

1.0 PURPOSE:

To describe the process and parameters used for testing an employee for substance abuse.

2.0 REFERENCE DOCUMENTS:

- 2.1 Southern Indiana Hourly Work Rules
- 2.2 Alcohol and Illegal Drugs in the Workplace; Cummins Corporate Policy #CORP-00-05-03-003.0

3.0 DEFINITIONS:

- 3.1 EAP: Employee Assistance Program
- 3.2 BAC: Blood or Breath Alcohol Concentration

4.0 GUIDELINES:

4.1 An employee may be tested when facility management has reasonable suspicion under the totality of the circumstances that an employee is affected by a substance such that the employee's motor senses (e.g. sight, balance, reaction, reflexes) or judgment are or may be reasonably presumed to be impacted. The following symptoms are examples that may constitute evidence that reasonable suspicion exists that an employee is affected. This is not all inclusive.

1. Slurred speech, stammering
2. Disorientation
3. Inability to perform his/her job in a routine manner
4. Unsteady gait or balance, weaving
5. Glassy eyes, constricted or dilated pupils
6. Drowsiness
7. Euphoria/unusual happiness
8. Mood swings
9. Inattentiveness
10. Excitement/unusual animation
11. Confusion
12. Irritability
13. Aggressiveness
14. Odor commonly associated with an alcoholic beverage
15. "Intoxicated" behavior without odor commonly associated with an alcoholic beverage (i.e. drug induced)
16. Loss of coordination or normal motor skills

Even in the absence of the above, or any symptoms, factors, or events, an employee may be tested:

4.1.1 Whenever such employee causes serious injury to another individual and the injury is attributable to human error. A "serious" injury is defined as:

(a) an injury which results in an overnight stay in a hospital or other comparable medical facility or for which an overnight stay is recommended by such hospital or medical facility; or

(b) an injury which directly results in such individual missing his / her next full shift of work following the day on which he / she was injured or because of such injury.

4.1.2 Whenever such employee causes "serious injury" to him / herself as defined above and / or causes damage to facility property and the injury or damage is contributable to human error.

4.2 Refusal of an employee to submit to testing upon request from facility management will result in immediate discharge. When an employee refuses to submit to testing or submits to testing but later challenges whether facility management had a reasonable suspicion for requiring testing, facility management shall have the burden of proving that reasonable suspicion for testing existed when it was requested. Once facility management has met this burden, the employee assumes the burden of proving that he or she was not in fact affected by a substance when the test was required.

4.3 Union Representatives will be notified when an employee represented by their union is to be tested and will be allowed to accompany the employee to the test site and, in instances of alcohol testing, observe the administration of the test.

4.4 The following are the only drugs for which urinalysis under this policy will be conducted and the levels which will give rise to a positive report. Positive reports attributable to employees taking medically prescribed drugs as directed will not be subject to this policy.

Drug	Screening	Confirmation
Amphetamines	1000 ng/ml amphet/metamphet	500 ng/ml GC-MS
Marijuana Metabolites	100 ng/ml Delta THC	15 ng/ml GS-MS
Cocaine Metabolites	300 ng/ml metabolite	150ng/mlGS-MS
Opiates	300 ng/ml morphine/codeine	300 ng/ml GS-MS
Phencyclidine	25 ng/ml pcp	25 ng/ml GS-MS
Barbiturates	200 ng/ml 6 diff barbs	200 mg/ml
Benzodiazepines	300 ng/ml oxazepam/diazepam	300 ng/ml
Methaqualone	750 ng/ml	200 ng/ml

The following is an illustrative listing of trade and / or street names of drugs to be tested for under this policy. This listing is not meant to be exclusive:

Ampehtamines:	Benzedrine, Biphetamine, Desoxyn, Dexedrine, pep pills, speed, bennies, black beauties, crystal, crank
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Marijuana:	Benzedrine, Biphedamine, Desoxyn, Dexedrine, pep pills, speed, bennies, black beauties, crystal, crank
Cocaine:	Coke, crack, snow
Opiates:	Codeine, Darvocet, Darvon, Demerol, Empirin, Methadone, Morphine, Nucofed, Percocet, Percodan, Robitussin
Phencyclidine:	PCP, angel dust
Barbiturates:	Amobarbital, Butabarbital, Butalbital, Pentobarbital, Phenobarbital, Butisol, Secobarbital, Tuinal, Seconal, Nembutal, Amytal, Luminal
Benzodiazepines:	Ativan, Flurazepam, Librium, Oxazepam, Serax, Valium, Xanax
Methaqualone:	Optimal, Quaaludes, Parest, Somnafac, Sopor

- 4.5 An employee who is directed to submit to testing will initially be tested by a saliva swab. If the saliva swab is non-negative, the employee will be required to complete a confirmatory breath test. Following the confirmatory breath test, the employee will be treated as follows:

Secondary Test Process Following Confirmatory Breath Test

- 4.5.1 If the BAC is less than .05%, the employee will provide a urine sample to test for substances outlined above at the levels identified above unless the employee is subject to stricter state or federal regulation (e.g. DOD / DOT Regulations) either as to the level or procedure to be followed as to when and how to test.
- 4.5.2 If the BAC is equal to or greater than .05% but less than .08%, no additional testing will be conducted unless the employee immediately requests that a blood sample be drawn and analyzed pursuant to normal operating procedures. An employee who requests that a blood sample be drawn and analyzed will be escorted or transported to the medical facility by a Cummins management representative if location differs from original testing location.
- 4.5.2.1 If no such request is made, the employee will be immediately notified that he / she is laid off for the remainder of the shift and will be directed to report to work the next day for referral to EAP.
- 4.5.2.2 Refusal to participate in or failure to successfully complete the EAP recommended treatment program will result in a fifteen (15) day lay-off. An employee may self-enter to the EAP at any point during the lay-off period thereby suspending the unserved lay-off time subject to successful completion of the EAP. Lost work time spent completing the recommended program established by the EAP will be covered by the weekly indemnity benefits plan.

Process Following Additional Offenses of Non-Negative Secondary Test Result(s)**4.5.3 Additional Offense Testing Result of .05% to .08% Substance Abuse Standard**

A second offense of the .05% to .08% BAC substance abuse standard during the retention period of the first offense will result in mandatory EAP participation. Failure to participate in the EAP as directed by facility management or failure to successfully complete the EAP prescribed program will result in immediate termination.

A third offense of the .05% to .08% BAC standard during the retention period of a prior offense will result in immediate termination if the employee remains employed following the secondary violation.

4.5.4 Additional Offense Testing Result of Less than .05% or Greater than .08%

If the BAC is less than .05% and the employee's urine drug screen is positive at or above the confirming levels OR the initial saliva swab and/or breath test reading is .08% BAC or above, the employee will be referred to EAP and required to successfully complete the treatment program that is prescribed by the EAP. Failure to participate in the EAP as directed by facility management or failure to successfully complete the EAP prescribed program will result in immediate termination. The option of an employee to immediately request a blood sample for determination of the blood alcohol concentration is also available in this situation.

Disciplinary Process Following Non-Negative Test Result

4.5.5 A discipline describing the details of any incident will be placed in the employee's personnel file for a retention period in alignment with the Southern Indiana Hourly Work Rules corrective action process following any violation of this substance abuse policy. Entry into the corrective action process will be determined based on the severity of the infraction. Entry into the corrective action process followed by subsequent violations of any type will result in an escalation of the corrective action process, up to and including termination based on the severity of subsequent infractions. Assuming no subsequent violations of this substance abuse policy occurs within the defined period, the discipline will be removed.

4.5.6 Cummins management may randomly test any employee for illegal drug use during the retention period of an active discipline for a substance abuse violation involving drugs. Any urinalysis conducted pursuant to this policy will be limited to a screen for the drugs identified herein.

4.6 This substance abuse policy does not apply to persons apprehended for the sale of alcohol or illegal drugs or the possession of illegal drugs on company premises, including the parking area. Rather, notwithstanding any other work rules, the sale of alcohol or illegal drugs or the possession of illegal drugs on Company premises is prohibited and will result in immediate discharge.

4.7 Violation of this policy is subject to Southern Indiana Work Rule: Possession, sale, or consumption on company property of alcoholic beverages, marijuana, narcotics, or a

controlled substance, reporting for work under the influence of alcohol, marijuana, or a controlled substance.

5.0 RESPONSIBILITY: It is the individual's responsibility to ensure compliance with these guidelines.

AUTHOR: Labor Relations

Policy Number: SI OCU 008

Revision Number: 02

Revision Date: 09/07/2022

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