

LNRA BOARD POLICY
206 - DRUG AND ALCOHOL USE AND TESTING FOR
COMMERCIAL DRIVERS LICENSE HOLDERS

206.10 INTRODUCTION AND OVERVIEW

- 206.101 The U. S. Department of Transportation (DOT) has issued regulations which govern the use of drugs and alcohol by motor vehicle drivers and which also requires the Lavaca-Navidad River Authority (LNRA) to conduct mandatory drug and alcohol testing of drivers at the times and under the conditions described in this Policy and the 49 CFR Part 40 and 382 of the Federal regulations as changed 1 August 2001 and amended 15 October 2001.
- 206.102 It is LNRA's intention to comply fully with the DOT's regulations governing drug/alcohol use; testing and those requirements of DOT's regulation have been incorporated into this Policy. In the event DOT's regulations are amended, this Policy and the applicable terms and conditions and/or requirements of this Policy, shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT's regulations. In such case, LNRA reserves the right to apply the amended requirements immediately and without giving prior notice to drivers and/or applicants, unless DOT or another applicable law requires such notice. It is also LNRA's intention to comply with any applicable state requirements governing drug and/or alcohol testing, which is not preempted by DOT regulations. LNRA intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, The Americans with Disabilities Act and the Family and Medical Leave Act.
- 206.103 Drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a motor vehicle, have a gross vehicle weight rating in excess of 26,001 pounds in interstate or intrastate commerce and on any driver of a motor vehicle that is used to transport hazardous materials, in a quantity which requires the vehicle to be placarded regardless of the vehicle's size.
- 206.104 All applicants for positions with LNRA as a driver will be notified of this Policy at the time they apply for a driver position with LNRA.
- 206.105 All other employees will be provided a notice of the drug and alcohol testing policy, prior to the scheduled implementation date. Date revised: April 17, 2013
- 206.106 This Policy, terms, conditions, requirements and implementation comply with DOT's 49 CFR Part 40 & 382 Federal regulations. In addition, LNRA reserves the right to search all vehicles, individuals and personal effects while on LNRA property.

206.20 DEFINITIONS

206.201 “Safety Sensitive Functions” as defined for this policy means any of the following, (1) driving; (2) the time spent waiting to be dispatched at a carrier’s or shipper’s terminal, plant facility or other property, unless the driver has been relieved from duty;; (3) inspecting, servicing or conditioning equipment; (4) being in or on a commercial motor vehicle (except resting in the sleeper berth); (5) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, giving or receiving receipts for a shipment being loaded or unloaded (6) securing the vehicle and taking all of the other precautionary measures required by DOT’s regulations following an accident (49CFR 392.40 and 392.41); (7) repairing, obtaining assistance or attending disabled vehicle.

206.202 “Company Business” means but is not limited to, work performed on property owned by a LNRA customer managed by LNRA and/or on LNRA property, including a LNRA vehicle and work performed on or in a non-company vehicle being used for conducting LNRA business. The term also includes meals and break time.

206.203 “Refusing to be Tested” means any of the following; (1) failing to provide an adequate urine specimen for a drug test without a valid medical explanation; (2) failing to provide a adequate breath for an alcohol test without a valid medical explanation; (3) failing to submit to a test as directed; or (4) engaging in any conduct which clearly obstructs the testing process.

206.204 “Positive Alcohol Test” means when the alcohol concentration level registers 0.02 or greater.

206.30 PROHIBITED DRUG AND ALCOHOL USE AND ACTIVITES

206.301 The goals of this Policy and the testing of drivers is to insure a drug and alcohol free transportation and work environment, and to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and damage to property.

206.302 In furtherance of LNRA’s goals, the conduct specified in Section 206.303 of this Policy is prohibited whenever a driver is on duty, whenever a driver is performing or just about to perform, a safety sensitive function (as defined in Section 206.201 of this Policy), whenever a non-DOT work is performed, or just about to perform a safety-related activity, whenever a driver is otherwise engaged in Company Business (as defined in Section 206.202 of this Policy), or as the items otherwise specified in this Policy.

206.303 The following conduct is strictly prohibited: (1) drivers are prohibited from using, being under the influence of, or possessing illegal drugs; (2) drivers are prohibited

from using or being under the influence of legal drugs whose use can adversely affect the ability of the driver to perform his/her job safely; (3) drivers are prohibited from selling, buying, soliciting to buy or sell, transporting or possessing illegal drugs while on LNRA time or property; (4) drivers are prohibited from using alcohol within four (4) hours of driving or performing any other safety-sensitive function; (5) drivers are prohibited from possessing any amount of alcohol (including possessing medication which contains alcohol) while on duty or driving, unless the alcohol is manifested and being transported as part of the shipment; (6) testing positive for drugs and/or alcohol; (7) refusing to be tested for drugs and/or alcohol (as defined in Section 206.203 of this Policy); (8) failing to submit to a drug and/or alcohol test as directed by LNRA; (9) failing to stay in contact with LNRA and its medical review officer while awaiting the results of a drug test; (10) violating any applicable federal and/or state requirement governing the use of drugs or alcohol; (11) doing anything to obstruct LNRA's goals with respect to drugs and alcohol.

206.40 TESTS REQUIRED

206.401 In general: LNRA is required by DOT to conduct tests under the following conditions or times; (1) before a Driver-applicant is hired or an existing non-DOT worker performs DOT driving duties (employment pre-duty testing); (2) for reasonable suspicion; (3) following certain accidents (post-accident testing); (4) on a random basis; (5) return to duty and follow-up.

206.50 PRE-EMPLOYMENT / PRE-DUTY TESTING

206.501 This test is required before any driver-applicant will be hired. This test is also required before any exiting worker in a non-DOT driver position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of LNRA for the first time. LNRA's policy concerning pre-employment/pre-duty testing requirements of applicants and existing workers who are applying for a driver position are collectively referred to in this Section 206.501 as an "Applicant".

206.502 Prior to taking a pre-employment/pre-duty drug and alcohol test, the Applicant may be given forms notifying the Applicant to report for a drug and or alcohol test, which includes instruction and an explanation of the collection procedures for each test.

206.503 All offers by LNRA to hire an Applicant for, or to assign or transfer an Applicant to a driver position, are conditioned upon the Applicant: (1) executing LNRA's general acknowledgment for this Policy; (2) taking a drug and alcohol test as directed by LNRA and passing both tests; (3) executing LNRA authorization to obtain past drug and alcohol test results form (which authorizes LNRA to obtain past drug and alcohol test results, including any refusals to test, from each Company for whom the driver either worked, or took or refused to take a pre-employment/pre-duty test during the previous two years and the results of those tests including any refusals); (4) passing the DOT-required physical exam required for drivers positions; (5) complying with

any other conditions or requirements of which LNRA advises the Applicant at the time of the offer.

206.504 Any Applicant who refuses or fails to execute LNRA's acknowledgment form for this Policy, who refuses or fails to execute LNRA's authorization to obtain past drug and alcohol test results forms, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test as directed, or whose results are positive for either test, will not be considered eligible to work for LNRA. Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be subject to discipline up to and including discharge from LNRA.

206.60 POST ACCIDENT DRUG TESTING

206.601 A driver who is performing a safety-sensitive function must submit to a post-accident drug and a post accident alcohol test as soon as possible after the occurrence of any accident that meets the description of Section 206.602 or Section 206.603 of this Policy. For purposes of this Policy and LNRA's drug and alcohol test program, an accident, which meets the description of Section 206.602 or Section 206.603 of this Policy, is referred to as a "DOT" accident.

206.602 A driver must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being.

206.603 A driver must submit to a post-accident test as soon as possible after an accident, whenever the driver receives a citation for a moving violation involving the accident and either; (1) a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or (2) one or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

206.604 It is possible that a driver will be directed to submit to a drug and/or alcohol test at the accident scene by federal, state, or local law enforcement officer. If a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor immediately to report this and to provide LNRA with the name, badge number and telephone number of the law enforcement agency.

206.605 Whenever a driver is involved in a DOT accident and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report to LNRA for a test.

206.606 A driver who is required to take a post-accident drug and/or alcohol test will, at LNRA's discretion, either be assigned to a non safety-sensitive function, or placed on non-disciplinary suspension with pay, while awaiting the post-accident test results.

206.607 In addition to the penalties imposed by DOT (discussed in Sections 206.1403, 206.1504 and 206.1603 of this Policy) a driver who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, who unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with LNRA's post-accident testing procedures, will be subject to disciplinary action, up to and including discharge from LNRA.

206.70 RANDOM TESTING

206.701 LNRA is required to test drivers on a random basis, and all such tests will be unannounced ahead of time.

206.702 Under LNRA's random selection process, every driver will have an equal chance of being selected each and every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of individual drivers cannot be determined prior to or at the time of their selection.

206.703 Whenever a driver is randomly selected to be tested, he/she will be notified of this orally or in writing and instructed to report to the collection site immediately.

206.704 A driver who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform other safety-sensitive functions.

206.705 In addition to the penalties imposed by DOT (discussed in section 206.1403, 206.1504 and 206.1603 of this Policy), a driver, who refuses to submit to a random test, who fails to report for tests as directed, or who tests positive, will be subject to disciplinary action, up to and including discharge from LNRA.

206.80 REASONABLE SUSPICION TESTING

206.801 Each driver is required to submit to a drug and/or alcohol test whenever LNRA has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulation and/or this Policy.

206.802 Reasonable suspicion will exist when a driver's appearance, behavior, speech or body odors indicate drug or alcohol use, or the chronic and withdrawal effects of drugs. Such observations must be personally observed and hand documented by at least one supervisor who has received training covering the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

206.803 Whenever a driver is notified that there is reasonable suspicion to be tested, the driver will be expected to report to the test site immediately with a supervisor to be tested.

206.804 Drivers who are required to submit to a reasonable suspicion test will be escorted by their supervisor to the appropriate specimen collection site for a drug and alcohol test.

NOTE: Donors will be checked for Prosthetic devices and will be checked by observers of the same gender as the donor. The observer may have the employee raise and lower clothing, turn around and then put it back into place for the observed collection.

206.805 LNRA will also attempt to contact the driver's spouse, another member of the family or another person designated by the driver, in order to make arrangements for transporting the driver to his/her home if the test is positive. In the event that LNRA is unable to contact the driver's spouse, family member or another designated person; LNRA will make arrangements for transporting the driver home by other suitable means.

206.806 If the driver rejects LNRA's efforts in this regard and instead insists on driving his/her personal vehicle, LNRA reserves the right to take whatever means are appropriate to prevent this including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including discharge.

206.807 A driver, who is required to take a reasonable suspicion test, will be considered by LNRA as unqualified to work and placed on immediate suspension, without pay, pending the results of his/her test. A driver, whose test results are positive, will not be reimbursed for the time of the suspension.

206.808 In addition to the penalties imposed by DOT (discussed in Sections 206.606, 206.1504 and 206.1603 of this Policy) a driver whose reasonable suspicion test is positive, or who fails or refused to submit to a reasonable suspicion test when directed to do so by LNRA, will be subject to disciplinary action up to and including discharge.

206.809 Donors will be checked for Prosthetic devices and will be checked by observers of the same gender as the donor. The observer may have the employee raise and lower clothing, turn around and then put it back into place for the observed collection.

206.90 **RETURN-TO-DUTY TESTING**

206.901 LNRA will ensure that before a performance of a safety-sensitive function, after engaging in conduct prohibited by this Policy, shall undergo a return-to-duty alcohol test with the results indicating an alcohol concentration of less than 0.02 and have been evaluated by a SAP.

206.902 LNRA shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function, after engaging in conduct prohibited by this Policy, shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substance. NOTE: Effective August 31, 2009, all Return-To-Duty testes are required to be DIRECT OBSERVED.

206.903 Donors will be checked for Prosthetic devices and will be checked by observers of the same gender as the donor. The observer may have the employee raise and lower clothing, turn around and then put it back into place for the observed collection.

206.100 FOLLOW-UP -TESTING

206.1001 After returning to duty, LNRA shall ensure that the driver is subject to unannounced follow-up alcohol and or controlled substances testing as directed by a substance abuse professional. These tests must be conducted just before, during, or just after performance of a safety sensitive function. NOTE: Effective August 31, 2009, all Return-To-Duty testes are required to be DIRECT OBSERVED.

206.1002 Donors will be checked for Prosthetic devices and will be checked by observers of the same gender as the donor. The observer may have the employee raise and lower clothing, turn around and then put it back into place for the observed collection.

206.110 TESTING METHODOLOGY AND INTEGRITY

206.1101 To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures shall be conducted in accordance with DOT's procedural protocols and safeguards set forth in Part 40 of Title 49 of the federal Code of regulation. This includes, but not limited to: (1) procedures to ensure the correct identity of each driver at the time of testing; (2) strict chain-of-custody procedures to ensure that the driver's specimen is not tampered with by LNRA; (3) the use of a trained breath alcohol technician (BAT) and DOT approved testing devices for conducting alcohol tests; (4) the use of a laboratory that has been certified by the National Institute for Drug Abuse (NIDA); (5) the confirmation of an initial positive drug screen by a second analysis using Gas Chromatography/Mass Spectrometry (GCMS); (6) the company's appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to LNRA's designated employee representative (DER)

206.1102 Cut off levels for drugs being tested for:

| <u>DRUG</u> | <u>RESULT</u> | <u>SCREEN CUTOFF</u> | <u>GC/MS CUTOFF</u> |
|-----------------------|---------------|----------------------|---------------------|
| THC | Negative | 50 n g / ml | 15 n g / ml |
| Extended Amphetamines | Negative | 500 n g / ml | 250 n g / ml |
| Cocaine Metabolites | Negative | 150 n g / ml | 100 n g / ml |
| Opiates | Negative | 2000 n g / ml | 2000 n g / ml |
| Phencyclidine | Negative | 25 n g / ml | 25 ng/ml |
| 6-Acetylmorphine | Negative | 10 ng/ml | 10 ng/ml |

206.1103 To further facilitate the integrity and accuracy of each test, LNRA will provide drivers with written and/or oral instruction regarding the conduct of the specific test before each testing event. LNRA considers all such instruction to be a part of this Policy.

Drivers who refuse or otherwise fail to comply with all instructions will be subject to disciplinary action, up to and including discharge.

206.120 FOR ALL DRUG TESTS

206.1201 All drug tests conducted under this Policy require that the driver provide a specimen of his/her urine. Directly observed collections will continue to occur only when there is a specific reason to believe that an employee may be attempting, or have sufficient reason, to evade the testing process.

206.1202 A minimum urine specimen will be analyzed for the presence of the following drugs: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, and (5) phencyclidine. Specimens will also be analyzed for other substances as DOT expands the list of drugs for which testing is or may be required. LNRA reserves the right to begin testing immediately for those drugs without prior notice to drivers or applicants, unless notice is required by DOT or other applicable law.

206.1203 In general, drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, a driver forfeits this right whenever there is reason to believe that he/she may alter or substitute a specimen.

206.1204 All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the driver must provide at least 45 milliliters (ml) in a specimen container. The collector will divide the specimen into two specimen bottles. Thirty (30) (ml) will be poured into one bottle and fifteen (15) (ml) into a second bottle. Both bottles will be sealed and sent to the laboratory. The bottle containing 30 (ml) will be analyzed as the drivers primary specimen. The second bottle is held by the laboratory, for shipment to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified by LNRA's MRO of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise LNRA's MRO within 72 hours of being told that the primary specimen was positive.

206.1205 Except for the use of methadone and medications containing alcohol, nothing in this Policy prohibits a driver's use of a medication legally prescribed by a licensed physician: (1) who is familiar with the driver's medical history and specific safety-sensitive duties; and (2) who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle safely. Medication prescribed for someone other than the driver, will not be considered lawfully used when taken by the driver under any circumstances.

206.1206 Before being tested for drugs, drivers will be given an opportunity to list, on their copy of the chain-of-custody form any prescription or non-prescription medication being lawfully used by the driver. A "positive" drug test may be declared "negative"

by LNRA's MRO, if the driver can prove with clear and convincing evidence that the drug which was used was prescribed by a licensed physician who is familiar with the driver's medical history and specific duties. The determination of this will be made by LNRA's MRO.

206.130 FOR ALL ALCOHOL TESTS

206.1301 All alcohol tests conducted under this Policy require the driver to provide a breath sample for any test conducted by, or on behalf of LNRA. In the case of an alcohol test by a federal, state or local law enforcement officer following an accident, the driver must provide either a breath or blood sample, as directed by enforcement official.

206.1302 Alcohol tests will be administered using a breath sample, taken by a breath alcohol technician (BAT) using an approved breath-testing device (EBT), except in cases of on scene post-accident testing conducted by federal, state or local officials.

206.1303 Before being tested, each driver will be required to (1) present his/her personal identification and (2) execute a DOT Breath Alcohol Test Form provided by the BAT. A driver who refuses to provide his/her identification, provides a false ID, refuses to execute the DOT "Breath Alcohol Test Form" or who otherwise refuses or fails to cooperate, will be treated as though he/she tested positive and be subject to disciplinary action, up to and including discharge, in addition to penalties imposed by DOT.

206.1304 Prior to each alcohol breath test conducted by LNRA, the BAT will instruct the driver on how the test will be performed. To protect each driver, the BAT will open and attach a sealed mouthpiece in the driver's view. The driver will then be directed to blow forcefully into the EBT device until an adequate amount of breath has been obtained.

206.1305 In the event that a driver is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be reported to the company as Negative. If the physician determines that a valid medical condition does not exist, the test result will be reported to LNRA's DER as a Confirmed Positive.

206.140 DRUG TEST RESULTS

206.1401 For all drug tests, in the event that the test result of a driver's primary specimen is positive, the driver will be notified by the MRO and advised that he/she has 72 hours to request that the MRO send his/her secondary specimen to a second DOT approved

laboratory for analysis. Pending the outcome of this additional analysis, the driver will continue being considered physically unqualified to work by DOT.

206.1402 Before a driver's test result is confirmed positive, for drugs, the driver is given the opportunity to speak with LNRA's MRO. If there's a legitimate medical explanation for the positive test result, and the MRO determines that a legitimate medical reason does exist, the test result will be reported to LNRA's DER as Negative. When the MRO determines that a legitimate medical reason does not exist, the test result will be reported to LNRA as Confirmed Positive.

206.1403 Except as provided in Section 206.50 of this Policy (concerning pre-employment and pre-duty tests), a driver whose test results is confirmed positive for drugs will be considered unqualified to perform or continue performing his/her functions safely and may be immediately discharged. In addition, a driver whose test results are confirmed positive for drugs will also be subject to civil and criminal penalties imposed by DOT.

206.150 ALCOHOL TESTS RESULTS

206.1501 In the event that the driver provides an adequate breath sample and the initial test registers an alcohol concentration level less than 0.02, the test result will be reported as a Negative and no additional test will be required.

206.1502 In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a confirmatory test will be performed not sooner than 15 minutes and no later than 30 minutes. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.02, the result will be reported Negative.

206.1503 DOT prohibits any driver whose confirmatory test registers 0.02 or greater, but less than 0.04 from performing or from continuing to perform any safety-sensitive function until the driver's next regularly scheduled duty period, but for not less than 24 hours. Except as provided in Section 206.50 of this Policy (concerning pre-employment and pre-duty tests) a driver who after providing an adequate breath specimen, has a confirmatory test which registers 0.02 or more but less than 0.04 will at a minimum be suspended without pay until his/her next regular-scheduled duty period, but for no less than 24 hours and may be subject to additional disciplinary action by LNRA, up to and including discharge from LNRA.

206.1504 A driver after providing an adequate breath sample, has a confirmatory test which registers 0.04 or greater will be suspended without pay and will be required to see a SAP, (substance abuse professional) or will be subject to additional disciplinary action by LNRA, up to and including discharge from LNRA.

206.160 MAINTAINING CONTACT WITH LNRA'S MRO

206.1601 Drivers that tested for drugs are required to remain in contact with LNRA and LNRA's MRO, while awaiting the results of their test. Drivers are required to advise LNRA of their whereabouts and the telephone number where they can be reached.

206.1602 LNRA's MRO is Neil J. Dash, M. D. whose telephone number is: 1-800-526-9341.

206.1603 A driver who refuses or fails to remain in contact with LNRA and LNRA's MRO will be considered insubordinate and subject to disciplinary action, up to and including discharge from LNRA. A driver who fails to remain in contact may waive his/her right, under Section 206.1402 of this Policy, to speak with LNRA's MRO before a test is Confirmed Positive. NOTE: Effective August 25, 2008: During an invalid result Medical Review Officer (MRO) review, an employee admission of adulterating or substituting a specimen is now a refusal to test.

206.170 DRUG AND ALCOHOL INFORMATION

206.1701 LNRA is required to provide training and educational materials for all drivers, explaining the DOT's requirements and the company's policies and procedures to meet those requirements. In addition to this Policy, LNRA will provide drivers with training and information concerning: (1) the effects of drugs and alcohol on an individual's health, work and personal life; (2) the signs and symptoms of drug or alcohol problem; and (3) the available methods of intervention when a problem does exist.

206.1702 Each driver is required to certify that he/she has read or been given a copy of this Policy and other drug and alcohol information by LNRA, in accordance with Section 206.1701 of this Policy. In accordance with Section 206.50 of this Policy, applicants are required to execute the acknowledgement form as a condition of being hired. An applicant who refuses to sign the acknowledgement form will not be considered for employment.

206.1703 Any existing driver who engages in any conduct prohibited under this Policy will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem and the names, address and telephone numbers of substance abuse professionals, counseling and treatment programs.

206.1704 Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of 49 CFR Part 40 of this title, provided that the procedures listed in regulation 382.121 (a) and (b) are followed. In order for the exception of 382.121 to be used, all the provisions and conditions of this section must be met. In this instance, now of the consequences of prohibited conduct would apply and the company will not report the admission to any subsequent employers. However, if any of the conditions in 382.121 is absent, then the exception

may not be used and the driver will be subject to all of the consequences or prohibited conduct, including referral and treatment in accordance with 49 CFR Part 40, Subpart O, and reporting the subsequent employers in accordance with 49 CFR Part 40.25 and 391.23 (e).

206.1705 All questions concerning the educational material provided by LNRA or about this Policy should be directed to LNRA's DER, designed employer representative, **Jennifer Martin**.

206.180 PAYMENT OF TESTS

206.1801 At its discretion, LNRA shall pay the costs for all tests which LNRA is required to conduct on drivers under DOT regulations.

206.1802 Drivers are responsible for paying the costs for any test or tests conducted which LNRA does not require, unless otherwise prohibited by the applicable state law. LNRA reserves the right to withhold cost of pre-employment tests if employee terminates employment before 90 days.

206.1803 Drivers are responsible for paying the costs of the analysis of any secondary urine specimen which they request under Section 206.1204 of this Policy, except as otherwise required by applicable state law before analysis of second sample.

206.190 CONFIDENTIALITY

206.1901 The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

206.1902 All individual test results will be considered confidential. Upon written authorization of the individual, release of an individual driver's results will be released, or as is required by DOT's regulation or by other applicable federal or state law.

206.200 DESIGNATED EMPLOYEE REPRESENTATIVE

206.2001 **The Designated Employee Representative DER :**

Jennifer Martin
P.O. Box 429
Edna, Texas Phone: (361) 782-5229

206.2002 **Collection Agency:**

DRIVING SAFETY SERVICES
110 Merchant St.
El Campo, Texas

Phone: (979) 543-7849

206.2003 **Testing Agency:**

Quest Diagnostics
11010 Renner,
Lenexa, KS 66219
Phone: (800) 877-7484

206.2004 **Service Provider:**

Driving Safety Services
110 Merchant St.
El Campo, Texas 77437
Phone: (979) 547 7849

206.2005 **Medical Review Officer**

Doctors Review Service
546 Franklin Ave.
Massapequa, NY 11758
Phone: (800) 526-9341

206.300 RESPONSIBILITIES

206.3001 GENERAL MANAGER

The General Manager will designate LNRA employees who will be responsible for the administration and coordination of this Policy. The General Manager shall also ensure that practices and procedures are developed which effectuate this Policy.

EFFECTIVE: , Amended April 17, 2013

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