

## **TEXMAN CDL TRAINING, LLC STUDENT ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

Texman CDL Training, LLC (the “Company”) is committed to providing a safe and alcohol and drug-free environment for our students. The Department of Transportation (“DOT”) and the Federal Motor Vehicle Safety Administration (“FMCSA”) oversee many policies and practices for the truck driving industry; therefore, this policy is an important part of our training for commercial drivers. With this goal in mind and because of the serious drug abuse problem in today’s workplace, we are establishing the following policy for Company student participants in this Commercial Drivers’ License program.

The Company is committed to providing a safe, quality-oriented, and productive learning environment. Alcohol and drug abuse pose a threat to the health and safety of student participants and to the security of the Company’s facilities. For these reasons, the Company is committed to the elimination of drug and alcohol abuse on its premises.

Students should report to class fit for class participation and free of any adverse effects of any prescription or illegal drugs or alcohol use. This policy does not prohibit students from the lawful use and possession of prescribed medications. Students must, however, consult with their doctors about the medication’s effect on their fitness for participation in the commercial drivers’ license class. Also, students must promptly disclose any work restrictions to their instructor.

In order to promote both classroom safety and public safety the Company institutes the following company-wide Company Alcohol and Drug-Free Workplace Policy which prohibits the following behavior by any of its students:

1. Whenever students are participating in the commercial drivers’ license program, are scheduled to operate in any Company vehicle, are present on Company premises or are conducting Company program-related driving offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
  - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
  - c. Possessing or consuming alcohol as set forth in this policy.
  - d. Abusing use of legal (prescription or over the counter) drugs or alcohol.
  - e. Selling, purchasing, transferring, using or possessing illegal drugs or prescription drugs obtained illegally.
2. Company students must comply with applicable law, Company policies generally, and this policy in particular, with respect to using any illegal drug, or illegal controlled substance, or alcohol while participating in the commercial drivers’ license program, or while in a Company facility.

3. The Company will also not allow students to participate in the commercial drivers' license program while taking prescribed drugs that are adversely affecting their ability to perform the training safely and effectively. Students taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

The Company emphasizes that it explicitly prohibits:

- The use, possession, solicitation for, or sale of, narcotics, narcotics paraphernalia or other illegal drugs, alcohol, or prescription medication without a prescription, on Company premises or while performing an assignment.
- Being impaired or under the influence of legal or illegal drugs or alcohol away on Company premises, if such impairment or influence adversely affects the student's performance, the safety of the Company's employees or of others, or puts at risk the Company's reputation.
- Except as provided for under this Company policy regarding alcohol, (i) the possession, use, solicitation for, or sale of legal or illegal drugs, drug paraphernalia, or (ii) sale of alcohol on Company premises, as such activities or involvements can adversely affect the student's performance, the safety of the student, any Company employees or of others, or puts at risk the Company's reputation.
- The presence of any detectable amount of prohibited substances in the student's system while participating in the commercial drivers' license program, including while on the premises of the Company. "Prohibited substances" include illegal drugs, alcohol abuse, or prescription drugs not taken in accordance with a prescription given to the employee.
- Student participants are prohibited from coming to class, or performing program assignments, while under the influence of alcohol, illegal narcotics, or medication without a prescription.
- The Company reserves the right to conduct searches of lockers or student property upon reasonable suspicion.
- The Company reserves the right to conduct drug and/or alcohol testing upon reasonable suspicion. Reasonable suspicion includes, but is not limited to:
  - evidence of drugs or alcohol on or about the student's person or in the student's vicinity, unusual conduct on the student's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When the Company, in its sole discretion, determines that reasonable suspicion testing is warranted, designated Company personnel shall meet with the student to explain the observations and the requirement to undergo a drug and/or alcohol test within two (2) hours. Refusal by a student to submit to the drug and/or alcohol test will be treated as a positive drug test result and may result in disciplinary action, up to and including immediate expulsion from the commercial drivers' license program. The Company will arrange for the student to be transported to the drug testing facility and the cost of the test will be the responsibility of the student. Further, if the student is expelled from the program the student shall forfeit and not be entitled to any reimbursement of the program fees.

The Company will comply with all applicable federal and state laws governing the possession, use, solicitation and/or sale of alcohol or drugs.

### **Collection and Testing Procedures**

**Alcohol Testing** - Students subject to alcohol testing will be transported to a Company designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If a student's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately twenty (20) minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the Company as work rule violations.

**Drug Testing** - Students subject to drug testing will be transported to a Company designated testing facility and directed to provide urine specimens. Students may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, methamphetamines, PCP, benzodiazepines, methadone, methaqualone, and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

**PLEASE NOTE THAT WHILE SOME STATES AND MUNICIPALITIES HAVE LEGALIZED MARIJUANA OR DECRIMINALIZED MARIJUANA POSSESSION, THE DOT STILL PROHIBITS MARIJUANA USE AT THE FEDERAL LEVEL.**

The laboratory will transmit all positive drug test results to management who will offer individuals with positive results a reasonable opportunity to rebut or explain the results.

### **Consequences**

Students who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy could face disciplinary action, including expulsion. If the student refuses to be tested, yet the Company believes he or she is impaired, under no circumstances will the student be allowed to drive himself or herself home. Students who test positive, or otherwise violate this policy, will be subject to discipline, up to and including expulsion. Depending on the circumstances, and any federal or state law requirements, the Company may offer a student who violates this policy or tests positive the opportunity to return to the commercial drivers' license program.

If a student is tested for drugs or alcohol whether on Company premises and the results indicate a violation of this Company policy, or if a student refuses a request to submit to testing under this policy, the student may be subject to appropriate disciplinary action, up to and including expulsion. Excluding the student's refusal to submit to testing under this Company policy, the student will be given an opportunity to explain the circumstances prior to any final disciplinary action becoming effective.

After the results of the test are received, a date and time will be scheduled to discuss the results of the test with the student. This meeting will include two (2) instructors in the commercial drivers' license program. Should the results prove to be negative, the student will not be disciplined for a violation of this Company policy. In addition, the Company will report any violations of this policy or refusal to cooperate in drug tests to the DOT Clearinghouse in accordance with applicable laws and regulations.

### **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in student files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of a student.

### **Inspections**

The Company reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All students and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Students who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including expulsion.

## **Crimes Involving Drugs**

- The Company prohibits all students from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on Company premises or while conducting Company business. Students are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.
  
- The Company does not desire to intrude into the private lives of its students but recognizes that students' off-the-job involvement with drugs and alcohol may have an impact on the Company. Therefore, the Company reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off Company premises. All students who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to their respective instructor within five (5) days. Failure to comply with this notice requirement could result in expulsion.

## **Definitions**

“Company premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the Company or any site on which the Company is conducting business.

“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional.

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and could face disciplinary action, including termination.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

## **Enforcement**

As explained in this policy the Company reserves the right to conduct drug testing of student participants upon reasonable suspicion. Each student has received a copy of the Company Alcohol and Drug-Free Workplace Policy, including the consent form that must be signed by each student. If you have not yet received a copy of the Company Student Drug-Free Workplace Policy or the consent form, contact April Diaz to request a copy.

### **Student Drug and Alcohol Policy Certificate of Receipt**

I hereby certify that I have received a copy of the Company's Student Alcohol and Drug-Free Workplace Policy.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date