

DRUG AND ALCOHOL POLICY

McAlister Oil, LLC (hereinafter “McAlister”), complies with the FMSCA drug and alcohol regulations as set in 49 CFR Part 382 and 40.

For more information about our company policy, contact Human Resources at 620-326-2491.

For more information about the DOT or FMCSA program requirements, visit:

DOT: <http://www.dot.gov/ost/dapc/>

FMCSA: <http://www.fmcsa.dot.gov>

Purpose:

McAlister is committed to provide a drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol and/or controlled substances.

Policy:

McAlister is committed to ensuring that drivers comply with the Federal Motor Carrier Safety Regulations contained in 49 CFR, Part 382 and 40. This policy covers all drivers who are operating commercial motor vehicles as defined in Part 382 (CDL), as well as all other employees of McAlister. The policy is intended to apply whenever anyone is representing or conducting business for McAlister. This policy applies during all working hours, whenever conducting business or representing McAlister, while on call, paid standby, while on McAlister property and at company-sponsored events.

Drug and alcohol testing will be carried out in compliance with any applicable state and federal laws and regulations.

Definitions and Abbreviations:

Designated Employer Representative (DER): Employer representative designated to receive communication and test results and who is authorized to take immediate action to remove employees from safety-sensitive duties.

McAlister Property: All buildings, offices, facilities, grounds, parking lots, lockers, offsite job locations, and vehicles owned, leased, or managed by McAlister or any site on which McAlister conducts business.

Alcohol: Intoxicating agent in beverage alcohol, ethyl alcohol, methyl and isopropyl alcohol. Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication (prescribed or over-the-counter) containing alcohol.

Controlled Substance: Substances identified in Part 40.85 and 49 CFR 40.21 (a) of this title.

Alcohol or Controlled Substance Test: Test required to meet the specifications of the DOT under Part 40. Controlled substance test shall be the 5-panel test as required by the code.

Safety Sensitive Functions: Means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from all work and responsibility for performing work. See 382.107.

Prohibited Behavior:

While on McAlister premises and while conducting business-related activities off McAlister premises, no employee may use, possess, distribute, sell, trade, or be under the influence of alcohol or illegal drugs.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Prescription and over-the-counter drugs must be taken in standard dosage and/or according to a physician's prescription. An employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify their supervisor to avoid unsafe workplace practices. McAlister requires the prescribing physician's release from all safety-sensitive medications before returning to safety-sensitive functions. Prescription medication that is over 12 months old will not be accepted as valid under McAlister's drug and alcohol policy.

McAlister advises not to use any form of CBD oil. CBD oil is not Federally regulated and has the real possibility of causing a THC positive drug screen. McAlister does not accept the use of CBD oil as a valid prescription to explain a THC positive drug screen.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of McAlister's drug and alcohol policy to intentionally misuse and/or abuse prescription medications. Misuse of prescribed drugs may result in disciplinary action, up to and including termination.

A driver shall not report for duty or remain on duty when using any controlled substance unless the use is at the instruction of the prescribing physician. The prescribing physician must confirm that the substance does not adversely affect the ability to safely operate a CMV or perform a safety-sensitive function.

Notification of Convictions:

Any employee who is convicted of a criminal drug and/or alcohol violation must notify McAlister in writing via letter or email within five calendar days of the conviction. An employee who fails to provide timely notification of such a conviction, will be subject to disciplinary action, up to and including termination of employment.

Employees who have been convicted of criminal drug and/or alcohol violations may be subject to discipline, up to and including termination.

Types of Tests:

- **Pre-employment:** All drivers will be required to have a negative drug test before performing any safety-sensitive function, including driving.
- **Random:** All drivers with a commercial driver's license will be entered into a random pool to determine selection for drug and alcohol tests. These tests will be conducted throughout the year with no notice to the driver. Employees notified of selection for random testing must proceed immediately to the testing site. Random testing will be conducted according to the rates set forth by FMCSA.
- **Post-Accident:** Drivers involved in DOT reportable accidents will be required to take a drug and/or alcohol test.
- **Reasonable Suspicion:** All drivers will be required to take a drug and/or alcohol test upon establishment of reasonable suspicion when requested by a trained supervisor.
- **Non-DOT Testing:** Any incident on Railroad property or otherwise outside of the standards of DOT testing may be subject to this testing. The test will consist of a standard 10 panel test as well as a breath alcohol test if required. Testing not covered by DOT testing will be at McAlister discretion.

382.107 Definitions

Refuse to submit (to an alcohol or controlled substance test) means that a driver:

- 1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.61(a) of this title);
- 2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see §40.63(c) of this title) a pre-employment test is not deemed to have refused to test;
- 3) Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because they left the testing site before the testing process commences (see §40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§40.67(l) and 40.69(g) of this title);
- 5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2) of this title);
- 6) Fails or declines to take a second test the employer or collector has directed the driver to take;
- 7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- 8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or
- 9) Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- 1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- 2) All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 3) All time spent at the driving controls of a commercial motor vehicle in operation;
- 4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of §393.76 of this subchapter);
- 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Alcohol and Drug Testing Procedures:

Each employee, as a condition of employment, will be required to participate in pre-employment, random, post-accident, reasonable suspicion, and non-DOT testing upon selection or request of management.

The substances that will be tested for are: Amphetamines (including Methamphetamine, MDMA, and MDA), Cannabinoids (THC), Cocaine, Opioids (including Codeine, Heroin, Morphine, Oxycodone, Oxymorphone, Hydrocodone, and Hydromorphone), Phencyclidine (PCP) and Alcohol. Note: Non-DOT testing consists of a 10-panel test.

Testing for the presence of alcohol will be conducted by analysis of breath. In the case of serious injury/fatality, where the employee is incapacitated and unable to sign required documents, blood will be drawn at an approved medical facility.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Drivers who engage in prohibited drug and/or alcohol conduct or misuse will be immediately removed from safety-sensitive functions and terminated from employment.

Pre-Duty Use

Employees may not perform safety-sensitive duties within 4 hours after consuming alcohol.

On-Duty Use

Covered employees may not consume alcohol in any form while performing safety-sensitive functions. This prohibition also applies to covered employees who are at work and immediately available to perform safety-sensitive functions.

Use After an Accident

Covered employees who are involved in an FMCSA specific accident must not consume alcohol **for 8 hours** after the accident or until they undergo a post-accident test, whichever occurs first.

Pre-employment:

Supervisors are required to ensure that all prospective drivers are given a pre-employment controlled substance test with a negative test result before assigning that driver to drive or perform a safety sensitive function. In the case of applicants, if they violate the FMCSA drug and alcohol policy, the offer of employment will be withdrawn. The applicant may reapply for a safety-sensitive position with McAlister after 3 years as long as the return to duty process and follow-up procedures outlined in 49 CFR Part 40, Subpart O have been completed and appropriate documentation is provided to McAlister.

Post-Accident Testing

FMCSA Regulations and McAlister require drug and alcohol testing in the following circumstances:

- All Fatalities
- When the driver of the CMV receives a citation under state or local law for a moving traffic violation arising from the motor vehicle collision, if the collision involved:
 - Bodily injury to any person (including CMV driver) who, as a result of the injury, immediately receives medical treatment away from the scene of the collision; or
 - One or more motor vehicles (including CMV vehicle) incurring disabling damage as a result of the collision, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Alcohol tests are required within two (2) hours of the collision. If the driver is unable to get to a facility for testing within those two hours, then they shall document reasons for that delay (such as not yet released from law enforcement, receiving medical treatment, driving time to testing facility, etc.). They shall continue to attempt to secure that test up to eight (8) hours after the collision, noting the delays. If the alcohol test is not obtained within 8 hours no further attempts to obtain the test will be undertaken. A record of why the test was not administered will need to be documented.

A controlled substance test shall be conducted within thirty-two (32) hours of the collision. The driver, if unable to notify their supervisor, shall understand that compliance with the above requirements are of paramount importance and they shall make a substantial effort to comply. Hospitals and medical clinics are good places to find DOT testing facilities.

Random Testing:

Random testing will be regulated by Part 40, 49 CFR's. All drivers of CMVs with a commercial driver's license shall be entered into the drug and alcohol testing pool by the DER.

McAlister will follow DOT guidelines as they pertain to drug testing. The tests will be spread throughout the year to ensure randomness as related to time. During every selection, all driver names will be required to be part of the pool, whether or not they were recently tested, to ensure randomness of the name selected. The DER shall maintain custody of the selections until such time as the driver is available to be sent to the test collection site. Once notified, the driver is required to go to the testing site immediately, without any unnecessary delay.

At the testing site, the driver is expected to comply with the reasonable requests from the test administrator, following all applicable procedures. In an effort to assist the testing, the driver should inform the collection site of any medications that they are currently prescribed by a licensed medical professional. Failure to provide an adequate sample of urine and/or breath will be handled in accordance with Part 40.67 and 40.25.

The driver shall return testing paperwork showing completion to their direct manager or DER.

Drivers are also reminded that compliance with mandated drug and alcohol testing shall be logged on their Drivers Daily Log as *On Duty Not Driving*.

Reasonable Suspicion Testing:

Any employee who shows performance or behavioral problems may be required to submit to a urine drug and breath alcohol screening. Part 382.307 states that an employer shall require a driver to submit to an alcohol and/or controlled substance test when they have reasonable suspicion that the driver is in violation of the drug and alcohol policy.

When the supervisor or company official who has been trained under 382.603 makes a determination that a test is required, the driver shall be immediately driven to the testing facility by a company official and the test performed.

Refusal to Submit to Testing:

An employee will be subject to the same consequences of a positive test if they refuse the screening or the test (a refusal to test is considered the same as a positive result), adulterate or actively dilute the specimen, substitute the specimen with that from another person or send an imposter, will not sign the required forms or refuse to cooperate in the testing process in such a way that prevents completion of the test.

Regulated employees may not refuse to submit to a post-accident, random, or reasonable suspicion alcohol test. McAlister will not permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions and will terminate employment immediately. In addition, employees may not refuse to submit to a Non-DOT test. McAlister will terminate employment immediately if such a refusal occurs.

Refusal to submit to a pre-employment test is not a violation of the FMCSA regulations, but a refusal will preclude any person from being hired for a safety-sensitive function.

Consequences for Verified Positive/Refusals/Adulterations/Substituted Testing:

As part of McAlister's Zero Tolerance Policy there is no return to work policy in effect at this time. A positive test for alcohol or any controlled substance under DOT guidelines or as a result of Non-DOT testing will result in the termination of the employee. Refusal to submit to a drug test will also result in termination of employment.

A covered employee who receives one (1) verified positive drug test result on a FMCSA required test will be immediately removed from safety-sensitive duties. An employee who has a positive FMCSA drug test will be terminated from employment with McAlister and cannot return to the performance of safety-sensitive functions (with any FMCSA regulated employer) until and unless the individual successfully completes the return-to-duty process outlined in 49 CFR Part 40, Subpart O. The individual may reapply for a position with McAlister after 3 years as long as the individual successfully completes the return-to-duty process outlined in 49 CFR Part 40, Subpart O and provides appropriate documentation at the time they reapply.

Split sample testing will be accomplished in a timely manner upon the timely request of the employee. Results will be released appropriately.

Dilute Specimens:

If the MRO directs McAlister to conduct a subsequent collection 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 5mg/dL (see §40.155(c)), McAlister will do so immediately.

McAlister reserves the right to retest prospective and current employees one time per occurrence for any DOT drug test that is returned as a negative dilute in accordance with §40.197(b). Any result ruled to be dilute shall be re-tested immediately.

Return to Work Following Medical Leave of Absence:

Employees subject to FMCSA regulations and who have been on an approved medical leave of absence for 30 or more consecutive days, will be subject to a DOT “pre-employment” drug screening in order to return to work, regardless of the type of leave.

Alcohol Testing:

Breath alcohol tests must be performed prior to a drug test and by a trained Breath Alcohol Technician.

In the case of serious injury/fatality, where the employee is incapacitated and unable to sign required documents, blood will be drawn at an approved medical facility.

A reading of 0.02 to 0.039 will be reported to the DER immediately by the collection site. That employee will be immediately removed from performing safety-sensitive functions, until the employee is retested with a result below 0.02, or until the start of the employee’s next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test.

Regulated employees that have an alcohol concentration of 0.02 or greater, but less than 0.04 are considered negative under DOT and FMCSA alcohol testing regulations. Employees will be removed from all safety-sensitive functions for 24 hours following the administration of the test. An employee with an alcohol concentration of 0.02 or greater, but less than 0.04 will be subject to discipline, up to and including termination.

A reading of 0.04 or higher will result in a confirmation test. If the confirmation test provides a reading of 0.04 or higher the result will be immediately reported to the DER by the collection site. 0.04 or higher is a positive breath test.

McAlister will provide transportation for the employee from the collection site. Employees who have a breath alcohol test of .04 or higher will be immediately removed from safety-sensitive functions and immediately terminated from employment.

Rules:

1. Drivers shall submit to testing as required by this policy.
2. No Driver shall report for duty or remain on duty with a blood alcohol concentration of 0.02 or greater. Employees in violation will be subject to discipline, up to and including termination.
3. No driver shall consume, use or possess alcohol while on duty.
4. No driver shall perform safety-sensitive functions as defined in 382.107 within 4 hours of using alcohol.
5. Drivers shall not have alcohol or alcohol containers in a CMV at any time.
6. Drivers shall not report for duty or remain on duty when using a controlled substance except when properly prescribed by a licensed medical professional within the last 12 months and that drug will not adversely affect the driver’s ability to safely operate a CMV.
7. No driver shall possess a controlled substance unless that substance is prescribed to them by a licensed medical professional within the last 12 months.
8. No Driver shall refuse to submit to a post-accident, random, reasonable suspicion, or Non-DOT drug test.
9. No driver shall attempt to falsify, adulterate or interfere with the collection of breath or urine samples.

Communication:

Communicating our Drug and Alcohol policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our FMCSA drug and alcohol program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed with new employees.
- The policy will be reviewed at safety meetings.
- All employees will have access to the policy via the employee portal.
- Applicable posters will be available at all locations.
- Every supervisor will receive training to help them recognize and manage employees with alcohol and other drug problems.

Substance Abuse Professional (SAP):

McAlister is zero tolerance and employees who violate the drug and alcohol policy will be immediately terminated. When you have violated DOT drug and alcohol regulations, you cannot again perform any DOT safety-sensitive duties for any employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O and in applicable DOT agency regulations.

A verified positive DOT drug test result, a DOT alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation on the use of alcohol or drugs under a DOT agency regulation constitutes a DOT drug and alcohol regulation violation.

McAlister will provide to each employee who violates DOT drug and alcohol regulation a listing of SAPs readily available to the employee upon termination. The list of SAPs will include names, addresses, and telephone numbers.

FMCSA Clearinghouse:

As of JANUARY 6, 2020: Authorized users will be required to complete the actions described in the Clearinghouse final rule. At this time, employers are required to conduct either electronic queries or traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

The Clearinghouse contains information on all CDL driver drug and alcohol program violations. The Clearinghouse will provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

Applicants will be required to consent to McAlister's request for Clearinghouse records before being allowed to progress in the hiring process. Those not wishing to consent, will not be considered for employment. Applicants who have not registered on the Clearinghouse can go to <https://clearinghouse.fmcsa.dot.gov/register> to complete the registration process.



McAlister Oil, LLC
Drug and Alcohol Policy Acknowledgement

I acknowledge that I have received, read and understand the ***McAlister Drug and Alcohol Policy***. I understand that it is my responsibility to comply with all the rules and any revisions made to the policy. I understand that failure to comply may result in disciplinary action, up to and including termination of my employment.

Employee Signature

Date

Employee Name (Printed)