

## COMMON DRUG AND ALCOHOL PROGRAM ELEMENTS

### SUBSTANCE ABUSE PROFESSIONAL

E & B Oilfield Services Inc. will follow the requirements of Part 40 for its Substance Abuse Professional (SAP) obligations. A full description of the SAP requirements is in Part 40, Subpart O (“Substance Abuse Professionals and the Return-to-Duty Process”).

#### Qualifications

The Company will refer employees only to SAPs who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses, for DOT violations. The SAP will not be an advocate for the Company or the employee. The SAP’s function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education/treatment, follow-up tests, and aftercare.

#### SAP Referral

E & B Oilfield Services Inc. will provide to each employee who violates a DOT drug and alcohol regulation a listing of SAPs who are readily available to the employee and acceptable to the Company. The list will include SAP names, addresses, and telephone numbers. There will not be a charge to the employee for compiling or providing this list. The Company may use its C/TPA or other service agent to provide this information. Any covered employee who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for this Company until and unless the employee successfully completes the SAP evaluation, referral, and education/treatment process.

#### Payment

The Company is not required to pay for a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation. The Company is bound by DOT only to ensure that if the employee is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that the Company ensure that the employee receives an evaluation by an SAP meeting the requirements of Part 40, and that the employee successfully complies with the SAP’s evaluation recommendations before returning to the safety-sensitive job. Even if a SAP believes that the employee is ready to return to safety-sensitive work, the Company is under no obligation to return the employee to work. Under DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to the Company and the employee to resolve.

## SAP Process

The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use. The SAP will refer the employee to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the employee actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations.

Reports will be provided to the Company on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide the DER with a written follow-up drug and/or alcohol testing plan for the employee and, if deemed necessary, will also provide the employee and the Company with recommendations for continuing education and/or treatment.

## EMPLOYEE ASSISTANCE PROGRAM

E & B Oilfield Services Inc. will provide an Employee Assistance Program (EAP) for its employees and supervisors. The EAP may be established “in house” as part of internal personnel services, or may be contracted to an entity that provides EAP services at other locations. E & B Oilfield Services Inc. will verify that the EAP provider has no financial interest in the Company.

The function of the EAP will be to provide employees with informational material on the awareness and danger of drug and alcohol use. General EAP information material, such as the availability of brochures or videos, and community service “hotline” telephone numbers, will be displayed in common areas and distributed to employees. Employees will be encouraged to call the hotline if needed.

Additionally, this Plan will be displayed and made available to all employees. The Plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, break rooms, locker rooms, or other areas designated by the Company.

## EMPLOYEE TRAINING

In order to promote the awareness and understanding of the Company's SAPP, of all employees will be trained on all aspects of the program.

### General Requirements

- E & B Oilfield Services Inc. will provide educational materials to employees explaining the Company's drug and alcohol misuse policies and procedures and the requirements of meeting those requirements.
- The Company will ensure that these materials are distributed to each covered employee, each covered contract employee, and to each person subsequently hired for or transferred to a covered position, prior to start of drug or alcohol testing.
- The Company will provide written notice to representatives of employee organizations informing them of the availability of this information.
- E & B Oilfield Services Inc. will compile and retain records of all employee training (a training record form is included in Appendix C of the document).
- Refresher training will be conducted annually or more frequently if program changes are made.

### Required content

The materials made available to covered employees will include detailed information on at least the following:

- The identity of the person designated by the operator to answer covered employee questions about the materials.
- The categories of employees who are subject to the provisions of this subpart.
- Sufficient information about the covered functions performed by those employees to make clear what period of the workday the covered employee is required to comply with this subpart.
- Specific information concerning covered employees prohibited conduct
- The circumstances under which a covered employee will be tested for drugs or alcohol
- The procedures that will be used during testing to:
  - Protect the covered employee and the integrity of the testing process
  - Safeguard the validity of the test results,
  - Ensure that those results are attributed to the correct employee
- The requirement that a covered employee submit to alcohol tests
- An explanation of what constitutes a refusal to submit to a test and the consequences.
- The consequences for covered employees violating the Company's policies including the requirement that the employee be removed immediately from covered functions

- The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

## Optional provisions

The materials supplied to covered employees may also include information on additional Company policies with respect to the use or possession of alcohol that are based on the Company's authority. Any such additional policies or consequences shall be clearly described as being based on independent authority.

## SUPERVISOR TRAINING

Each supervisor who will determine whether an employee must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the "signs and symptoms" of each substance.

Each supervisor will receive one 60-minute period of training on the specific indicators of probable drug use and one 60-minute period of training on the specific indicators of probable alcohol use. The training will include, but is not limited to; physical, behavioral, speech and performance indicators of probable alcohol misuse.

These two 60-minute training sessions may run concurrently, and may be conducted by the Company, or by a qualified third party provider.

## CONTRACTOR MONITORING

E & B Oilfield Services Inc. is responsible for ensuring that contractors and contractor employees working for the Company, and/or on its properties, are in compliance with the requirements of Part 40 and 199. With respect to those covered employees who are contractors or employed by a contractor, the Company may provide by contract that all required drug testing, education, and training requirements of Part 40 and 199, are carried out by the Company, the contractor, or a qualified third party provider.

To assure that the contractor is in full compliance, the contractor will allow access to property and records by E & B Oilfield Services Inc., David Abegglen, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the Company is subject to the jurisdiction of a state agency, a representative of the state agency, for the purposes of monitoring the Company's compliance with the requirements of Part 40 and 199. E & B Oilfield Services Inc. will ensure that all contractors are qualified prior to commencing, as well as during the performance of, covered functions for the Company.

## **Qualifying a Potential Contractor**

Qualifications of the potential contractor, as they pertain to drug- and alcohol-testing policies and procedures, are assured by requesting the potential contractor to submit a copy of its Plan for review and compliance with PHMSA regulations. After review of the Plan is completed, written correspondence to the contractor will advise whether or not it is acceptable or in need of further additions, deletions, revisions, or clarifying language. The review of the contractor Plan shall be completed utilizing the criteria established by PHMSA.

## **Monitoring a Contractor's Compliance**

The contractor may be required to provide information on their employees who will perform covered functions for the operator. This information will include, as a minimum, the name, type of test, and the test date of the employees who will perform any work or functions covered by Part 199 under that contract. A list of each contractor's covered employees may be distributed to appropriate Company field management. All contractors will be required to submit drug- and alcohol-testing statistical information on a periodic basis, which may be based on the duration of the contract. Typically, this requirement will be on a semi-annual basis.

E & B Oilfield Services Inc. may require a more frequent schedule for submission of drug and alcohol testing data should they determine a need for such statistics. The Company will maintain a complete file on each contractor's statistical drug and alcohol testing reports, and make these reports available when requested by a PHMSA agency-designated representative, or representatives of those state agencies under whose jurisdiction the Company operates.

The operator will also submit contractor Management Information System (MIS) reports to PHMSA by March 15 each year. The contractor will cooperate with the Company, or the Company's designee, if additional information is requested to further verify compliance with the regulations.

## RECORDKEEPING

E & B Oilfield Services Inc. will ensure that all records required by the DOT are maintained. The Company is not required to keep records related to a program requirement that does not apply to Part 40 or 199. The Company or its C/TPA will maintain the records in a locked file system and the records will be accessed only on a strict "need-to-know" basis. The Company or its C/TPA will not release an employee's drug and alcohol records to third parties without the employee's specific written consent. A "third party" is any person or organization to whom Parts 40 or 199 do not explicitly authorize or require the transmission of information in the course of the drug- and alcohol-testing process. "Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

**EXCEPTION:** The Company may authorize the release of records for the following purposes:

- For statistical evaluation (only without names)
- For training purposes

E & B Oilfield Services Inc. or its C/TPA will not release the employee's information to DOT, PHMSA, or other government agencies having regulatory authority over the Company or employee without the employee's consent, unless required by law.

For example, the Company or its C/TPA will release the employee's information without consent as part of an accident investigation by the National Transportation Safety Board. The Company or its C/TPA will release the employee's information without consent in certain legal proceedings. These proceedings include a lawsuit, grievance, administrative proceeding (e.g., an unemployment compensation hearing brought by, or on behalf of, an employee resulting from a positive drug or alcohol test or refusal to test), or a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information. In such a proceeding, the information will be released to the decision maker in the proceeding with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding. After releasing the information, the Company or its C/TPA will notify the employee.

If the Company uses a C/TPA to maintain the records, the Company will ensure that the C/TPA can produce these records at the Company's principal place of business in the time required by the DOT agency for an inspection. The records will be provided within two business days after receipt of the request. Most records will be stored electronically, where permitted by Part 40 and 199. E & B Oilfield Services Inc. will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria for the DOT inspector, the Company will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

## Records and Retention Periods

E & B Oilfield Services Inc. or its C/TPA will maintain the following records for at least the following time periods:

A) Records to be kept for five years:

- (1) Records of alcohol test results showing an alcohol level of 0.02 or greater
- (2) Records of the inspection, maintenance, and calibration of EBTs
- (3) Records of verified positive drug test results including:
  - The type of test failed, (e.g., post-accident)
  - Records that demonstrate rehabilitation,
  - The functions performed by employee who failed a drug test. (welder, field tester, leak surveyor, etc.)
  - The prohibited drugs that were used by the employee who failed the drug test.
  - The disposition of each employee who failed or refused the drug test (e.g., termination, rehabilitation)
- (4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results)
- (5) SAP reports including information regarding an employees need for assistance and documentation regarding compliance
- (6) Documents supporting an employee's dispute to the result of an alcohol test
- (7) Follow-up tests and schedules for follow-up tests
- (8) Statistical data related to the Company's testing program, entitled "Management Information System," will be available to a representative of DOT, PHMSA, or a state agency having regulatory authority over the Company

B) Records to be kept for three years:

- (1) Records of information obtained from previous employers under Part 40 concerning drug and alcohol test results of employees
- (2) Records that demonstrate the drug-testing collection process
- (3) Records related to "signs and symptoms"
- (4) Alcohol and drug training for supervisors

C) Records to be kept for two years:

- (1) Records related to the alcohol collection process (i.e., equipment calibration documentation, breath alcohol technician (BAT) training, reasonable-suspicion and post-accident alcohol test documentation, and medical examination records)

D) Records to be kept for one year:

- (1) Negative drug test results
- (2) Alcohol results less than 0.02
- (3) Training records
- (4) Qualified STT and BAT records



## Employee Request for Records

Except as required by law or expressly authorized by the following conditions, no employer may release a covered employee's information.

All employees have the right to request and obtain copies of any records pertaining to the employee's use of alcohol and/or drugs, including records of the employee's DOT-mandated drug and/or alcohol tests, and copies of SAP reports. Requests for records must be made in writing to the DER. A laboratory must provide, within 10 business days of receiving a written request from an employee, and made through the MRO, the records relating to the results of the employee's drug test (i.e., laboratory report and data package).

Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. Access to an employee's records cannot be contingent upon payment for records other than those specifically requested. SAPs must redact follow-up testing information from the report before providing it to the employee.

The Company will permit access to all facilities used to comply with the requirements of any DOT agency, or a representative of a state agency with regulatory authority over the operator.

The Company will make available copies of all results of employer drug or alcohol testing, when requested by the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over the Company.

When requested by the National Transportation Safety Board (NTSB) as part of an accident investigation, the Company will provide any post-accident test information related to the accident.

The Company will make records available to a subsequent employer after receipt of a written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

The Company may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.

The Company will release information regarding a covered employee's records in accordance with a written consent from the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.



## MANAGEMENT INFORMATION SYSTEM

E & B Oilfield Services Inc. will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol testing program. This report will be submitted to PHMSA in accordance with annual submission requirements. If the Company uses a C/TPA, then the C/TPA may prepare and maintain the MIS, reporting the MIS as the Company requires. The DER will certify each report submitted by a C/TPA for accuracy and completeness.

### **Contractor Reporting for MIS**

The Company will verify and identify all contractors who performed covered functions, as defined under Part 199, for this Company in a given calendar year. If required, by either mandated annual or PHMSA written request, the Company will submit an MIS report for each of these contractors on or before March 15.

