

**MPC - Alcohol Misuse and Controlled Substance Abuse  
Prevention Plan DOT PHMSA (MPC-DOT-01691-PRS)**

Marathon Petroleum Company LP

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# MPC - Alcohol Misuse and Controlled Substance Abuse Prevention Plan DOT PHMSA (MPC-DOT-01691-PRS)

## 1.0 Overview

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### 1.1 Purpose

The purpose of the Marathon Petroleum Company (MPC) Alcohol Misuse and Controlled Substance Abuse Prevention Plan is to reduce accidents that result from the misuse of alcohol and controlled substances, thereby reducing fatalities, injuries, and property damage.

This Plan supplements the Company's Drug and Alcohol Policy which contains additional provisions that also apply and govern your employment with the Company. This Plan may be amended, terminated or changed at any time at the sole discretion of the Company and/or as required by law. Whenever this occurs, the affected portions of the Plan are specifically superseded. This plan is only informational and under no circumstances is it to be construed as creating or constituting a contract of employment, nor shall it be construed as limiting any action the Company may desire to take in administering the employee-employer relationship.

A copy of this plan will be distributed to each covered employee and to each person subsequently hired for or transferred to a covered position. Each employee will be required to sign an [Acknowledgement and Receipt Notification Form](#) (reference).

The Company must comply with all Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations and other Department of Transportation (DOT) regulations which require affirmative actions to eliminate the impact of the misuse of alcohol and controlled substances in the workplace. The Company has a long-standing commitment to maintain the highest standards for employee safety and health and to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees who perform covered functions.

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### 1.2 Scope

- PHMSA of the U.S. DOT, prohibits certain conduct by, and requires alcohol and controlled substance abuse testing of, persons who perform specified covered functions. Persons who violate these regulations will be subject to consequences, including removal from covered functions. In addition, the Company has established its own Drug and Alcohol Policy that includes provisions beyond those required by PHMSA which appear in **bold and underlined print**.
- **These provisions will be applied consistent with applicable state law. For California and Minnesota sites or employees working in California and Minnesota, all provisions of the Company's independent Drug and Alcohol Policy are in effect, unless and except as modified by**

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**the California and Minnesota employee guide. Please reference the state employees guides for such modifications. All references to the Company’s “Drug and Alcohol Policy” or “Company Policy” herein include any applicable state modifications as set forth in the state specific employee guides.**

- **This Plan applies to all DOT PHMSA regulated employees of Marathon Petroleum Company LP, Marathon Petroleum Service Company, Marathon Petroleum Logistics Services LLC, and Marathon Refining Logistics Services LLC and/or their subsidiaries and affiliates.**
- Persons performing PHMSA regulated functions for the Company are subject to DOT/PHMSA alcohol and controlled substance testing.
- Materials supplied to covered employees will also include information on additional Company mandated policies with respect to the use or possession of alcohol and controlled substances, including any consequences for an employee found to have a specified alcohol level, that are based on the Company’s authority independent of the federal regulations.

**Note:** Written notice of the availability of this information is provided to representatives of employee organizations, relevant unions, and their business agents.

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### 1.3 Contents

This document contains the following sections:

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## 2.0 Roles and Responsibilities

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**2.1 Corporate  
 Controlled  
 Substance and  
 Alcohol Program**

The Corporate Controlled Substance and Alcohol Program Manager is:  
 Jeff Steigauf  
 539 South Main St Findlay, Ohio 45840  
 (419) 672-6367

Role	Responsibility
Program Manager	Shall be responsible for: <ul style="list-style-type: none"> <li>• the preparation of an alcohol and controlled substance misuse plan which complies with requirements of the DOT regulations.</li> <li>• providing oversight and evaluation on the Plan and for providing guidance and counseling to operating components who will be responsible for administering all aspects of the plan for covered employees.</li> </ul>
Company	Shall ensure that all covered employees are notified and aware of the provisions and coverage of the Company's Plan and are knowledgeable of the requirements of the Plan.

**Note:** Local Human Resources (HR) is the contact for all employees.

**2.2 Company's  
 Medical Review  
 Officer (MRO)**

The Company's MRO is:  
 Dr. Matthew Hughes  
 539 South Main St Findlay, Ohio 45840  
 (419) 421-2027

Role	Responsibility
MRO	Is responsible for all duties assigned by Department of Transportation (DOT) and Pipeline Hazardous Materials Safety Administration (PHMSA) regulations including, but not limited to: <ul style="list-style-type: none"> <li>• retention of all controlled substance test results.</li> <li>• quality assurance reviews of testing process.</li> <li>• the review and interpretation of confirmed positive results.</li> <li>• oversees review of all tests and Custody and Control forms (CCF).</li> <li>• discussion and conference with employees testing positive; and the review of any rehabilitation that may be involved.</li> <li>• determines whether there is justification for a test to be cancelled.</li> </ul>

**2.3 Corporate  
 Health Services**

Role	Responsibility
Corporate Health Services	<ul style="list-style-type: none"> <li>• Is responsible for all covered employee testing in accordance with the regulations.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Has developed a computer program that randomly selects individuals every month in compliance with PHMSA Random Testing regulations and ensures that employees are only in one DOT random testing pool.  <b>Note:</b> Procedures for random selection have been distributed to all field locations.</li> </ul>
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**2.4 Substance Abuse Professional (SAP)** The SAP shall meet the applicable qualification requirements of [49 CFR 40 \(§40.281\) and Part 199](#) (reference).

The company uses ASAP as our provider for SAP's.  
 ASAP  
 10151 York Road, Suite 120  
 Cockeysville, MD 21030  
 (888) 792-2727

For more information, contact Company's Health Services Organization, call 419.421.3160 or email [HealthServices@marathonpetroleum.com](mailto:HealthServices@marathonpetroleum.com).

**2.5 Designated Employer Representative (DER)**

The following are the roles and responsibilities for the DERs:

Role	Responsibility
Company's Health Services Department Employees	Are the DERs for all matters involving employee testing procedures, records, and results.
HR Manager or HR Business Partner at Each Company Location	Is the DER for all matters pertaining to implementation of this plan and contact with individual employees.

**Note:** Refer to MPC Designated Employee Representative (DER) List (reference) for a complete list of DERs.

**2.6 Service Agent**

Public Interest Exclusion (PIE)  
 The company will not use a service agent against whom a Public Interest Exclusion has been issued. The company will stop using the services of a service agent no later than 90 days after the DOT has published the decision in the Federal Register or posted it on its web site that a PIE has been issued. The company may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days. [§40.409(b)]

Service agents must comply with all parts of [49 CFR 40 \(§40.341-355\)](#) (reference).

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Limitations of a service agent can also be found in [Information Related to the Alcohol Misuse and Controlled Substance Abuse Prevention Plan](#) (attachment).

**2.7 Designated Collection Sites**

The following are the roles and responsibilities for the Designated Collection Sites:

Role	Responsibility
Each Field Location	To have one or more designated collection sites which will have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage and shipping or transportation of urine specimens to the certified drug testing laboratory.
Local HR	<ul style="list-style-type: none"> <li>• Is responsible for the designation, training, and monitoring of appropriate specimen collection sites.</li> <li>• Will maintain a list of all available collection sites in their geographical area.</li> </ul>
Specimen Analysis	<p>Controlled substance specimen analysis will be performed by:                      Lab Corp. Laboratories, Inc. (for DOT Urinalysis)                      P.O. Box 12652                      1904 Alexander Dr.                      Research Triangle Park, NC 27709</p> <p><b>Note:</b> See the <a href="#">Drug and Alcohol Collection Standard - HLT-2015</a> (reference) for further details.</p> <ul style="list-style-type: none"> <li>• <b>Psychemedics Corp. (for non-DOT Hair Analysis) 832 Uplander WayCulver City, CA 90230</b></li> </ul>

**3.0 Covered Functions**

**3.1 Covered Positions**

Covered positions may perform any of the following functions on a pipeline that transports hazardous liquids or natural/other gas.

- Operations (control the movement or storage of gas, LNG, hazardous or carbon dioxide), or
- Maintenance (preserve a pipeline or LNG facility for future use), or
- Emergency Response (steps taken to identify emergencies, protect people, and return a pipeline or LNG facility to normal operation).
- A master list of all employees covered in the PHMSA pool is maintained by the Drug Abuse and Alcohol Misuse Program Manager.

The following are MPC Reference documents defining the DOT Covered Functions and Affected Employees at Refinery and Terminal Locations:

- All refining and terminal operations personnel that receive operator qualifications (OQ) on normal operating tasks or emergency response tasks will

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be required to be included in the PHMSA DOT testing pool administered by the HR department at each location.

- Emergency response personnel at the various refining plant and terminal locations are also considered to perform covered functions and would also be required to be in the PHMSA DOT testing pool even though they may not perform covered tasks but may perform a covered function during an emergency response.

**Note:** Based on this definition, it is expected that the refinery emergency response team (ERT) members would be in the DOT Drug and Alcohol Program but not OQ qualified. If they are performing OQ tasks, they will either need to be OQ qualified or under the direct supervision of an OQ qualified employee.

- Maintenance personnel at the various refining plant and terminal locations will also be required to be enrolled into the Drug and Alcohol Program and Operator qualified if they are performing covered tasks on DOT assets.

**Note:** Since maintenance activities are sporadic, MPL will provide the maintenance activities associated with the DOT covered assets.

- Additional information is provided in the below referenced documents:
  - [Refinery Site Specific Plan](#)
  - [Terminal Site Specific Plan](#)
  - [MPL - Operator Qualification Program](#) - MPL-OPR-01797-PRS
  - [OQ Task Assistant](#)

**3.2 Functions, and Period of the Work Day**

All employees performing covered functions:

- Are subject to alcohol testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform, immediately available to perform, or within four hours of being scheduled to perform (unless in an emergency) these covered functions.
- **Company Policy also prohibits consumption and/or possession of unsealed alcohol at any time during the workday. In its discretion, management shall prohibit the possession of all alcohol on Company premises at designated locations.**
- Are prohibited from performing covered functions with detectable levels of controlled substances in their system.
- **Company Policy also prohibits possession and/or consumption of controlled substances at any time during the workday.**
- Will only be tested for alcohol and controlled substances while they are at work.
  - If they are called to work and have consumed alcohol within the four-hour time frame, they would have to decline to report until four hours have passed with no alcohol consumption.

**Note:** An exception to this rule is that if the employee is called to duty to respond to an emergency, the employee can report to work, but cannot consume alcohol after being notified to report. In this case, the employee must advise the supervisor that they have consumed alcohol within the

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preceding four hours and the supervisor must determine whether the employee should still report.

## 4.0 Prohibited Conduct

### 4.1 Prohibited Conduct

The following information refers to prohibited conduct.

What	Prohibited Conduct
<p><b>Alcohol Possession</b></p>	<p><b><u>Company Policy prohibits consumption or possession of alcohol in unsealed or open containers while on Company premises or while engaged in Company business except in limited circumstances. In its discretion, management may prohibit the possession of all alcohol on Company premises at designated locations.</u></b></p>
<p><b>Controlled Substances</b></p>	<p><b><u>The manufacture, use, possession, distribution, dispensation, purchase or sale of unauthorized controlled substances while on Company premises or while engaged in Company business is prohibited. Also, an employee reporting for work with any unauthorized controlled substance(s) in their body is in violation of Company Policy.</u></b></p>
<p>Alcohol Concentration</p>	<p>Covered employees shall not report for duty or remain on duty in a position requiring the performance of covered functions while having an alcohol concentration of 0.02 or greater.</p>
<p>Pre-Duty Use</p>	<ul style="list-style-type: none"> <li>• Employees shall not perform covered functions within four hours after consuming alcohol.</li> <li>• On-call employees who are not at work, but who could be called at any time to perform covered functions, are subject to the pre-duty alcohol prohibitions. Employees who have been notified to report for duty to respond to an emergency shall not use alcohol after being notified to report. The supervisor will determine whether the employee should still report.</li> </ul>
<p>On-Duty Use</p>	<ul style="list-style-type: none"> <li>• Covered employees shall not consume alcohol or controlled substances while performing covered functions.</li> <li>• This prohibition also applies to covered employees who are at work and immediately available to perform covered functions.</li> </ul>
<p>Alcohol Use After an Incident</p>	<p>Covered employees with knowledge of an accident involving a pipeline for which they performed a covered function at or near the time of the accident shall not use alcohol for eight hours after the accident unless</p>

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	<ul style="list-style-type: none"> <li>• they have been given a post-accident test, or</li> <li>• the Company has determined that their performance could not have contributed to the accident.</li> </ul>
<p>Refusal to Submit to Testing</p>	<ul style="list-style-type: none"> <li>• Covered employees shall not refuse to submit to a required controlled substance or alcohol test. The Company will not permit an employee who refuses to submit to such a test to perform or continue to perform covered functions, <b>and disciplinary action, up to and including discharge, may result.</b></li> <li>• Employees who do not provide sufficient urine, <b>hair</b>, or an adequate deep air sample for a required test will be referred for a medical examination. This examination is to indicate whether employees have a medical problem relating to why they are unable to complete a DOT <b>or other</b> required test. If there is <b>no</b> medical justification for the individual's failure to provide an adequate sample, then such conduct will be considered a refusal to submit to testing.</li> </ul>
<p>Criminal Offenses</p>	<p>An employee charged with, convicted, or under investigation</p> <ul style="list-style-type: none"> <li>• in connection with a drug- related or alcohol-related criminal offense may be subject to discipline up to and including discharge for the first offense and/or required to submit to drug testing and/or an evaluation/rehabilitation as described under Section <a href="#">5.8 Rehabilitation Provisions</a>. If the employee tests positive for drugs or fails to follow all recommendations arising out of the evaluation, including Unauthorized Drug or Alcohol use, the employee will be discharged.</li> <li>• of a drug-related or alcohol- related criminal offense must report this information to his supervisor or local HR immediately. The Company will notify the appropriate federal agency, within ten days, of any employee convicted of violating a criminal drug statute if the violation occurred in the workplace.</li> </ul>

**Note:** Any employee who has engaged in prohibited conduct identified within this plan shall be advised of the resources to them in evaluating and resolving problems associated with the misuse of alcohol or substance abuse. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

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## 5.0 Circumstances Requiring Testing



**5.1 Pre-Employment**

The following is an overview of pre-employment testing requirements. Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

Circumstance	What
Pre-Employment	<p>Controlled substance tests are required when an individual is either hired or transferred into a covered position.</p> <ul style="list-style-type: none"> <li>• <b><u>Hair tests will be administered after the acceptance of a contingent offer of employment.</u></b></li> <li>• Subsequently, urine tests will be conducted prior to performing any DOT covered work.</li> <li>• <b><u>Should an applicant have insufficient hair to provide an adequate sample for a pre-employment test, the company, at its discretion, may allow that applicant to start work based on the results of a urine test (does not apply to casual employees such as interns or co-ops). However, such applicant must grow sufficient hair, if medically possible, to submit a hair sample for testing within the first 90 days of employment, with timing at the discretion of the Medical Director. A positive result on this test will result in immediate discharge of the applicant/employee.</u></b></li> <li>• <b><u>Further, all employees subject to Random Testing as described below, who are off of work in excess of 30-days must submit to re-employment testing (a subcategory of pre-employment testing) prior to return-to-duty.</u></b></li> </ul>
Pre-Employment with Previous DOT Safety Sensitive Functions	<p>The Company must, after obtaining the individual’s written consent, obtain and review the information listed below from any employer for whom the employee performed DOT safety-sensitive covered functions in the previous two years prior to the date of the employee’s application or transfer:</p> <ul style="list-style-type: none"> <li>• Information on the employee’s alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.</li> <li>• Information on the employee’s-controlled substances test in which a positive result was indicated.</li> <li>• Any refusal to submit to a required alcohol or controlled substance test (including verified adulterated or substituted drug test results).</li> <li>• Other violations of DOT agency drug and alcohol testing regulations; and</li> <li>• With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee’s successful completion of DOT return-to-duty requirements (including follow-up tests) is required.</li> </ul> <p><b>Note:</b> The information must be obtained and reviewed no later than <b>14 days</b> after the employee first performs safety-</p>

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sensitive functions. However, every effort will be made to obtain this information before the employee performs covered responsibilities.

**5.2 Post-Accident** The following is an overview of post-accident testing requirements. Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

Circumstance	What
Post-Accident	<p>As soon as practicable after an accident, should make every attempt to contact their supervisor and must be controlled substance and alcohol tested if that employee's performance either contributed to the accident or cannot be discounted as a contributing factor to the accident. Any decision not to test an employee post-accident is based on specific information that the covered employee's performance has no role in the cause(s) or severity of the accident. This decision will be documented.</p> <p>An employee who is subject to post-accident testing:</p> <ul style="list-style-type: none"> <li>• will be given instructions for obtaining alcohol and controlled substance testing.</li> <li>• must remain available for testing, or the Company shall consider the employee to have refused to submit to testing.</li> <li>• must refrain from consuming alcohol for eight hours following the accident, or until they submit to alcohol tests, whichever comes first. Notwithstanding the previous statement, employees should seek and obtain emergency medical care whenever necessary.</li> </ul> <p>Attempts to conduct alcohol testing will cease eight hours (32 hours for controlled substance testing) after the accident, even if no alcohol/controlled test has been conducted.</p> <ul style="list-style-type: none"> <li>• In the case of a conscious but hospitalized employee, the operator should request the hospital or medical facility to obtain the sample and, if necessary, refer to the DOT and PHMSA testing requirements.</li> <li>• If an employee is unconscious or otherwise unable to evidence consent to the procedure, the medical facility should collect the sample.</li> </ul> <p>The Company must:</p> <ul style="list-style-type: none"> <li>• document all cases where required alcohol tests are not completed within two or eight hours of the accident (32 hours for controlled substance testing).</li> <li>• annually submit to PHMSA records documenting each case where a test was required but not administered</li> </ul>

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	<p>within eight hours. These records should be completed by the local HR office. <b>Reference:</b> <a href="#">Post Accident Drug and Alcohol Testing and Reasonable Suspicion Testing</a></p>
	<p>After receiving a report of an accident, test the employees (if not a fatality) for alcohol and controlled substances as soon as practical.</p>

**5.3 Reasonable Suspicion**

The following is an overview of reasonable suspicion testing requirements. Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

Circumstance	What
Reasonable Suspicion	<p>The Company shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee appears to be under the influence of or impaired by alcohol <b>or controlled substances.</b></p>
	<p>A covered employee must submit to controlled substance and alcohol testing if a supervisor has determined that reasonable suspicion exists that the employee has violated alcohol and/or controlled substance prohibitions.</p>
	<p>Determination must be based on a trained supervisor’s specific, contemporaneous observations concerning the appearance, performance, behavior, speech, or body odors of the employee when the employee is performing covered functions, just before the employee is performing covered functions, or just after the employee has ceased performing covered functions.</p>
	<p>The supervisor’s observations that led to the “reasonable suspicion” determination shall be:</p> <ul style="list-style-type: none"> <li>• documented, and</li> <li>• in the case of controlled substance tests, a second supervisor must substantiate and concur in the decision to test the employee.</li> </ul> <p><b>Note:</b> The supervisor who identifies an employee for reasonable suspicion testing cannot conduct the alcohol test as the breath alcohol technician for that employee.</p>
	<p>If it is determined that “reasonable suspicion” exists to test the employee, the individual will not be permitted to perform or continue to perform covered functions unless and until:</p> <ul style="list-style-type: none"> <li>• an alcohol test is administered and the employee’s alcohol concentration measures less than .02; a negative Laboratory Test result is produced; or</li> <li>• the start of the employee’s next regularly scheduled duty period, but not less than eight hours following the determination that there is reasonable suspicion to</li> </ul>

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	<p>believe that the employee has violated the prohibitions as contained in the Plan.</p> <p><b>Note:</b> An employee will not be permitted to return to work until results of the controlled substance and alcohol tests are known.</p>
	<p>If a reasonable suspicion alcohol test is not administered within two hours following the determination, the Company shall prepare and maintain on file a record stating the reasons why the test was not promptly administered.</p>
	<p>If the required alcohol test is not administered within eight hours of the determination, the Company:</p> <ul style="list-style-type: none"> <li>• Shall cease all attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.</li> <li>• Must annually submit to PHMSA records documenting each case where a test was required but not administered within eight hours. These records should be completed by the local HR office.</li> </ul>

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**5.4 Return to Duty** The following is an overview of return to duty testing requirements. Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

Circumstance	What
Return to Duty	Before covered employees return-to-duty in a covered function after engaging in prohibited conduct, <b>or voluntary rehabilitation for substance abuse</b> , they will undergo a return-to-duty test.
	All return-to-duty testing must be performed under direct observation.
	Employees cannot perform covered functions until a result indicating an alcohol concentration of less than 0.02 is obtained, and/or a negative controlled substance screen.

**5.5 Follow-Up** The following is an overview of follow up testing requirements. Covered employees are subject to the following federally mandated alcohol and controlled substance tests:

Circumstance	What
Follow-up	Each covered employee, who has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving a problem with substance abuse and/or alcohol misuse and who has returned to duty performing a covered function, will be subject to follow-up-controlled substance and alcohol testing.

	All follow-up testing must be performed under direct observation.
	Follow-up tests will be unannounced (with respect to alcohol, at least six tests must be conducted in the first 12 months after the employee is back on the job). Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.
	<b>Note:</b> The schedule for follow-up testing is established by the SAP.

**5.6 Random**

The following is an overview of random testing requirements. Covered employees are subject to the following federally mandated controlled substance tests:

Circumstance	What
Random	<p>All employees who perform covered functions are subject to random controlled substance testing:                      This includes:</p> <ul style="list-style-type: none"> <li>• Supervisory personnel who perform covered functions but not those who just supervise such performance by others. Even if a supervisor performs a covered function only in an emergency, by doing so that supervisor would serve as an employee and thus be subject to random testing.</li> <li>• Part-time and temporary employees.</li> <li>• Random tests must be unannounced and the dates for random testing must be spread reasonably throughout the year.</li> </ul>
	<p>A computer program has been developed to randomly select individuals every month in compliance with PHMSA regulations.</p> <ul style="list-style-type: none"> <li>• Individuals randomly selected will be notified by a Company supervisor and instructed to report immediately to the designated testing site.</li> </ul>
	<p>The Company will conduct random testing on a monthly basis and will test <b>at least 25%</b> and 50% of the average number of covered employees every year or as otherwise directed by DOT 49 CFR199.105.</p>

**5.7 Retests**

The following is an overview of retest requirements. Covered employees are subject to the following federally mandated alcohol tests:

Circumstance	What
Retests	The Company will first retest the employee if the Company desires to permit an employee to perform a covered function within eight hours following administration of

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	<p>an PHMSA mandated alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04</p>
	<p>The employee may return to the covered function if:</p> <ul style="list-style-type: none"> <li>• retest result indicates an alcohol concentration of less than 0.02 <u>or</u>,</li> <li>• the start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the alcohol test.</li> </ul>

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**5.8 Rehabilitation Provisions**

Circumstance	What
<p>Rehabilitation Provisions:                      Required Referrals and Evaluations</p>	<p><b><u>A covered employee who has been assessed by a SAP as needing treatment for alcohol or controlled substance misuse or who has voluntarily submitted to rehabilitation for substance abuse cannot perform any covered function unless and until that employee has:</u></b></p> <ul style="list-style-type: none"> <li>• been evaluated by a SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol and controlled substance use.                             <ul style="list-style-type: none"> <li>○ The SAP must provide some level of assistance in every case and at a minimum must recommend a course of action and/or treatment.</li> </ul> </li> <li>• completed any treatment recommended by the SAP.</li> <li>• been evaluated by a SAP to ensure that the employee has properly followed the treatment program.                             <ul style="list-style-type: none"> <li>○ The SAP must file a written report with the DER on the employee’s treatment prior to return-to-duty.</li> </ul> </li> <li>• undergone a return-to-duty alcohol test with resulting alcohol concentration of less than .02.</li> <li>• <b>complied with any other requirements set forth in the Company’s Drug and Alcohol Policy, including, but not limited to, passing a return-to-duty controlled substance test or tests, and signing a Return to Work Agreement.</b></li> </ul>

**6.0 DOT Testing Versus Non-DOT Testing Provisions**

**6.1 DOT vs Non-DOT**

- DOT testing for either drugs or alcohol will be completely separate from any testing performed for non-DOT purposes. [§40.13].
- DOT tests will take priority and will be conducted and completed before a non-DOT test is begun.
- The Company will not perform any tests on DOT urine or breath specimens other than those specifically authorized by [49 CFR Part 40](#) or DOT agency regulations.

- No one is permitted to change or disregard the results of DOT tests based on the results of non-DOT tests. The Company will not disregard a verified breath test result because the employee presents a negative breath test result collected by the employee's physician or a DNA test result purporting to question the identity of the DOT specimen.
- The Company will not use the Custody Control Form (CCF) or the Alcohol Testing Form (ATF) in the non-DOT drug and alcohol testing program. This prohibition includes the use of the DOT forms with references to DOT programs and agencies crossed out.
- The Company will always complete all DOT-mandated drug tests using the Federal Drug Testing Custody and Control Form. Those words appear at the top of each form.
- The Company will always document all DOT-mandated alcohol tests using the Alcohol Testing Form. The words Department of Transportation appear at the top of each form.
- Non-DOT custody and control forms will be used for all non-DOT drug and alcohol tests.

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## 7.0 Breath Alcohol Testing Procedures

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**7.1 Breath Alcohol Testing** The Company will contract with medical facilities to conduct breath alcohol testing.

A Chain of Custody form for each specimen, to be chemically tested, shall be established and maintained from the time of specimen collection through the testing of the specimen.

The Breath Alcohol Technician (BAT)

- Ensures the integrity of the process by conducting all tests in accordance with the prescribed DOT regulations.
- Will be trained and certified in accordance with 49 CFR 40.213 (reference).
- Will ensure the use and care of the device according to requirements listed in 49 CFR 40.233 (reference).
- Will ensure the inspection, maintenance, and calibration of the EBTs are performed by its manufacturer's or appropriate state health or other state agency).

**Note:** Only evidential breath testing (EBT) and alcohol screening devices (ASDs) listed on the National Highway Traffic Safety Administration (NHTSA) Conforming Products List (CPL) will be used for DOT alcohol testing. Any EBTs used for DOT required alcohol confirmation testing will have external calibration checked performed at the intervals specified in, and by methods specified by, the device manufacturer's instructions.

**7.2 Breath Alcohol Screening Tests** The following process outlines breath alcohol screening testing.

**Screening Tests**

Who	What
BAT	<ul style="list-style-type: none"> <li>• Confirms the identity of employee to be tested and asks the employee to certify their participation in the testing process.</li> <li>• Communicates the results confidentially to the employee and DER, and documents appropriately.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>• If refuses to sign the participation certification, will be regarded as a refusal to take the test.</li> <li>• Is required to provide a breath sample for analysis by blowing forcefully into a provided mouthpiece.</li> </ul>

**7.3 Confirmation Tests** If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test per DOT regulations will be performed.

The following process outlines confirmation testing.

Who	What
BAT	<ul style="list-style-type: none"> <li>• Conducts an “air blank” to ensure that the device is working correctly.</li> <li>• Ensures confirmation test is conducted within 15-20 minutes of the completion of the screening test.</li> <li>• Immediately communicates results of the test confidentially with the DER.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>• Is instructed not to eat, drink, put any object or substance in their mouth, and, to the extent possible, not to belch during a waiting period before the confirmation test.</li> <li>• If refuses to certify results, will be regarded as refusal to take the test.</li> </ul>

**7.4 Invalid Breath Alcohol Test** The following outlines an invalid breath alcohol test.

**Alcohol Test**

If the...	Then...
EBT <ul style="list-style-type: none"> <li>• does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test; does not invalidate negative tests)</li> <li>• fails to print a confirmation test result</li> <li>• display of the sequential test number or alcohol concentration is not the same as the sequential test number or alcohol concentration on the printed result</li> </ul>	the breath alcohol test is invalid.

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BAT

- does not observe the minimum 15-minute waiting period prior to the confirmation test
- does not perform an air blank of the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00
- does not sign the form
- fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted

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## 8.0 Controlled Substance Testing Procedures

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**8.1 Controlled Substances** Testing for controlled substances is performed through analysis of a urine **and/or hair** specimen.

DOT regulations **and Company Policy** require testing for the following five controlled substances:

- Marijuana
- Cocaine
- Amphetamines
- Opioids
- Phencyclidine (PCP)

**Note:** Drug tests are only conducted for the five prohibited drugs listed above.

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**8.2 Safeguards** There are many safeguards required in order to protect covered employees including:

- detailed specimen collection procedures
- collection site requirements and security
- MRO review of chain-of-custody documentation on all collections
- requirements for use of authorized collection site personnel (who are not to be an employee's supervisor)
- privacy at the collection site
- integrity and identity of the specimen, and
- all laboratories that perform DOT controlled substances testing must be certified by the Substance Abuse and Mental Health Services Administration.

**Note:** As a laboratory, you must report laboratory results directly, and only, to the MRO at their place of business. In addition, you will transmit an aggregate statistical summary, by operator, of the drug test data listed in Part 40, Appendix B, at least semi-annually.

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**8.3 Controlled Substance Testing Process** The specimen collection procedures and chain of custody ensure that the specimen’s security, proper identification, and integrity are not compromised.

A Chain of Custody form for each specimen, to be chemically tested, shall be established and maintained from the time of specimen collection through the testing of the specimen.

**Note :** See the Detailed Controlled Substance Testing Procedure found in [Information Related to the Alcohol Misuse and Controlled Substance Abuse Prevention Plan](#) (attachment).

The process outlined below begins when the covered employee provides a urine **and/or hair** specimen at a collection site designated by the Company.

Who	What
Collection Site Personnel	Monitor procedures to ensure that the collection is performed properly
"Collector"	<ul style="list-style-type: none"> <li>• Seals and labels the specimen(s).</li> <li>• Completes a chain-of-custody document.</li> <li>• Prepares the specimen and accompanying paperwork for shipment to a certified controlled substance testing laboratory.</li> </ul>
"Collector" (Urine Specimen Only)	<ul style="list-style-type: none"> <li>• Splits urine specimen into two bottles labeled as a “primary” and a “split” specimen.</li> <li>• Sends both bottles to the laboratory.</li> </ul> <p><b>Note:</b> The DOT urine sample may not be used for a Non-DOT urine sample. A separate sample must be collected.</p>

**Notes:**

- Only the primary specimen is opened and used for screening testing.
- Split specimen bottle remains sealed and stored at the laboratory.

**8.4 Controlled Substance Urine Testing Results**

The following outlines the controlled substance urine results.

Result	Action
Negative	Reported to the Company’s MRO for review and verification prior to sending to DER and the testing is concluded.
Positive, Adulterated, Substituted, or Invalid	<p>MRO performs review functions as required by the regulations prior to releasing the results to the DER.</p> <p><b>Note:</b> The Company will not stand down an employee.</p>
Positive	Confirmation test is performed using the gas chromatography/mass spectrometry technique.

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Confirmed Positive (via the second confirmatory analysis of the primary specimen)	Reported to the Company's MRO.	
	MRO shall make reasonable efforts to contact the employee (either in person or by telephone) on a confidential basis over a 24-hour period to conduct an interview to determine if there is an alternative medical explanation for the Controlled substance found in the employee's urine specimen. (Reasonable efforts include, as a minimum, three attempts spaced reasonably over a 24-hour period. Date and times of the efforts made to contact the employee will be documented. If both day and night phone numbers listed on the CCF are incorrect (e.g., disconnected, wrong number), the MRO need not wait the full 24-hours to proceed.) Following verification of a positive test result, the MRO will refer the case to the employee assistance or rehabilitation program or refer the case to the designated employee representatives empowered to recommend or take administrative action.	
	If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated local Human Resources official, the designated official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence. If designated management official is unable to contact the employee with a positive test result, the employer will place the employee on temporary leave and thus they will not be permitted to return to work.	
	If...	Then...
employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the controlled substance	the test result will be reported as negative to the Company.	
the MRO determines that there is no valid medical reason for the controlled substance	<ul style="list-style-type: none"> <li>• MRO advises the DER that the employee was positive for an unauthorized controlled substance,</li> <li>• employee will be immediately removed from the covered function following initial contact by the MRO; removal will not await the receipt of the written report or any split specimen test.</li> <li>• MRO also advises the employee of their right to request, within 72</li> </ul>	

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		hours, a second test of the split urine sample.
	the employee requests a second test of the split urine sample	the employee may specify retesting of the urine specimen by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services.
	the employee specifies retesting by a second laboratory	the original laboratory must follow approved chain of custody procedures in transferring a portion of the sample.
All Results	Record of the test, including the type of test, date, location and collection site name, laboratory name, MRO name and test results are maintained by the Company.	

**Note: Similar procedures are followed for hair testing. One exception is that testing of a second hair specimen will require the provision of a new specimen of hair for testing if the initial sample taken was insufficient for a second test.**

## 9.0 Consequences for Violating the Plan

**9.1 Removal from Covered Duties** Covered employees are prohibited from performing covered functions if they have engaged in prohibited conduct under the PHMSA rule or another DOT agency’s alcohol or substance abuse rules (including refusal to submit to testing, or having an adulterated or substituted urine specimen).

**9.2 Required Evaluations and Testing** The following outlines breath alcohol concentration and positive controlled substance test required evaluations and testing.

If the concentration level is...	Then...
0.02 - 0.039	employee is removed from performing covered functions for <ul style="list-style-type: none"> <li>• at least eight hours or</li> <li>• until the next shift, or</li> <li>• until retest is below 0.02.</li> </ul>
0.04 or greater or positive controlled substance test	no covered employee who has violated the rules on alcohol misuse or substance abuse can perform any covered function unless and until that employee has <ul style="list-style-type: none"> <li>• been evaluated by a SAP to determine whether the employee is in need of</li> </ul>

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	<p>assistance in resolving problems related to alcohol and controlled substance use.</p> <ul style="list-style-type: none"><li>○ The SAP must provide some level of assistance in every case and at a minimum must recommend a course of action and/or treatment.</li><li>● completed any treatment recommended by the SAP.</li><li>● been evaluated by a SAP to ensure that the employee has properly followed the treatment program.<ul style="list-style-type: none"><li>○ The SAP must file a written report with the DER on the employee's treatment prior to return-to-duty.</li></ul></li><li>● undergone required return-to-duty testing.</li></ul>
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## 10.0 Disciplinary Actions

### 10.1 Levels of Disciplinary Actions

**Disciplinary action, as set forth below, will be taken under each of the described circumstances:**

- **An employee who refuses to report for assessment with a substance abuse professional shall be removed from performing the covered function and will be discharged.**
- **An employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he has received notice of the requirement to be tested in accordance with the requirements of the Company's Plan, or who engages in conduct that clearly obstructs the alcohol testing procedure, will be removed from performing the covered function and will be discharged.**
- **Any employee who refuses to provide an adequate hair and/or urine specimen without an adequate medical explanation or engages in conduct prohibited by DOT regulations or fails to cooperate with controlled substance testing will be removed from performing the covered function and will be discharged.**
- **When the results of an alcohol test indicate an alcohol concentration of 0.04 or greater or the employee had a positive controlled substance test result, the employee will be removed from performing the covered function and will be discharged.**
- **When an employee, after assessment, is referred for rehabilitation and the employee refuses to enter or successfully complete such a rehabilitation/treatment assessment program the employee will be discharged.**
- **Any employee who is determined to be "Under the Influence" of alcohol in violation of the policy will be discharged.**
- **Employees who refuse to sign a consent form or refuse to consent to a search and/or laboratory testing will be discharged. Employees involved**

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**in conduct or actions that are considered an effort to undermine the integrity of the testing program will be discharged. This includes, but is not limited to, sample adulteration, failure to provide adequate urine/hair sample or breath, having hair removed, cut or otherwise altered after being notified of obligation to be tested (but before submitting to sample collection), giving inadequate or misleading required information, falsification of documents, sample substitution, late arrival at a testing facility, or other similar types of activities.**

- **Employees possessing, distributing, selling, purchasing, or using Unauthorized Drugs or Unauthorized Alcohol on Company Premises or while engaged in Company business are in violation of the Policy and will be discharged.**
- **All other violations of this Plan and/or the Company Drug and Alcohol Policy will result in disciplinary action up to and including termination.**

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## 11.0 Records

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### 11.1 Employee Records

Employee records pertaining to testing will be maintained in a secure location with controlled access. The records will not be made a part of the employee's personnel file.

- A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his alcohol tests.
  - The Company shall promptly provide the requested records.
  - Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.
- The Company shall permit access to all facilities utilized in complying with the alcohol requirements of [49 CFR Parts 199 and 40](#) (reference) to the Secretary of Transportation or any DOT or state agency with regulatory authority over the Company.
- The records will only be released to the
  - employee or a person identified by the employee (including subsequent employers), at the written request of the employee.
  - Secretary of Transportation, any DOT agency, or a representative of a state agency with a regulatory authority over the Company.
  - National Transportation Safety Board when requested as part of an accident investigation.
  - employee or a decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising out of a determination that the employee engaged in prohibited conduct.

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### 11.2 Requests for DOT Drug and Alcohol Testing Records

The release of information under this section will be in any written form (fax, e-mail, letter) that ensures confidentiality.

**from Previous Employers**

As the previous employer, the Company will maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

Who	What
Company	<ul style="list-style-type: none"> <li>• Will, after obtaining the individual’s written consent, obtain and review the information listed below from any employer for whom the employee performed DOT safety-sensitive covered functions in the previous two years prior to the date of the employee’s application or transfer.</li> <li>• Will not permit the employee to perform safety- sensitive functions, unless the Company has obtained or made and documented a good faith effort to obtain the following information:                             <ul style="list-style-type: none"> <li>○ Information on the employee’s alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.</li> <li>○ Information on the employee’s controlled substances test in which a positive result was indicated.</li> <li>○ Any refusal to submit to a required alcohol or controlled substance test (including verified adulterated or substituted drug test results)</li> <li>○ Other violations of DOT agency drug and alcohol testing regulations; and</li> <li>○ With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee’s successful completion of DOT return-to-duty requirements (including follow-up tests) is required. If the previous company does not have information about the return-to-duty process (e.g., a company who did not hire an employee who tested positive on a pre-employment test), the Company must seek to obtain this information from the employee.</li> </ul> </li> <li>• Will obtain and review the information no later than 14 days after the employee first performs safety- sensitive functions.                             <ul style="list-style-type: none"> <li>○ Every effort will be made to obtain this information before the employee performs covered responsibilities. The Company will not permit the employee to perform safety-sensitive functions, unless the Company has obtained or made and documented a good faith effort to obtain this information.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• Will maintain a written, confidential record of the information the Company obtained or of the good faith efforts the Company made to obtain the information.</li> <li>• Will retain the information for three years from the date of the employee’s first performance of DOT safety- sensitive covered duties for the Company.</li> </ul>
	<p>Will ask the employee whether they have tested positive, or refused to test, on any pre-employment drug or alcohol test administered by a company to which the employee applied for,</p>

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	<p>but did not obtain, DOT safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.</p> <ul style="list-style-type: none"> <li>• If the employee admits that they had a positive test or a refusal to test, the Company will not use the employee to perform safety-sensitive functions for the Company, until and unless the employee documents successful completion of the return-to-duty process.</li> </ul>
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**11.3 Records Retention**

The Company will ensure that all records required by the DOT are maintained in a secure location with controlled access to protect confidentiality of the employees' information.

- A service agent may maintain these records for the Company. However, the service agent must ensure that the records can be produced at the Company's principal place of business in the time required by the DOT agency.
- If the Company stores records electronically, where permitted by [49 CFR Part 40](#) (reference), the Company will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner.
- Statistical data related to drug testing and rehabilitation that is not name-specific and training records will be made available to the Administrator or the representative of a state agency upon request.
- Name-specific data will be provided at the company's principal place of business.

The following types of records will be maintained for the specified time periods:

Time Period	Records
One (1) year	<p>The Company will keep the following records:</p> <ul style="list-style-type: none"> <li>• Records of employee-controlled substance test results that show employees passed; or cancelled drug test results. [§40.333 (a)(4) and 199.117 (a)(1)]</li> <li>• Records of alcohol test results below 0.02 [as defined in 49 CFR Part 40].</li> </ul>
Two (2) Years	<p>The Company will keep the following records:</p> <ul style="list-style-type: none"> <li>• Records related to the alcohol collection process (except calibration of evidential testing devices)</li> <li>• Records related to the Quality Assurance Plan (QAP) for each EBT used for alcohol testing including, inspection, maintenance, and calibration of EBTs, i.e. collection logbooks if used, calibration documentation for evidential breath testing devices, and documentation of breath alcohol technician training and proficiency testing.</li> <li>• Documents verifying existences of a medical explanation of the inability of an employee to provide adequate breath for testing.</li> </ul>

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<p>Three (3) Years</p>	<p>The local HR office will maintain the following records:</p> <ul style="list-style-type: none"> <li>• Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.</li> <li>• Documents generated in connection with decisions not/or to administer post-accident tests.</li> <li>• Information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees; as well as</li> <li>• Documentation of the employee’s successful completion of return-to-duty requirements and documentation of requests to obtain this information.                         <ul style="list-style-type: none"> <li>○ Maintained for three years from the date of the employee’s first performance of DOT safety-sensitive covered duties for the Company.</li> </ul> </li> <li>• Information this Company provided to a prospective employer under the §40.25 drug <u>and</u> alcohol test results of previous employees.</li> </ul> <p>The Company will keep the following records:</p> <ul style="list-style-type: none"> <li>• Records that demonstrate the collection process conforms to required regulations</li> </ul> <p>HR will keep the following training records in the online Learning Management System (LMS):</p> <ul style="list-style-type: none"> <li>• Records related to reasonable suspicion supervisor training confirming supervisors have been trained.</li> <li>• Records related to employee training confirming employees have been trained.</li> </ul>
<p>Five (5) Years</p>	<p>The local HR office will maintain the following records:</p> <ul style="list-style-type: none"> <li>• Documentation pertaining to any missed tests (e.g. post-accident or reasonable suspicion that could not be conducted within the prescribed time frame).</li> </ul> <p>The Company will keep the following records:</p> <ul style="list-style-type: none"> <li>• Records of employee alcohol test results indicating an alcohol concentration of 0.02 or greater.</li> <li>• Records of the number of employees tested for controlled substances, by the type of test (e.g. post- accident).</li> <li>• Records of verified positive controlled substance test results, and the type of test failed (e.g. post- accident), and records that demonstrate rehabilitations, if any.</li> <li>• Calibration documentation of each EBT used in alcohol testing, including records of the results of external calibration checks.</li> <li>• For employees who failed a controlled substance test:</li> </ul>

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	<ul style="list-style-type: none"> <li>○ record of the functions performed by the employee (maintained by HR)</li> <li>○ the prohibited controlled substances which were used by the employee</li> <li>○ the disposition of the employee who failed the test (maintained by HR) (e.g. termination, rehabilitation, leave without pay), and</li> <li>○ the age of each employee who failed the test.</li> <li>● Documentation of refusals to take required alcohol and/or drug tests (including substitution and adulterated drug test results).</li> <li>● Substance Abuse Professional (SAP) Reports, including demonstration of compliance with SAP recommendations from their date of receipt by the Company.</li> <li>● Employee referrals and evaluations.</li> <li>● Follow-up tests and testing schedule provided by the SAP for follow-up tests.</li> <li>● Management Information Systems (MIS) testing data records.</li> <li>● The Company will also be responsible for producing an annual summary report which includes the following information:                         <ul style="list-style-type: none"> <li>○ total number of controlled substance tests by type of test</li> <li>○ total number of positive tests by type of test and substance category</li> <li>○ disposition of individuals testing positive</li> <li>○ total number of positive tests</li> <li>○ total number of verified positives (confirmation GC/MS).</li> </ul> </li> </ul>
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**11.4 MIS Reports for MPC Covered Employees** MPC will submit drug and alcohol testing data to PHMSA, and any state that requires it, annually for covered employees.

**Note:** Beginning in 2023, Oklahoma requires an annual submission.

Who	What
Regulatory Compliance	Obtains DAMIS username and password. Provides it to Health Services.
Health Services	Prepare, enter, and submit PHMSA-covered employee testing into the PHMSA MIS site.
Health Services/HR Compliance	Certifies Marathon's PHMSA MIS Report.

**11.5 MIS Reports for Contractors** MPC partners with third-party compliance organizations [e.g., National Compliance Management Service (NCMS), Veriforce] to ensure contractor

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compliance with DOT regulations, including the annual submission of drug and alcohol testing in accordance with Part 199.

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## 12.0 Employee Assistance Program (EAP)

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### 12.1 Available Methods

Available methods of evaluating and resolving problems associated with alcohol and controlled substance abuse are listed as follows:

- Outpatient programs exist in a variety of settings:
  - Community mental health centers
  - Family service agencies
  - Private physicians' and therapists' offices
  - Occupational settings
  - Specialized treatment facilities
- Inpatient services, designed for those with more serious substance abuse problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.
- Your local phone directory will list referral organizations such as
  - Local council on alcoholism
  - Alcoholics Anonymous
  - Community alcoholism or mental health clinic
  - Social services, and
  - County medical society.
- Information on the locations of substance abuse professionals are available from the Company's EAP.

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### 12.2 Company's EAP General Information

In compliance with DOT regulations the Company has developed an EAP that will provide educational and training materials on alcohol and controlled substance misuse to all covered employees.

MPC has established the Marathon Petroleum EAP which is a program designed to offer a professional, confidential source of help for employees and their dependents who may want to seek assistance with personal problems.

The EAP provides employees and their dependents with a broad range of services, including:

- Face-to-face counseling services
- Work/Life referral services, and
- Online resources, including child, elder care, and legal/financial services.

These services provide employees and their household members with comprehensive work/life and EAP counseling, education, and referral services. All of the resources provided by the EAP are professional and confidential

and are designed to help resolve personal problems and issues before they negatively affect one’s health, relationships with others or job performance.

**12.3 EAP Counseling Benefits**

Marathon Petroleum has retained the services of Anthem EAP. Anthem EAP counselors, who are experienced in addressing the wide variety of problems and concerns that individuals can face in everyday life, are available to help 24 hours per day, seven days per week. Some of the types of issues and concerns addressed by the EAP include:

- Family/Marital
- Parenting
- Legal
- Alcohol and Drug Abuse
- Emotional
- Stress
- Anxiety
- Depression
- Physical
- Financial
- Child Care/Elder Care

**Note:** The EAP will not intervene between an employee and their supervisor for work-related problems. The EAP does not supplant any established Company policies and procedures regarding work performance, behavior, or mandated compliance with the Drug and Alcohol Policy. Also, an employee’s participation in the EAP does not exempt or shield them from compliance with established Company policies and procedures regarding work performance or behavior, and mandated compliance with the Drug and Alcohol Policy.

The EAP provides:

- Confidential Services
- Assessment
- Professional Counseling
- Education
- Referral Assistance (if needed)
- Follow-up

**12.4 EAP Process** The following outlines the EAP process.

Who	What
Eligible Employees and Household Members	<ul style="list-style-type: none"> <li>• May contact the EAP service 24 hours per day, seven days per week by calling:                             <ul style="list-style-type: none"> <li>○ 1.800.865.1044 if in the United States, or</li> <li>○ 858.571.8222 if located outside of the United States</li> </ul> </li> </ul>
Anthem EAP Service Counselor	<ul style="list-style-type: none"> <li>• Speaks with the caller</li> <li>• discusses the caller's needs, and</li> <li>• assists in arranging an appointment with a counselor who is a part of the Anthem EAP network of EAP counselors.</li> </ul>

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	<b>Note:</b> Anthem EAP may provide the names of more than one available EAP counselor.
Eligible Employees and Household Members	Notify Anthem of which EAP counselor is ultimately chosen.
Anthem EAP	Contacts the chosen EAP counselor to authorize your EAP visits.

**Note:** Eligible employees and household members are eligible for up to eight counseling sessions (over the telephone or one-on-one with a counselor) per individual per problem or concern per year.

**12.5 EAP Online** [Anthem EAP](#) (reference) provides 24 hours a day online linkage to educational information including stress, eating disorders, depression, and alcohol and drug abuse, and tip sheets on topics of interest. The website provides self-assessment tools that can be used to evaluate and create action plans based on health issues, depression, and family stress.

[www.AnthemEAP.com](http://www.AnthemEAP.com) is accessible online through MPC Connect and also from home by using <http://www.anthemead.com>. You do not need to register to use this web site. Your company name is Marathon Petroleum.

## 13.0 Training

### 13.1 Company Supervisors Training

- All Company Supervisors will receive
  - one hour of training on the physical, behavioral, speech and performance indicators of alcohol misuse, and
  - one hour of training on the physical, behavioral, speech and performance indicators of controlled substance abuse.
- The training will
  - address the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and body odors of an employee who may be subjected to reasonable suspicion testing, and
  - include an explanation of the PHMSA testing regulations, the Company Drug and Alcohol Policy and a question and answer period.
- Supervisory and employee training is documented and maintained on file by each field location or in the online LMS.

### 13.2 Employee Training

- All employees will be provided with educational material on alcohol, controlled substance abuse and community assistance numbers prior to the start of alcohol testing and to each person transferred into or hired into a covered position.

- In addition, the Company's Drug and Alcohol Plan and its Employee Assistance Program will be reviewed.

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## 14.0 Contractor Monitoring

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### 14.1 Contractor Monitoring

- The Company is required to ensure that all contractors used by the Company have Alcohol and Substance Abuse Plans are in compliance with PHMSA regulations.
  - A designated third party evaluates the written drug and alcohol programs of contractors that are governed by the US DOT to ensure that they comply with DOT requirements.
  - **In addition, contractors will be required to certify in writing that their employees and/or subcontractors are subject to Laboratory Testing provisions which are substantially equal to the Company Policy in all respects.**
- **Contractors will be informed of the Company's Policy and its application to them.**
- **Any person performing services for the Company will be subject to and must comply with the Company Policy.**
- **Any person found in violation of the Policy will not be permitted to perform services for the Company nor be permitted access to Company Premises.**
- **Any time Policy procedures are undertaken which involve a contractor's employees, the contractor shall be informed and requested to participate.**

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## 15.0 Miscellaneous

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**15.1 Medication / Substance Reporting** **An employee who needs to use prescription or non-prescription medication which may impair their judgment or performance or otherwise adversely affect the normal functions of their mental faculties or physical abilities is responsible for notifying the Health Services Department.**

**15.2 Employee Initiated Rehabilitation** **Employees are encouraged to volunteer for rehabilitation assistance before their problem leads to a situation which could jeopardize their employment. Employees who volunteer for such rehabilitation either through referral from the Employee Assistance Program or through other means, before they have performance problems or before the Company is aware of a violation of the Policy will not be subject to discipline solely on the basis of their voluntary request for rehabilitation.**

**Rehabilitation referral assistance is available through the Marathon Petroleum Company LP Employee Assistance Program, Human Resources,**

**or Health Services to any employee who feels the need for assistance in dealing with a drug or alcohol problem.**

**Note: Employees who participate in rehabilitation must notify the Company prior to the commencement of rehabilitation. Any employee diagnosed to have a substance abuse problem or referred to rehabilitation by a counselor, doctor, etc. has an obligation to notify Health Services of this.**

**Employees returning to work following participation in employee initiated rehabilitation will be required to sign Return to Work Agreements.**

**15.3 Searches**

The following outlines authorized searches.

Search Type	What
<b><u>All Searches</u></b>	<ul style="list-style-type: none"> <li>• <b><u>In enforcing the Policy, searches of employees and their property on Company Premises and work area searches are authorized in accordance with the Policy.</u></b></li> <li>• <b><u>An employee who refuses, when requested, to cooperate with a search or to sign an appropriate consent form shall be deemed to be in violation of the Policy.</u></b></li> </ul>
<b><u>Personal Searches</u></b>	<ul style="list-style-type: none"> <li>• <b><u>Without limitation, the Company reserves the right to conduct unannounced Personal Searches.</u></b></li> <li>• <b><u>Entry upon the Company’s Premises by employees, visitors or contractors will be deemed to constitute consent by such persons to Personal Searches.</u></b></li> </ul>
<b><u>Periodic Work Area Searches</u></b>	<ul style="list-style-type: none"> <li>• <b><u>Searches of work areas and other Company premises may be conducted without limitation and whenever Designated Management determines such searches are necessary or desirable. When practical, the Vice President, HR, will be contacted prior to a search. Searches (including use of specially trained dogs) will be performed only by individuals authorized by Designated Management.</u></b></li> <li>• <b><u>If as a result of a periodic work area search, Unauthorized Drugs, Alcohol or Contraband are discovered in a common area and its ownership or control cannot be determined, employees reasonably considered to have access to such area may be required to submit to a Personal Search and/or Laboratory Testing. The decision as to which employees to search or test, if any, shall be determined by the supervisor of the employees involved in consultation with local HR or the Vice President, HR.</u></b></li> </ul>

**15.4 Intervening Suspected** Intervening When a Controlled Substance or Alcohol Problem is suspected, When a Problem is including confrontation, referral program, and/or referral to management.

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- Why You Should Get Involved:
  - Substance abuse is recognized as a problem throughout America, across all industries and occupations.
  - There are three good reasons why you should be concerned if any of your coworkers are using a controlled substance or alcohol on the job:
    - Your health and safety may be at risk.
    - Substance abuse costs you money.
    - Substance abuse creates a negative work environment.
  - According to the National Institute on Alcohol Abuse and Alcoholism, controlled substance and alcohol use on the job cost society billions of dollars annually. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for consumer goods, controlled substance and alcohol use on the job costs you and your fellow workers.
  - Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers do not come to work, you may have to do their jobs in addition to your own.
  - Substance abusers do not function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
  - No matter what your position in the organization, there is something you can do to ensure that controlled substance and alcohol use on the job never becomes a problem at the Company. Acceptance of any misuse puts you, the Company, and the public at risk.
- What are Controlled Substances:
  - There are many controlled substances that affect the mind or behavior and are either legal or illegal. Legal controlled substances are those that have been approved for sale either by prescription or over the counter. Alcohol, which is legally available in beverages to anyone over the legal drinking age, is a controlled substance. Illegal controlled substances are those substances whose manufacture, sale, purchase for sale, or possession is prohibited by law. These include such controlled substances as marijuana, cocaine, PCP, opioids, and amphetamines identified in DOT Rule [49 CFR 40.85](#) (reference) or those controlled substances approved but obtained by illegal means or used for illicit purposes.
  - Prescription drugs are controlled substances that have been determined to be safe, effective, and legal only when given under the direction of a licensed physician. Both the manufacture and dispensing of prescription drugs are regulated by laws enforced by the Food and Drug Administration, and the individual states. If used improperly, people can become physically dependent upon some prescription drugs (for example, morphine and Valium).
  - Illegal controlled substances are sold and used against the law. They may harm those who use them - not only in terms of the physical and emotional damage they do directly, but also in terms of the criminal and financial consequences they bring. Many illegal controlled substances are manufactured clandestinely in the United States.

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**15.5 Effects on Health, Work, and Personal Life**

Effects of controlled substance and alcohol misuse on an individual's health, work, and personal life:

- Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with “being drunk” but also adversely affects judgment, ability to think, and motor functions. Drink enough alcohol fast enough and it can kill.
- Long-term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
- In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated, it will inevitably get worse.
- Workers who use alcohol (and other controlled substances) affect everyone. Studies show that compared to alcohol- and controlled substance-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
- The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the Company's public image mean that workplace substance abuse can further cut profits and competitiveness.
- Substance abuse can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
- If substance abuse affects your work life, it could lead to job loss and all of the financial problems that would follow.
- There are numerous signs of illegal controlled substance use. For example, when a person is carrying controlled substances or has them hidden around the house, there is a strong possibility of use. Obviously, possession of controlled substance paraphernalia is also a likely sign of use.
- Indications of prescription drug misuse vary according to the type of controlled substance in question. Controlled substance misuse may lead to dependence and withdrawal symptoms can be severe if controlled substance use is stopped suddenly.
- Certain additional behavioral characteristics also seem to accompany the use of alcohol and other controlled substances. The clues can be found in all people who abuse these substances, regardless of age. Examples of these clues include:
  - an abrupt change in mood or attitudes
  - impaired relationships with family members or friends
  - unusual temper flare-ups
  - increased borrowing of money from parents or friends
  - stealing from the home, at school, or in the workplace
  - heightened secrecy about actions and possessions, and
  - association with a new group of friends, especially with those who use controlled substances.

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**15.6 Signs and Symptoms of Alcohol Misuse**

Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking.
- Job or financial difficulties related to drinking.
- Loss of a consistent ability to control drinking.
- “Blackouts” or the inability to remember what happened while drinking.
- Distressing physical and/or psychological reactions if you try to stop drinking.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking.
- Getting drunk frequently.
- Injuring yourself--or someone else--while intoxicated.
- Breaking the law while intoxicated.
- Starting the day with a drink.

**15.7 Signs and Symptoms of a Controlled Substance Problem**

Controlled substances can show their effects in many different ways. Some of the most noticeable signs include:

- drowsiness
- respiratory
- depression
- constricted pupils
- nausea
- slurred speech
- excitement
- loss of appetite
- poor perception of time and distance
- relaxed inhibitions
- disoriented behavior
- watery eyes
- runny nose
- chills and sweats
- convulsions
- apathy
- depression, and
- the use of controlled substance paraphernalia.

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**16.0 Definitions**

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**Accident**

An incident reportable under Part 195 which is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (1) Explosion of fire not intentionally set by the operator.
- (2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is

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- (a) not otherwise reportable under this section
- (b) not one described in §195.52(a)(4);(Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines)
- (c) confined to Company property or pipeline right-of-way; and
- (d) cleaned up promptly.
- (3) Death of any person.
- (4) Personal injury necessitating hospitalization.
- (5) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

49CFR Part 191.3 – “Incident means any of the following events:

- (1) An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
  - (a) a death, or personal injury necessitating in-patient hospitalization
  - (b) estimated property damage of \$122,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost, and
  - (c) unintentional estimated gas loss of three million cubic feet or more.
- (2) An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
- (3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2) of this definition”.

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**Adulteration**            The act of intentionally attempting to alter the results of a drug or alcohol test by means of sample substitution or by changing the chemical structure of a collected sample.

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**Air Bank**                A reading by an evidential breath testing device (E.T.) of ambient air containing no alcohol.

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**Alcohol**                 The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

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**Alcohol Concentration**    The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test conducted under the federal regulations.

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**Alcohol Use** The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Authorized Substances** Substances having a physiological, psychological or biochemical effect which are lawfully prescribed to an employee or which are available without a prescription, which are lawfully obtained by an employee and which the employee possesses and uses in the appropriate manner, in the dosages and for the purposes for which the substances were prescribed or manufactured, are considered “Authorized Substances” for the purposes of this Policy. In the case of alcohol, such is excluded from this definition to the extent its possession or consumption places an employee in violation of the “Alcohol Policy.”

**Blood Alcohol** A chemical test to detect the presence of alcohol in the blood of a donor which is obtained via venipuncture by a qualified medical person.

**Breath Alcohol Technician (BAT)** An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device. The Breath Alcohol Technician must be certified and trained on the instrument he/she will be using for testing.

**Cancelled or Invalid Test** A test that is deemed to be invalid as listed in 7.4 (alcohol Testing) or 8.4 (Controlled Substances).

**Collector** A person who instructs and assists employees at a collection site who receives and makes an initial inspection of the specimen (blood, breath, hair, saliva and/or urine sample) provided by those donors and who initiates and completes the CCF.

**Company** “Company” shall mean Marathon Petroleum Company LP, Marathon Petroleum Logistics Services and any subsidiary or affiliated organization which expressly adopts this Policy.

**Company Premises** “Company Premises” includes, but is not limited to, Company owned, rented, used or leased property, including lodging furnished or paid for by the Company; Company worksite locations, offices, and/or parking lots; or Company owned, leased or rented vehicles, aircraft, vessels or equipment.

**Confirmation Test (alcohol)** A second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

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**Confirmation Test (controlled substance)** A test using the gas chromatography/mass spectrometry technique performed to confirm or deny the presence of a controlled substance or metabolite in a urine or hair sample.

**Contraband** For purposes of this Policy shall mean drug paraphernalia.

**Controlled Substance** Any of the following drugs: Cocaine, Marijuana, Opioids, Amphetamines, and Phencyclidine

**The Company defines a controlled substance as any substance, other than an Authorized Substance, which is, or has the effect on the human body of being, a narcotic, depressant, stimulant, hallucinogen or cannabinoid, their precursors, derivatives or analogues, and includes, but is not limited to, those substances scheduled as controlled substances pursuant to the Federal Controlled Substances Act, inhalants, “designer drugs,” “look-a-likes,” and hemp products or products derived from hemp.**

**Covered Employee** Any person who performs an operating, maintenance, or emergency response function on a pipeline facility regulated by Parts 192 or 195. As applied in the regulations, “employee” and “applicant for employment” have the same meaning for the purpose of these requirements. Covered employee and “individual” or “individual to be tested” have the same meaning for the purposes of the alcohol regulations. Clerical, truck driving, accounting, or other job functions not covered by Part 195 are not subject to the regulations. Such person could be employed directly by the Company, or by a contractor engaged by the Company.

**Covered Function (safety-sensitive function)** An operation, maintenance, or emergency-response function that is performed on a pipeline or pipeline facility and the function is regulated by Part 192 or 195. This does not include clerical, truck driving, accounting, or other functions not subject to those Parts. The person may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor.

**Custody and Control Form (CCF)** The form upon which the handling of blood, hair, saliva, or urine sample is documented.

**Designated Employer Representative (DER)** An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Marathon’s Substance Abuse Policy and DOT regulations.

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<b>Direct Observation</b>	The process by which the collector or an observer accompanies the donor into the stall/toilet area and observes the act of urination.
<b>Donor</b>	The employee or prospective Employee whose sample of blood, breath, hair, saliva, and/or urine is being obtained for the purpose of undergoing testing to detect the presence of either drugs and/or alcohol.
<b>Employee</b>	Any Marathon employee, including full-time, part-time, student co-op, intern, casual or seasonal.
<b>Evidential Breath Testing (EBT) Device</b>	An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.
<b>Federal Aviation Administration (FAA)</b>	The U.S. government agency which regulates drug and alcohol testing for certification of pilots who are licensed in the United States.
<b>Federal Motor Carrier Safety Administration (FMCSA)</b>	The U.S. Government agency which regulates drug and alcohol testing requirements for carriers and commercial motor vehicle drivers.
<b>Follow-Up (Post-Rehab) Testing</b>	Drug and/or alcohol testing which is performed once an employee has completed a Substance Abuse Professional Evaluation and following treatment for a substance abuse problem. This is also applicable for employees who self-report a drug or alcohol problem.
<b>Insufficient Quantity</b>	The lack of an adequate sample required to accurately conduct the drug and/or alcohol test. This includes urine, breath, blood, saliva, or hair.
<b>Laboratory Testing</b>	<b><u>Includes, but is not limited to, a physiological test/analysis, or a biochemical test/analysis, including urinalysis, breath, blood and/or hair analysis.</u></b>
<b>Medical Review Officer (MRO)</b>	A person who is a licensed physician and is responsible for receiving and reviewing laboratory results generated by the drug testing program and evaluating medical explanations for certain drug test results and meets all the requirements of <a href="#">49 CFR 40 (§40.121)</a> (reference).

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**Observed Sample** The collector witnesses the entire process of the donor producing a biological sample for laboratory testing. Typically refers to the process involved with the donor providing a urine sample.

**Operator** An owner or operator of pipeline facilities.

**Performing a Covered Function** An employee is considered to be performing a covered function (safety-sensitive function) during any period in which he/she is actually performing, ready to perform, or immediately available to perform such covered functions.

**Personal Search** **A search of employees' personal property located on Company Premises, including, but not limited to, their personal effects, lockers, baggage, desks, lunch boxes, containers, purses, billfolds, parcels; private vehicles if on Company Premises and living quarters, if furnished or paid for by the Company; any Company property assigned to employees; and a limited search of the person.**

**Pipeline** All parts of the physical facilities through which product moves in transportation. This includes pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, delivery stations, holders, and fabricated assemblies.

**Pipeline and Hazardous Materials Safety Administration (PHMSA)** The U.S. Government agency responsible for establishing the drug and alcohol requirements for operators and employees working in the pipeline industry.

**Pipeline Facilities** New and existing pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of product.

**Post-Accident Testing** Drug testing required by DOT regulations to be conducted on an employee who was involved in a qualified accident while operating a company owned, leased or rented vehicle, aircraft or vessel.

**Prohibited Blood Alcohol Content** **An employee whose blood alcohol level content is determined during work hours to be equivalent to or greater than .04 percent Blood Alcohol Content will be in violation of this Policy.**

**Random Testing** Drug testing conducted on a "neutral selection" of employees in a specific "pool" based upon their position and/or regulatory requirements.

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**Reasonable Suspicion Testing** Drug testing conducted based on direct observation of signs/symptoms of drug/alcohol use.

**Re-employment Testing** Drug testing conducted prior to returning to work for employees who are subject to Random Testing and have been off work for periods in excess of 30 days.

**Refusal to Cooperate** Employees who refuse to sign a consent form or refuse to consent to a search and/or laboratory testing will be discharged. Employees involved in conduct or actions that are considered an effort to undermine the integrity of the testing program will be discharged. This includes, but is not limited to, sample adulteration, failure to provide adequate urine/hair sample or breath, having hair removed, cut or otherwise altered after being notified of obligation to be tested (but before submitting to sample collection), giving inadequate or misleading required information, falsification of documents, sample substitution, or other similar types of activities.

**Refusal to Submit Alcohol Test** A covered employee fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement to be tested in accordance with the provisions of Part 199 or engages in conduct that clearly obstructs the testing process.

**Refusal to Submit Urine Test** Failure to provide an adequate amount of urine for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of Part 199, or refusal to comply with the collection process.

**Return-to-Duty** A specific testing program under DOT for employee's subject to FMCSA, PHMSA and USCG regulations and who are returning to work following a drug and alcohol treatment program as a result of a positive test.

**Return to Work Agreement** A specific testing program under DOT for employee's subject to FMCSA, PHMSA and USCG regulations and who are returning to work following a drug and alcohol treatment program as a result of a positive test.

**Safety Net** An optional hair sample collection for drug testing purposes which is requested by the donor and granted by the Medical Review Officer (MRO).

**Safety Sensitive Position** A position which requires that the employee perform the duties which are related to the safe operation or security of a facility or a piece of equipment and which, if not performed properly, could result in a serious safety risk or environmental hazard to employees, a facility, or the general public. All employees who have direct responsibility of supervising employees

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**who perform such duties are considered as occupying a safety-sensitive position.**

Each major operating unit shall establish and maintain a current list of Safety-Sensitive Positions.

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**Saliva Specimen** A USCG approved source for detecting the presence of alcohol in a donor.

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**Screening Test / (or Initial Alcohol Test)** An analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.

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**Screening Test / (or Controlled Substance Test)** An immunoassay screen to eliminate “negative” urine **or hair** specimens from further analysis.

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**Split Specimen** In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

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**Split Specimen Collection** A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

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**State Agency** An agency of any of the state, the District of Columbia, or Puerto Rico that participates under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (App. U.S. C. 2009).

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**Substance Abuse** **Unauthorized drug use and alcohol or other legally controlled substance use in violation of the Policy.**

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**Substance Abuse Professional (SAP)** A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

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**Supervisor(s)** Individuals responsible for observing the performance and behavior of employee; observation/documentation of events suggestive of reasonable suspicion; and post-accident testing if determined that it is applicable.

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**Unauthorized Drugs** **For the purpose of this Policy, the term “Unauthorized Drugs” shall mean any substance, other than an Authorized Substance, which is,**

**or has the effect on the human body of being, a narcotic, depressant, stimulant, hallucinogen or cannabinoid, their precursors, derivatives or analogues, and includes, but is not limited to, those substances scheduled as controlled substances pursuant to the Federal Controlled Substances Act, inhalants, “designer drugs,” “look-a-likes,” and hemp products or products derived from hemp, and any other illegal drugs under either state or federal law.**

**Under the Influence**

**Any detectable level of Alcohol. The determination is not limited to nor must it consist of evidence of impairment of physical or mental ability or misconduct. An employee whose blood alcohol content is found to be equivalent to or greater than the governmentally recognized level for being under the influence shall be presumed to be Under the Influence of Alcohol.**

**United States Coast Guard (USCG)**

The U. S. Government agency which regulates drug and alcohol testing for certification of individuals who either operate or work on vessels which navigate U.S. waterways.

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## Attachments

**Information Related to the Alcohol Misuse and Controlled Substance Abuse Prevention Plan**

Attachment - [Information Related to Alcohol Misuse and Controlled Substance Abuse Prevention Plan](#)

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## References

**49 CFR Part 40**

Regulatory Citation - PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS - 49 CFR 40

- Subpart B - Employer Responsibilities - 49 CFR Part 40 Section 40.21
- Subpart F - Drug Testing Laboratories - 49 CFR Part 40 Section 40.85
- Subpart G - Medical Review Officers and the Verifications Process - 49 CFR Part 40 Section 40.121
- Subpart J - Alcohol Testing Personnel - 49 CFR Part 40 Section 40.213
- Subpart Q - Roles and Responsibilities - 49 CFR Part 40 Sections 40.341-355

**49 CFR Part 199**

Regulatory Citation - DRUG AND ALCOHOL TESTING - 49 CFR Part 199

- Drug Tests Required - 49 CFR Part 199 Section 105

**Acknowledgement and Receipt Notification Form** SharePoint - [Acknowledgement and Receipt Notification Form](#) - MPC HR Compliance

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**Anthem EAP** External Reference - [Anthem EAP](#)

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**D&A Policy Employee Guide - California** SharePoint - [D&A Policy Employee Guide - California](#)

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**D&A Policy Employee Guide - Minnesota** SharePoint - [D&A Policy Employee Guide - Minnesota](#)

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**D&A Policy Employee Guide - MPC** SharePoint - [D&A Policy Employee Guide - MPC](#)

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**Drug and Alcohol Collection Standard** MPC Standard - [Drug and Alcohol Standard](#) - HLT-2015

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**LS - Requesting a Variance for an LS Governing Document** eDoc Document - [LS - Requesting a Variance for an LS Governing Document](#) - LNS-GEN-00262-PRS

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**MPC Designated Employee Representative (DER) List** SharePoint - [MPC Designated Employee Representative \(DER\) List](#) - HR Compliance

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**MPL - Operator Qualification Program** eDoc Document - [MPL - Operator Qualification Program](#) - MPL-OPR-01797-PRS

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**OQ Task Assistant** Application Link - [OQ Task Assistant](#)

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**Post-Accident Drug and Alcohol Testing and Reasonable Suspicion Testing Supervisor Written Record** SharePoint - [Post-Accident Drug and Alcohol Testing and Reasonable Suspicion Testing Supervisor Written Record](#) - HR Compliance and EEO

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**Refinery Site Specific Plan** SharePoint - [Refinery Site Specific Plan](#)

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**Terminal Site Specific Plan**      SharePoint - [Terminal Site Specific Plan](#)

## Variance Approval Guidelines

**eDoc**                      The HR Compliance Supervisor (51108347), or designee, may grant variances to this document. Refer to [LS - Requesting a Variance for an LS Governing Document](#) - LNS-GEN-00262-PRS (reference) for submitting variances in eDoc.

If a variance request cannot be submitted through eDoc, verbal approval may be granted at the discretion of the HR Compliance Supervisor (51108347) in time sensitive situations with the expectation that the verbal approval is followed-up immediately with an eDoc variance submission.

**Note:** Approved variances are posted to the top of this document.

## Additional Information

**Owner and Review Cycle** The following information applies to this document:

- **Owner Title:** HR Compliance Supervisor
- **Owner Org Code:**51108347
- **Subject Matter Experts:** J. Rader, N. Walters, R. Colasante Sakr
- **Review Cycle:** 12 months

**Note:** Contact Governing Documents for additional reports.

## Revision History

**Revision History Table**      The table below provides the revision history for this document.

No.	Date	Description
8	07/17/2023	Major Change: <ul style="list-style-type: none"> <li>• 7.1 Breath Alcohol Testing: Updated bullets under BAT</li> <li>• 7.3 Confirmation Tests: Added the word <i>Immediately</i> in front of communicates</li> <li>• Attachment: Under 49CFR Part 191.3 (1)(b) changed \$50,000 to \$122,000</li> </ul>
7b	06/27/2023	Minor Change: Replaced SP link with published eDoc MPL-OPR-01797-PRS

No.	Date	Description
7a	04/13/2023	Minor Change: Added the word <i>of</i> to the Date and times sentence.
7	03/21/2023	Major Change: Updated sections 7.3 and 8.4 to better align language with the regulation.
6b	01/24/2023	Minor Change: Added the word <i>Petroleum</i> to 12.5 EAP Online
6a	01/06/2023	Minor Change: <ul style="list-style-type: none"> <li>• Reformatted 11.4</li> <li>• Updated DER link</li> </ul>
6	12/15/2022	Major Change: Updated all of section 11.4 (MIS Reports) to align language with process.
5	11/30/2022	Major Change: <ul style="list-style-type: none"> <li>• 1.2 Scope: Updated 3rd bullet (This plan applies to all DOT...)</li> <li>• 3.1 Covered Positions: Removed note under 3rd bullet</li> <li>• 4.1 Prohibited Conduct: Added note under table</li> <li>• 5.2 Post-Accident: Added language to first What (Any decision not to test...)</li> <li>• 7.1 Breath Alcohol Testing: Added to end of note (Any EBTs used for DOT...)</li> <li>• 8.2 Safeguards: Added to end of note ( In, addition, you will transmit...)</li> <li>• 11.4 MIS Reports: Added required states information</li> <li>• Removed and updated links where applicable</li> <li>• Additional Information: Replaced T. Adams with J. Rader</li> </ul>
4	02/03/2022	Major Change: <ul style="list-style-type: none"> <li>• 8.4 Controlled Substance Urine Testing Results: Removed prior to the DER being informed of a confirmed positive test in accordance with 49 CFR 40.21</li> </ul>
3a	01/14/2022	Minor Change: Updated D&A Policy and Post-Accident links from TeamView to SharePoint
3	12/16/2021	Major Change: <ul style="list-style-type: none"> <li>• 2.4 SAP: Added ASAP adrs</li> <li>• 2.6 Service Agent: Added Service agents must comply... and Limitations of service agents... sentences</li> <li>• 5.2 Post-Accident: Removed MRO from annually submit to PHMSA records... bullet</li> <li>• 5.3 Reasonable Suspicion: Removed bold and underline from an employee will not be permitted to return to work until results....note. Removed MRO from must annually submit to PHMSA records...bullet.</li> <li>• 5.5 Follow-Up: Added All follow-up testing must be performed under direct observation</li> </ul>

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No.	Date	Description
		<ul style="list-style-type: none"> <li>• 11.3 Records: Added Names-specific data bullet. Replaced MRO with Company.</li> <li>• 14.1 Contractor Monitoring: Removed TPA from a designated third party bullet</li> <li>• Definitions:                             <ul style="list-style-type: none"> <li>○ Accident: added gas from an UNGSF and changed \$50,000 to \$122,000</li> <li>○ Blood Alcohol: bolded and underlined</li> <li>○ MRO: Added 49 CFR (§40.121)</li> </ul> </li> <li>• Attachment: Updated</li> </ul>
2	11/30/2021	Major Change: <ul style="list-style-type: none"> <li>• 2.2 MRO: Added quality assurance reviews, oversees review of all tests, and determines justification for a test bullets. Deleted Medical Director's Office</li> <li>• 2.3 Corporate Health Services: New subsection</li> <li>• 2.4 SAP: Updated note</li> <li>• 2.5 DER: Added note</li> <li>• 2.7 Designated Collection Sites: Updated adrs</li> <li>• 5.4 Return to Duty: Added All return to duty sentence</li> <li>• 5.6 Random: Added Random tests bullet</li> <li>• 7.2 Breath and Alcohol Screening Tests and 7.3 Confirmation Tests: Added DER</li> <li>• 8.1 Controlled Substances: Added note</li> <li>• 8.2 Safeguards: Added MRO and note</li> <li>• 8.4 Controlled Substance Urine Testing Results: For negative, added for review and verification prior to sending to DER</li> <li>• 11.4 MIS Reports: Added note</li> <li>• 14.1 Contractor Monitoring: Removed NCMS and added designated third party</li> <li>• References: Added MPC DER List</li> <li>• Additional Info: Removed J. Boggs</li> </ul>
1	10/20/2021	New Document

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