

Drugs and Alcohol

The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require Transystems implement an alcohol and controlled substances testing program.

The FMCSA regulations cover the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Transystems has implemented a parallel program for all company employees who work in safety-sensitive positions. Transystems may conduct testing beyond the requirements of the FMCSA. Expanded testing program is a requirement of Transystems and is not represented as being conducted under FMCSA regulations.

Each covered employee is responsible for complying with the requirements of this policy. The covered employee may not use, possess, abuse, or have present in the body alcohol or any controlled substance in excess of established thresholds while on duty. The covered employee may not use alcohol within eight (8) hours before reporting for duty.

Transystems prohibits the use, sale, purchase, transfer, possession, or presence in one's body of any controlled substance (except medically prescribed drugs) by any covered employee while on company premises, engaged in company business, or operating company equipment.

The company retains the right to change, amend, or modify any term or provision of this policy without notice.

Alcohol Prohibitions

This alcohol prohibition includes:

- Use while performing safety-sensitive functions;
- Use during the eight (8) hours before performing safety-sensitive functions;
- Reporting for duty or remaining on duty with a blood alcohol concentration of 0.04 or greater; and
- Use of alcohol for up to eight (8) hours following an accident or until the covered employee undergoes a post-accident test.

Drug Prohibitions

This drug prohibition includes:

- Use of any drug, except when administered to a covered employee by, or under the instructions of a licensed medical practitioner who has advised the covered employee that the substance will not affect the covered employee's ability to operate safely a commercial motor vehicle or perform other safety-sensitive functions.
- Testing positive for drugs or refusing a required test.
- Each covered employee must inform the employee's manager or Division Safety Manager of any therapeutic drug use prior to performing any safety-sensitive function. The company may require evidence from a health care professional which describes the

effects such medications may have on the covered employee's ability to work safely.

Previous Employer Alcohol and Drug Testing Information

Transystems requests alcohol and drug testing information on covered applicants and employees from previous employers for a period of three years prior to the application for employment.

- The covered applicant or employee must provide written consent to obtain drug and alcohol testing information from previous employers.
- If a covered applicant or employee does not provide written consent, Transystems does not permit the covered applicant or employee to operate a commercial motor vehicle or conduct other safety-sensitive functions. In addition to previous employer information, Transystems may obtain drug and alcohol testing information directly from the covered applicant or employee, providing the documents are verified as true and accurate.
- If Transystems learns from a previous employer that a covered applicant or employee has tested positive for drugs, had an alcohol test result of 0.04 or greater, or has refused to be tested, the covered employee may not be used to perform safety-sensitive functions until proof is given that the covered employee has met the return-to-duty requirements described in FMCSA regulations or Transystems internal policies.
- Covered applicants and employees may review and contest responses to previous employment checks.

Drug & alcohol testing program summary description

Covered Employees: The testing program applies to all covered and prospective employees required to hold a CDL and to other employees in and applicants for safety-sensitive positions.

Safety Sensitive Function: Transystems defines “safety-sensitive.”

Methods of Testing: Testing for drugs is by urine specimen. Alcohol testing is breath analysis. FMCSA rules concerning collection of specimens, custody, and substance thresholds apply to this program.

Program Administration: The testing, medical review and employee assistance parts of the program are administered by a program administrator. The current administrator is Global Safety Services. The program administrator uses local service providers to collect urine samples and to perform breath analysis. The company also administers breath analysis.

Frequency of Testing: Testing for controlled substances is conducted before employment, on a random basis during employment, after certain events, upon reasonable suspicion, and as a follow-up for a positive screen. Testing for alcohol is conducted on a random basis during employment, after certain events, upon reasonable suspicion, and as a follow-up for a positive screen.

Pre-Employment Testing: Prior to reporting for duty in a safety-sensitive function every potential employee must test negative for controlled substances. A confirmed positive test result disqualifies that person from employment.

Persons previously tested by Transystems and who return to employment after an absence of less than thirty (30) days since date of termination may not be subject to pre-employment testing.

Random Testing: Every covered employee is subject to the random testing program. The program administrator provides the list of individuals to be tested each month. Transystems notifies randomly selected employees for scheduling of tests.

Post-Accident Testing: Every covered employee who is involved in a recordable accident in which there is a loss of a human life or the employee is cited must provide a urine sample and a breath sample in accordance with the collection procedures of the testing program administrator. The urine sample must be provided as soon as possible following the accident but in no event later than thirty-two (32) hours thereafter. The alcohol sample must be provided as soon as possible following the accident but in no event later than eight (8) hours thereafter. A recordable accident is one that results in the death of a human being, bodily injury to a person requiring immediate medical treatment away from the scene of the accident, or disabling damage to a vehicle requiring it to be towed from the scene.

Transystems may require a post-event testing which goes beyond the requirements of FMCSA. This expanded testing is conducted under Transystems policy and is not represented as being conducted under FMCSA regulations.

Reasonable Suspicion Testing: Any covered employee must to submit to testing whenever supervisory personnel have reasonable suspicion to believe that the employee may have used a controlled substance or alcohol. When more than one supervisor is not available, a single supervisor may initiate actions to accomplish reasonable suspicion testing. In the event of testing upon reasonable suspicion, the supervisor and witness (if available) prepare and sign a statement of conduct observed within twenty-four (24) hours of the observed behavior or before test results are released, whichever occurs sooner. Transystems trains supervisors in the observance of behavior related to the use of controlled substances and alcohol.

Prohibited Conduct: The following conduct is prohibited for all employees:

- 1) Reporting for duty, being on duty, or immediately after leaving duty having a blood alcohol content (BAC) of 0.04 or greater. (BAC of 0.02 to 0.039 results in immediate suspension for at least 24 hours and may result in termination of employment.)
- 2) Possession any form or amount of alcohol or alcoholic beverage while on duty.
- 3) Consumption any alcohol while on duty.
- 4) Consumption of any alcohol within eight (8) hours before reporting for duty.
- 5) Consumption any alcohol within eight (8) hours following an accident or other event that requires testing.
- 6) Refusal to submit to any testing required under the program.
- 7) Testing positive for any controlled substance.

Refusal to submit to testing: A covered employee may not refuse to submit to a post-accident, post-event, random, reasonable suspicion, or follow-up alcohol or controlled substances test. A covered employee who refuses to submit to such tests may not perform or continue to perform

safety-sensitive functions and must be evaluated by a substance abuse professional as if the covered employee tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample. Refusal to test carries the same consequences as a positive test.

Consequences of Employees Engaged in Prohibited Conduct: Except as noted above or as required by FMCSA regulations, any covered employee whose urine or breath sample tests positive for the presence of a controlled substance or alcohol may be terminated or be suspended from employment without pay.

Former employees may apply for reinstatement after completion of a program of rehabilitation at a recognized facility for treatment of chemical dependency, alcohol dependency or controlled substance abuse under the direct supervision of a substance abuse professional.

Transystems will consider an application for reinstatement but Transystems does not commit to reinstating any former employee.

Upon completion of the treatment program and before returning to active service, the suspended employee must test negative for controlled substances and alcohol. The attending physician or treatment program director must certify that the suspended employee is capable of resuming duty in a safe manner. Following treatment the employee must continue to participate in an after-care program for the time specified by the substance professional. Such employee will be subject to the standard testing program and, in addition, may be required to be tested more frequently at the employee's expense.

During the first year following treatment, the employee must be tested at least six (6) times. Return-to-duty and follow-up samples must be collected under direct observation according to FMCSA regulations. An employee who again tests positive for the use of controlled substances or alcohol will be discharged and will not be eligible for rehire.

Confidentiality: The program administrator will reveal to the company only the identity of the person tested, the date of the test, whether the test result was negative or positive, and such other information as permitted by FMCSA. Any tested person may obtain directly from the program administrator information as to the specific types and quantities of controlled substances or alcohol revealed by the test. Other information will be released only in accordance with FMCSA regulations.

Medical officer's review: The program administrator's medical review officer (MRO) examines all positive test results before the results are released. The MRO is a licensed physician with knowledge of substance abuse disorders.

No positive test result will be verified by the MRO prior to consideration of alternate medical explanations for the result. The tested person has the opportunity to discuss any positive test before it is finally verified by the MRO. The MRO may order additional testing. Any additional or "split sample" testing accomplished is at the expense of the covered employee. Any person

tested will be asked to provide information concerning legal use of controlled substances (including prescription drugs) when such information might explain the presence of a controlled substance.

Questions Regarding the Program: Any questions regarding Transystems Controlled Substances and Alcohol Testing Program should be directed to the Division Safety Manager.

The testing program is intended to comply with FMCSA regulations and incorporates by reference to those regulations, where applicable. This summary description of the program is provided as a convenience. It is not intended to modify or restrict the scope of FMCSA regulations.

Transystems may change this program without notice.