

**NON-DOT POLICY
REGARDING DRUG AND ALCOHOL TESTING OF EMPLOYEES**

Revised 8-1-18

Overview of Policy. Prentiss Christian School (the “Company”) is adopting this drug and alcohol testing policy for Covered Employees, as defined in this policy.

The Company finds that, as a matter of policy, Company employees should not use, possess or sell illegal drugs and should not be under the influence of alcohol or illegal drugs while on duty. “Illegal drugs,” as used in this policy, includes the illegal use of legal drugs. Any Company employee who violates this policy by testing confirmed positive for drugs or alcohol or otherwise shall have his or her employment terminated.

Each Covered Employee will be required to review this policy and to sign a consent form, agreeing to be bound by this policy as a condition of continued employment. Any employee who has questions about any aspect of this policy should ask Headmaster Danny Quick, who will serve as director of the Company’s drug and alcohol testing program.

Covered Employees. For purposes of this policy, only Covered Employees will be subject to drug and alcohol testing. Covered Employees shall include the following: ***all employees.*** This policy shall not apply when a Company employee is subject to mandatory testing under Federal Department of Transportation Regulations.

Circumstances Under Which Testing Will Occur. The following is a description of the circumstances under which the Company will conduct drug and alcohol testing.

- a. Pre-employment Testing. The Company will require all applicants for Covered Employee positions to submit to a pre-employment drug test as a condition of the employment application. Refusal to submit to the test will be grounds for denial of the application and a confirmed positive test result will also be a basis for denial of the application.

- b. Reasonable Suspicion Testing. The Company will conduct reasonable suspicion drug and alcohol testing, which is testing based on a belief that an employee is using or has used drugs and/or alcohol in violation of this policy. The employer's belief of reasonable suspicion to test will be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things, the following:
- 1) observable phenomena, such as direct observation of drug or alcohol use and/or physician symptoms or manifestations of being under the influence of a drug or alcohol;
 - 2) abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
 - 3) a report of drug use provided by reliable and credible sources and which has been independently corroborated;
 - 4) evidence that an individual has tampered with a drug and alcohol test during his employment with the Company;
 - 5) information that an employee has caused or contributed to an accident while at work; and
 - 6) evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs or alcohol while working or while on the Company's premises or while operating any Company vehicle, machinery or equipment.
- c. Neutral Selection/Random Testing. **Neutral selection/random drug testing may be conducted by the Company on any Covered Employee.**
- d. Post Accident Testing. The Company may also test for drugs and/or alcohol in the event that there is an on the job accident. The employee should make himself available for testing for the next 32 hours after the accident and refrain from use of alcohol and/or drugs until testing is complete.
- e. Follow-Up Testing. If an appropriate medical professional recommends that follow-up testing is needed or required to assure that an employee who has abused drugs and/or alcohol can perform the essential duties of the his job without posing a direct threat to himself or others, the Company may perform follow-up testing on the employee according to the recommendations of the medical professional.

Substances Tested. The Company's drug and alcohol testing will test for, but is not limited to, the following substances: alcohol, marijuana, cocaine, amphetamines (including methamphetamines, methylenedioxymethamphetamine (“MDMA”), also known as ecstasy), barbiturates, benzodiazepines, methadone, opiates (including codeine, morphine and heroin), phencyclidine (PCP or Angel Dust) and propoxyphene.

Effect of a Positive Test. Any Covered Employee who has a confirmed positive test result for any of the substances listed above or who otherwise violates this policy shall have his or her employment terminated. For purposes of this policy, refusal to submit to a test when requested to do so will be treated as a positive test result and will be subject to the same consequences.

Drug and Alcohol Testing Procedures. The Company has contracted with the MEA Drug Testing Consortium, a service of the MEA Medical Clinic System. MEA will conduct all of the Company's drug and alcohol testing services, including specimen collection, chain of custody procedures, obtaining necessary laboratory results, Medical Review Officer services, and any other services incident to the drug testing program. Appendix "A" to this policy sets forth in detail the procedure to be used for drug and alcohol testing. Covered Employees should review this detailed information and ask any questions that they may have about it. Questions may be directed to Headmaster Danny Quick, who has been designated by the Company as the person in charge of the drug and alcohol testing program. Employees should carefully review Appendix A and report to the Company any instances where they believe MEA has failed to comply with the procedures set forth in Appendix A.

All drug and alcohol testing conducted pursuant to this policy shall occur during or immediately after the regular work period of current employees, and shall be deemed to be performed during work time for purposes of determining compensation and benefits for current employees.

Confidentiality. All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Company (or MEA on its behalf) through its drug and alcohol testing program are confidential communications. All information obtained, however, shall be the property of the Company. The Company will not release to any person other than the Covered Employee or job applicant, or employer medical, supervisory or other personnel, as designated by the Company on a need to know basis, information related to drug and alcohol test results unless:

- 1) the employer job applicant has expressly, in writing, granted permission for the employer to release such information;
- 2) it is necessary to introduce a positive confirmed test result into an administrative or judicial proceeding, where the information is relevant to the hearing or proceeding, or if the information must be disclosed to a federal or state agency or other unit of the State or United States government as required under law, regulation or order or in accordance with compliance requirements of a state or federal government contract or disclosed to a drug abuse rehabilitation program for the purposes of evaluation or treatment of an employee; or
- 3) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

Contesting a Test Result. A Covered Employee who receives a confirmed positive drug and/or alcohol test result may contest the validity of that result or explain it. A Covered Employee who has a confirmed positive test result will be informed in writing of the positive result by the Company. The Covered Employee may submit to the Company a written explanation as to why the test is invalid and the employee may request a retest of the same specimen at his or her own expense within 3 working days (72 hrs) of speaking to the MRO. This request must be made to the MRO or to MEA DTC on behalf of the MRO. If the Covered Employee's explanation is unsatisfactory, the Company will provide the employee with the report of positive results and a written explanation as to why the employee's explanation is unsatisfactory. The Company shall make the report and written explanation part of the employee's medical and/or personnel records.

All test results provided to PCS by MEA will be reviewed by the school administrator and the recognized assistant school administrator.

APPENDIX "A"
TESTING PROCEDURES AND SAFEGUARDS

Introduction: The Company has contracted with MEA Medical Clinics Drug Testing Consortium to provide all The Company's drug and alcohol testing services, including our MRO's. This APPENDIX will outline the procedures an employee can expect when called upon to give a drug and/or alcohol test specimen. If you believe that a test was conducted in a manner other than as specified in these procedures, please inform your supervisor immediately. These procedures are specifically designed to safeguard an employee's privacy during the testing process and to assure accurate test results.

MEA provides complete alcohol and drug testing resources at its clinics and at numerous other locations throughout the State, and also has the capability to conduct testing using mobile units. For controlled substances testing, MEA provides urine specimen collection services, transportation to and receipt of results from federally certified laboratories, and qualified physicians to serve as Medical Review Officers or other consulting physicians to review and evaluate drug testing results. For alcohol testing, MEA uses federally approved and certified evidential breath testing devices ("EBTs") and Breath Alcohol Technicians ("BATs") trained in a program approved by the National Highway Traffic Safety Administration.

Initial Presentation: A person required to give a drug or alcohol testing specimen at an MEA facility will be treated courteously and with individualized attention to minimize any stress or anxiety associated with the testing procedure. The employee conducting the drug testing specimen collection process is called a Collection Site Person ("CSP") and the employee who conducts alcohol testing is called a Breath Alcohol Technician ("BAT"). MEA's BATs and CSPs will not use language that might be considered offensive or accusatory, but will strive to be courteous at all times to the person to be tested. In addition, MEA's BATs and CSPs will follow the procedures outlined in this policy and procedure statement to assure the integrity and quality of the alcohol and drug testing process, thereby maximizing accurate test results.

A particular CSP or BAT works with only one person to be tested at a time. Prior to beginning the testing process, each person must show proof of identification through an employee's license or other picture-bearing identification card. If positive proof of identification is not possible, MEA will not proceed with specimen collection or any aspect of alcohol or controlled substance testing.

DRUG TESTING

Since the procedures for alcohol testing are different from those for drug testing they will be discussed separately. Employees are subject to both types of tests and will be informed by MEA personnel whether the test is for alcohol, drugs or both.

Specimen Collection Process: After an employee has presented proper proof of identification, the CSP will conduct a short interview to document the relevant information about the person to be tested. (Throughout this policy and procedure statement, the person to be tested is referred to as the "Employee"). Relevant information from this interview and from the complete specimen collection process is documented on a carbonless custody and control form, which identifies the specimen donor, the particulars of the collection process, and the transfer of the specimen to the appropriate lab or other facility for testing. In addition, the Employee will be

provided a consent form to sign, giving written consent to the testing procedure. If an employee refuses to consent or revokes his consent at any point, MEA will not proceed with the process and The Company will consider this a Refusal to Submit and a violation of The Company's policy.

After the initial interview, the Employee will be requested to remove any coat or any other unnecessary outer garments that might conceal materials that could be used to alter or affect the specimen to be given. In any event, the Employee will be allowed to retain his or her wallet during the process of urine collection or, if they prefer, their wallet can be securely locked in a storage compartment at the clinic.

The specimen is collected in a clean, single use, sealed and securely wrapped container. MEA keeps a supply of these containers on hand. Before giving the specimen collection container to the Employee, the CSP will allow the Employee to wash and dry his or her hands in the view of the CSP. The CSP will remain with the Employee and observe him to make certain that the Employee has no access to water or other substances that might be used to alter the specimen.

The CSP will then give the specimen collection container to the Employee and place him in the collection room, where the Employee will fill the collection container with at least 45 milliliters of urine. If the Employee is unable to urinate or is unable to provide the required minimum urine amount of 45 ml, the specimen collection process must be begun again, and the CSP will assist the employee by providing fluids to drink. Any urine sample collected that is less than 45 ml will be discarded since collector protocol does not allow a collector to combine urine from two collections to reach the required volume. The Employee will be allowed a reasonable time (not to exceed three hours) to consume fluids (not to exceed 40 ounces) and provide a specimen. If the Employee is unable to provide a specimen in three hours, he/she must be evaluated by a physician specializing in the area to determine if the problem is a medical one or constitutes a refusal to cooperate. The physician will report the results of this evaluation to the MRO for MEA DTC. This must be submitted within 3 working days. **(NOTE: There will be no such medical evaluation for pre-employment tests unless The Company agrees in advance to it.)**

Once the specimen collection process has begun, the employee has three hours to complete the collection and may not leave the building. Failure to remain at the collection site to complete the process will result in a refusal to test, which has the same consequences of a positive test.

Unless circumstances require (as outlined below), there will be no direct observation of the Employee while he is providing the urine specimen. All aspects of the collection process are designed to maintain the modesty and privacy of the Employee. No unauthorized persons shall be allowed to be present in the specimen collection area at any time during the procedure.

After the Employee delivers the containerized specimen to the CSP, the specimen will remain in the view of the Employee at all times until it is split into two separate specimen containers, labeled and sealed. The Employee will observe the sealing and labeling of the specimen containers by the CSP and the Employee will initial the identification labels on the bottles to certify that they contain his specimen. The specimen containers are then sealed in the appropriate mailing envelope or container and remain under the control and supervision of the

CSP at all times until the package is prepared for shipment to the laboratory. After the container has been sealed and initialed by the Employee, and the custody and control form has been completed by the CSP, the urine specimen collection process is complete and the employee may wash his/her hands.

Split Specimen Collection: Using two separate containers for the Employee's urine specimen is known as the split specimen collection method. With this method, the specimen is split by the CSP into a "primary" specimen consisting of at least 30 ml and a second "split" specimen containing at least 15 ml of urine. Both are labeled and forwarded to a DHHS certified lab as outlined in the preceding section. All initial and confirmation testing conducted by the certified laboratory will be conducted on the primary specimen only. However, the laboratory must also maintain the split specimen in secure storage.

If an employee is informed by the Medical Review Officer that the result of the laboratory's analysis of his primary specimen is positive, the employee has 72 hours from the time he is informed of the verified positive result to request an analysis of the split specimen being held by the laboratory. Any request for analysis of the split specimen made after this 72 hour period will not be honored unless the MRO, in his discretion, determines after discussion with the Employee that there were unusual circumstances that caused an excusable delay in requesting the test. **Any test of the split specimen pursuant to an employee's request will be at the expense of the Employee.**

If the Employee makes a timely or otherwise proper request for a split sample test, the MRO must inform the lab in writing and the lab must immediately forward the split specimen to a second certified laboratory, with the seal intact and with proper chain of custody documentation, as well as a copy of the MRO's request. The second lab will perform the split specimen test and will report the results to the MRO. If the split test does not confirm the results of the first test, the specimen will be tested for the presence of adulterants. If both samples are found to be valid, and the confirmation test does not match the initial test, the test will be cancelled. However, The Company and the MRO need not await the results of the split specimen test to initiate administrative action and SAP referral or to take such other actions as are provided for in The Company's drug and alcohol testing policy.

Other Security Precautions: In addition to the security precautions inherent in the specimen collection and Employee identification system outlined above, the following additional precautions are used by MEA to maximize the integrity and accuracy of the drug testing specimen collection process:

A. Toilet bluing agents are used to tint the water in the toilet located in the collection room where the Employee provides the actual specimen. All other sources of water in that area are secured so that the Employee cannot obtain access to them. In addition, the Employee is not allowed to flush the commode while in the collection room, because flushing may be used to dispose of evidence of materials used to contaminate or tamper with the specimen. If the seal on the commode that secures it against flushing is broken or if flushing sounds are heard from the specimen collection room, that specimen will be considered questionable and the Employee must submit to a retest.

B. While the CSP will remain courteous and respectful of the Employee at all times,

any unusual or suspicious actions or behavior on the part of the Employee will be noted on the custody and control form.

C. Within four minutes after collection of the specimen, the temperature of the specimen will be measured to make certain that it is within the acceptable range of 32.5° to 37.7° centigrade (90.5° - 99.8° Fahrenheit). In addition, the CSP will check the color of the urine specimen and look for any evidence of contamination or tampering. Any unusual appearance of the urine or unusual temperature will be noted on the custody and control form.

D. In any instance where the CSP suspects that the specimen was tampered with, the test specimen will still be sent to the laboratory, but a new test will be collected, including a test under direct observation. (Direct observation testing is discussed below).

E. After the specimen has been split, sealed, labeled, and placed in the mailing envelope or other shipping container, it will either be shipped immediately or stored securely in a locked space under the control of the collection site and the appropriate CSP. The completed custody and control form, including the chain of custody portions, will be completed and certified by the CSP and placed in the shipping container with the specimen which is being shipped or stored for shipping.

F. From the time the Employee is initially identified until the specimen has been collected, split, labeled, initialed, and sealed, the CSP is not allowed to leave the specimen collection area at any time. If it becomes necessary due to emergency or other unavoidable circumstance for the CSP to leave, any collection begun at that point will be nullified and the test must be begun again.

Direct Observation Testing: Since the MEA Drug Testing specimen collection process seeks to protect the privacy and modesty of all Employees tested, direct observation of the person giving the specimen during the time they are providing it is not part of the normal collection procedure. However, under certain circumstances, direct observation specimen collection may be necessary to assure the integrity of the drug testing process. Whenever direct observation testing is required under the guidelines set forth below, the person observing the Employee giving the specimen will be of the same gender as the Employee. The following guidelines will be used in determining whether direct observation collection is necessary and, **in all cases**, the decision to conduct direct observation collection will be made only after consultation with and approval by The Company or a higher-level supervisor of the CSP.

The following circumstances are the **exclusive** grounds for direct observation testing:

A. The Employee has presented a urine specimen that falls outside the acceptable temperature range (32.5° to 37.7° Celsius; 90.0° - 100° Fahrenheit);

B. The last urine specimen provided by the Employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and Creatinine concentration below .2 g/L;

C. The CSP observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen (for example, substitute urine in plain view, blue dye in specimen presented, etc.); **or**

D. The Employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FMCSA

approved follow-up testing upon or after return to service.

Medical Review Officer: MEA clinics are staffed with qualified physicians who serve as certified Medical Review Officers ("MRO") (for federally required drug testing) and who assist other, voluntary drug testing programs (not federally mandated) in evaluating laboratory results of drug testing. MEA physicians have served as MROs in numerous testing programs for several years and are familiar with the DHHS requirements for interviewing Employees who test positive to determine whether a particular test result is "confirmed positive," and they also maintain the required drug testing records for blind sampling and composite reporting, as well as individual test results.

A report on each person tested will be sent to the MRO by the laboratory. This report will identify the drugs tested for, whether positive or negative results were obtained, the specimen number assigned, and the drug testing laboratory specimen identification number.

A positive laboratory test result does not automatically identify an employee, applicant, or independent contractor employee as having used drugs in violation of company policy. Instead, the MRO reviews the laboratory results along with the circumstances of the tested employee to determine whether the test is in fact a "confirmed positive". This review must be performed prior to reporting the test results to The Company's administrative officials. The MRO, being a licensed physician with knowledge of substance abuse disorders, examines alternate medical explanations for any positive laboratory test results. This generally includes conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors revealed by the Employee.

Prior to making a final decision to verify a positive test result for an individual, the MRO gives the individual an opportunity to discuss the test results. The MRO may verify a test as positive without having communicated directly with the Employee about the tests in three circumstances:

1. The Employee expressly declines the opportunity to discuss the test;
2. More than three working days have passed since the date the employee was contacted by a designated Company or MEA DTC representative and informed to contact the Medical Review Officer as soon as possible; or
3. More than ten working days have passed since the result was received at MEA DTC and the MEA DTC representative started to contact the employee and no contact was made.

If the MRO is unable to reach the individual directly, the MRO will contact the designated official of The Company who, in turn, will contact the Employee. In the case where the Employee has failed to contact the MRO for more than three days since the date the Employee was contacted by the designated Company or MEA DTC representative, the MRO may report the test results as "confirmed positive." However, the MRO may still reopen the verification process if the Employee contacts the MRO and presents information that his delay in getting in touch with the MRO resulted from serious illness, injury or other unavoidable

circumstances.

The purpose of the MRO interview is to allow the employee to present information concerning a legitimate explanation for the positive laboratory test. If after such action, the Medical Review Officer concludes that there is a legitimate explanation of the positive test, the medical review officer may declare the test to be negative. Otherwise, the result will be verified as a "confirmed positive." Following verification of a positive test result, the Medical Review Officer will refer the case to The Company's designated management official empowered to recommend or take administrative action.

The Medical Review Officer is the only person authorized to order a re-analysis of the original sample or a test of the split specimen. Authorization for a split specimen test may be made by the Employee within 72 hours of his or her having received actual notice of a positive test. If the retest or split specimen test is negative, the Medical Review Officer may cancel the test. (See section above regarding "Split Specimen Analysis").

The Medical Review Officer will not disclose to any party **any** medical information provided by the individual as part of the testing verification process. There is an exception to this rule where, in the MRO's reasonable medical judgment, the information indicates that continued performance by the individual of his or her safety sensitive function could pose a significant safety risk. Before obtaining medical information from any individual as part of the verification process, the MRO explains to the Employee that any information provided may be disclosed to third parties if continued performance by the Employee of his or her safety-sensitive function could pose a significant safety risk.

ALCOHOL TESTING

As noted earlier, alcohol testing is different from drug testing because it involves testing breath with a machine. Thus, no laboratory or urine samples are involved. This section will explain the alcohol testing procedures.

The Testing Machine\EBT: The testing apparatus is a breath machine, referred to as an EBT (evidential breath testing device), and the particular make and model used is certified by the National Highway Traffic Safety Administration (NHTSA) and must appear on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." This list is referred to in the industry as the CPL, and it is somewhat analogous to the drug testing requirement that labs be listed as certified by the DHHS. All MEA machines will meet these requirements.

The requirements for the EBT are somewhat different for initial screening vs. confirmatory testing, but if the machine meets the requirements for confirmatory testing, it can be used for the initial screening as well. For confirmation testing, the EBT must be able to distinguish between alcohol and acetone at concentrations of a .02 alcohol concentration

(measured in terms grams per 210 liters of air.) Also, the machine must be capable of printing in triplicate or on three consecutive and identical copies: the test result; the EBT's serial number and manufacturer; the time of the test; and a unique number generated by the EBT to identify the particular specimen being tested. The unique identification number produced by the EBT must also be capable of being read before the test is conducted.

For the initial screening test only, it is permissible to use an EBT that is on NHTSA's CPL list but does not meet all the other requirements just discussed. If such a machine is used, the tester must use a highly stylized log book to track the data for each initial screening test. However, in all cases, confirmation testing for alcohol must be conducted on an EBT meeting all the requirements of the preceding paragraph.

The regulations require that the manufacturer of the EBT develop a Quality Assurance Plan of testing and maintenance for the machine and MEA's personnel will follow that plan to assure proper function of the EBTs used in The Company's program. MEA will keep the machines securely stored when not in use. MEA's personnel will conduct testing of calibration, tolerances, and testing intervals, as well as machine inspection and maintenance procedures. MEA is required to keep detailed records of their EBT Quality Assurance Plan.

The BAT: The person who conducts the alcohol testing is called a Breath Alcohol Technician or BAT and this person is the functional equivalent of the CSP who collects drug testing specimen. The MEA BATs are trained on the type of EBT to be used and are trained at an approved course meeting NHTSA model course requirements. MEA maintains documentation for The Company of the proficiency and training of its BATs, along with other required records of compliance with DOT regulations.

Testing Procedures: The procedures for alcohol testing are similar to drug testing. For example, the BAT must initially confirm the identity of the person to be tested and the BAT must explain the testing procedure to the employee. The BAT is to work with only one employee at a time. The testing is to be conducted at a location and in a manner that ensures aural and visual privacy. A mobile testing unit (i.e., van) may be used but must meet the privacy requirements. The only exception to the privacy requirement arises in the case of accident scene or other emergency testing, and in that event, MEA will assure that Employees are provided as much privacy as the situation will allow.

Initial Screening: After the BAT has identified the Employee and has explained the testing procedure, the next step is to fill out the first part of the Breath Alcohol Test form, which includes the Employee's consent to be tested. (If the Employee refuses to sign, this constitutes a refusal to be tested and is treated as a positive test would be.) After consenting, the Employee watches the BAT open an individually wrapped and sealed mouthpiece, which is then attached to the EBT. The Employee is instructed to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates a valid sampling amount has been obtained.

The EBT will then provide the results of the initial test and the BAT will share these with the employee. (NOTE: the methods of communicating and documenting these steps will vary depending on whether the machine is fully digital or whether a log book is used.) If the test result is a breath alcohol concentration of less than .020, the test is considered negative and the Employee and BAT complete the remainder of the form, sign it and report the result to The

Company.

If the result of the initial screening test is .020 or greater, it will be necessary to conduct a confirmation test. This second test will use a fully digital EBT meeting the confirmation testing requirements noted earlier above and may be conducted by the same BAT. If a different BAT will perform the confirmation test, the BAT who did the initial testing must sign off in the appropriate place on the form.

Confirmation Testing: Generally, the same BAT will perform the initial and the confirmation test, though this is not required. If a new BAT will perform the confirmation test, the new BAT must re-perform the Employee identification steps and must explain the testing procedures to the Employee. In addition, the new BAT will need to complete section 1 of the test report form. In all cases, the confirmation test must be performed within twenty minutes of the completion of the screening test.

There is a waiting period between the initial screening test and the confirmation test of fifteen minutes, counted from the conclusion of the screening test. The BAT will instruct the employee not to eat or drink anything during the waiting period and not to belch, if possible. These restrictions, like the waiting period itself, are for the Employee's benefit by preventing an inflated or otherwise inaccurate alcohol reading. However, the test will be conducted at the end of the waiting period, regardless of whether the Employee follows the forgoing instructions. Any failure by the Employee to follow instructions will be noted by the BAT in the "Remarks" section of the testing form.

The testing procedures themselves for the confirmation test are identical to the initial test in terms of instructions to the Employee, using a new mouth piece and getting a valid specimen. Before administering the test, however, the BAT must conduct an Air Blank test to assure that the EBT registers 0.000 on the Air Blank (a test of room air). If the first Air Blank registers greater than 0.000, one additional Air Blank may be conducted. If that second Air Blank test is 0.000, the test may proceed. If not, the test must not proceed using that machine. That EBT will not be used in testing again until it has been checked for calibration and tolerances in accordance with the manufacturer's quality assurance program.

If the EBT confirmation test result is different from the initial test result, the confirmation test result controls. As with the initial test, the BAT will show the result of the confirmation test to the employee and will complete the testing form. Both the Employee and the BAT must then sign the testing form.

To be considered positive and in absolute violation, an employee's confirmed alcohol level must be .04 or greater. Results between .020 and .039 are not absolute violations but may require that the employee be relieved of safety-sensitive duties until the longer of 24 hours or the start of his next shift ***for as otherwise dictated in policy.***

Reporting Results: The result of the alcohol test is reported on a triplicate form, the format of which is required by DOT Regulations.

The Company has designated Danny Quick to communicate with MEA's BAT on alcohol testing matters. If test results are initially communicated other than in writing, the BAT and The Company's representative must have a system of identification before the information is provided. The initial oral report must be

followed by delivery of The Company's copy of the testing form and The Company is responsible for maintaining this and all other required records in a secure manner.

Miscellaneous Provisions: As with drug testing, any suspicious behavior, failure to cooperate, inability to provide a specimen or other behavior which makes completion of an alcohol test impossible shall terminate the test and shall be documented by the BAT. Similarly, if a test is interrupted or events occur which would render the test invalid, the test must be aborted and started over using new materials and new forms.

If an employee is unable to provide a specimen of air suitable for testing, The Company shall be so informed and The Company will select a physician to evaluate whether the failure to provide enough air is medically explainable. This is the same requirement as the "shy-bladder" evaluation performed by the MRO under the drug testing regulations and, as in drug testing, the physician's report to The Company must be in writing. If there is no valid medical explanation for the failure to provide the specimen, it is treated as a refusal to co-operate and thus a positive test. (NOTE: This medical evaluation will not be conducted if the test is a pre-employment test.)

A breath alcohol test is considered invalid under the following circumstances: failure to observe the 15 minute waiting period; failure of EBT to pass calibration and tolerance tests at the next subsequent check; failure of the BAT to conduct Air Blank testing; failure of the BAT to sign the form or to note in the "remarks" section that the employee failed or refused to sign the form; EBT fails to print a confirmation test result; disparity between the Employee identification number or alcohol concentration as between the printed result from and the digital reading on the machine.