

## **DOT PROGRAM REQUIREMENTS**

### **EMPLOYEES SUBJECT TO TESTING**

Any employee who would perform any operations, maintenance, or emergency response function, regulated by Part 192, 193, or 195, on a pipeline or LNG facility, is subject to mandatory DOT drug and alcohol testing under this program. Such individuals are subject to DOT testing because their job functions have been determined by PHMSA to be a covered, or safety-sensitive, transportation function. A list of E & B Oilfield Services Inc. employee titles that are defined as Covered Positions and subject to testing under this program is attached at the end of this document (Appendix C). However, it is the work that an individual performs, not the title of their job, which determines whether their work is covered, and therefore subject to drug and alcohol testing.

Covered employees may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor; this includes full-time, part-time, and temporary employees, and includes any applicant for a covered function.

### **ACKNOWLEDGEMENT/RECEIPT FORM**

The “Acknowledgement/Receipt Form,” (Appendix A), applies to all drug and/or alcohol tests, or related foregoing or subsequent DOT procedures, while the employee is in a covered function with the Company. The signed form will be maintained by the Company. For any test, the expectations placed on the employee by the Company are to “follow all instructions” in order to accomplish the test.

### **HISTORY-CHECK REQUIREMENT**

Prior to the first time that E & B Oilfield Services Inc. uses an employee to perform safety-sensitive duties (i.e., a new hire or an employee transferring into a safety-sensitive position), the Company will require a “history check” of the employee. The history check will examine the employee’s past two years of DOT employment for DOT violations. History checks are conducted only after obtaining the employee’s written authorization to do so. Any employee refusing to provide written consent will not be permitted to perform safety-sensitive functions. The Company will not allow the covered employee to perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions unless the Company has obtained or made and documented a good faith effort to obtain alcohol and drug testing information from previous DOT-regulated employers.

E & B Oilfield Services Inc. will request the following information about the employee:

- Alcohol tests with a result of 0.04 or higher alcohol concentration
- Verified positive drug tests
- Refusals to be tested (including verified adulterated or substituted drug test results)
- Other violations of DOT agency drug and alcohol testing regulations

With respect to any employee who violated a DOT drug and alcohol regulation, documentation must be obtained of the employee's successful completion of DOT return-to-duty and follow-up testing requirements.

- The Company will make at least one attempt by telephone, e-mail or fax, and maintain documentation associated with the attempt to obtain history-check information (e.g., date and time of the attempt, person contacted). If the Company finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual, or for termination.
- E & B Oilfield Services Inc. will not use any employee in a DOT safety-sensitive position that has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. The Company will also ask the employee if they had any positive pre-employment test results for which a previous potential employer did not hire them. The employee's answer to this question will be maintained as part of the employee's history-check information.

## EMPLOYEE NOTIFICATION OF TESTS

Employees will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, E & B Oilfield Services Inc. will endeavor to conduct all tests with only a limited number of Company personnel having knowledge of the reason for the test.

All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test. For example, a pre-employment test will be announced during the job application; a random test is announced within the test period, but just prior to the test, to maintain the element of surprise; and, announcements of post-accident or reasonable-suspicion tests are controlled by the circumstances that come to light around the time of the event (e.g., accident). All alcohol tests will be conducted just prior to, during, or just after the performance of safety-sensitive duties. Drug tests may be conducted anytime the employee is at work.

The DER and Company supervisors will be responsible for notifications and to help maintain the element of confidentiality. When an employee is notified for a test, the employee must proceed to the collection site immediately. Immediately means that after notification, all the employee's actions must lead to an immediate specimen collection (or test). The Company considers "travel time to the collection site, plus 30 minutes" as the maximum acceptable interval of time between notification and testing.

In test situations such as post-accident and reasonable suspicion/cause, where the employee's job performance is called into possible question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and inform the employee of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable-suspicion tests, the Company will have the DER or a supervisor accompany the employee to the collection site.

## DOT DRUG VIOLATIONS

The following provides a listing of DOT drug violations prohibited of covered employees:

- A) A verified positive drug test result
- B) A refusal to be tested, determined by:
  - 1) Having a verified adulterated or substituted drug test result
  - 2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so
  - 3) Failing to remain at the drug testing site until the testing process is complete
  - 4) Failing to provide a urine specimen for any drug test
  - 5) Failing to allow a directly observed or monitored collection in a drug test that requires such a procedure
  - 6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
  - 7) Failing or declining to take an additional drug test E & B Oilfield Services Inc. or the collector has required
  - 8) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as required by the DER
  - 9) Failing to cooperate with any part of the testing process
  - 10) For an observed collection, failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process
  - 11) Possess or wear a prosthetic or other device that could interfere with the collection process
  - 12) Admit to the collector or MRO that a specimen has been adulterated or substituted

## DOT ALCOHOL VIOLATIONS AND PROHIBITED CONDUCT

The following is a list of DOT alcohol violations prohibited of covered employees:

- A) A test result of 0.04 or higher alcohol concentration
- B) A refusal to be tested, determined by:
  - 1) Failing to appear for any alcohol test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company
  - 2) Failing to remain at the alcohol testing site until the testing process is complete
  - 3) Failing to provide an adequate amount of saliva or breath for an alcohol test
  - 4) Failing to provide a sufficient amount of breath for an alcohol test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
  - 5) Failing to undergo a medical examination or evaluation, as directed by the DER
  - 6) Failing to sign the certification statement on the Alcohol Testing Form
  - 7) Failing to cooperate with any part of the testing process
- C) On-duty use of alcohol while performing covered functions
- D) Pre-duty use of alcohol within four hours prior to performing covered functions, or if the employee is called to duty to respond to an emergency, within the time period after employee has been notified to report for duty.
- E) Use of alcohol within eight hours after an accident when performing covered functions where alcohol has not been discounted as a contributing factor to the accident, unless the employee has already been given a post-accident alcohol test.
- Alcohol Prohibited Conduct: A test result of 0.02 or greater alcohol concentration, but less than 0.04 is deemed prohibited conduct of DOT-covered employees:

## VIOLATION CONSEQUENCES AND DISCIPLINARY ACTIONS

E & B Oilfield Services Inc. will not allow any covered employee who has a DOT drug or alcohol violation to perform safety-sensitive duties for the Company. Immediately upon learning of the violation, the DER will remove the employee from all safety-sensitive duties. That employee will be ineligible to work in any DOT safety-sensitive function for the Company until the employee has successfully completed the DOT return-to-duty process. E & B Oilfield Services Inc. will refer the employee to a Substance Abuse Professional (SAP) as soon as practicable after the verified violation report.

E & B Oilfield Services Inc. will not allow any covered employee to perform, or continue to perform, any function covered by Part 199 when the employee is found to have an alcohol concentration of 0.02 or higher, but less than 0.04. The Company may continue testing the employee until the alcohol concentration is less than 0.02, or the Company may not use the employee in a safety-sensitive function until the start of the employee's next regularly scheduled shift, which must be not less than eight hours following the test that indicated "prohibited conduct."