

**RMR CONSULTANTS
DRUG AND ALCOHOL POLICY
ISSUED PURSUANT TO D.O.T. REGULATIONS**

1. **Introduction.** Alcohol and drug abuses, in the workplace, are a national problem. RMR CONSULTANTS has a strong commitment to its employees, customers, contractors, and the general public to provide an alcohol and drug-free environment. RMR CONSULTANTS recognizes that a drug-free and alcohol-free workplace is especially important in the transportation industry because of the responsibility to serve the public safely and without interruption. A driver who uses drugs or alcohol represents a hazard to himself or herself and the general public. Therefore, consistent with those commitments, RMR CONSULTANTS has revised its policy regarding alcohol and drugs, to be in compliance with the most recent U.S. Department of Transportation (D.O.T.) regulations.

2. **Applicability.** This policy applies to all RMR CONSULTANTS' employees and contractors, who are subject to D.O.T. regulations, including but not limited to, drivers, contract drivers, and driver applicants. All employees subject to D.O.T. regulations are collectively referred to in this policy as "drivers". This policy is effective immediately; however, this subjects to change if and when the D.O.T. issues additional or amended regulations.

3. **Prohibited Conduct.** It is a violation of company policy, which will subject a driver to disciplinary action or lease termination, for a driver to:
 - a) Consume, possess, sell or purchase any alcoholic beverage on RMR CONSULTANTS' premises (including any office, building, terminal, yard or other property owned or operated by RMR CONSULTANTS or any other location at which the employee is to perform work) or in any RMR CONSULTANTS' owned or leased vehicle.

 - b) Use, possess, sell, transfer (whether for consideration or for free) or purchase any illegal drugs on RMR CONSULTANTS' premises (including any office, building, terminal, yard or other property owned or operated by RMR CONSULTANTS or any other location at which the employee is to perform work) or in any RMR CONSULTANTS' owned or leased vehicle. The term illegal drug is defined to include marijuana, cocaine, opiates, amphetamines and phenylethylamine or any other controlled substances which is not being used for a prescribed purpose and which may alter an individual's mental or physical capacity (except as permitted by Federal Highway Administration or D.O.T. regulations).

 - c) Report for duty or drive while impaired by use of any of the above mentioned illegal drugs or alcoholic beverages. The term "impaired" or "impairment" means to be under the influence of alcohol or a drug or controlled substance so that a driver's motor senses (sight, hearing, balance, reflex or reaction) are adversely affected or may be presumed to be so affected.

NOTE: A driver MAY use a drug or controlled substance if has been prescribed or administrated by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties and who has advised the driver that the drug or substance will not adversely affect the driver's ability to safely operate a motor vehicle. Use of a prescribed drug in compliance with the above requirements shall serve as an affirmative defense, to be proven by the driver through clear convincing evidence, following a positive test result. However, abuse of a prescribed is prohibited.

4. **Drug and Alcohol Testing.** To help insure an alcohol and drug-free workplace and to comply with D.O.T. regulations, RMR CONSULTANTS' drivers are subject to testing for the use of drug and alcohol in a manner prescribed by the D.O.T. Specifically, RMR CONSULTANTS' drivers will be tested in the following circumstances.
 - a) *Pre-employment.* All driver-applicants are subject to pre-qualification drug testing during the application process and as part of determining an applicant's qualifications under D.O.T. regulations. Refusal to submit to such testing will render the driver-applicant medically unqualified to operate a commercial vehicle and the driver-applicant will be rejected for employment.
 - b) *Random.* All drivers will be subject to unannounced drug and alcohol testing, at any time on a random selection basis, as a condition of continued employment as a driver. The number of annual tests, shall be at a minimum, equal to at least 50 %, for drug and 10% for alcohol, of the average number of drivers subject to testing. During the initial 12 month period following institution of random testing, the testing shall be reasonably spread out through that 12 month period.
 - c) *Reasonable Cause.* Where there is reasonable cause to believe a driver has reported to work or is working (including but not limited to driving) while impaired because of the use of illegal drugs or alcohol, the driver will be required to submit to drug and/or alcohol testing. A driver's conduct must have been witnessed by at least two supervisors (or one, if only one is available) who have been trained in the identification of actions, appearance, conduct of a commercial motor vehicle driver which are indicative of the use of illegal drug or alcohol. The witness(es) will document the observed conduct within 24 hours or before the release of the test results, whichever is earlier.

Refusal to submit to periodic, random or reasonable cause testing will result in a driver's not being qualified to drive until such driver submits to testing and tests negative. Refusal to submit to such testing will result in driver not being qualified to perform safety sensitive functions.

- d) *Post-accident.* Any driver who is involved in a reportable accident as described or defined by the D.O.T. must submit to drug and/or alcohol testing as provided by the D.O.T. regulations. As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver shall be tested for alcohol and/or controlled substance if:
- i) the accident involved a fatality; or
 - ii) the driver received a citation under a state or local law for a moving traffic violation arising from the accident; and
 - iii) there is an injury to any person, which requires treatment away from the scene, or any vehicle must be towed from the scene.

A driver subject to post-accident testing must remain available for testing or the employer may consider the driver to have refused to submit to post accident testing. A driver subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until an alcohol test has been administered, whichever is first.

Refusal to submit to post-accident testing is a violation of RMR CONSULTANTS' policy, as well as Federal Highway Administration Regulations and will result in a driver not being qualified to drive until the driver submits to testing and tests negative. If an accident results in a fatality and the driver either refuses post-accident testing or tests positive as the result of a post-accident test, such refusal or positive test will disqualify the driver from driving for not less than one year and will result in immediate termination of his or her employment or contract.

5. **Testing Methods and Collection Procedures.** Drug and alcohol testing under this policy will be administered pursuant to the D.O.T. regulations contained in 49 C.F.R. Part 40.1, et seq., or as amended by the D.O.T. in the future.

No driver shall be allowed to perform a safety sensitive function unless the result of any breath alcohol test indicates a breath level of less than 0.02 and RMR CONSULTANTS has received a controlled substance test result from Medical Review Officer (MRO) indicating a verified negative result.

If a driver's test results indicate a blood alcohol concentration of 0.02 or greater, but less than 0.04, the driver shall not be permitted to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but in no event, not less than 24 hours following the administration of the test.

No driver shall perform any safety-sensitive function if RMR CONSULTANTS obtains information indicating that the driver tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration or refused a test.

6. **Test Results Notification and Confidentiality.** Test results will be reviewed by a qualified Medical Review Officer (MRO) as defined by D.O.T. regulations. Refusal to submit to testing or a positive will result in a driver being considered medically unqualified to drive and will subject the driver to disciplinary action, including, but not limited to, immediate termination of employment. Drivers will be notified of the test results in conformity with D.O.T. regulations. The MRO will be the sole custodian of the test results and shall maintain such records in accordance with D.O.T. regulations. The MRO will advise RMR CONSULTANTS only whether a test was positive (indicative of the presence of drugs or alcohol) or negative. Test Results will not be released to any other party without written authorization of the tested driver or pursuant to D.O.T. regulations. Records relating to the administration of drug and alcohol testing and the results of the drug testing program will be maintained by RMR CONSULTANTS according to D.O.T. regulations.
7. **Employee Assistance Program.** RMR CONSULTANTS subscribes to an Employee Assistance Referral System (“EAP”) which provides in-house training sessions through the use of Videotapes or documents for drivers and supervisory personnel. The training sessions (which are held separately for drivers and supervisors) provide information on the consequences of drug and alcohol use on health, safety and work environment and inform employees and supervisors of the manifestations and behavioral changes that may indicate drug and/or alcohol use.
8. **Disciplinary action.** RMR CONSULTANTS subscribes to a “Zero” tolerance policy. When a driver or contract driver has committed a violation in the prohibitions concerning alcohol or controlled substances with a verified positive controlled substance test or an alcohol concentration level above .04; or has refused to submit to testing, he/she will be immediately relieved of all safety-sensitive functions and terminated or lease cancelled.

RMR CONSULTANTS’ alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is:

Mike Roye
1011 Clint St. Suite 100
Carrollton, TX 75006

972-245-7300

AGREEMENT

I certify that I have been provided with a copy of the D.O.T. Drug and Alcohol Policy and that I have read and understand that policy. I also understand that by accepting employment or contracting with RMR CONSULTANTS, I have and do consent to submit to screening for alcohol and/or drug as set forth in this policy or under current D.O.T. regulations. I also understand and agree to comply with all RMR CONSULTANTS' company policies, as well as those policies or regulations promulgated by the Federal Highway Administration, the D.O.T. or any other federal, state or local statutes, laws or rules governing the use or abuse of drugs or alcohol. I also understand that my failure to honor the terms of this Agreement is grounds for the termination of my employment or contract or RMR CONSULTANTS' refusal to accept my application for employment or contract with RMR CONSULTANTS.

Driver's signature

Driver's printed name

Date

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