

**Mail Management Services Inc.**

**DOT - FMCSA  
DRUG & ALCOHOL TESTING  
POLICY**

**Also Referred to as:  
49 CFR PART 382  
CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY**

**Mail Management Services Inc.**

**LETTER TO APPLICANTS AND EMPLOYEES**

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the Federal requirements and state guidelines concerning substance abuse in the workplace. Mail Management Services Inc. is committed to creating and maintaining a workplace free of substance abuse.

To answer this problem, Mail Management Services Inc. (hereinafter also referred to as "COMPANY", "the company", "this company" or "Company") has developed a policy in conformity with DOT Regulation 49 CFR Part 40 regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of our employees. A copy of these Federal Regulations is on file with COMPANY'S Designated Employer Representative (DER) for review at any time during normal working hours.

Our policy formally and clearly states the illegal use of drugs or abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented, as of the effective date of this Policy, pre-employment and active employee drug testing as outlined in the Policy.

Employees, who are subject to the DOT testing regulations and Company Policy, will be placed in a separate random testing pool containing only DOT-covered employees for purposes of DOT compliance. With regards to the Drug and Alcohol Testing Policy, the federal regulations shall be considered as preempting any inconsistent state or local laws or regulations.

The purpose of this policy is SAFETY and to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles and other safety sensitive employees of this Company covered by this policy.

An employee whose conduct violates this substance abuse policy will be subject to discipline, up to and including termination.

We believe that the benefits derived from the policy objectives outweigh the potential inconvenience to employees, and we earnestly solicit the understanding and cooperation of all employees in implementing this policy.

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**DRUG & ALCOHOL TESTING POLICY**

**A. STATEMENT OF POLICY**

This company has a legal responsibility to comply with the United States Department of Transportation (US DOT) regulations regarding testing of certain company employees. DOT Regulation 49 CFR Part 40 (DOT) are on file with the COMPANY'S Designated Employer Representative (DER) for review at any time during normal working hours.

To accomplish that end, the COMPANY cannot condone and will not tolerate any of the following behaviors by its employees:

- a. Use of illicit drugs
- b. Abuse of legal drugs (prescription or over the counter)
- c. Abuse of alcohol
- d. Sale, purchase, transfer or use or possession of illegal drugs or prescription drugs obtained illegally
- e. Arrival for work under the influence of drugs or alcohol
- f. Consuming illicit drugs or alcohol while working

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles

Within this Drug & Alcohol Testing Policy, certain elements are required because the COMPANY is regulated by the U.S. Department of Transportation (DOT). In addition, certain policy elements, mostly related to specific personnel actions or this Company's drug-free workplace regulations or Company Policy, reflect requirements of the COMPANY but are not required by DOT. Regarding those employees governed by DOT regulations, federal regulations shall be considered as preempting any inconsistent company policy, state or local law or regulation.

**1. Designated Employer Representative (DER)**

**Section N** of this policy lists the Company's Designated Employer Representative (DER), the responsible person for this Policy. The DER shall be responsible for providing oversight and evaluation on the policy, providing guidance and counseling, reviewing of all discipline applied under this policy for consistency and conformance to human resources policies and procedures, scheduling for types of testing (random, post-accident, reasonable suspicion, etc.), maintaining

a locked file system on all test results, and overseeing the referral of employees for evaluation and treatment. The COMPANY shall ensure that all covered employees are aware of the provisions and coverage of the COMPANY'S Drug & Alcohol Testing Policy and that all employees are notified prior to testing.

## **2. Department of Transportation Regulations**

The COMPANY'S policy requires that employees participating in activities regulated by DOT be subject to urine drug testing and breath alcohol testing in accordance with DOT drug and alcohol testing regulation 49 CFR Part 40 and FMCSA regulation 49 CFR Part 382. A copy of these regulations is available from the COMPANY'S Designated Employer Representative (DER). Non-DOT regulated employees may also be subject to drug and alcohol testing.

Separate testing pools will be established for non-DOT regulated employees as previously described and may be further divided by safety-sensitive and non-safety-sensitive employees.

This Policy specifically notifies all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on the job or on COMPANY property. Furthermore, this policy notifies employees that the use of a prohibited drug at any time, whether on duty or off duty, is forbidden. Additionally, the consumption of alcohol (whether as a beverage or in a medicinal formulation, and also to include methanol and isopropanol) is prohibited while performing a safety-sensitive activity or within four (4) hours before performing a safety-sensitive activity, or within eight (8) hours following an accident to which the employee's behavior may have contributed, or after having been notified to report to duty for any reason.

## **3. Commercial Drivers' Licenses**

It is the policy of this COMPANY that persons having a CDL and participating in activities regulated by DOT are subject to drug and alcohol testing. The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in aviation, motor carriers, railroad, and mass transit industries. Provisions of this policy are based upon said Act and the relevant federal regulations applicable to the Act. As a condition of employment, the COMPANY reserves the right to require all employees having a CDL and performing safety-sensitive activities regulated by DOT, to submit to drug and/or alcohol testing to determine the presence of prohibited substances. These rules and this policy also require all drivers to notify their supervisor within five (5) days of any criminal drug statute conviction.

### **Who is Covered for DOT FMCSA Drug & Alcohol Testing?**

A person who holds a Commercial Driver's License (CDL) and operates a Commercial Motor Vehicle (CMV) means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than

4,536 kilograms (10,000 pounds); or

- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations

## **B. SUBSTANCES TO BE TESTED AND DETECTION THRESHOLDS**

The substances to be tested under this policy and the cut off levels of detection for those substances are those as specified under the current version of the regulation 49 CFR Part 40:

1. Marijuana metabolites
2. Cocaine metabolites
3. Phencyclidine
4. Amphetamines – amphetamine, methamphetamine, MDMA & MDA
5. Opioids - codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone & hydromorphone

Some common names for the semi-synthetic Opioids (oxycodone, oxymorphone, hydrocodone & hydromorphone) include OxyContin<sup>®</sup>, Percodan<sup>®</sup>, Percocet<sup>®</sup>, Vicodin<sup>®</sup>, Lortab<sup>®</sup>, Norco<sup>®</sup>, Dilaudid<sup>®</sup>, and Exalgo<sup>®</sup>

**Alcohol testing requires** removal from safety sensitive position at .02% BAC or greater with a violation of the policy and DOT regulation 49 CFR Part 40 at .04% BAC or greater.

## **C. MEDICATIONS**

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Employees will report their use of any legal prescription medications to their supervisor before beginning work. Those sensitive to the disclosure of their use of certain medications may call or visit the COMPANY official (see name and telephone number in Section N) in charge of the Drug & Alcohol Testing Policy, in confidence, to resolve their unique work situation.

Employees shall not use or be under the influence of medications while working if the medications have the potential to alter or to adversely affect their judgment, motor skills, to induce sleepiness or to otherwise detract from their safe job performance. An essential DOT covered employee job duty is the ability to perform job functions in a constant state of alertness and safe manner.

The COMPANY may require Fit for Duty documentation from a prescribing physician when an employee performing safety sensitive activities reports use of a legal prescription or when the Medical Review Officer (MRO) reports a **safety concern** on a negative drug test result. The COMPANY has final authority for fitness for duty determinations.

This policy makes no provision for medical marijuana. The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason medical, recreational or otherwise.

#### **D. DRUG & ALCOHOL TESTING POLICY MONITORING**

To measure the success of, and to aid in enforcing, our Drug & Alcohol Testing Policy, the following types of drug screening tests may be administered to employees:

1. **Pre-employment** - job applicants, as a condition of obtaining employment, must be tested with a negative result received before operating in a safety sensitive position
2. **Random** testing as described in Exhibit I
3. **Post Accident** testing as described in Exhibit II
4. An employee will be required to submit to a drug and alcohol test if there is **Reasonable Suspicion** that the employee is under the influence of drugs and/or alcohol. A trained supervisor must make this decision
5. **Return to Duty** testing following a removal from a Safety Sensitive position after a positive, adulterated or substituted test and referral to a Substance Abuse Professional (SAP)
6. Employees as a **Follow-Up** to a return from rehabilitation program. These employees will be tested periodically. Under DOT regulations, follow up testing will be at a minimum six tests over the first year of return to duty

Notice of Drug Testing will be given on all vacancy announcements. In addition to the drug screening, a test for the presence of alcohol may be administered as a result of the conditions stated in Section D. 2, 3, 4, 5 & 6 above.

A copy of documentation supporting a REASONABLE SUSPICION drug and alcohol test will be completed within seven (7) days after testing, will be provided to the employee upon request, and will be retained confidentially by the COMPANY for at least one (1) year.

On the basis of an accident that requires a DOT post-accident test or the finding of reasonable suspicion that leads to a DOT reasonable suspicion test, the employee will immediately be removed from safety-sensitive functions pending the outcome of the post accident or reasonable suspicion drug/alcohol test. Wages will be withheld unless the results of testing are negative.

A laboratory approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) will perform testing for the presence of drugs after obtaining urine specimens for drug tests. Laboratories are mandated to test all DOT specimens for specimen validity (i.e., adulterants and urine substitutes). All non-negative specimens from the initial screening are then tested a second time using a different technique and chemical principal from the initial test to insure reliability and accuracy. All drug test results are reported to the Medical Review Officer (MRO) for verification prior to being transmitted to the employee and/or employer.

### **Medical Review Officer (MRO)**

All drug test results are reported from the lab to the Medical Review Officer (MRO) for review and verification prior to being transmitted to the employee and/or employer. The MRO is a licensed physician who has been trained to review and verify drug test results. Contact information for the MRO is listed in Section N. When a prescribed medication causes your drug test result to be positive from the lab, you will be contacted by the MRO to discuss this medication and verification of your prescription in order to have the MRO reverse the drug test result and report to your employer as negative.

Prescribed use of certain medications and the semi-synthetic opioids prescription drugs could render a DOT covered employee as medically unqualified under an applicable DOT agency regulation or is likely to pose a significant safety risk. When a negative result is reported by the MRO after evaluation of a driver's prescribed medication, the MRO may indicate a Safety Concern on the test result report to the employer. When a laboratory positive test is reversed due to a prescribed opioid, the Medical Review Officer (MRO) has been directed by DOT to first provide the employee with up to five business days after the reporting of the verified negative result to have the prescribing physician contact the MRO to determine if the medication(s) can be changed to one that does not make the employee medically unqualified or that the medication does not pose a significant safety risk before reporting the safety concern.

### **Non-DOT Drug & Alcohol Testing**

In addition to drug and alcohol testing conducted by the COMPANY pursuant to 49 CFR Part 40 and 49 CFR Part 382, the COMPANY reserves the independent authority to screen and/or test employees under the COMPANY's Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective bargaining agreements.

The term “illegal use of drugs” includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider’s lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227].

### **Dilute Specimens**

If the MRO informs the Company that a negative test was dilute, the Company may take the following action depending on Company policy and/or guidance provided by the MRO:

- (1) If the MRO directs that a recollection take place under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL), the Company will do so immediately. Failure of the employee or applicant to submit for this recollection is classified by the DOT as a refusal to test
- (2) Otherwise (i.e., if the creatinine concentration of the negative dilute specimen is greater than 5 mg/dL), the Company will for existing employees:
  - a. Require the employee retest upon immediate notification and be escorted by a supervisor.
- (3) Regarding a negative dilute (greater than 5 mg/dL) on an applicant, the Company will:
  - a. Require the applicant to retest within 24 hours and provide instructions to applicant on how to avoid a dilute specimen.

When such a retest is required after a negative dilute specimen, the employee or applicant will be given the minimum possible advance notice that he or she must go to the collection site. Instructions will be provided on how to avoid a dilute specimen. The result of the retest will be considered the final result, not the result from the first test. For current employees required to submit to a return-to-duty test or follow-up test (both of which under DOT regulations must render a negative test result) a second directly observed collection resulting in a negative dilute urine test result will render the final result a “negative” test. An applicant with a second directly observed negative dilute urine test result will not be eligible for hire under the Company’s uniformly enforced policy.

If the employee declines to take the retest required because of a dilute specimen, the action will be considered a “refusal to be tested” and will be treated the same as a confirmed and verified positive result. The offer of employment will be rescinded if an applicant refuses to take the retest because of a dilute specimen



## **Invalid Results Due to Medical Conditions**

An employee with a previously diagnosed medical condition which has caused them in the past to provide an invalid urine test result when called for testing, may now be referred directly to the MRO who will conduct a “signs and symptoms” medical evaluation (or the MRO may direct a licensed physician acceptable to the MRO to perform such an evaluation in accordance with DOT Regulations) to determine if there is evidence the employee is an illicit drug user. If no such evidence is found, the MRO will determine the test result to be a “negative” test and provide a report to the Company. If the medical evaluation provides contrary evidence, the MRO will provide the Company a report that the test is cancelled and state the reason(s). The employer cannot hire nor have the individual resume safety sensitive work without a negative result.

## **Direct Observation Specimen Collections**

Under certain circumstances applicants or employees (donors) may be required to submit their urine specimen for drug testing under direct observation. During the observed collection, items such as prosthetic devices designed to carry clean urine will be checked for by observers with both male and female donors, by asking the donor to raise and lower clothing, turn around, and then put the clothing back into place for the observed collection. The observer must then watch the employee urinate into the collection container. Specifically, the observer must watch the urine go from the donor’s body into the collection container. The observer must be of the same gender as the donor and does not need to be the collector.

## **E. CONSEQUENCES TO EMPLOYEES OF:**

The following is an overview of the terms and conditions of the COMPANY’S drug and alcohol policy, and for violation of which an employee is subject to discipline as outlined below:

- (1) It is a violation of Company policy for any employee to use, possess, manufacture, sell, trade, offer for sale, offer to buy, or make arrangements to distribute illegal drugs, or to otherwise engage in the illegal use of drugs while at work or on COMPANY property.
- (2) It is a violation of Company policy for anyone to report to work under the influence of alcohol, or any illegal drugs.
- (3) It is a violation of Company policy for anyone to remain on duty that requires the operation of a motor vehicle or other hazardous equipment, or the performance of safety sensitive job duties, while under the influence of illegal drugs or alcohol.
- (4) It is a violation of Company policy for anyone to use prescription drugs illegally, however, nothing in this policy precludes the appropriate use of legally prescribed medications. Such prescription drugs brought to work should remain in the original labeled container and show both the prescribing doctor’s name and expiration date.

- (5) It is a violation of Company policy to report to work or be at work, where the presence of prescribed or over-the-counter narcotics or drugs exceeds statutory limits in blood or urine, or the use of prescribed or over-the-counter narcotics or drugs poses a risk to the safety of the employee, other persons, the general public or property or may render the employee temporarily medically unfit under applicable DOT agency regulations.
- (6) It is a violation of Company policy to ingest hemp food products or coca food products. (Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana.) A Medical Review Officer (MRO) may not accept consumption or other use of hemp products, coca teas, recreational or medical marijuana as an excuse for a positive drug test.
- (7) It is a violation of Company policy for employees to use alcohol within four (4) hours before performing any safety-sensitive activity. The COMPANY will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol.
- (8) It is a violation of Company policy to engage in the following conduct as defined and identified in 49 CFR Part 40 and this Policy:
  - a) Receiving a verified positive drug test
  - b) Receiving a verified adulterated or substituted drug test
  - c) Receiving an alcohol test result of 0.04 or higher
  - d) Failure to appear for a drug or alcohol test within the time directed by the DER but no longer than two (2) hours of being so ordered
  - e) Refusal of an Alcohol or Drug Test
  - f) Refusal to provide the collector with requested information to be placed on the Custody and Control Form (CCF)
  - g) Refusal to cooperate with the collector's directions to remove outer clothing, leave personal belongings, empty pockets, wash hands or other such directives of the collector
  - h) Refusal to follow the collector's instructions to submit to an observed or monitored collection
  - i) Submit, or attempt to submit, an adulterated, diluted or otherwise altered specimen, or substituting a specimen from another person
  - j) Failure 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 C/TPA
  - k) Failure to remain at the testing site until the testing process is complete
  - l) Failure to provide a urine specimen or fail to attempt to provide a saliva or breath specimen

- m) Fail or decline to take a second test the DER or collector has directed
- n) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of a verification process, or as directed by the DER as part of the “shy bladder” procedures or “shy lung” procedures
- o) Behave in a confrontational way that disrupts the collection process is classified as a refusal to test or fail to cooperate with any part of the alcohol testing process
- p) For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process
- q) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- r) Admit to the collector or MRO that you adulterated or substituted the specimen
- s) Reporting for work with an illegal drug, including marijuana (medical, recreational or otherwise), in his or her system. The company enforces this policy consistently with respect to all drugs, including medical or recreational use marijuana, as the law allows the company to do

**DISCIPLINE ACTIONS FOR VIOLATIONS LISTED ABOVE:**

Each employee should understand that certain policy violations will result in immediate termination. Such violations of the policy include, but are not limited to:

- The consumption of alcohol on Company time or in a Company vehicle, unless otherwise approved;
- The possession, sale or use of illegal drugs on Company premises or on Company time;
- Any effort to substitute or adulterate a drug test sample or otherwise alter a drug test result; and
- Refusal to test when required as per this policy

**Additional Discipline Actions for Violations of this Policy**

1. Job Applicants will not be hired and will be provided a referral list to a Substance Abuse Professional to meet the required conditions of 49 CFR Part 40.281 Subpart O.
2. An employee violation of this policy will cause immediate termination of employment and referral to the Substance Abuse Professional as stated below in Item 3. .

Employees testing positive or refusal to test may forfeit eligibility for unemployment payments per company authority. Injured employees after a positive or refusal to test on a post-accident testing event may forfeit eligibility for workers' compensation medical payments and indemnity payments per company authority.

3. DOT consequences for a confirmed positive, adulterated, substituted drug/alcohol test or refusal to test require the employee to be removed from a DOT safety sensitive position and referred to a Substance Abuse Professional (SAP). The employee cannot return to the safety sensitive position until a final evaluation from the SAP and a return to duty negative test. The employee will be responsible for any costs associated with the SAP program.
4. Company policy requires employees arrested, indicted or convicted of violating controlled substance laws will notify the employer within five (5) days of the event and if this substance abuse policy was also violated, will be disciplined up to and including termination, depending on the circumstances.

## **F. CHALLENGES TO CONFIRMED POSITIVE TEST RESULTS**

DOT Testing – 49 CFR Part 40 Regulations:

- a. Upon receipt of a verified positive drug test result, the COMPANY will immediately remove the employee involved from performing safety sensitive functions. The COMPANY will take this action upon receiving the initial report of the verified positive test result.
- b. On positive or refusal to test, the Medical Review Officer (MRO) will explain split specimen testing process to the employee.
- c. Employee has 72 hours after verification to request test of split specimen; employee will be responsible for the cost of the split specimen testing. Funds for this may be held from employee's last paycheck.
- d. When the employee makes a timely request for a test of the split specimen, the MRO immediately provides written notice to the laboratory that tested the primary specimen directing the laboratory to forward the split specimen to a second laboratory certified also by the United States Department of Health and Human Services (HHS).

## **G. CONFIDENTIALITY OF DRUG TESTING INFORMATION**

All written reports and related information received by the COMPANY, laboratories, employee leasing programs, drug and alcohol rehabilitation programs and their agents will be held in strictest confidence and will not be disclosed except in accordance with Federal Statutes or otherwise legally disclosed. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant.

Agents of our company and the laboratory conducting a drug test will, however, have access to drug test information when consulting with legal counsel in connection with actions brought

against them when the information is relevant to its defense in a civil or administrative matter.

#### **H. CONFIDENTIAL REPORTING OF MEDICATION USE**

The COMPANY knows that eventually most people need to take medications to combat various illnesses. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or bought over the counter at a pharmacy. Many medications that are known to alter or affect a drug test are listed in Section M. The name of the testing laboratory and medical review officer (MRO) are listed in Section N. Employees who want more technical information about medications may consult the testing laboratory or the MRO. To avoid the potential problems created by a false test result, the COMPANY has implemented procedures to enable employees to confidentially report the use of medications. You may record the use of medications on the back of your copy of the chain of custody form after your specimen is collected and discuss only with the MRO.

#### **I. EMPLOYEE ASSISTANCE PROGRAM**

Our company maintains an Employee Assistance Program (EAP) that consists of referring employees with drug or alcohol problems to local rehabilitation centers. Any costs of outside services are, however, the employee's responsibility.

Any employee who has not previously tested positive for drug or alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol problems before they lead to disciplinary actions. Seeking a referral after a positive drug or alcohol test, however, will not in any way excuse the employee from disciplinary action required by violations of this policy

No employee will be discharged, disciplined or discriminated against solely upon the employee's voluntarily seeking treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

Through the EAP, the COMPANY will attempt to provide appropriate referral to drug and alcohol abuse rehabilitation programs.

If an employee wishes to pursue help through the EAP or wishes to contact an SAP, please contact the person listed in Section N for appropriate referral. Section O also has additional EAP and SAP information.

#### **J. COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE**

The COMPANY is providing this information regarding the Commercial Driver's License Drug and Alcohol Clearinghouse. The Clearinghouse rule takes effect January 6, 2020. All queries and reporting will be for information as of the effective date and not any information prior to the effective date of January 6, 2020.

The COMPANY has a requirement to publish educational materials to drivers about the Clearinghouse and other regulatory changes contained in the Clearinghouse Final Rule issued December 5, 2016, and to notify drivers that drug, and alcohol test information will be reported to the Clearinghouse beginning January 6, 2020, so as to encourage drivers to seek substance abuse treatment if they currently have a problem with the misuse of alcohol and/or use of controlled substance(s).

Information about a driver reported to the Clearinghouse will include the driver's name, date of birth, and commercial driver's license (CDL) number and State of issuance. Other information about specific tests and regarding the return to duty process will be reported. The information reported will be available when queries are made by existing and hiring employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel.

The Clearinghouse will notify a driver using the method indicated during the driver's Clearinghouse registration—either mail or email—any time information about the driver is added, revised, or removed. If the driver has not yet registered for the Clearinghouse, these notifications will be sent by mail using the address associated with the driver's commercial driver's license (CDL). There is a petition process for drivers to request corrections to their Clearinghouse record (§382.717). Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

Driver violation records will be available in the Clearinghouse for five years from the date of the violation determination, or until the violation is resolved through the successful completion of the return-to-duty (RTD) process and follow-up testing plan, whichever is later.

Only DOT drug and alcohol tests results authorized by the Federal Motor Carrier Safety Administration (FMCSA) are reported to the Clearinghouse. The identifying number for the driver will always be the CDL driver's license number and the state of issue.

### **Do Drivers Need to Register in the Clearinghouse?**

Yes and no. Clearinghouse registration is not a required step for drivers, but it is highly recommended. If a driver is never required to provide consent to a pre-employment or other full query, and never incurs a drug and alcohol program violation, then the driver will not need to register for the Clearinghouse.

However, a driver will need to be registered to provide electronic consent in the Clearinghouse for a prospective or current employer to conduct a full query of his or her driver record. A full query releases detailed violation information contained in a driver's Clearinghouse record to the querying employer. Beginning January 6, 2020, a full query will be required during a pre-employment driver investigation for a commercial driver's license (CDL) holder who will perform safety-sensitive functions, including operating a commercial motor vehicle (CMV). A driver must also be registered to view the information electronically in his or her own Clearinghouse record. This information would include any violation information available in the Clearinghouse, along with the status of their return-to-duty (RTD) process, if applicable.

Once registered, a driver will be able to perform the following in the Clearinghouse:

- View their own driver record electronically
- Provide consent to release detailed violation information to a current or prospective employer
- Identify a substance abuse professional (SAP) so the SAP may enter specific information regarding the driver's return-to-duty (RTD) activities

Information about a driver reported to the Clearinghouse will include the driver's name, date of birth, and commercial driver's license (CDL) number and State of issuance. Other information about specific tests and regarding return to duty process will be reported. The information reported will be available when queries are made by existing and hiring employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel.

The Clearinghouse will notify a driver using the method indicated during the driver's Clearinghouse registration—either mail or email—any time information about the driver is added, revised, or removed. If the driver has not yet registered for the Clearinghouse, these notifications will be sent by mail using the address associated with the driver's commercial driver's license (CDL). There is a petition process for drivers to request corrections to their Clearinghouse record (§382.717). Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

### **What Driver Information does the MRO report into the Clearinghouse?**

For positive drug test results and MRO determined refusals to test, the Medical Review Officer (MRO) will report information as follows to the Clearinghouse:

- Reason for the test
- Federal Drug Testing Chain of Custody Form (CCF) specimen ID number
- Driver's name, date of birth, and commercial driver's license (CDL) number and State of issuance
- Employer's name, address, and USDOT Number, if applicable
- Date of the test, date of the verified result and non-negative test result
- In the case of an adulterated specimen, the adulterant/reason must also be provided

If an MRO changes a verified drug test, the MRO will submit that change to the Clearinghouse within one business day of making the change in the reported results.

### **What Driver Information does the Employer report into the Clearinghouse?**

- An alcohol confirmation test result with an alcohol concentration of 0.04 or greater
- A CDL driver's refusal to submit to a Department of Transportation (DOT) test for drug or alcohol use as determined by the employer
- Actual knowledge of drug or alcohol use while working, as defined in §382.107
- Negative Return to Duty test results
- The date the driver successfully completed all follow-up tests as ordered by the substance abuse professional (SAP)

### **What Driver Information does the SAP report into the Clearinghouse?**

The Substance Abuse Professional (SAP) reports information on a driver who has entered the SAP program. The information reported includes the date of completion of the initial assessment and the date the SAP determines that the driver is eligible for RTD testing.

### **Queries and Consent**

An employer must conduct a pre-employment query for a prospective employee in the Clearinghouse prior to hiring the employee for a position requiring him or her to perform safety-sensitive functions, such as operating a commercial motor vehicle (CMV). The employer must also query the Clearinghouse annually for all currently employed CDL drivers.

The Clearinghouse rule states, "No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent." The type of consent required depends on the type of query. For a limited query, a general consent is required. For a full query, the driver must provide specific consent to the employer prior to each full query. This consent must be provided electronically within the Clearinghouse. For all pre-employment a full query is required.

Any employer accessing the Clearinghouse with a query will have access to any violation information that has been reported for a driver by any employer.

### **How is Driver Information Protected in the Clearinghouse?**

The Federal Motor Carrier Safety Administration (FMCSA) takes the protection of personal information very seriously. The Clearinghouse will meet all relevant Federal security standards and FMCSA will verify the effectiveness of the security protections on a regular basis.

- Clearinghouse information will not be available to the public; only authorized users will be able to register and access the Clearinghouse for designated purposes.



- The Clearinghouse will require authentication, via a login.gov username and password, to access records. Login.gov, a shared service which offers secure online access to participating government systems, also requires the completion of a user verification process to ensure the proper person is using those credentials.
- Drivers registered in the Clearinghouse will be able to access their Clearinghouse records at any time and at no cost to them. Drivers will only be able to access their own information, not information about other drivers.
- FMCSA will only share detailed drug and alcohol violation information with a prospective or current employer and/or their designated consortium/third-party administrator (C/TPA) when an employer or designated C/TPA has requested and received specific consent from the driver. Drivers will be able to see the information that would be released to an employer before consenting to the release.
- Driver information will only be used by FMCSA and other enforcement agencies as required to enforce drug and alcohol testing regulations.

If you have questions about the Clearinghouse, please contact the COMPANY Designated Employer Representative (DER). More information available at:  
<https://clearinghouse.fmcsa.dot.gov/>

#### **K. FEDERAL AND STATE LAWS AND REGULATIONS**

Nothing in this statement of policy shall be presumed to override, amend or change any requirements of State and/or Federal law. In the event any of the provisions of this policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

#### **L. AMENDMENT AND SEVERABILITY**

The employer may amend this policy in any and all respects at any time. If any provision of this policy or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of the terms of this policy and the application of any invalid or unenforceable provisions to other parties or circumstances will not be affected thereby, and to this end the provisions of this policy are severable.

**M. SUBSTANCES WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST  
(BRAND NAMES AND COMMON NAMES)**

1. **AMPHETAMINES:** Abetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex
2. **CANNABINOIDS:** Marinol (Dronabinol, THC), Marijuana, Hash, Pot
3. **COCAINE:** Cocaine HCl topical solution (Roxanne), Crack, Coke
4. **PHENCYCLIDINE:** Not legal by prescription; PCP, Angel Dust
5. **OPIATES:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Opium, Heroin, OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid, and Exalgo
6. **METHAQUALONE:** Not legal by prescription
7. **BARBITURATES:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Firoicet, Esgic, Butisol Mebaral, Butabarbital, Butabital
8. **METHADONE:** Dolphine, Methadose
9. **BENZODIAZEPINES:** Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, and Centrax
10. **PROPOXYPHENE:** Darvocet, Darvon N, Dolene, Etc.
11. **ALCOHOL:** Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof); Booze, Drink

*Other Drugs which may or may not be listed above:*

Meperidine (Demerol)	Phenobarbital	Diazepam (Valium)
Quinine	Imipramine/Desipramine	Ativan and/or Dalmane
Methamphetamine, Meth	Hydroxyzine (Vistaril)	Clonazepam (Klonopin)
Hydromorphone (Dilaudid)	Doxepin (Sinequan/Adapin)	Meprobamate (Equanil)
Phenothiazines	Hydrocodone (Hycodan)	Glutethimide (Doriden)
Phenmetrazine (Preludin)	Phentermine	Ethchlorvynol (Placidyl)
Pentazocine (Talwin)	Meperidene	Fenfluramine
Amitriptyline/Nortriptyline (Elavil)	Other Barbiturates (specific identity not differentiated, includes: Amobarb, Pentobarb, Secobarb, Butalbital, etc.)	Tramadol
Ecstasy, MDMA/MDA		Other Benzodiazepines (specific identity not differentiated, includes Librium, Larazepam)
Fentanyl		
K2, Spice, Bath Salts		

Also including synthetic or designer drugs and other drugs not yet classified by the federal government as illegal under the Controlled Substances Act.

Mail Management Services Inc.

**N. DRUG & ALCOHOL TESTING POLICY - INFORMATION AND REVISION SHEET**

**THIS INFORMATION AND/OR REVISION NUMBER (original) DATED 08/19/2021**

**Company Designate Employer Representative (DER)** – This is the Program Administrator, the person in charge of the drug/alcohol testing program. This representative must remove employees from a Safety Sensitive position upon a violation of the DOT rules and regulations for drug & alcohol testing.

<b>DER Name:</b>	Amela Gracanin	
<b>Company Location:</b>	Mail Management Services Inc. 1919 S 40 <sup>th</sup> Street, Ste 222 Lincoln, NE 68056 DOT #: 2350163 Phone: 402-440-9990	
<b>TPA Service Agent:</b>	Essential Screens 888-494-9188	
<b>Drug Testing Laboratory:</b>	LabCorp 1904 Alexander Drive Research Triangle Park, NC 27709 Phone: 800-833-3984 Fax: 919-481-5421	Quest Diagnostics, Inc. 10101 Renner Blvd. Lenexa, KS 66219 Phone: 866-697-8378 Fax: 877-222-3580
<b>Drug &amp; Alcohol Collections Coordinated by:</b>	Essential Screens 888-494-9188	
<b>Medical Review Officer (MRO):</b>	Dr David Nahin 9501 Northfield Blvd Denver CO 80238 Phone: 877-295-3381 Fax: 303-595-5263	
<b>Substance Abuse Professional (SAP):</b>	American Substance Abuse Professionals 888-792-2727	
<b>Employee Assistance Program (EAP):</b>	See Section O of this Policy for EAP information	

**For EAP (Employee Assistance) Referral:** Attached to this policy is also a list of referral sources (Section O). For required SAP referral speak to the DER listed above and/or the SAP listed above.

## **O. Employee Assistance Program**

DOT regulated employee's testing positive, or refusing to test, must be referred to a **Substance Abuse Professional (SAP)**:

<p><b>American Substance Abuse Professionals, Inc.</b> <b>888-792-2727</b></p>
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Employees may also speak with the Company representative identified in **Section N** for additional Employee Assistance Program (EAP) information or required referral to a Substance Abuse Professional.

**See next page for Employee Assistance Resource File - organizations and resources who provide confidential assistance to individuals who have, or know someone who has, a problem with alcohol or other drugs.**

## SUBSTANCE ABUSE INFORMATION AND TREATMENT RESOURCES

### **Substance Use Treatment Locator**

Millions of Americans have a substance use disorder. Help is available. [FindTreatment.gov](http://FindTreatment.gov).  
1-800-662-4357

### **Partnership for Drug-Free-Kids**

Get one-on-one help – TEXT 55753, 1-855-378-4373  
<https://drugfree.org/>

### **Behavioral Health Treatment Services Locator**

Find alcohol, drug, or mental health treatment facilities and programs around the country at [findtreatment.samhsa.gov](http://findtreatment.samhsa.gov). 1-800-662-4357

### **Buprenorphine Practitioner & Treatment Program Locator**

Find information on locating practitioners and treatment programs authorized to treat opioids, such as heroin or prescription pain relievers, at [www.samhsa.gov/medication-assisted-treatment/practitioner-program-data/treatment-practitioner-locator](http://www.samhsa.gov/medication-assisted-treatment/practitioner-program-data/treatment-practitioner-locator).

### **Opioid Treatment Program Directory**

Find treatment programs in your state that treat addiction and dependence on opioids, such as heroin or prescription pain relievers, at [dpt2.samhsa.gov/treatment/](http://dpt2.samhsa.gov/treatment/).

### **SAMHSA's National Helpline**

**1-800-662-HELP (4357)**

TTY: **1-800-487-4889**

**Website: [www.samhsa.gov/find-help/national-helpline](http://www.samhsa.gov/find-help/national-helpline)**

Also known as, the Treatment Referral Routing Service, this Helpline provides 24-hour free and confidential treatment referral and information about mental and/or substance use disorders, prevention, and recovery in English and Spanish.

### **Veteran's Crisis Line**

**1-800-273-TALK (8255)**

TTY: **1-800-799-4889**

**Website: [www.veteranscrisisline.net](http://www.veteranscrisisline.net)**

Connects veterans in crisis (and their families and friends) with qualified, caring Department of Veterans Affairs responders through a confidential, toll-free hotline, online chat, or text.

### **Alcoholics Anonymous**

**www.aa.org**

12-step self-help support groups. Website provides information and location finder for AA meetings.

### **Narcotics Anonymous**

**www.na.org**

12-step self-help support groups for substance abusers. Location finder for NA meetings

## **EXHIBIT I**

### **Mail Management Services Inc.**

#### **DRUG & ALCOHOL TESTING POLICY**

##### **Random Testing**

- A. Certain categories of workers are required to undergo random drug testing to ensure continued fitness for duty as required by the US DOT guidelines.
- B. Random drug testing will be performed at a rate of 50% of the qualified workers per year for FMCSA. Random alcohol testing should be conducted at an annualized rate of 10% of the qualified workers for FMCSA.
- C. After notification, it is the responsibility of the employee to provide the urine specimen within the allotted time. Failure to comply with a request to a random specimen will result in the immediate medical disqualification of the employee, resulting in the employee being unable to perform assigned job duties. This may result in the loss of employment.
- D. At the time of notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel that he/she has been selected for a random test and that they are ready to provide a urine specimen for a drug test and/or a breath specimen for an alcohol test. Salvia may be requested for the initial alcohol test; a breath specimen will be used to confirm a positive alcohol test.
- E. The employee will need to bring to the designated collection site a drug testing chain of custody form and if selected for alcohol, an alcohol testing form (BAT form).

## EXHIBIT II

### Mail Management Services Inc.

#### DRUG & ALCOHOL TESTING POLICY

##### Post Accident Testing

- A. Certain employees are required to submit to post-accident urine drug testing as required by the US DOT guidelines.
- B. An employee will submit a specimen for a drug test as soon as possible from the time of the reportable accident but no later than 32 hours after the time of the accident as defined in the table below. Alcohol testing must be conducted as soon as possible from the time of the reportable but no later than eight (8) hours from the time of the accident. The employee is prohibited from consuming alcohol for eight (8) hours following an accident.
- C. If the employee is injured, the COMPANY retains the right to contact any treating medical facility and request that a controlled substance and alcohol test be obtained, or to obtain from the employee's medical records, the result of any such test obtained during the course of treatment. The refusal of any employee to allow the collection of these specimens or to attempt to block the release of said specimen will result in the immediate medical disqualification of the employee.
- D. No driver required to take a post-accident alcohol test under §382.303 shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- E. An employee who fails to report an accident to the COMPANY and who fails to comply with the post-accident requirements of this policy will be presumed to be positive for the presence of a controlled substance resulting in the medical disqualification for employment with this Company.

##### The following table notes when an FMCSA DOT post-accident test is required:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

This table has been reproduced from Federal Motor Carrier Safety Administration 49 CFR Part 382 rules for Controlled Substances and Alcohol Use and Testing.

**Post Accident testing may be required under Company Policy even when FMCSA regulations do not require such testing. This would be non-DOT testing.**

Please Post-

**IMPORTANT INFORMATION FOR FMCSA DRUG & ALCOHOL TESTING POLICY**

<p><b><u>Notice to Applicants and Employees</u></b></p> <p><b>REQUIRED DRUG TESTING IS FOR THE FOLLOWING FIVE DRUGS:</b></p> <ol style="list-style-type: none"><li>1. Marijuana metabolites</li><li>2. Cocaine metabolites</li><li>3. Phencyclidine</li><li>4. Amphetamines -amphetamine, methamphetamine, MDMA &amp; MDA</li><li>5. Opioids - codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone &amp; hydromorphone</li></ol> <p><b>Alcohol is tested for when required:</b></p> <ul style="list-style-type: none"><li>◆ Saliva Screening</li><li>◆ Breath Alcohol Testing</li></ul>	<p><b>COMPANY DESIGNATED EMPLOYER REPRESENTATIVE (DER) – ALL QUESTIONS REGARDING THE DRUG &amp; ALCOHOL TESTING PROGRAM</b></p> <p><b>DER: Amela Gracanin</b></p> <p><b>COMPANY LOCATION:</b> <b>Mail Management Services Inc.</b> 1919 S 40th Street, Ste 222 Lincoln, NE 68056 DOT #: 2350163 Phone: 402-440-9990</p>
<p><b>DRUG OR ALCOHOL TREATMENT PROGRAMS</b></p> <p><b>SAMHSA (Substance Abuse Treatment Facility Locator)</b> <a href="https://findtreatment.gov/">https://findtreatment.gov/</a> 1-800-662-HELP (4357)</p> <p><b>SUBSTANCE ABUSE PROFESSIONAL</b> Employee must be referred after violation of DOT drug/alcohol policy:</p> <p>American Substance Abuse Professionals, Inc. 711 W 40th Street, Suite 235 Baltimore, MD 21211 <b>888-792-2727</b></p>	<p>It is the policy of this company that there is no place for those who use illegal drugs or who abuse legitimate drugs or who have become dependent upon any chemical substance including alcohol.</p> <p>This company intends to be in compliance with the DOT regulations concerning drug abuse and alcohol misuse which includes a program of random urinalysis testing for illicit drug use and a program for random alcohol testing.</p> <p><b>Employees who refuse to test or have a confirmed positive test for drugs or alcohol will be removed from their safety sensitive position and are subject to dismissal or transfer to a non-covered job with loss of all or part of wages.</b></p>



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**Mail Management Services Inc.**

**DRUG & ALCOHOL TESTING POLICY RECEIPT**

I hereby acknowledge that I have received a copy of the COMPANY's Drug & Alcohol Testing Policy. I also acknowledge that I have received a full and complete explanation of the Program, including all policies and the availability of an Employee Assistance Program.

I have had the terms and conditions of the COMPANY'S Drug & Alcohol Testing Policy explained to me, and I freely and voluntarily consent to submit to drug and alcohol screening or testing as set forth in the COMPANY'S Policy. I understand that violation of any provision of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my unemployment and workers' compensation benefits.

I understand the COMPANY has developed a policy in conformity with DOT Regulations 49 CFR Part 40 regarding the illegal use of drugs and the abuse of alcohol. A copy of these Federal Regulations is on file with COMPANY'S Designated Employer Representative (DER) for review at any time during normal working hours.

I further agree to and hereby authorize the release of the results of said tests to the COMPANY'S Medical Review Officer and as set forth in the COMPANY drug and alcohol testing policy.

Finally, I agree that neither the issuance of these policies, nor the acknowledgment of its receipt, constitutes or implies a contract of employment or a guaranteed right to recall.

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness