

AMERICAN ASPHALT COMPANY, INC.

SUBSTANCE ABUSE PROGRAM

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Reason/Purpose

This policy is submitted by American Asphalt, hereinafter known as company, in compliance with FMCSR Federal motor Carrier Safety Regulations 49CFR Parts 382 to conform to a drug-free workplace within the transportation industry.

Positions Tested

Effective December 21, 1989, all drivers, owner/operators, drivers for hire, temporary drivers and contractors who operate in interstate will be drug tested in accordance with Federal Regulations. Many states have adopted the drug testing requirements for interstate operators as well (check Exhibit A, reference your state). American Asphalt has incorporated all **SAFETY SENSITIVE PERSONNEL** as well as CDL holders as part of this Drug Free Policy. American Asphalt has also incorporated random Alcohol Testing as part of this policy. The following positions at American Asphalt are considered Safety Sensitive:

Laborer - Class A	Laborer - Class B
Roller & Screed Men	Equipment Operators
Plant Operators	Foreman
Drivers (with/without CDL's)	

Definitions

1. **Accident** - An occurrence associated with the operation of a commercial vehicle which takes place between the time any person boards the vehicle with the intention of driving and which any person suffers death or serious injury, or in which the commercial vehicle receives substantial damage.
2. **Drug Policy** - The policy set up by the company to provide the necessary elements to promote a drug-free working environment, hereinafter call the Policy.
3. **Chain of Custody** - Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an approved Chain of Custody form(s) be used from the time of collection to receipt by the testing laboratory and that upon receipt by the laboratory, an appropriate laboratory Chain of Custody form(s) account for the sample or sample aliquots within the laboratory.

1. **Collection Site** - A place designated by the company and meeting the Federal Requirements, where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drug abuse.
5. **Collection Person** - A person who instructs and assists individuals at a collection site and who receives and makes initial examination of the urine specimen provided by those individuals presenting themselves for testing.
6. **Confirmation Test** - A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principal from that of the initial test, in order to insure reliability and accuracy. Currently, Gas Chromatography/Mass Spectrometry (GS/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine (PCP).
7. **Covered Employees** - All employees directly employed by the Company including all drivers, owner/operators, drivers-for-hire, temporary drivers and contractors but not excluding those employees who deal with the direct safety sensitive and/or operational divisions of the same such as Laborers, roller and screed men, equipment operators, plant operators and foremen; and those others deemed eligible by the company.
8. **Contract Company** - An individual, company or organization with whom the company has a written or verbal contract for services, and whose employees are required to be subjected to drug testing. Contract company employees are required to be drug tested under this plan, or a plan that meets the requirements of the FHWA, subjected to approval by this company. NOTE: A company is not considered to be a contract company if it provides services only on a limited or one time basis.
9. **DHHS** - Department of Health & Human Services.
10. **DOT** - Department of Transportation
11. **DPM** - Drug Program Manager
12. **FHWA** - Federal Highway Administration
13. **MRO** - Medical Review Officer
14. **Passing a Drug Test** - Passing a drug test means that the test result does not show positive evidence of a prohibited drug or drug metabolite in an employee's system.
15. **Prohibited Drug** - For purposes of this policy, they are as follows: Marijuana, Cocaine, Opiates, Amphetamines and Phencyclidine (PCP).

- **Drug Program Manager:** Russ Thornton has been designated the Company Drug Program Manager (DPM) to oversee the Drug Program. The DPM will be responsible for the procurement of positive test results to safeguard employees right to privacy. The DPM will see that this program is in strict compliance with all regulations and will work closely with national Safety Compliance MRO, to ensure all elements of the Drug Program are followed as to testing, training, record keeping and reporting.
- **Employees Subject To Testing:** All drivers, owner/operators, drivers-for-hire, temporary drivers, and contractors of interstate and interstate transportation, as well as all Safety Sensitive Personnel by the company's wishes will be tested in accordance with Federal Motor Carrier Regulation for the use of prohibited drugs and by the company's wishes will be subject to random alcohol testing.
- **Contracted/Leased:** Contractors and/or Lease Owner/Operators will be listed and attached to this plan under Exhibit "B".
- **Pre-Employment:** The Company will, at time of application for employment require all applicants to be drug tested prior to hiring. (See Exhibit C - Consent Agreement). In the event an applicant tests positive, the company will not hire or rehire the applicant at that point of time. This does not preclude the company from hiring the applicant at a later date, provided applicant can show proof that he/she has satisfactorily completed a rehabilitation program approved by the company's guidelines or established program approved by MRO. - In This case - prior to being hired - applicant will submit to another test.
- **Random Testing:** The Company will assure that 50% of those CDL holders required to be tested will be completed one year from periodic testing.

EXAMPLE: The Company has 100 Drivers

Periodic 1989	100 Tested
Random 1990	50 Tested Randomly
Periodic 1991	100 Tested

1. When conducting Random Testing, 50% will be completed within the SECOND 12 months from periodic. The Company will random test select through National Safety Compliance random test selection program without showing discrimination.
2. All Safety Sensitive Personnel will be subject to a 50% random drug testing by company policy.
3. All CDL Holders, as well as Safety Sensitive Personnel will be subject to 50% random alcohol testing by company policy. The same high standards set forth

in 49 CFR Part 382 for commercial drivers license holders will be used for all employees subject to testing.

4. When selected by Random, employees or leased drivers will submit to testing that same day at a pre-established place or “on location” testing site.
- **Post Accident:** Any person involved in an accident involving injury, death or property damage where the driver is issued a citation must be tested for the presence of drugs within 32 hours.
 - **Reasonable Cause:** An employee will submit to reasonable cause when a supervisor or person who has been trained to detect drug use, finds that the employee is reasonably suspected of drug abuse. This decision must be based on specific contemporaneous physical behavior, and or performance (See Exhibit D). Anyone who tests positive for any test will be subject to up to six REASONABLE CAUSE tests within the proceeding 12 months at the companies discretion.
 - **Testing Positive:** No driver, or safety sensitive personnel shall report for duty or remain on duty if they test positive for controlled substances. No employer having actual knowledge that a driver, or a safety sensitive personnel has tested positive for controlled substances shall permit such person to perform or continue to perform safety sensitive functions.
 1. No driver or safety sensitive personnel shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater shall permit such person to perform or continue to perform safety sensitive functions until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test.
 2. Any driver or safety sensitive personnel who has tested positive for drug abuse and/or alcohol misuse (testing positive by .04 or greater) shall be **TERMINATED** by Russ Thornton.
 - **Return to Duty:** If any driver fails a drug test by a positive test result, the donor must submit to another test within a 30-day period and receive a negative result to begin driving a commercial motor vehicle again.
 - **Refusal To Submit To A Drug Test:** If a covered employee or applicant refuses to submit to Drug Testing, the company will not hire, promote, or transfer or continue to employ.
 - **MRO:** The company has contracted with National Safety Compliance to have a qualified MRO for the duties and responsibilities listed below:
 1. In addition to performing the duties and functions outlined below, the MRO will comply with the requirements of 49 CFR 391.81 and 394

as amended.

2. Primary responsibility of MRO is to review and interpret positive test results obtained through the company Drug Program.
3. Upon notification by the testing laboratory of a positive test result, the MRO will review the documentation showing continuity in the chain of custody of the specimen, and contact by the most expedient means available, the employee affected to advise him/her of the positive test results.
4. The MRO must provide the covered employee an opportunity for an interview, in person or via telephone to discuss the possible reasons for the positive test result.
5. If the covered employee submits medical records in defense of a positive test result, the MRO will review those records and contact the employee's physician to answer any questions contained therein.
6. If any question arises about the accuracy of validity of a positive test result, the MRO will review the laboratory record to determine whether the required procedures were followed.
7. Once the MRO has received all of the above information, he/she will make a determination as to whether the result is scientifically sufficient to take further action. However, if the records from the collection site or laboratory raise doubts about the handling of the sample, the MRO may decide the urinary evidence is insufficient and no further actions will be taken. In this case, the MRO will declare the test to be negative, and shall note the possible error(s) in laboratory analysis or chain of custody procedures, and will notify the proper officials to correct the errors or procedures as necessary.
8. If the MRO determines that there is no reasonable medical or scientific reason for a positive test result, and after verification of the proper procedures being followed, he/she will declare the test to be a verified positive and notify the company Drug Program manager of this fact.
9. For positions regulated by FMCSR, in order for a person to be returned to duty or rehired or an applicant to be hired by the company, after failing a drug test, the MRO must review the results of the employee's or applicant's drug rehabilitation program and certify in writing that he/she is approved for return to duty or released to be hired. In addition, for positions regulated by FMCSR, the MRO will establish a schedule for announced Return To Duty Testing for the employee or applicant and

coordinate with the DPM for notification of the individual when testing is to be accomplished.

In order for an employee or applicant to be returned to duty, hired or rehired by the company for positions regulated by FMCSR, the MRO must determine if the employee or applicant is:

1. Non-Drug dependent, in which case the MRO will review the results of his/her drug rehabilitation program and, if found satisfactory, establish a schedule for return to duty, hire or rehire.
2. Probably drug dependent, in which case the recommendation for return to duty, hire or rehire must come from Drug Program Manager, with the MRO establishing the schedule for unannounced Return To Duty Testing.

For former employees seeking to be rehired into positions that are not regulated by FMCSR, the company may require that the person pass a drug test at the time that rehiring is sought, or the Company may require the person to meet the preceding requirements of this Section I (which would otherwise only apply to positions that are regulated by FMCSR).

FMCSR 391.87 Notification of test results and record keeping:

- (A) A motor carrier shall notify its driver or driver-applicant of the results of a controlled substance test conducted under this subpart (See Exhibit E).
- (B) A motor carrier shall notify:
 - (1) A driver applicant of the results of a pre-employment controlled substance test conducted under this subpart provided the driver-applicant requests such results within 60 days of being notified of the disposition of the employment application; or
 - (2) A driver of the results of periodic, random or post accident controlled substance test conducted under this subpart provided the results were positive. The driver must also be advised what drug was discovered.
- (C) A motor carrier shall ensure that all records related to the administration and results of the drug testing program for its drivers subject to the testing requirements are maintained for a minimum period of 5 years

except that individual negative test results shall be maintained for a minimum of 12 months.

- (D) A Medical Review Officer (MRO) shall be the sole custodian of individuals tests results. The medical review officer shall retain the reports of individual test results for a minimum of 5 years.

- (E) A motor carrier shall retain in the employee's qualification file such information that will indicate only the following: (See Exhibit F)
 - (1) The employee submitted to a controlled substance test
 - (2) The date of such test.
 - (3) The location of such test.
 - (4) The identity of the person or entity performing the test.
 - (5) Whether the test finding was "positive" or "sub-negative"

- (F) A motor carrier shall produce upon demand and shall permit the Administrator to examine all records related to the administration and results of controlled substance testing performed under this part.

- (G) A motor carrier shall maintain an annual (calendar year) summary of the records related to the administration and results of the controlled substance testing program performed under this subpart. This summary shall include at a minimum:
 - (1) The total number of controlled substance tests administered.
 - (2) The number of controlled substance test administered in each category (i.e. pre-qualification, periodic, reasonable cause and random)
 - (3) The total number of individuals who did not pass a controlled substance test.
 - (4) The total number of individuals who did not pass a controlled substance test by testing category.
 - (5) The disposition of each individual who did not pass a controlled substance test.
 - (6) The number of controlled substance tests performed by a laboratory that indicated evidence of a prohibited controlled

substance or metabolite in the screening test in sufficient quantity to warrant a confirmatory test.

- (7) The number of controlled substance tests that were performed by a laboratory that indicated evidence of a prohibited controlled substance or metabolite in the confirmatory test in a sufficient amount to be reported as a “positive” finding to the medical review officer, and;
- (8) The number of controlled substance tests that were performed by a laboratory that indicated evidence of a prohibited controlled substance or a metabolite in the confirmatory tests in a sufficient quantity to be reported as “positive” finding by substance category (marijuana, cocaine, opium, PCP or amphetamine) (See Exhibit G)

LABORATORY: The Company has contracted with the below listed DHHS certified laboratory for the analysis of specimens collected:

U.S. Healthworks of NJ
West Jersey Health Center
2301 Evesham Road
Bldg. 800
Voorhees, NJ 08043

The laboratory will conduct all requirements for chain of custody, testing, reporting and specimen retention in accordance with the provision of FMCSR 391.81. The laboratory will report all test results directly to the MRO designated in this plan

Collections and Procedures: The Company will assure that all of the specimen collection procedures outlined in FMCSR 391.81 and any amendments thereto, are adhered to by any person assigned to collect those specimens. In addition, the company will review the collection site security and chain of custody procedures to assure compliance with the requirements of FMCSR 391.81.

Collection Site(s): The Company has designated on Schedule ‘E’ to this plan the agency(s) and/or the location of the specimen collection site(s). The collection site(s) indicated on Schedule E meet or exceed the requirements, as set forth in FMCSR 391.81 and collection site procedures will follow the guidelines listed below. The collection site(s) will:

- 1. Have or be an enclosure where private urination can occur;
- 2. Have toilet for completion of urination;
- 3. Have a clean suitable writing surface for the completion of required forms;
- 4. Have a separate monitored source of water for washing hands

5. Have a water-bluing agent added to the toilet water supply and holding tank;
6. Be thoroughly inspected by the collection site person prior to the commencement of specimen collection.
7. If possible, be secured by the collection site person between specimen collections so as to be inaccessible to others;
8. If a public rest room is utilized, have a sign posted on the entrance restricting access to anyone other than persons being tested.
9. Provide a means of securing all specimens until such time as they are ready for shipment to the testing laboratory in accordance with the laboratory procedures for sealing and shipping the specimen.

Individuals to be Tested: The individual being tested will:

1. Present himself at the designated collection site at the specific date and time;
2. Remove any outer garments such as coats, hats, sweaters, handbags, etc. prior to entering the collection site;
3. Present to the collection site person positive identification (photo ID) to be identified by a company representative.
4. Wash his/her hands prior to urination;
5. Not tamper with, dilute, substitute, alter, or in any way change or attempt to cause a change to a specimen.
6. Not distract or attempt to distract the collection site person from the performance of his/her duties;
7. Will keep his/her specimen in sight at all times until the container has been properly labeled by the collection site person;
8. Will keep his/her specimen in sight at all times until the container has been properly labeled by the collection site person;
9. Will allow his/her oral temperature to be taken with a sterile thermometer if the temperature of his/her specimen is outside the normal temperature range; and
10. Will indicate on the urine custody and control form any medications taken or administered in the past 30 days.

Employee Assistance Program (EAP) Employee education and training and/or training materials on the effects of drug use will be provided by:

National Safety Compliance, Inc.
P.O. Box 4275
Brick, New Jersey 08723
908-262-0533

All covered employees must receive annual training on the following subjects and the Drug Program Manager will document receipt of this training.

1. Effects and consequences of drug abuse on personal health and safety.
2. Effects and consequences of drug abuse in the workplace;

3. Manifestations and behavioral causes of drug abuse;
4. Regulations mandating drug testing and training;
5. The company's commitment to a drug free workplace.
 - a. Policy
 - b. Penalties
 - c. Employee Assistance (to include notification to each employee of an area drug help hot line phone number)
 - d. Training & Education
6. The provisions of this plan and
7. Employee rights of privacy and disclosure of testing results.

This training will be of a formal classroom nature, and will be supplemented throughout the year with informational posters, flyers, and pamphlets on the hazards and effects of drug abuse.

In addition to the training, supervisory personnel who will make determinations if a covered employee is subject to Reasonable Cause Testing under this plan will receive additional training covering the subjects listed below:

1. The physical, behavioral and performance indicators of probable drug use.
2. The profile of an at-risk employee.
3. The impact of drugs in the workplace and in society in general;
4. Methods for confronting suspected drug abusers that lead to drug testing and appropriate corrective action;
5. Confidentiality and how it applies to the Anti-Drug Program.

Implementation: In keeping with this commitment for a drug free workplace, the company will implement the provision of this plan and its Anti-Drug Program immediately, including contract employees covered by this plan. The random testing provision of the anti-drug plan will be implemented as specified under the random drug-testing portion of this policy.

Your company collection site for the collection of specimen for your substance abuse testing program shall be:

U.S. Healthworks of NJ
West Jersey Health Center
2301 Evesham Road
Bldg. 800

Voorhees, NJ 08043

**RECEIPT & ACKNOWLEDGMENT OF
AMERICAN ASPHALT COMPANY
SUBSTANCE ABUSE PROGRAM**

- **I have received and read a copy of the American Asphalt Substance Abuse Program**
- **I understand that my signature below indicates I have read and understand all items in the American Asphalt Substance Abuse Program.**

Employees Printed Name

Position

Employees Signature

Date

Corporate Officers Signature

Date