



November 28, 2005

Mine Safety & Health Administration
Office of Standards, Variance & Regulations
1100 Wilson Boulevard
Room 2350
Arlington, VA 22209-3939

RE: RIN 1219-AB41

Dear Director:

These comments are submitted on behalf of the National Mining Association (NMA) in response to the Advance Notice of Proposed Rulemaking (ANPRM) that was published on October 4, 2005, 70 FR 57808, which solicits information on regulatory and non-regulatory approaches to address the risks of impairment from alcohol and drugs in the workplace. We appreciate having the opportunity to comment on this most important and over-due initiative that recognizes the increasing safety and health risks which miners and mine operators are encountering due to the escalating use of illegal substances and abuse of legal substances in the workplace.

GENERAL COMMENTS

At the outset let us commend the agency for opening a dialogue on this subject. Regrettably, as we have discovered, the mining industry is not immune from the societal problems arising from the use and abuse of legal and illegal substances that have plagued other industries. We know that arriving at a solution to this problem will not be easy, but it is something that we must strive to achieve. Miner's safety and health has been put in jeopardy by those who choose to violate the law and their employer's policies. While a solution to this would on its face seem apparent, the patchwork of state laws and regulatory requirements has hindered efforts to eliminate this problem from the workplace.

The ANPRM presents a series of enlightening questions and it's our hope that mine operators throughout the industry will share their experiences as well as the programs and policies implemented to address this problem. We encouraged the members of NMA to participate during the comment period and we also canvassed our members to gain insight into the programs they've implemented. We have included examples of some of the programs currently in place.

It should come as no surprise that NMA's members, who are some of the largest and most advanced mining companies in terms of safety and health have, to

differing degrees, sought to address this problem. This arises from the provisions and limitations contained in collective bargaining agreements and the constraints contained in state law and regulation and the case law that has evolved in those jurisdictions.

Regardless the differences there are certain common elements among the programs. All of the companies that responded to our inquiry have implemented a pre-employment testing program. Similarly, all have testing provisions for cause, reasonable suspicion or suspicious behavior. While some programs have implemented random testing others have been limited due to the constraints mentioned above. All of the programs have some elements of an Employee Assistance Program but there exist differences as to when employees are enrolled in the program. Some are dependent upon the employee seeking assistance prior to their being subjected to testing while others provide for employee enrollment based upon the results of substance abuse screening. All of the programs provide for disciplinary action, up to and including employment termination.

As the agency is well aware, the remote location of many mining operations means that EAP counseling or related facilities are not always available and thereby limit the employer's ability to make available an extensive EAP. As a result, EAP programs must be structured to best meet the workforce needs taking into consideration geographic or other limitations.

In framing a solution to this problem it is important for the agency to ensure that any regulatory approach is both transparent and enforceable. Transparent so that all parties will understand what will be expected of them and the consequences of their actions and enforceable so that all operators are required to meet the same minimum standards. While these appear conceptually simple their development and implementation may well prove to be difficult.

In the absence of a federal regulatory requirement, mining company substance abuse programs are governed by state law and regulation. The lack of consistency across states has often hindered company efforts to eliminate substance abuse or resulted in their having to construct different programs depending upon the particular jurisdiction in which their operations are located. Of equal concern, the historic system in the coal sector for the issuance of state certification papers has thwarted efforts to remove from the industry those who have violated a company's drug and alcohol policy. This system should be reviewed to see if an industry-wide system could be developed to remove from the industry those who abused legal or illegal substances.

Today's workforce is extremely mobile and it is possible for an individual to voluntarily terminate their employment before being subjected to a substance test only to reappear at another mining operation within the same or another state. Moreover, the worker shortage confronting the industry might well cause some, in the absence of a federal regulatory requirement, to overlook current or past substance abuse practices among employees. These situations cannot and should not be tolerated.

As noted previously, publication of the ANPRM opens the opportunity for an important dialogue with the agency's stakeholders. No one individual or group has all the answers to the complexity of the problem that forms the basis for the ANPRM. We would recommend the agency convene a summit of representatives of the miners, mine operators, state officials and federal officials knowledgeable about all aspects of alcohol and substance abuse, education, testing and employee intervention programs to provide guidance as the agency's regulatory framework evolves.

Again, thank you for this opportunity to provide comments on this most important regulatory initiative.

Sincerely,

Bruce Watzman
Vice President
Safety, Health & Human Resources

Attachments (5)

SPECIFIC COMMENTS IN RESPONSE TO ANPRM

Nature, Extent, and Impact of the Problem

A1. We would refer the agency to the numerous news reports and accidents investigations conducted to ascertain the extent of the problem. Additionally, the agency should review the study results published by the National Institute of Health, Survey on Drug Use and Health and the National Epidemiologic Survey.

A2. Same as above

A3. The severity of the risk imposed by a miner impaired due to alcohol or substance abuse cannot be overstated. Not only does that individual place themselves in harms way they also do so for all those working within their vicinity. The potential hazards associated with mining are known and well documented. Permitting an impaired individual to work in an environment where, for example, methane gas is liberated or on or around machinery capable of causing bodily harm cannot be tolerated.

A4. We have no specific information to share in response to this question.

Prohibited Substances and Impaired Miners

B1. Before asking the question of whether the existing requirement contained in 30 CFR 56/57.20001 should be extended to coal it would be more appropriate to ask

what effect this provision has had in curbing and/or eliminating alcohol and substance abuse in the metal and nonmetal sector of the industry. Moreover, we believe this question should be considered within the context of personal responsibility. As the agency is well aware, the only context within which individuals are currently held accountable under the Mine Act involves carrying smoking materials into an underground coal mine. In framing this prohibition, it was recognized that the potential consequences for such actions were so catastrophic as to require that the individual responsible be held liable for their actions. We believe that working under the influence of an illegal substance or abusing a legally prescribed medication presents potential hazards comparable to those envisioned by the smoking materials prohibition. Individuals must, when taking action that potentially threatens the lives of their fellow workers, be held accountable for their actions.

In response to the specific question posed, we do not think the metal/nonmetal regulatory template is proper for that industry sector and it should not be extended to coal. It is wholly inappropriate to penalize, through the issuance of a citation, a mine operator for a condition where the miner actively attempts to conceal their prohibited and/or illegal activity. Merely extending the reach of what is an ineffective regulation will do little to this problem. Alcohol and substance abuse is a societal problem and the belief that the issuance of a citation to a responsible mine operator is without foundation and misguided.

B2. It is our understanding that each company has, in consultation with their program administrator, developed a list of prohibited substances and that these vary across the industry. At a minimum the list should include alcohol, controlled substances or illegal drugs, or the metabolites of any controlled substance or illegal drug. We are also aware that some companies have established threshold levels for classes of prescribed medications such as: amphetamines, barbiturates, opiates, oxycodone, etc. It is imperative that each program be afforded the flexibility to modify its program requirements to accommodate changed testing procedures and detection levels.

Many companies have implemented programs consistent with the requirements contained in the Omnibus Transportation Employee Testing Act of 1991 and implementing regulations in 49 CFR Part 40. These regulations are specific and prescriptive as to how tests will be conducted and for what substances. Testing technology and the substance of concern have changed significantly since promulgation of the DOT regulations. Saliva testing and the recent introduction of hair testing, neither envisioned under the DOT program, afford employers increased flexibility in the administration of their programs. Moreover, they permit program administrators to test for substances not originally envisioned with greater accuracy and at reduced cost.

B3. The programs in use today employ a variety of approaches regarding the administration of substance abuse programs and impairment determinations. In some instances the programs are administered by licensed third-party administrators while in others administration of the program comes under the

direction of a licensed medical professional. In all instances that we are aware of the impairment determination is made by the assigned medical professional in consultation with the testing laboratory to ensure the accuracy of the determination and to ensure that individual privacy rights are protected within applicable legal requirements.

B4. As noted earlier, employer actions when an impaired miner is identified are quite varied ranging from referral to an EAP or SAP to termination.

B5. We have no information on this as it varies from company-to-company.

Training

C1. Many companies currently address prevention of alcohol and other drug misuse in their existing training programs. As the recognition and understanding of this problem increases more companies who had not included this as a component of their training programs are doing so.

C2. Today the provisions for training are quite varied. While some companies provide substance abuse training at all levels of their organizations others are more limited providing the training only to those required to undergo Part 46 training or supervisory training.

C4. See response to B5.

Inquiries Following Accidents

D1. While we are not prepared to suggest specific regulatory language, we believe the authority provided in 30 CFR 50.11 should be expanded to provide operators the specific authority to include, as a part of their investigation, the contribution of alcohol and/or drug use in the accident. It is vitally important that care be given to carefully construct the circumstances where consideration of such factors is appropriate.

D2. Decisions as to the level of inquiry of alcohol and/or drug use following an accident are variable and must be made based upon the circumstances presented. To do otherwise might result in some being unnecessarily subjected to such inquiries with others avoiding such scrutiny.

It is important that the agency examine carefully the legal ramifications of not only privacy laws but especially the application of HIPPA in the context of development of a regulation. These are critically important considerations that today plague employers when considering disciplinary actions resulting from alcohol and/or drug use in the workplace.

D3. We believe programs should be structured so that operators are afforded flexibility to determine, on a case-by-case basis, the necessity to conduct a substance abuse inquiry.

D4. Privacy concerns necessitate that the information be limited to only those authorized within the company to maintain such information and to the authorized representative of the Secretary, if requested.

D5. Existing programs provide for varying levels of disciplinary action depending upon the situation encountered. As noted previously, disciplinary action up to and including termination are included in most if not all existing programs.

Drug-Free Workplace Programs

E1-5. Information relative to this series of questions is contained in the attachments that accompany this filing.

Costs and Benefits

F1-3 We have no information as this relate to company specific programs.

HUMAN RESOURCES POLICIES

SUBJECT: Drug and Alcohol Abuse

PURPOSE

The purpose of this policy is to maintain a drug and alcohol free work place.

APPLICABILITY

All employees, subject to applicable law.

STATEMENT OF POLICY

It is the policy of the Company to provide a safe workplace for all its employees. Consistent with the policy is the Company's commitment to maintain a workplace that is free from the effects of alcohol and drugs and to offer assistance to all employees who are experiencing alcohol or drugs related problems and who voluntarily seek this assistance .

The Company recognizes that drug and alcohol abuse are potentially, treatable health problems and that early recognition and intervention are important for successful rehabilitation. Employees needing help in overcoming chemical dependency may voluntarily seek treatment through the Employee Assistance Program (EAP) before violating this policy.

A. Prohibited Activity: The Company prohibits the following acts which are violations of this Policy:

1. Selling, possessing, using, transferring, or purchasing drugs or alcohol on Company time or property or while in a Company vehicle.
2. Working while under the influence of drugs or alcohol or while not being free from the presence of drugs.
3. The sale of drug paraphernalia on Company property.

For purposes of this Policy, the term "drugs" includes the controlled substances listed below, synthetic drugs, and prescription drugs, excepting only prescription drugs

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HUMAN RESOURCES POLICIES

SUBJECT: Drug and Alcohol Abuse

approved by and used in accordance with the directions of an employee's attending physician:

Marijuana (Cannabinoids)
Cocaine
Opiates
Phencyclidine (PCP)
Methadone

Barbiturates
Benzodiazepines
Propoxyphene
Amphetamines
Methamphetamines

Any employee using a prescription drug should consult with their physician regarding the effects of the medication in relation to the performance of the employee's job responsibilities. Employees taking prescription medications that may cause drowsiness or mood alterations must notify their supervisor who may restrict work activities.

B. Testing: The Company requires all applicants to be tested for drugs and/or alcohol upon hiring. All offers of employment are conditional on passing a drug and/or alcohol test.

The Company requires, as a condition of continued employment, that employees submit to a drug and/or alcohol test under any of the following circumstances:

1. When the Company has a reasonable suspicion that an employee is under the influence or is impaired by drugs or alcohol while on Company property or in a Company vehicle. A reasonable suspicion must be based upon specific, personal observations that a supervisory employee can articulate concerning the appearance, behavior, speech or body odors of the employee.
2. When an employee may have contributed to an accident involving a fatality, bodily injury, or damage to property.
3. When following-up testing is a required part of a rehabilitation program under the EAP.
4. When testing is required to comply with applicable law.

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HUMAN RESOURCES POLICIES

SUBJECT: Drug and Alcohol Abuse

5. Testing on a random basis according to the Addendum to the Drug and Alcohol Abuse Policy signed by the Vice President of Human Resources on September 25, 2002. a Law requires that Drug and Alcohol screening policies that apply to represented employees must also apply to non-represented employees in the same company.

Any positive drug or alcohol test or any refusal to submit to such test is a violation of this Policy.

Before requesting an employee to submit to a drug and/or alcohol test, the employee's supervisor must seek the approval of his or her immediate supervisor. The supervisor requesting a drug and/or alcohol test must, as soon as practical, write a narrative report of the information and observations which gave rise to the request to take a drug and/or alcohol test.

Following a drug and/or alcohol test, the employee tested may be suspended without pay until the results are received. If the test results are negative, the employee shall be made whole for all time lost and benefits the employee would have otherwise received.

- C. Screening, Confirming and Testing Thresholds: A test result will be regarded as positive if the concentration of the drug metabolite equals or exceeds the limits and conditions set forth in the table of Appendix "A" or if the alcohol test exceeds 0.08.

Alcohol testing shall be conducted using a single quantitative blood test or using a Department of Transportation approved evidential breath measurement device, following a two stage testing protocol.

An employee testing positive shall have the right to have the secured portion of the urine or blood sample that tested positive, independently analyzed by a Department of Health and Human Services certified laboratory of his/her choice and at his/her expense for up to one year. If the independent test is negative, the employee shall be reimbursed for the cost of such independent test.

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HUMAN RESOURCES POLICIES

SUBJECT: Drug and Alcohol Abuse

- D. Exception for Medical Treatment: In the case of a positive test result, the employee shall be so advised by the Company's medical review officer, on a confidential basis, prior to the reporting of the results to the Company, and the employee shall have the right to discuss and explain the results, including the right to advise the medical review officer of any medication prescribed by the employee's physician, which may have affected the results of the test.

If it is determined that there is a legitimate medical explanation for a positive test result, the Company shall regard the results as consistent with legal drug use and take no further action.

- E. Laboratory Records: All relevant records shall be available for inspection by any employee who has been tested; upon the employee's request. Such records will be treated as confidential and released only to the employee or the employee's designee or to Company personnel designated as having a bona fide need to know.
- F. Laboratory Selection: The Company will identify and contract with a laboratory certified by the Department of Health and Human Services to perform drug tests.
- G. Employee Assistance Program: Employees who are found positive on a drug or alcohol test may be referred to the EAP for assistance, but are not entitled to treatment in lieu of disciplinary action. If the employee enters such a program, his/her status as an employee will not be affected and the Company will endeavor to make reasonable accommodation for the employee's participation in the EAP.

Successful completion of the EAP rehabilitation program may be required by the Company as a condition of employment.

- H. Retesting: Employees who fail a drug and/or alcohol test and agree to enter the EAP rehabilitation program are subject to medically-supervised tests to detect any continued use of alcohol or drugs with or without cause, at any time, within a two-year period following the employee's return to work for the Company.

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HUMAN RESOURCES POLICIES

SUBJECT: Drug and Alcohol Abuse

IMPLEMENTATION AND COMPLIANCE

- A. **Implementation Responsibility:** Every executive reporting to the President and every Manager or senior official at each plant is responsible for:
1. Fully understanding and implementing this Policy.
 2. Posting the Policy and assuring that every employee in their organization understands this Policy and commitment to a drug and alcohol free environment.
- B. **Compliance:** Compliance with this Policy is a condition of employment. The Company will consider a violation of this Policy by an employee who contributes to an accident involving a fatality, bodily injury or damage to property as a substantial aggravating factor to be considered in assessing any discipline.

INTERPRETATION OF POLICY

The Vice President Human Resources is responsible for interpreting this Policy and providing advice and counsel as to its implementation throughout the Company.

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APPENDIX A

CUTOFF CONCENTRATIONS

<u>Substance Tested</u>	<u>Screen(ng/ml)</u>	<u>Confirmation (ng/ml)</u>
Marijuana	50	15
Cocaine	300	150
Opiates	300	300
Phencyclidine	25	25
Amphetamines	1,000	500
Barbiturates	300	300
Benzodiazepines	300	300
Methadone	300	300
Propoxyphene	300	300

ADDENDUM

The Memorandum of Agreement (Drug and Alcohol Abuse Policy) dated December 28, 1994, as amended September, 2002 is hereby further amended and effective October 1, 2002, to include the following testing procedure and shall be implemented on the effective date.

The Company and Union recognize that alcoholism and drug abuse are treatable illnesses. Therefore, without detracting from the existing rights and obligations of the parties, the Company and Union agree to cooperate in encouraging employees affected with alcoholism and drug abuse issues to undergo a coordinated program directed to the objective of rehabilitation.

The Company and the Union shall cooperate in implementation of a random alcohol and drug-testing program, in addition to current testing which may test up to fifty percent (50%) the first calendar year, declining ten percent (10%) each calendar year thereafter to a minimum of ten percent (10%) of the employee base during any calendar year. The testing process under the existing program as modified herein will be used for testing and retest. Any employee testing positive under the random selection process or under other provisions of the December 28, 1994 Memorandum, as amended, will be referred to the EAP and placed on a Second Chance Agreement for a two (2) year period. Such employee will be subject to random testing at any time during the term of the Second Chance Agreement and will be subject to termination for any positive test result during the two (2) year period and his/her termination will not be entitled to processing under the arbitration procedures of the Collective Bargaining Agreement. An employee placed on a Second Chance Agreement may be subject to discipline, including discharge

consistent with the terms of the collective bargaining agreement. Any employee, who refuses to participate in a random alcohol or drug test, will be terminated. In the event an hourly employee questions the Company's right to random test for drug or alcohol or initially refuses, a union representative will be called to advise him of the consequences of his/her refusal which is termination. Similarly, any employee, where it is shown by conclusive scientific tests to have engaged in any action to alter, including dilution, adulterate, substitute or otherwise tamper with their alcohol or drug test specimen will be discharged.

The method for selecting employees on a random basis will be conducted via a certified computer system which includes all employees' payroll numbers.

A designated local union representative will be present during the random selection process to verify the integrity of the selection process on behalf of all hourly represented employees.

For the Company
9-25-02
Date

For the Union
9-26-02
Date

HUMAN RESOURCES POLICIES & GUIDELINES

DRUGS

NOTHING HEREIN CONTAINED SHALL BE CONSTRUED BY ANY EMPLOYEE AS CONTAINING BINDING TERMS AND CONDITIONS OF EMPLOYMENT. THE COMPANY RETAINS THE RIGHT TO CHANGE THE CONTENT OF THIS POLICY AS IT DEEMS NECESSARY, WITH OR WITHOUT NOTICE.

PURPOSE

recognizes that substance abuse in the workplace is a threat to the safety, health and job performance of its employees. The goal of this policy is to balance the Company's respect for individuals, with the need to maintain a safe, productive, drug free environment. This policy has been established to detect and remove abusers of a controlled substance from the workplace.

In conveying this policy on drug use to the employees, it is not intended to create or alter any existing contract, written or verbal, between . . . and its employees, contractors or job applicants.

SCOPE

All employees are covered by this policy. As a condition of employment, employees are required to abide by this policy. Certain employees may also be subject to additional requirements that are mandated for their job duties under State and/or Federal regulations. It is, therefore, the policy of the Company, that the following activities are strictly prohibited during working hours by all employees.

PROHIBITED ACTIVITIES

In general, any employee of . . . who reports to work with the presence of a controlled substance and/or its metabolite in his/her body shall not be allowed to work and shall be subject to disciplinary action, which may include termination from employment.

Any conviction by a law enforcement agency for controlled substance may be cause for dismissal from employment. Failure to report any conviction for illegal drug use while conducting Company business or during the working day will result in immediate termination from employment.

It is against Company policy for any employee to sell, use, purchase, manufacture or be in possession of a controlled substance while on Company time, conducting Company business or on Company property. The use of a prescription drug under the care of a physician that may impair the employee's ability to safely perform his/her duties must be reported to the employees' supervisor.

It is against Company policy for any employee to operate any vehicle or machinery while under the influence of any drug which renders the employee incapable of safely and adequately operating the vehicle or equipment.

It is against Company policy for any employee to refuse to submit a specimen. Refusal to submit a specimen will result in an employee's termination.

Any employee that tampers with or adulterates a drug specimen will be in violation of Company policy.

Violations of Company policy will be subject to disciplinary action, up to and including termination.

DRUG TESTING CIRCUMSTANCES

A. Pre-employment Procedures

All prospective employees will be asked to submit to a drug test at the Company-designated facility as part of a conditional job offer. Refusal to consent to a drug test will terminate any further action toward employment. Laid-off employees who are recalled are considered new hires under this policy. Tests are to be given any time an employee returns from an absence for any reason of over (45) forty-five calendar days.

B. Post-Accident Tests

may require testing of any employee involved in an on-the-job accident where the following occurs:

1. An on-the-job accident resulting in injury which causes the employee to receive medical treatment,
2. An accident while driving a Company vehicle which results in significant damage to the vehicle, other property, or serious injury, when investigation of the circumstances raises the suspicion of probable cause, or
3. An on-the-job accident or incident in which the employee causes, or contributes to the cause of, substantial damage to Company property or equipment, or injury to another person.

C. Reasonable Suspicion (For-Cause Test)

Reasonable suspicion testing will be done in cases where there is a documented belief by a supervisor that an employee may be using a controlled substance, or using prescription drugs illegally. Reasonable suspicion or For-Cause tests will be required when there is any of the following:

1. Observable phenomena (actual use or possession),
2. Abnormal behavior, or
3. A drug-related investigation, arrest or conviction.

D. Prohibited Drugs

Company policy prohibits the illegal use, possession or sale of any Controlled Substance or their metabolites as specified in 21 U.S.C. 802, Schedules I through V. This includes all illegally used or abuse of controlled substances including, but not limited to: Cocaine, Marijuana, Opiates, Amphetamines, PCP, Barbiturates, Benzodiazepines.

RECOMMENDED COMPANY PROCEDURES

A. Sampling Procedures

Drug tests, sample collections and reporting of results will be done in conformity with Company policy. All drug tests and sample collection procedures shall be performed under reasonable and sanitary conditions and in such a manner as to protect the privacy of the individual being tested.

B. Confidentiality of Test Results

All testing, sample collection, transmittal or reporting of test results shall be considered company confidential information and reported by the certified lab, third-party administrator or an MRO to a designated Company official. Drug test results will be kept in a separate, limited-access, locked file.

C. Payment for Tests

All required drug tests will be conducted while on company time and will be paid for by the Company. Pre-employment tests will be conducted on prospective employees on their own time. Pre-employment tests will be paid for by the Company.

D. For-Cause Testing

All employees required to submit to a "For-Cause" or "Reasonable Suspicion" test will be taken to the testing facility by a supervisor. No employee will be allowed to proceed to a "For-Cause" test on his/her own. Any employee that is sent home after a "For-Cause" test will not be allowed to leave the job-site unescorted.

E. Post-Accident Testing

Specimen collection for Post-accident drug tests should be conducted immediately after the accident or as soon thereafter as is reasonably feasible.

F. Pay Status

If an employee is required to undergo chemical screen testing, the employee will be placed on suspension until the results of the test are known. If the test is negative, the employee will be reinstated with pay, including pay for time off on suspension. If the test is positive, the time off on suspension will be without pay and the employee will be required to participate in an assistance program, as defined herein.

G. Observed Tests

Any suspicion of an attempt by an employee to adulterate or otherwise alter a test will be reported to his/her supervisor. If requested by the Company, a second specimen collection test will be conducted where the individual is observed by a same-sex collector. Observed tests will only be conducted at the request of the Company.

ASSISTANCE AVAILABLE

The Company's Employee Assistance Program is available to employees. If an employee admits drug abuse, or if an employee fails to pass a chemical screen test, that employee must successfully complete a company-approved rehabilitation treatment program. Rehabilitation will be offered one time only. Employees who refuse rehabilitation will be terminated. An employee undergoing rehabilitation may require thirty (30) days or longer away from work for inpatient treatment. During inpatient treatment, an employee may use Personal Time off, sick leave or vacation benefits. Otherwise, the employee's status will be time off without pay. After successful completion of inpatient treatment, the employee will be reinstated to work in his/her regular job classification. The employee will be required to continue prescribed outpatient treatment on his/her own time. It will also be necessary to submit and pass a screen prior to reinstatement. The Company, with or without case, may require a

screen or an employee any time during the twenty-four (24) month period following the employee's "positive" result of such a test or admission of drug use.

Employees who fail to complete the prescribed program for any reason will be terminated. Employees who fail a subsequent chemical screen test or fail to comply with this policy during or after rehabilitation will be terminated.

DEFINITIONS

- A. "Controlled Substance" means any controlled substance including those assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through Schedule V, as they may be revised from time to time (21CFR 1308).
- B. "Drug Testing" or "Drug Test" means scientific analysis for the presence of drugs or their metabolites in the human body.
- C. "Employee" means any person or officer in the service of the employer for compensation.
- D. "On Duty" means all working hours, including meal or break periods, regardless of whether the employee is on the Company premises, and at any time the employee represents the Company in any capacity.
- E. "Prospective Employee" means any person who has made a written or oral application to become an employee of the Company.
- F. "Reasonable Suspicion" or "For-Cause Testing" means testing, based on recorded specific facts and reasonable inference drawn from those facts, that an employee is in violation of this policy.
- G. "Significant Damage" means repairs in excess of \$400.00.

Approved:

Manager of Mines

Date

President

Date

DRUG AND ALCOHOL POLICY

PURPOSE

This Company maintains a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of safety and health. Consistent with the spirit and objective of this commitment, the Company expects employees to report for work in proper condition to perform their duties. The objective of this Policy is to prevent drugs and alcohol from threatening the safety and efficiency of the Company's employees and operations. Use and abuse of these substances pose a serious threat to the health and safety of all employees. Within the guidelines set forth below, employees will be encouraged to utilize Employee Assistance Programs (EAPs) to eliminate drug and alcohol related problems.

SCOPE

Drug usage, as defined in this Policy, refers to the use of controlled substances (which can be found in prescription and non-prescription medications) including, but not limited to: marijuana, cocaine, PCP, LSD, heroin, and other narcotics; that reasonably creates the potential for interference with acceptable performance, safety, attendance, or behavior.

Alcohol abuse, as defined in this Policy, refers to the use of alcohol such that it reasonably creates the potential for interference with acceptable performance, safety, attendance,

or behavior. Alcohol abuse includes having an alcohol level that exceeds those levels specified in this Policy.

Company premises are all areas in which the Company operates, including, but not limited to: its property, parking lots, Company owned or leased equipment, lockers, desks, equipment, work space, and storage facilities.

Privately owned vehicles entering or parked on the premises, or in use on the premises in the course of Company business, will be subject to search. Company owned vehicles are subject to search at any time.

Employee Assistance Programs (EAPs) are programs established by the Company, designed to help employees with personal problems, including drug and alcohol problems. EAPs are administered by independent organizations.

DESCRIPTION

Discipline for Drug Use and Alcohol Abuse or Problems

The sale, manufacture, distribution, or dispensing of drugs or alcoholic beverages on Company premises, during work hours or during the course of performing services for the Company is against Company policy and will subject an employee to disciplinary action up to and including discharge.

Possession, use or purchase of drugs or alcoholic beverages on Company premises, during work hours, during the course of performing services for

the company or while operating a Company owned vehicle is against Company policy and will subject an employee to disciplinary action up to and including discharge. The use of prescription medication for which the employee has a valid prescription is an exception. Prescriptions must be written or approved by a U.S. licensed physician and must be taken only according to the prescriber's instructions. If the use of prescription drugs interferes with acceptable performance of their essential job functions, safety, attendance, or behavior, the employee will not be permitted to work.

It is also against Company policy to report to work or to work while prohibited levels of alcohol, illegal drugs, or abused prescription or non-prescription drugs are in the employee's system. For example, having in your system a level of drugs or alcohol at cutoff levels established by the Department of Transportation (DOT) and the United States Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Administration (SAMSHA), or any detectable amount of other illegal drugs (meaning any substance considered unlawful under the Controlled Substances Act or the metabolite of such substance), or alcohol levels of 0.04 or more will violate this Policy. Employees who violate this Policy will be subject to disciplinary action, up to and including discharge. An alcohol level from 0.02 but less than 0.04 will result in the employee's removal from work for 24 hours and may result in disciplinary action up to and including discharge. In the event an employee's alcohol test results are between 0.02 and 0.04 and

the employee is not discharged, that employee will be re-tested and must have an alcohol level lower than 0.02 before being allowed to return to work. An employee with an alcohol level greater than 0.02 on a re-test will be discharged.

The cutoff values for the drugs specified by the DHHS/SAMSHA and other illegal drugs considered unlawful under the Controlled Substances Act are posted on Company bulletin boards.

Investigation

Employees reasonably suspected of possession, use, sale, manufacture, distribution, dispensing, purchase, or of having a prohibited level of drugs or alcohol in their system while on Company premises, during work hours, or during the course of performing services for the Company may be suspended pending an investigation of the circumstances (note exception for prescription drugs).

To ensure that such drugs and alcohol do not enter or affect the workplace, the Company may take various steps including, but not limited to:

- ◆ Observe actions of employees
- ◆ Counsel employees
- ◆ Require chemical screening (e.g., urinalysis, blood tests, breath analysis, etc.)
- ◆ Conduct searches with canines
- ◆ Search employee's property and possessions, including, but not limited to: automobiles, lockers, lunches, and packages.

Searches of an employee's personal property will take place in the employee's presence when that can

reasonably be arranged. Searches under this Policy will be undertaken with discretion and consideration for the employees involved.

Employees refusing to cooperate fully with a search or any other aspect of this Policy will be subject to immediate discharge.

Testing

The Company shall require alcohol and drug testing of all compensated employees, including officers, directors, supervisors, other employees and applicants.

Alcohol or drug testing of employees will normally occur during or immediately before or after a regular work period, and employees must report for testing as soon as possible but no later than within two (2) hours of notification. Testing of employees will be treated as work time for compensation purposes. The Company will pay all actual costs for the initial testing of employees. The Company will pay reasonable transportation costs for employees if their tests are conducted at a location other than the employee's normal work site.

Specimens for testing will be taken under reasonable and sanitary conditions by a Company approved medical person or medical center, and careful "chain of custody" procedures will be observed. Specimens will be labeled to preclude misidentification of the person tested. The person tested will have an opportunity to provide information relevant to the test, including identification of currently or recently used prescription or non-prescription drugs or other

relevant medical information. Specimen collection, storage and transportation will be performed so as to preclude the possibility of contamination, adulteration or misidentification.

Specimen testing for drugs will comply with scientifically accepted analytical methods and procedures approved by the DHHS/SAMSHA. Confirmation testing will be conducted at a laboratory certified by the DHHS/SAMSHA.

Specimens may be tested for the presence of various drugs (those substances considered unlawful under the Controlled Substances Act or the metabolite of such substances), including but not limited to: amphetamines, opiates, PCP, cocaine, and Delta 9-THC (marijuana metabolite). Positive initial employee drug test results will be confirmed by an approved testing method other than the method used in the initial test. Specimens will also be tested for alcohol. Alcohol testing will be conducted using a DOT/NHTSB (National Highway Transportation Safety Board) approved evidential breath testing device or another scientifically accepted analytical method and positive initial tests will be confirmed by a second test approved by the DHHS/SAMSHA.

Testing will occur in the following situations:

Random: The Company will conduct random drug and alcohol testing at a rate of 20% of all employees on an annual basis. Random testing will be unannounced and spread reasonably throughout the calendar year.

For Cause: Testing may be required of an employee in the event of irrational or unusual behavior; negligence or carelessness; disregard for the safety, life, or well-being of oneself or another; a reasonable belief that the employee may be using drugs or abusing alcohol; or reporting to or remaining at work in an apparently unfit working condition. Tests performed as part of an accident investigation may be administered to employees who the Company reasonably believes may have contributed to the event. Necessary medical attention will not be delayed to obtain a specimen.

Applicants: After a conditional offer of employment is made, all conditional offerees will be subjected to drug and alcohol testing. Applicants must report for testing within 24 hours of being requested to do so by the Company. An applicant who has a blood alcohol level of 0.02 or greater or fails a drug test will have the employment offer withdrawn.

All positive drug tests will be reviewed by an independent Medical Review Officer (MRO). An MRO is a licensed physician trained in substance analysis. The MRO will review positive test results with the employee prior to confirming the test as positive to the Company. If the MRO is unable to contact the employee within a 72 hour period, the test results will be reported as positive.

Refusal by an employee or applicant to submit to or cooperate fully with the administration of an alcohol or

drug test will result in discharge of the employee or disqualification of the applicant. Refusal is defined as: (1) refusing to provide breath, urine or other specimens as provided by this Policy; (2) refusing to be tested at the appointed time; (3) tampering with or adulterating specimens; (4) refusing to provide required authorizations or signatures, or in any way refusing to cooperate with required testing.

Upon request, an employee or applicant may obtain a copy of the written positive test results.

Confidentiality of Test Results

The Company will afford reasonable confidentiality to test results, consistent with the needs of the Company's operations and business and the need to have the results of tests and the consequences of those results reviewed and considered by those individuals deemed appropriate by the Company.

EAP Assistance

Personal difficulties can adversely affect job performance. Employees experiencing such difficulties, including drug and alcohol related problems, are encouraged to contact the EAP for assistance with resolving those personal difficulties. Appropriate confidentiality is afforded to all employees using EAP services.

The policy of encouraging the use of EAP programs is directed to the employee with a substance abuse problem and is not to be interpreted as conflicting with the Company's rule on the sale, purchase, use, possession, manufacture, distribution, or dispens-

ing of drugs or alcohol or of having a prohibited level of drugs or alcohol in an employee's system while on Company premises or during work hours.

Employees enrolled in an EAP for drug and alcohol counseling are expected to cooperate with and complete the prescribed treatment program. Failure to complete a mandatory EAP referral will result in discharge. Employees seeking EAP

assistance are in no way relieved of responsibilities or expectations that exist for any employee and are subject to normal Company discipline and to testing under the provisions of this Policy.

This policy supercedes and replaces all previously issued Drug and Alcohol Policies.

15.0 Safety Rules

15.1 Safety Team. The Company shall designate four (4) representatives and the Union shall designate nine (9) representatives to a Safety Team who shall serve until their successors are appointed. The Mine Manager, or his/her designated representative, will act as Chairman of the Team and shall not be one of the appointed four (4) representatives of the Company. The Team will develop and recommend an Accident Prevention Manual for work covered by the Agreement, which shall be reviewed as necessary to recommend changes. The Safety Team shall meet at least monthly to review Mine safety performance and programs, and to conduct work area audits of the operation. The Mine Manager will be responsible for the establishment and enforcement of all safety rules.

15.1A UNDERGROUND AMENDMENT: Safety Team. The Company shall designate four (4) representatives and the Union shall designate six (6) representatives to an Underground Mine Safety Team who shall serve until their successors are appointed. The Mine Manager, or his/her designated representative, will act as Chairman of the Team and shall not be one of the appointed four (4) representatives of the Company. The Team will develop and recommend an Accident Prevention Manual for work covered by the Agreement, which shall be reviewed as necessary to recommend changes. The Safety Team shall meet at least monthly to review Mine safety performance and programs, and to conduct work area audits of the operation. The Mine Manager will be responsible for the establishment and enforcement of all safety rules.

15.2 Accident Prevention Manual. The Accident Prevention Manual, as prepared and periodically reviewed by the Safety Team, shall be published, and by this reference, be a part of this Agreement as though set forth fully herein. The parties to this Agreement pledge strict adherence to the rules embodied in the Manual and the rules and regulations of the appropriate state and federal agencies which govern mine health and safety.

15.3 New Safety Rules. New safety rules may be established at any time by posting of the new rules after they have been recommended by the Safety Team and as approved by the Mine Manager.

15.4 Safety Hazards. Any Employee who feels a safety hazard is not being addressed and corrected in a timely manner shall notify the Mine Manager in writing and shall receive a written reply.

15.5 Employee Responsibility. Each Employee must recognize that it is his/her responsibility to recognize potential safety hazards and take appropriate action which would include promptly reporting the same to supervision.

15.6 Safety Rule/Regulation Violation. Any Employee who fails to follow and/or adhere to Company Safety Rules and/or Regulations may receive disciplinary action up to and including termination.

15.7 Drugs and Alcohol. The Company and the Union are committed to a safe and efficient workplace for all Employees. Consistent with the spirit and intent of this commitment, the parties' goal is to provide a work environment that is free from the negative effects of drugs and alcohol.

Drug and Alcohol Abuse. The parties recognize that Employees may not come to work with alcohol or drugs in their system. The parties also recognize that alcohol or drug dependence can be a disease which is treatable under appropriate circumstances.

Any Employee who thinks he/she may have a dependence upon alcohol or drugs may approach the designated representative in the Human Resources Department for referral to a professional evaluator who will evaluate the Employee's circumstances and prescribe a course of treatment as provided within the mental health and substance abuse sections of the current health insurance program.

1. When the Employee successfully completes his/her program of rehabilitation, and presents a certificate to the Company evidencing this fact, he/she shall be reimbursed for seventy-five percent (75%) of all wages lost due to participation in the program.
2. No record of this process shall be used in any way in the Company's disciplinary program.
3. Strict confidentiality will be maintained by both the Company and the Union as to the identity of Employees participating in this program.

15.7.1 Medical Examinations. Any prospective new Employee, former Employee being recalled from layoff, or Employee returning from a leave of absence of ninety (90) days or more, may be required to take a medical examination administered by a Company-designated medical professional. A drug/alcohol screen may be included as a part of that examination. The Company may exercise their rights of refusing to hire, refusing to rehire, and/or terminating the employment of anyone in the aforementioned group who refuses to consent to testing or who has tested positive for an illegal, mind-altering, or controlled substance and/or alcohol.

For the purposes of administering the above requirements, the guidelines for pass/fail as used by the Department of Transportation and/or NIDA will be utilized.

15.7.2 Reasonable Suspicion. If the Company has "reasonable suspicion" to believe that any Employee on Company property is impaired by an illegal, mind-altering, or controlled substance, or alcohol, the Company shall have the right to require that Employee to submit to a breath analysis test and/or to provide urine and/or blood specimens for testing to determine the presence of drugs and/or alcohol. Blood testing, however, will only be utilized to confirm a positive breath analysis result or when no other test is applicable. If a blood test is required, the blood specimen shall be drawn by an independent Company-designated, qualified medical professional. "Reasonable suspicion" is defined as suspicion based on an incident or a specific personal observation which any Supervisor can describe concerning the appearance, action, behavior, speech imperfections, and/or alcoholic breath odor of the Employee. Refusal by the suspected Employee to submit to such a test or to sign an acknowledgement form authorizing the Company to obtain the urine and/or blood specimen, and/or to subsequently allow for the release of the results, shall be cause for the Employee's immediate discharge. The test samples shall be taken by a qualified person and shall be handled in a professional manner to insure that the specimens ultimately tested are not contaminated and are those of the suspected Employee. The Company agrees to pay the costs of such testing.

It is agreed between the Company and the Union that the following situations will permit the Company to perform a breath analysis test and/or to provide urine and/or blood specimens:

1. When "reasonable suspicion" is apparent, as outlined above, or
2. when a personal injury occurs resulting in an Employee being transported off-site for medical attention as determined by the accident investigation team (as referred to in Section 15.8), or
3. when the accident investigation team (as referred to in Section 15.8) makes the decision to test an Employee involved in a property damage accident, having deemed operator error contributed to the accident.

When a test is returned as being invalid due to an ultra-negative response, a response generally reserved for altered samples; e.g., uranaid, the test will be treated as "positive."

All Employees must advise the Medical Department of prescription drugs which they are taking. Employees using prescription or over-the-counter medications, who have properly notified the Medical

Department of such use, will not be disciplined nor discharged under the Company's Progressive Discipline Program for the presence of these substances.

The Company recognizes the potential for abusing an individual's rights for privacy relative to this testing procedure and therefore agrees to make every effort not to abuse its right to test suspected Employees.

15.7.3 Disciplinary Action. A positive test indicating the presence of an illegal, mind-altering, or controlled substance; or a blood alcohol content which by the Federal Department of Transportation guidelines constitutes intoxication, will be cause for disciplinary action which may include immediate discharge. The Company has and may exercise the right to take such disciplinary action based on the test results, and/or other circumstances that may relate to the particular Employee's work history.

1. If the test results show positive, the individual may be placed in the Third Step of the disciplinary program (Decision-Making Leave). The action is partially based on the fact that the parties recognize that drug and/or alcohol dependence is a problem that can be effectively treated. The rehabilitation program discussed above may be either inpatient or outpatient as determined by the medical professional assessing the Employee's needs.
2. During this period of rehabilitation, the only benefits that the Employee shall be eligible for are those health care benefits as would normally be provided for the Employee's rehabilitation under the Company's group health insurance program.
3. Upon returning to work after rehabilitation, the Employee shall be subject to a "Last Chance Agreement" to which the Employee, the Company, and the Union would be signatories.
4. Should the Employee refuse, or fail in, any of the above conditions, he/she shall be subject to immediate discharge.

15.7.4 Union Representative. A representative, preferably a Steward or Officer, of the Union will be present at the time all initial samples are being taken from bargaining unit Employees unless the Employee being tested requests otherwise.

15.7.5 Confirmation. All positive test results will be reconfirmed and certified by a secondary and independent testing facility. Any apparently altered sample, to include ultra-negative results, as indicated by GCMS as the secondary and independent testing facility, will be treated as positive.

15.7.6 Random Drug and Alcohol Testing for Employees in a Last-Chance Agreement.

Random Drug and Alcohol Testing Procedure

Employees who have tested positive for drugs and/or alcohol will be subject to Random Urinalysis Testing for a period of two (2) years from the date of such positive test, and in accordance with the following:

- I. The General Manager will designate one senior manager -- typically, the Human Resources Manager -- to randomly determine the testing dates for each person subject to such testing.
- II. On the day that a urinalysis test is to be performed, the designated manager will first notify the Medical Department, and then the appropriate Supervisor.
 - A. The Supervisor will, in a private, discreet, and non-conspicuous manner, notify the Employee that he/she is to be tested.

- B. Upon such notification, the Employee will be brought directly to the Medical Department for testing.
- III. All control and custody procedures outlined elsewhere in this Policy apply to Random Urinalysis testing also.
- IV. Neither this Procedure, nor the attached guidelines for Random Testing, negate or alter any of the provisions of the Progressive Discipline Policy.

Guidelines for Random Urinalysis Testing

The following guidelines for Random Urinalysis Testing apply to Employees whose employment is contingent on a last-chance agreement due to drugs and/or alcohol.

- I. Frequency of Random Testing:
 - A. Once per calendar month for the first eight months; then,
 - B. Once every two calendar months for the remaining sixteen months.
- II. Determining Random Test Dates:
 - A. From a container filled with numbers ranging from 1 to 31, draw one number for each of the first eight months to determine the day of each month on which testing will occur. Redeposit each number following each month's drawing.
 - B. From the same container, draw another eight numbers in the same manner, to determine the "every other month" test dates for the remaining sixteen months of testing eligibility.
 - C. In the event a person is randomly scheduled on a scheduled day off, or on a day otherwise absent, such test will, insofar as possible, take place on the next shift worked.
 - D. In the event an Employee is randomly scheduled to be tested on a shift during which no one is present in the Medical Department, the on-shift Safety Training Coordinator will administer the urinalysis collection, following the same guidelines as currently in place for collections for "reasonable suspicion" (as per Article 15.7.2 of the Working Agreement). In the event neither Medical Department personnel, or Safety Training Coordinators are on-site on the randomly scheduled day, the Employee will, insofar as possible, be tested the next workday on which a qualified collection person is present.

15.8 Accident Investigation Team. A designated investigation team, to include an Employee representative, will promptly be utilized to investigate all accidents.

INSERT COMPANY NAME HERE REVISED DRUG AND ALCOHOL POLICY

Effective May 15, 2005

1. Purpose

_____ (“Company”) continues its commitment and obligation to provide and maintain a safe and productive work environment free from the adverse effects of drugs and alcohol.

2. Policy

2.0 The use, consumption, possession, sale, distribution, or transfer of drugs and the possession of paraphernalia containing the residue of drugs by a member on Company property or on Company business is prohibited.

2.1 Members are prohibited from working under the influence of illegal drugs or alcohol or any substance that impairs the member’s ability to safely perform his or her work. Members are required to report to work in a condition which allows them to work safely and efficiently.

2.2 If you are under medical care that requires you to take a pain killer, a classified narcotic drug, or any drug that carries a warning label to exercise care when operating heavy machinery or driving and any of those functions are part of your job duties, you must provide your supervisor with a copy of the prescription and a letter from your doctor certifying that the drug will not impair your mental and/or physical ability required for the performance of your job. Notwithstanding the above, the Company reserves the right at any time to suspend you from work while taking any prescription drug that may impair your ability to perform your job or pose a direct threat to you or other persons. Failure to notify management that you are taking any such drug can result in disciplinary action, up to and including discharge.

3. Scope of Application

3.0 This policy applies to all Company members.

4. Exceptions

4.0 The use of prescription drugs in a manner approved by the member's physician, with the assurance that such usage will not impair safe job performance, is not prohibited.

5. Testing

- 5.0 Company will require tests of members to detect the presence of drugs or alcohol that can be expected to impair a member's work performance. Typically, tests will include a chemical screen of a urine sample, breathalyzer and/or blood sample, although as new and reliable testing methods become available, the Company may choose to use other collection methods. Any member may request in writing, a copy of the test results. Because the types of tests conducted by the Company and the detection levels of the tests may change from time to time, the Company will post on its bulletin board the types of collections methods it currently uses, along with a list of the types of drugs for which it currently tests and the applicable detection levels. Copies of that posting will also be available to any member on request at the testing location. Tests will be given when:
- a. Reasonable cause exists to believe that a member has reported for work or is working under the influence of drugs or alcohol;
 - b. A member is involved in an accident as described herein; Management may, at its exclusive discretion, waive the drug or alcohol test requirement of an accident victim;
 - c. A member has previously tested "positive" as described herein;
 - d. A random testing of the work force is conducted as described herein.
- 5.1 Reasonable cause may be determined by a member's performance, appearance, or conduct. Management reserves the exclusive right to determine the existence of reasonable cause.
- 5.2 Accidents include on-the-job incidents in which the member or another individual suffers injuries requiring medical attention or that result in substantial damage to Company property or equipment. Accidents is also defined to include "near misses."
- 5.3 Management may, at its exclusive initiative, initiate random drug and alcohol testing. Such random testing will be from a pool of all members, including management personnel, who work in positions in which drug or alcohol abuse could pose a significant risk of immediate harm to themselves or others, including all members involved in underground mining or the use of heavy equipment or explosives, or whose work regularly places them in proximity to the use of heavy equipment. The Company in its sole discretion, reserves the right to test all members at one or more sites of employment to effectuate the purpose of promoting

and maintaining a drug and alcohol free environment, and in most cases will do so.

6. Searches

6.0 A member's person and personal property on Company premises may be searched if there is reasonable cause to believe that the prohibitions of this policy have been violated.

7. Results of Testing

7.0 A member being tested for reasonable cause and/or due to involvement in an accident will be kept from work the remainder of the shift. The member will be paid the full shift.

7.1 In the event the test results are negative, the test will not be referred to in any following actions. If the test results are positive, the appropriate disciplinary action will be taken.

8. Disciplinary Actions

8.0 Members found to be in violation of any part of this policy, including refusal to submit to testing, leaving the test area when random testing is initiated, or attempting to alter, mask or otherwise interfere with the test results in any way will be subject to disciplinary action, up to and including termination. The Company has zero tolerance for illegal drugs or misuse of prescription medications and such violations presumptively result in termination of employment.

9. Test Procedures

9.0 Urine, breathalyzer, blood or any other samples will be collected, handled, and analyzed in accordance with procedures normally associated with such samples used for drug and alcohol testing.

9.1 Confidentiality of the results will be maintained except when otherwise allowed by a release signed by the member or as part of the disciplinary procedure.

10. Voluntary Rehabilitation Program

10.1 It remains Company's desire and intent to encourage any member with a drug or alcohol dependence problem to seek professional assistance. It is imperative, however, that members address these problems with the Company before an incident leading to disciplinary action.

11. Evidence

Any evidence obtained by Company of the unlawful use, consumption, possession, sale, distribution, or transfer of mind- or behavior-altering drugs, and alcohol, may be turned over to local or state law enforcement agencies for appropriate prosecutive action and will subject the member to discharge.

INSERT COMPANY NAME

As set forth in the Revised Drug Policy dated May 15, 2005, the following are the drug classes and detection levels used for determining a “positive” test:

<u>Drug Class</u>	<u>Threshold Level</u>	<u>Confirmation Level</u>
Amphetamines	1000 ng/ml	500 ng/ml
Barbiturates	200 ng/ml	200 ng/ml
Benzodiazepines	200 ng/ml	200 ng/ml
Cannabinoids	20 ng/ml	10 ng/ml
Cocaine Metabolite	300 ng/ml	150 ng/ml
Meperidine	200 ng/ml	100 ng/ml
Methadone	300 ng/ml	100 ng/ml
Opiates	300 ng/ml	300 ng/ml
Oxycodone	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	200 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Ethanol (Blood)		0.08% gm/dL Or .08 gm/210L (Breath)

Because industry standards change over time and because various testing laboratories may use different testing techniques, the detection levels used to determine a positive test may change over time and will be based on the detection levels currently being used by our testing laboratory at the time of testing.