

DRUG-FREE WORKPLACE POLICY

Dear **SPT Logistics, Inc.** Team Member,

SPT Logistics, Inc. is dedicated to the health and safety of our drivers. Drug and/or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of **SPT Logistics, Inc.** to prevent the use of drugs and abuse of alcohol from having an adverse effect on our drivers by having a **zero tolerance** policy. Any **SPT Logistics, Inc.** independent contractor or employee driver is subject to this policy. **SPT Logistics, Inc.** goes above and beyond the minimum requirements promulgated by the FMCSA as described in this policy. At no point will **SPT Logistics, Inc.** allow a driver to continue its association with **SPT Logistics, Inc.** as an independent contractor or employee if a positive result of drugs and any reading above .000 for alcohol is found from any type of testing mandated by the FMCSA or under the **SPT Logistics, Inc.** Drug-Free Workplace Policy.

SPT Logistics, Inc. prohibits:

- Drivers from consuming alcohol within 8 hours prior to operating a CMV.
- The use, possession, solicitation for or sale of narcotics or other illegal drugs, alcohol or prescription medication by any driver without a prescription on **SPT Logistics, Inc.** or customer premises or while performing an assignment or while acting on behalf of the company.
- The presence of any detectable amount of prohibited substances in a driver's system while at work, while on the premises of the company or its customers or while on company business. "Prohibited substances" include illegal drugs, alcohol or prescription drugs not taken in accordance with a prescription given to the employee or independent contractor.

SPT Logistics, Inc. will conduct drug and/or alcohol testing under any of the following circumstances:

- **PRE-EMPLOYMENT TESTING:** Prior to the first time a driver performs safety-sensitive functions for **SPT Logistics, Inc.**, the driver shall undergo testing for controlled substances as a condition to hire or contracting. "Safety-sensitive functions" mean all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibilities for performing work. Safety-sensitive functions include, but are not limited to:
 - (1) All time at **SPT Logistics, Inc.** or a shipper plant, terminal, facility or other property or on any public property waiting to be dispatched;
 - (2) All time inspecting equipment as required by §§392.7 and 392.8 or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time;
 - (3) All time spent at the driving controls of a commercial motor vehicle in operation;
 - (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. §393.76);
 - (5) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to

operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded;
and
(6) All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

SPT Logistics, Inc. will not finalize a hiring or contracting decision if the potential employee or independent contractor refuses to comply with a pre-employment testing requirement. Submission or successful completion of pre-employment testing does not guarantee a contract or hire.

- **RANDOM TESTING:** Employees or independent contractor drivers will be selected at random for drug and/or alcohol testing in accordance with 49 C.F.R. §382.305 and as may otherwise be required by law.
- **REASONABLE SUSPICION:** Drivers who appear to be under the influence of drugs or alcohol may be immediately tested in accordance with 49 C.F.R. §382.307.
- **POST-ACCIDENT TESTING:** Drug and alcohol tests may be required after crashes, in accordance with 49 C.F.R. 382.303, entitled Post-Accident Testing.
- **FEDERAL REGULATIONS AND STATUTES:** Drivers may be tested as otherwise may be required or permitted under state and federal regulations and statutes. Please see Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, and 49 C.F.R. Part 382 for more information.

SPT Logistics, Inc. will conduct drug and/or alcohol testing in the following manner:

Alcohol breath testing will be conducted by a qualified breath alcohol technician or screening test technician as outlined in 49 C.F.R. Part 40. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use and then opened in the driver's presence. A screening test will be performed first. The driver must blow forcefully into the mouthpiece for at least 6 seconds or until an adequate amount of breath has been obtained. Upon completion of the test, the technician must show the driver the results. The technician must record the displayed result, test number, testing device, serial number of the testing device and time on the alcohol testing form to ensure accuracy.

If an alcohol screening device ("ASD") is used, the technician must check the expiration date and show it to the driver. The technician must not use an expired device. If the ASD fails to obtain a proper sample, the technician will use an evidential breath testing device ("EBT"). For any test used, the displayed result must be read within 15 minutes of the test. If a reading on the EBT or ASD is .000, the driver and the technician must sign and date the result form. The form will then be confidentially forwarded to the company's designated employer representative ("DER").

If the test reading on the EBT or ASD is greater than .000, a confirmation test must be performed using an EBT after at least 15, but no more than 30, minutes have elapsed from the first test. The technician must ask the driver not to eat, drink, belch or put anything into his or her mouth

between tests. This is to prevent the build-up of mouth alcohol, which could artificially inflate the results.

If the results of a confirmation test and a screening test conflict, the confirmation test results will be used. If the confirmation test yields a result greater than .000, both the driver and the technician must sign and date the test, which will then be confidentially forwarded to the DER. If the driver refuses to sign, the technician must forward the test results to the DER with a notation of the refusal.

Controlled substance testing will be conducted in accordance with 49 C.F.R. Part 40 and any applicable state law. Urinalyses will be conducted to detect the presence of any controlled substances. Detection levels requiring a determination of a positive result will be in accordance with 49 C.F.R. 40.87. The controlled substance collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. A drug testing custody and control form (“CCF”) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory. The driver will additionally be asked to remove all unnecessary outer garments (coat, jacket, etc.) and secure all personal belongings but may keep his or her wallet. This is to protect the integrity of the sample.

The site collector will select an individually wrapped or sealed container. The driver will then break the seal of the collection container. The seal on the specimen bottle may not be broken at this time. The driver must wash his or her hands. The driver must then remain in the site collector’s presence and will not have access to any fountains, faucets, soap, dispensers or other materials that could adulterate the specimen.

The site collector will then break the seal on the specimen container. The driver will provide a specimen of at least 45 mL of urine alone in a private room. Within 4 minutes after obtaining the specimen, a collection site employee will measure the specimen’s temperature. This temperature reading must be 90 to 100 degrees Fahrenheit for the specimen to be sufficient. If it is not, the site collector must immediately perform another test. Both specimens must then be sent to the lab for testing, and the site collector must notify the DER and the collection site supervisor that a second collection took place.

All identifying information must be entered on the CCF by the site collector. The CCF must be signed by the site collector certifying collection was accomplished in accordance with the provided instructions. The driver must also sign confirming the sample as his or her own. If the driver refuses to sign, the site collector must make note of this in writing to the DER. The site collector will place and secure the specimen in an appropriate plastic bag. The driver may then leave the collection site. The collection site must forward the specimen to the lab as quickly as possible, within 24 hours or during the next business day.

Per FMCSA regulations, the laboratory must report all test results directly to **SPT Logistics, Inc.’s** medical review officer (“MRO”) in a timely manner. The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted or invalid tests and determining whether alternative medical explanations could account for any results. The MRO must also give a driver who has a positive, adulterated, substituted or invalid test an opportunity to discuss the results prior to making a final determination.

After a decision concerning the results is made, the MRO must notify the DER. The MRO must make reasonable efforts to contact the tested driver. If the MRO is unable to contact the driver, the MRO must contact the DER who then must attempt to contact the driver. The MRO may verify a positive, adulterated, substituted or invalid test without having communicated with the driver if the driver expressly declines the communication, either the MRO or DER has been unable to contact with the driver for 10 days or if the driver fails to contact the MRO within 72 hours after documented contact with the DER instructing the driver to do so.

As required by FMSCA regulations, the MRO must notify each driver who has a positive, adulterated or substituted drug test that he or she has 72 hours to request the test of a split specimen. If the driver requests the testing of the split specimen, the MRO must direct the laboratory in writing to provide the split specimen to another certified laboratory for analysis. The company will pay for the testing of the split specimen. Long-term frozen storage will ensure that positive urine specimens will be available for any necessary retest. **SPT Logistics, Inc.**'s designated drug testing laboratory will retain all confirmed positive specimens in this manner for at least 1 year in the original labeled specimen bottle.

The purpose of these procedures is to accurately test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results and ensure results are attributed to the correct driver. These procedures apply to all forms of testing under this policy, including post-accident testing under 49 C.F.R. 392.303.

All driver records will remain confidential in accordance with 49 C.F.R. 382.401. Any testing will be performed in a private setting. Only authorized personnel will have access to the results and are the only individuals who can hear or see the results. The driver will be asked for his identification by the technician or collector upon arrival. The driver may similarly ask either the technician or collector for identification. The technician or collector may only supervise one test at all times and may not leave the testing site while the test is in progress.

If a driver refuses a request to submit to testing under this policy, the driver may be subject to appropriate action, up to and including discharge from employment or termination of contract, as applicable. This includes employees or independent contractors who are found to have an alcohol concentration of less than 0.04, in accordance with the **SPT Logistics, Inc. zero tolerance** policy. "Refusal to submit" to testing under this policy means failing to comply with **SPT Logistics, Inc.**'s request to undergo drug and/or alcohol testing in the manner prescribed above or as otherwise required by state or federal law or regulations, **SPT Logistics, Inc.** or testing administrators.

If testing results indicate a violation of this policy or the driver refuses to submit to testing, the employee or independent contractor will be immediately removed from safety-sensitive functions, will not report for duty or remain on duty. Likewise, if **SPT Logistics, Inc.** discovers that an employee or independent contractor has adulterated or substituted a test specimen for controlled substances or alcohol, the employee or independent contractor will be subject to the same consequences as prescribed above.

SPT Logistics, Inc. reserves the right to and may disclose the results and any related documentation of any drug or alcohol test, or refusal to submit to drug and alcohol testing, to any motor carrier investigating or inquiring under 49 C.F.R. § 391.23. **SPT Logistics, Inc.** further reserves the right to and may disclose the results and any related documentation of any drug or alcohol test, or refusal to submit to drug and alcohol testing, to any other motor carrier, the State of Texas, the U.S. Department of Transportation, the Federal Motor Carrier Safety Administration, any other state or federal governmental agency or as otherwise may be required or permitted by law.

Information on the effects of alcohol and controlled substances:

The use of alcohol or controlled substances can have long term, harmful effects on an individual's physical, emotional, and mental health, behavior, work life and personal life. Physical signs and symptoms of an alcohol or controlled substance problem include bloodshot eyes or dilated pupils, changes in appetite or sleep patterns, sudden weight loss or gain, neglect in physical appearance including personal grooming habits, unusual smells on an individual's breath, body, or clothing and slurred speech, tremors or impaired coordination.

An individual's personal and work life can deteriorate as a result of a problem with alcohol or controlled substances. Signs and symptoms include a decrease in attendance and performance at work or school, increased need for money or sudden financial problems, borrowing or stealing money, engaging in risky or secretive behavior, sudden change or loss of interest in friends and hobbies, lying and deceptive behavior, verbal or physical abuse and trouble at work or school. Psychological signs and symptoms of a problem that could affect an individual's work or personal life include a change in personality or attitude, a lack of concern about the future, mood swings, irritability, angry outbursts, unusual hyperactivity, agitation, giddiness, obliviousness to surroundings, lack of motivation or energy, memory problems or loss of memory and the appearance of being nervous, anxious or paranoid.

Overcoming a problem with alcohol and/or controlled substances requires major changes to the way a person lives, deals with problems and relates to others. If you suspect a friend or loved one is abusing or addicted to alcohol and/or controlled substances, speak up. Express your concern and offer support. Encourage treatment, but be prepared for excuses and denial. Available methods of intervention include confronting an individual in a controlled, therapeutic environment, referral to company management or referral to an employee's assistance program.

On the next page is an Agreement and Consent form that acknowledges your rights and obligations and the rights and obligations of **SPT Logistics, Inc.** should drug or alcohol testing be necessary.

Employees may contact the **Director of Safety and Compliance** with any questions regarding this policy.

AGREEMENT & CONSENT TO DRUG AND/OR ALCOHOL TESTING

I hereby agree, upon a request made under the drug/alcohol testing policy of **SPT Logistics, Inc.**, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, hair and/or blood for analysis. I understand and agree that if I, at any time, refuse to submit to a drug or alcohol test under **SPT Logistics, Inc.**'s policy, or if I otherwise fail to cooperate with the testing procedures, I may be subject to immediate termination of contract or employment, as may be applicable.

I hereby agree, acknowledge, and understand that **SPT Logistics, Inc.** reserves the right to and may disclose the results and any related documentation of any drug or alcohol test, or refusal to submit to drug and alcohol testing, to any motor carrier investigating or inquiring under 49 C.F.R. § 391.23. I further agree, acknowledge, and understand that **SPT Logistics, Inc.** reserves the right to and may disclose the results and any related documentation of any drug or alcohol test, or refusal to submit to drug and alcohol testing, to any other motor carrier, the State of Texas, the U.S. Department of Transportation, the Federal Motor Carrier Safety Administration, any other state or federal governmental agency or as otherwise may be required or permitted by law.

I further authorize and give full permission to have **SPT Logistics, Inc.**, its designated testing facility and/or its company physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to **SPT Logistics, Inc.** and/or to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized **SPT Logistics, Inc.** officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I WILL HOLD HARMLESS CARRIER NAME AND THEIR EMPLOYEES, MEMBERS, MANAGERS, AGENTS, OFFICERS, OWNERS AND REPRESENTATIVES, THEIR COMPANY PHYSICIANS, THEIR DESIGNATED TESTING FACILITIES AND THEIR TESTING LABORATORIES, MEANING THAT I WILL NOT SUE OR HOLD RESPONSIBLE SUCH PARTIES FOR ANY ALLEGED HARM TO ME THAT MIGHT RESULT FROM SUCH TESTING, INCLUDING LOSS OF EMPLOYMENT OR ANY OTHER KIND OF ADVERSE JOB ACTION THAT MIGHT ARISE AS A RESULT OF THE DRUG OR ALCOHOL TEST, EVEN IF A SPT Logistics, Inc., LABORATORY OR TESTING FACILITY REPRESENTATIVE MAKES AN ERROR IN THE ADMINISTRATION, DISCLOSURE OR ANALYSIS OF THE TEST OR THE REPORTING OF THE RESULTS. I WILL FURTHER HOLD HARMLESS CARRIER NAME, THEIR EMPLOYEES, MEMBERS, MANAGERS, AGENTS, OFFICERS, OWNERS AND REPRESENTATIVES, THEIR COMPANY PHYSICIANS, THEIR DESIGNATED TESTING FACILITIES AND THEIR TESTING LABORATORIES FOR ANY ALLEGED HARM TO ME THAT MIGHT RESULT

FROM THE RELEASE, DISCLOSURE OR USE OF INFORMATION OR DOCUMENTATION RELATING TO THE DRUG OR ALCOHOL TEST.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

Signature

Date

Name - Printed