

WHAT SUPERVISORS NEED TO KNOW ABOUT ATWELL'S DRUG AND ALCOHOL PLAN

Testing Notifications

A. Random testing

Atwell will conduct a number of random tests each calendar year that meets or exceeds the current minimum annual percentage random testing rate. The minimum rate for random drug testing, set by the PHMSA regulation, is 25 percent of Atwell's covered employees. If the industry random drug testing positive rate is above 1 percent, PHMSA will raise the annual percentage rate for random drug testing to 50 percent of all Atwell's covered employees.

Atwell may use the services of a C/TPA (Consortium/Third Party Administrator) Atwell uses Pipeline Testing Consortium (PTC) to manage all aspects of Atwell's random testing program. If Atwell conducts random testing through PTC, the number of employees to be tested may be calculated for each individual Company or may be based on the total number of covered employees covered by PTC who are subject to random testing (e.g., consortium random testing pool).

All covered employees will be immediately placed in the random pool after obtaining a negative result on their pre-employment test. Covered employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selector of employees shall be made by using a computer-based, scientifically valid method (e.g., random number generator or equivalent random selection method) that is matched with an employee's social security or employee ID number.

The DER (Designated Employee Representative) of Safety will assure the pool contains employee social security number or employee ID numbers that are current, complete, and correct. Employees will have an equal chance of being selected for testing. Random testing will occur on a quarterly basis. The number of tests to be conducted will be based on the number of covered employees at the beginning of each quarter's test cycle. The number of employees selected shall be sufficient to assure that the minimum number of required tests can be achieved. The list of employees selected will be retained by the DER in a secure location until the time of testing when the list will be provided to the appropriate division manager, department head, or supervisor who will, in turn, notify the employee(s) to report for testing.

Random testing is unannounced, with employees being notified that they have been selected for testing after they have reported for duty on the day of collection. Specimen collection will be conducted on different days of the week throughout each test cycle to prevent employees from matching their drug use patterns to the schedule for collection. Random tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action. Once notified by the appropriate Atwell official, employees will be instructed to report immediately to the collection site.

*****When the Supervisor is notified of a Random drug screen for their employee, and the employee cannot go right away, the Supervisor shall NOT notify the employee ahead of time*****

B. Post Incident testing

Accident/Incident - 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.

- a) (§191.3) – 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, gas from an underground natural gas storage facility, liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - (a) A death, or personal injury necessitating inpatient hospitalization; or
 - (b) Estimated property damage of \$50,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost;
 - (c) Unintentional estimated gas loss of three million cubic feet or more;
 - (2) An event that results in an emergency shutdown of an LNG facility or an underground natural gas storage facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
 - (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).
 - (4) (§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:
 - (5) Explosion or fire not intentionally set by the operator.
 - (6) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if this release is:
 - (a) Not otherwise reportable under this section;
 - (b) Not one described in §195.52(a)(4);
 - (c) Confined to Company property or pipeline right-of-way; and
 - (d) Cleaned up promptly;
 - (7) Death of any person.
 - (8) Personal injury necessitating hospitalization;
 - (9) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

Post Incident Testing Time Frame:

As soon as possible but no later than 32 hours after an accident, Atwell will drug test each employee involved. Atwell may decide not to test under this paragraph but such a decision will be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident. Atwell will document the decisions that support the determination not to conduct a post-accident drug test. Refer to: Appendix A - Post-Accident or Reasonable Cause/Suspicion Supervisor Written Record.

If a test required by this section is not administered within the 32 hours following the accident, Atwell will prepare and maintain its decision stating the reasons why the test was not promptly administered. Atwell will cease attempts to administer a drug test and will state in the record the reasons for not administering the test.

Atwell must take all reasonable steps to obtain a urine specimen from an employee after an accident, but any injury should be treated first. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, 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.

The affected employee will not be allowed to proceed alone to or from the collection site. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying Atwell or Atwell's representative of their location if they leave the scene

of the accident prior to submission to such a test, may be deemed by Atwell to have refused to submit to testing. Depending on the circumstances of the accident, and if feasible, the employee will not be allowed to perform covered functions pending the results of the drug test.

C. Reasonable Suspicion testing

Atwell will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the Atwell Supervisor's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. At least two Atwell supervisors, one of whom is trained in detection of the possible signs and symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. If Atwell has 50 or fewer employees subject to testing under PHMSA regulations, only one supervisor, trained in detecting possible drug use signs and symptoms, is needed to make the decision to test.

The supervisor making the determination to test shall document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the employee's conduct shall be prepared and signed within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. Refer to: Appendix B - Reasonable Cause/Suspicion Observation Checklist at the end of this document. The potentially affected employee should not be allowed to proceed alone to or from the collection site.

The employee shall not perform a covered function pending the receipt of the drug test results. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable belief that the employee may be under the influence of a drug. If the employee insists on driving, a supervisor should notify the proper local law enforcement authority that an employee believed to be under the influence of a drug is leaving Atwell premises driving a motor vehicle.

The supervisor or Atwell official must have been trained to recognize the signs and symptoms of drug and alcohol use. Testing cannot be required based solely on a guess or a hunch or complaint from another person or phone call tip. The suspicion must be based on specific observations by the supervisor or Atwell official concerning the employee's current appearance, behavior, speech, and smell that are usually associated with drug or alcohol use. The Reasonable Suspicion checklist must be filled out by the supervisor to document and support any suspicions about an employee.

In test situations such as post-accident and reasonable suspicion/cause, where the employee's job performance is called into possible question, supervisors will use their discretion and training.

The supervisor shall verify with Human Resources and Safety before confronting the employee for a Reasonable Suspicion test.

Reasonable Suspicion and Post Incident Testing

- It is the sole discretion of the customer to consider a request for the employee(s) to return to work on their premises and only after negative drug and alcohol test results have been received and documented.

Fitness for Duty: After a fit for duty concern is identified, and before the employee can be returned to work on customer premises, Atwell's health professional must evaluate the employee, clear them to return to work, define restrictions if applicable, and document conclusion. A fitness for duty concern may be identified from such events as:

- MRO review of a laboratory positive test result may lead to a MRO negative determination, but the MRO may identify a fitness for duty concern.

- A required medication disclosure by employee or the admission of possession or use of a potentially impairing substance

Note:

- Atwell Supervisors should be trained in detection of the possible signs and symptoms of drug and alcohol use.
- Training should also include but not be limited to the following:
 - Guidance to substantiate and concur in the decision to test an employee for reasonable suspicion.
 - Documenting, in writing, the behavioral signs and symptoms
 - Removing employee from job functions and should not allow to proceed alone to or from the collection site

DOT Drug Violations

Drug Violations. The following provides a listing of DOT drug violations prohibited of covered employees:

- a) A verified positive drug test result;
- b) A refusal to be tested, determined by:
 - (1) Having a verified adulterated or substituted drug test result;
 - (2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by Atwell, after being directed to do so by Atwell;
 - (3) Failing to remain at the drug testing site until the testing process is complete;
 - (4) Failing to provide a urine specimen for any drug test;
 - (5) Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure;
 - (6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (7) Failing or declining to take an additional drug test Atwell or collector has directed the employee to take;
 - (8) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER; or,
 - (9) Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
 - (10) For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
 - (11) Possess or wear a prosthetic or other device that could interfere with the collection process;
 - (12) Admit to the collector or MRO that a specimen has been adulterated or substituted.

If an employee or a potential employee refuses to test or fails to report to the collection facility within the required time period for a Random screen; the result shall be considered "Positive" and the employee or potential employee is subject to immediate termination or their status shall change to "not eligible for hire".

D. Pre-Employment

A pre-employment drug test will be conducted before an individual is hired or contracted into a covered position and when an individual is transferred or promoted from a non-covered to a covered position. This includes when an individual switches back and forth from a covered position to a non-covered position and back again. This also applies to employees returning from a leave of absence greater than 30 days who have not been participating in Atwell's drug program and subsequently subject to the random selection process.

A negative DOT urine drug test result is required prior to performing covered functions. DOT does not allow the use of a "quick test" (e.g., a urine test that produces an immediate test result) or any other methodology other than urine. Pre-employment tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should the circumstances require such action.

Stand Down Procedure

DOT "stand-down" is not in effect for Atwell. Atwell does not hold a stand-down waiver under Part 40, and has not applied for one. Should this status change, Atwell will notify all covered employees and Atwell officials, in accordance with Part 40 requirements.

Disqualified Contractor Personnel

- Customer(s) will be immediately notified that the employee(s) is disqualified from performing job functions. If the disqualification is the result of a positive drug or alcohol test, there is no need to disclose the **reason** for the disqualification
- Must not assign or reassign disqualified employees to perform job functions at customer premises
- Immediately, or as soon as practicable, remove the employee from customer premises
- At customer's request, shall verify the quality of all job functions in which the disqualified employee may have participated. Submit a report to the customer that documents the verification, any findings, and the actions taken to assure all deficiencies have been corrected.

Monitoring Contractor's Compliance. The contractor may be required to provide information on their employees who will perform covered functions for the operator. This information will include, as a minimum, the name, type of test and test date of the employees who will perform any work or functions covered by Part 199 under that contract.

Medication Disclosure

Employees performing job functions on customer premises may only use potentially impairing medication (e.g., prescription drug, over-the-counter medication, herbal medicine) under the following conditions:

- Medication(s) have been obtained in a manner consistent with applicable laws and regulations
- Employee has notified Atwell that they will be in possession of, or using, potentially impairing medication(s)
- Atwell's health professional has assessed the capability or fitness of the employee to perform job functions

Return to Work on Customer Premises

PHMSA does not mandate a pre-employment alcohol test for covered employees in the pipeline industry. PHMSA does give operators and contractors who wish to conduct a pre-employment alcohol test the authority to do so. If Atwell decides to conduct pre-employment alcohol testing, all applicants will be



advised of the test prior to the test occurring, and all tests will be conducted before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions). Atwell will treat all covered employees the same for the purpose of pre- employment alcohol testing; Atwell will not test some covered employees and not others.

NCMS Website

The Safety Department manages the following for Atwell in lieu of Supervisors:

Supervisors should be familiar with the NCMS website and be responsible for the following:

- Obtain a username and password to the NCMS website
- Review employee list before sending to a customer's jobsite. Review should ensure employee(s) is in compliance with the customer's drug and/or alcohol testing requirements
- Review Atwell's program status on the NCMS website to ensure a **SATISFACTORY** status

After the review of this document, you are required to answer a few questions on Atwell's Drug Policy test for Supervisors.

Please click the following link: <https://form.jotform.com/91286136077158>