any of its covered employees.
4. Records shall be made available to a subsequent employer upon receipt of a written request from the covered employee, pursuant to 49 CFR § 40.25.

D. Medical Review Officer Notifications

Medical review officers shall report the results of controlled substances tests to employers and, if applicable, the Federal Air Surgeon in accordance with the requirements of 49 CFR Part 40 and the FAA Testing Regulations. 49 CFR Part 40 and the FAA Testing Regulations are available for review from Employer's DER.

E. Employer Actions After Receiving Verified Test Results

1. An employer who receives a verified positive drug test result must immediately remove the employee involved from performing safety-sensitive functions. The employer must take this action upon receiving the initial report of the verified positive test result and will not wait to receive the written report or the result of a split specimen test.
2. An employer who receives a verified adulterated or substituted drug test result must consider this a refusal to test and immediately remove the employee involved from performing safety-sensitive functions. The employer must take this action on receiving the initial report of the verified adulterated or substituted test result and will not wait to receive the written report or the result of a split specimen test.
3. An employer who receives an alcohol test result of 0.04 or higher must immediately remove the employee involved from performing safety-sensitive functions. If the employer receives an alcohol test result of 0.02 – 0.039, it must temporarily remove the employee involved from performing safety-sensitive functions, as provided in applicable DOT agency regulations and will not wait to receive the written report of the result of the test.
4. An employer, when an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, must not return the employee to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process set forth in Subpart O of Part 40.
5. An employer who receives a drug test result indicating that the employee's specimen was dilute may, but is not required, to take action as provided in §40.197.
6. An employer who receives a drug test result indicating that the employee's specimen was invalid and that a second collection must take place under direct observation:
 - a. must immediately direct the employee to provide a new specimen under direct observation.
 - b. must not attach consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.
 - c. must not give any advance notice of this test requirement to the employee.

- d. must instruct the collector to note on the CCF the same reason (e.g. random test, post-accident test) as for the original collection.
7. An employer who receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test) must direct the employee to provide another specimen immediately.
8. An employer may also be required to take additional actions required by DOT agency regulations (e.g., submit information to the Federal Air Surgeon for individuals who hold an air medical certificate under 14 CFR Part 67 and test positive).
9. An employer must not alter a drug or alcohol test result transmitted to it by an MRO, BAT, or C/TPA.

F. Employee Notification

1. The Employer shall notify a covered employee (applicant) of the results of a pre-employment controlled substance test, if the covered employee requests such results in writing within 60 calendar days of being notified of the disposition of the employment applicant.
2. The Employer shall notify a covered employee of results of periodic, random, reasonable cause and post-accident tests for controlled substances if the test results are positive. The company will also inform the covered employee which controlled substances were verified as positive.
3. The DER or a designated Employer official shall make reasonable efforts to contact and request each covered employee to contact and discuss results of a controlled substances test, if the medical review officer has been unable to contact the covered employee.
4. The DER manager or designated Employer official shall immediately notify the medical review officer that the covered employee has been notified to contact the medical review officer.

G. Release of Test Information by Previous Employers

1. After obtaining the covered employee's written consent, the Company must check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties. This requirement applies to new employee covered employees and employee covered employees who transfer into a covered safety-sensitive position.
2. The Company will request from DOT-regulated employers who have employed the covered employee for any period during the two years before the date of the covered employee employee's application or transfer the following information:
 - (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - (2) Verified positive drug tests;
 - (3) Refusals to be tested (including verified adulterated or substituted drug test results)
 - (4) Other violations of DOT agency drug and alcohol testing regulations; and
 - (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of the DOT return- to- duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process, the employee covered employee must provide this information to the Company.
3. The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under 49 CFR Part 40 or other applicable DOT agency regulations.
4. The Company may not use an employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions unless it has obtained or made and documented a good faith effort to obtain all of the foregoing information.
5. The Company must ask the covered employee whether he or she tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety sensitive transportation work covered by any DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, the Company must not and will not use the employee to perform safety-sensitive functions unless and until the employee documents successful completion of the return-to-duty process. The Company's Disciplinary Policies and the Company's Discretionary Policies on this subject, if any, will also apply.

6. The Company must not and will not use a covered person to perform safety-sensitive functions if the Company obtains information indicating the he/she has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test; unless the Company has evidence the covered employee has been evaluated by a substance abuse professional, completed the required assistance, intervention or treatment required, passed a return-to-duty test, and been subject to follow-up testing.

V. ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE INFORMATION, EMPLOYEE ASSISTANCE PROGRAM, TRAINING, AND REFERRAL

A. General Information and Employee Education

1. Prior to the start of alcohol and controlled substances testing under this policy and procedures and to each covered employee subsequently hired or transferred into a position involving the performance of safety-sensitive functions, a copy of this policy and procedures and additional information materials will be provided.
2. Information provided to covered employees will include material concerning the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; available methods of evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances; and intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any available employee assistance program, and/or referral to management.
3. The Employer's policy and procedures and informational materials provided to covered employees will also be made available to representatives of various employee organizations.
4. Supervisors or designated employer officials shall ensure that each covered employee is required to sign a statement certifying that he or she has received a copy of the company's controlled substances and alcohol use and testing policy and procedures and related informational materials. The signed statements shall be maintained by Employer.

B. Employee Assistance Program

1. The employer shall provide an Employee Assistance Program (EAP) for all covered employees. The employer may establish the EAP as part of its internal personnel services or the employer may contract with an entity that will provide EAP services to a covered employee.

2. Each EAP education program must include at least the following elements:
 - a. display and distributions of informational materials;
 - b. display and distributions of a community service hot-line telephone number for covered employee assistance; and
 - c. display and distributions of the employer's policy regarding drug and alcohol use in the workplace.

C. Training for Covered Employees and Supervisory Personnel

1. An EAP training program must be conducted for the employer's covered employees and supervisory personnel. The training program must include at least the following elements:
 - a. the effects and consequences of drug and alcohol use on personal health, safety, and work environment;
 - b. the manifestations and behavioral cues that may indicate drug and alcohol use and abuse; and
 - c. documentation of training given to covered employees and the employer's supervisory personnel.
2. All of Employer's supervisors and personnel designated to determine whether reasonable suspicion exists to require a covered employee to undergo testing for alcohol misuse and/or controlled substances use shall receive at least 60 minutes of training on alcohol misuse and controlled substances use.
3. The supervisory personnel training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Employers must implement a reasonable recurrent training program for supervisory personnel making reasonable cause determinations during subsequent years.

D. SAP Referral, Evaluation and Treatment

1. The Employer shall advise each covered employee, who has been engaged in prohibited conduct under these policy and procedures, of resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs, (Appendix B attached hereto).
2. A covered employee who has been engaged in prohibited conduct under this policy and procedures will not return to duty in a safety-sensitive function until the covered employee undergoes a return-to-duty alcohol test with a result indicating an alcohol

concentration of less than 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved a controlled substance. Employer's Discretionary Policies and Disciplinary Consequences must be considered as outlined in Appendix D attached hereto.

In addition, each covered employee shall be evaluated a second time by a substance abuse professional (SAP) to determine that rehabilitation prescribed has been properly followed, and shall be subject to unannounced follow-up drug testing as directed by the SAP.

3. Employer must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to the Employer, with names, addresses, and telephone numbers. Employer cannot charge the employee any fee for compiling or providing this list. Employer may provide the list itself or through its C/TPA or other service agent.
4. Employer must comply with all requirements of 49 CFR Part 40 Subpart O regarding Substance Abuse Professionals and the Return-to-Duty Process. 49 CFR Part 40 is available for review from Employer's DER.