



Borsuk Transport Inc

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Drug and Alcohol Policy



Revised 2-8-21 revision 3.

Drug and Alcohol Policy

Borsuk Transport has a zero-tolerance policy for the use of illegal drugs and alcohol. It is the policy of the company to prohibit the possession or consumption of alcohol, or any form of illegal drugs, or misuse of prescription drugs in any form on company time, under dispatch or on company premises.

Company time includes all work time, travel time, time spent entertaining business associates beyond the normal workday, travel time, and time attending association meetings (even when meetings themselves are not in session). Company premises include all owned or leased property, owned or leased vehicles, company parking lots, and similar locations.

Drivers conduct that is prohibited is found in 49 CFR Part 382 Subpart B.

- (1) No driver shall report for duty requiring the performance of a safety sensitive function with an alcohol concentration of 0.04 or greater.
- (2) No driver shall use alcohol while performing a safety sensitive function.
- (3) No driver shall perform a safety sensitive function within 4 hours after using alcohol.
- (4) No driver required to take a post accident alcohol test under 49 CFR Section 382.209 shall use alcohol for 8 hours following the accident.
- (5) No driver shall refuse to submit to any required alcohol or controlled substances test.
- (6)) No driver shall report for duty requiring the performance of a safety sensitive function when the driver uses controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 49 CFR Section 382.107. This must not interfere with the driver's ability to perform a safety sensitive function.
- (7)) No driver shall report for duty or remain on duty requiring the performance of a safety sensitive function if the driver tests positive for controlled substances.

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All CMV drivers are subject to the FMCSA regulations for drug and alcohol use under code CFR part 40. Any CMV driver that refuses to test, alters a test, or fails a test, are considered a positive test (FMCSA CFR part 40), and will have their employment or contract terminated immediately.

Failure to comply with this policy will result in termination of employment or contract.

Drug Testing

Borsuk Transport is committed to achieving and maintaining a safe and productive work environment for all employees. This includes providing a drug-free, healthful, safe, and secure work environment. The company will not tolerate the use of alcohol or illegal drugs on premises, nor will the company allow employees and or contractors to work while they have illegal drugs or alcohol in their system.

Employees and contractors are expected and required to report to work in an appropriate healthful working environment, under FMCSA 49 CFR part 382, an employee may be asked to provide samples such as urine or breathe alcohol tests to identify the illicit or illegal use of drugs and alcohol.

All CMV drivers are subject to the FMCSA regulations for drug and alcohol use under code CFR part 40. Any CMV driver that refuses to test, alters a test, or fails a test, are considered a positive test (FMCSA CFR part 40), and will have their employment or contract terminated immediately.

The company reserves its right to conduct test or queries within the clearinghouse in the following situations:

- **Pre-employment:** FMCSA regulations 49 CFR part 382 require all new applicants that will be considered for employment/contract to pass a pre-employment drug screen. This includes conducting the required full query through the FMCSA Drug and Alcohol Clearinghouse program.
- **Randomly:** FMCSA regulations 49 CFR part 382 require all drivers to be placed in the company random testing pool.
- **Reasonable Suspicion:** when probable cause exists that an employee is under the influence or affected by drugs or alcohol. This includes but is not limited to tests following any on-the-job accidents or injuries which may have been caused by human error, abnormal or unusual behavior, excessive absenteeism, or the like.
- **Post accident:** FMCSA regulations 49 CFR part 382 require all drivers involved in a DOT recordable crash to submit to post accident testing.
- **Follow up:** When needed, follow up testing is required per the 49 CFR part 382 and we will conduct in accordance with these regulations.
- **Clearinghouse regulations:** If a driver does not consent to a limited or full query, we will be forced to place that driver out of service within 24 hours. In addition, per the



FMCSA regulations, this is the same as a refusal to submit and will be reported as a positive test within the clearinghouse.

- **Non-Regulated Post Accident**– If an employee is involved in any type of accident or injury while on the job or while driving company vehicles, the company policy is to send the employee for a drug test. Unless otherwise required in the federal regulations, this test will be a non-DOT regulated test.

Refusal to submit to an alcohol or controlled substances test is defined in 49 CFR 382.107.

Refusal to submit to an alcohol or controlled substances test means that a driver:

- (1) Failed 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.
- (2) Failed to remain at the testing site until the testing proceeds is complete. Provided, that an employee who leaves the testing site before the testing process commences on a pre- employment test is not deemed to have refused to test.
- (3) Failed 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 he or she has left the testing site before the testing process commences on 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.
- (5) Failed to provide an enough urine specimen when directed and it has been determined that there was no adequate medical explanation for the failure.
- (6) Failed or declined to take a second test the employer or the collector has directed the driver to take.



- (7) Failed 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 49 CFR 40.193(d). 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) Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.

Note: In reference to item 1 for the FMCSA; reasonable time means the employer shall ensure the driver ceases to perform the safety sensitive function and proceeds to the testing site as soon as possible. All drug and alcohol test are required to be logged as ON DUTY time per federal regulations.

****Refusal to submit to drug or alcohol testing is considered a positive test and will result in disciplinary action, up to and including termination of employment or contract.

****Any employee or with drug or alcohol problem is encouraged to come forward to seek help at any time. Please note that violations of this policy will still be disciplined even if the employee or has sought help. Questions concerning this policy, or its administration should be directed to the Human Resources department.

Additional Information

Any positive test, refusal to submit or altered test will be considered a positive test and will be cause for immediate termination of employment or contract. Any employee or who believes that his or her consumption of an alcoholic beverage may have impaired his or her ability to operate a motor vehicle must take alternative transportation. Impairment of ability to drive a motor vehicle is not solely dependent on being under the legal alcohol limit for a given state, but also on an individual's ability to drive safely.

No driver who has engaged in conduct prohibited in the CFR, part 382, shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements set forth by the FMCSA CFR subpart 40.

No driver tested under the provisions of CFR part 382, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor



shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Medical Marijuana

The FMCSA along with Borsuk Transport do not accommodate the use of medical marijuana by DOT safety-sensitive employees.

Drug and Alcohol Clearinghouse

Beginning January 6th, 2020, the FMCSA has implemented a drug and alcohol clearinghouse program. Within this clearinghouse program, Borsuk Transport is required to conduct a preemployment query on all new hires prior to an official hire date and an annual review of drug and alcohol history for all current drivers employed by the company.

In addition, you as a driver will be required to register within this program so you have access to your records and can dispute any information that may not be accurate. Along with this, MRO (medical review officers) will be required to submit to the clearinghouse any positive drug results that a CMV driver may have. Also, if you test positive, per the federal regulations, you are required to see an SAP (substance abuse professional). Your SAP will be required to submit the required completion documents into the clearinghouse program as well.

Per CFR part 382.601 the following regulations apply to the clearinghouse:

The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- (i) A verified positive, adulterated, or substituted drug test result.
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher.
- (iii) A refusal to submit to any test required by subpart C of this part.
- (iv) An employer's report of actual knowledge, as defined at §382.107:
 - (A) On duty alcohol use pursuant to §382.205.
 - (B) Pre-duty alcohol use pursuant to §382.207.
 - (C) Alcohol use following an accident pursuant to §382.209; and



(D) Controlled substance uses pursuant to §382.213.

(v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process.

(vi) A negative return-to-duty test; and

(vii) An employer's report of completion of follow-up testing.