Policy Statement

The safety and well-being of the public and of our employees demands that everyone perform their jobs free of the effects of drugs or alcohol. A person who uses drugs or misuses alcohol is a potential safety hazard.

This Policy is adopted to comply with the Federal Motor Carrier Safety Administration, DOT, rules and regulations concerning drug (controlled substance) and alcohol testing of drivers of commercial motor vehicles.

All drivers employed by John Fabick Tractor Company or any of its subsidiaries (hereinafter collectively referred to as Fabick CAT or Company) who operate commercial motor vehicles in interstate, foreign or intrastate commerce are covered by this Policy. A commercial motor vehicle is one having a combined weight rating of 26,001 pounds or more, a gross vehicle rating of 26,001 pounds or more, is designed to transport sixteen or more passengers including the driver, or any size licensed vehicle transporting hazardous material.

The Company has designated Kimberly Gerdes as its Drug and Alcohol Testing Representative to answer drivers’ questions regarding this program or to assist them with any other issues related to DOT alcohol and drug testing.

A driver must be in compliance with this Policy at all times while performing safety sensitive functions from the time he begins work or is required to be in readiness to work until he is relieved from work and from all responsibility for performing work.

1. Safety Sensitive Functions

Safety sensitive functions include but are not limited to:

a) All time at a Company, customer, carrier or shipper plant, yard, dock, terminal, job site, facility or other place or property, or on any public place or property, waiting to be dispatched
b) All time while inspecting, servicing or conditioning any commercial motor vehicle or load for a commercial motor vehicle
c) All time driving a commercial motor vehicle or using it or equipment provided by it in the performance of work
d) All time, other than driving, in or upon a commercial motor vehicle
e) All time loading, unloading or adjusting a load, supervising or assisting in
loading, unloading or adjusting a load, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or giving or receiving receipts for shipments loaded, unloaded or to be loaded or unloaded
f) All time spent performing activities at the scene of an accident
g) All time repairing obtaining assistance or remaining in attendance upon a disabled vehicle.

2. **Prohibited Conduct**

The following conduct is prohibited:

a) No driver shall report for or remain on duty involving the performance of a safety sensitive function while having an alcohol concentration of 0.04 or greater.
b) No driver shall use alcohol while performing a safety sensitive function.
c) No driver shall perform a safety sensitive function within four hours after using alcohol.
d) No driver shall use alcohol for eight hours following an accident or until he undergoes a post-accident alcohol test, whichever occurs first.
e) No driver shall refuse to submit to and fully co-operate in a post-accident, pre-employment, return-to-duty, random, reasonable suspicion or follow-up alcohol or controlled substance testing.
f) No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions if the driver has used any controlled substances.
g) No driver shall report for duty or remain on duty or perform a safety sensitive function if the driver test positive or has adulterated or substituted a test specimen for controlled substances.

3. **Circumstances Under Which a Driver Will Be Tested For Drugs**

The following drug tests are required:

a) Pre-employment
b) Random
c) Post-Accident
d) Return to Duty
e) Follow-up: (Must do at least 6 unannounced tests in addition to random tests in the first 12 month period after the employee completes
to undertake both alcohol and drug tests depending on their evaluation or the individual.)

f) Reasonable Suspicion: (A written record must be made of the observations leading to a reasonable suspicion drug test within 24 hours after the test, but before the results of the controlled substances test are released, whichever is earlier. The Company official or supervisor shall sign it.)

All urine specimens are analyzed for the following drugs, metabolites and classes of drugs:

a) Marijuana metabolites
b) Cocaine metabolites
c) Amphetamines
d) Opiates (including heroin) metabolites
e) Phencyclidine (PCP)

All drug test results are reviewed and interpreted by a physician (Medical Review Officer (MRO)) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employees’ urine specimen.

The laboratory used for all drug tests shall be HHS certified under the National Laboratory Certification Program (NLCP). A chain of custody form is used when a covered employee has a drug screen test done.

4. Circumstances Under Which a Driver Will Be Tested For Alcohol

The following alcohol tests are required:

a) Random
b) Post-Accident
c) Return to Duty
d) Follow-up: (Must do at least 6 unannounced tests in addition to random tests in the first 12 month period after the employee completes rehabilitation. The Substance Abuse Professional will determine whether to do both alcohol and drug tests depending on their evaluation of the individual).
e) Reasonable Suspicion: (The alcohol test shall be administered within 2
f) time before administration of the test is beyond 2 hours but within 8 hours, then written documentation is required stating why the test was delayed. Alcohol tests may not be administered beyond 8 hours and a record shall be made for not administering the test.)

All alcohol testing must be done on an approved alcohol testing instrument or disposable tester. The person who administers the test is called a Breath Alcohol Technician (BAT) and must be trained and certified to administer tests. Like the laboratory chain of custody form, there is also a Breathalyzer form.

If the initial alcohol test is 0.02 or above, a confirmation test is required. The confirmation test shall be administered no sooner than 15 minutes, but no later than 30 minutes after the initial test. If the confirmation test is 0.02 or above, but less than 0.04, then the driver, under the Federal Motor Carrier Regulations, may not drive or perform safety sensitive functions for 24 hours.

5. Consequences of a Positive Test

Any driver who refuses to be tested or whose test yields a determination of a positive result for any of the five classes of drugs or alcohol, will be deemed unqualified and will be subject to the disciplinary action described in the Company Policy and Disciplinary Procedures Related to Alcohol Misuse and Drug Abuse. A driver with an alcohol result of 0.02 or greater, but less than 0.04 will not be allowed to continue to drive or perform safety-sensitive functions for at least 24 hours and is subject to disciplinary action described in the Company Policy and Disciplinary Procedures Related to Alcohol Misuse and Drug Abuse. In addition, such drivers are subject to disciplinary actions dictated by the United States Department of Transportation, Federal Motor Carrier Safety Administration.

There must be immediate action upon notice of a positive drug screen. This means that a driver who is presently driving must be taken off the road once Company is informed of a positive test. New employees are not allowed to drive until after they have been notified that the drug and alcohol test result is negative.

Any driver who is positive for drugs or alcohol must be advised by the employer of the resources available to the driver in evaluating and resolving
problems associated with the misuse of alcohol and use of controlled substances including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. The Company is not required to provide rehabilitation, to pay for treatment or to reinstate the employee in his safety sensitive job. Before an employer can return an employee to a safety sensitive job, such employer must insure that the employee has been evaluated by a SAP, has complied with the recommended treatment, has taken a return to duty alcohol test (less than 0.02) and/or a negative drug test and participates in the follow-up drug and/or alcohol testing.

6. Consequences of Refusing to Submit to Testing

If the driver refuses to submit to and fully cooperate in an alcohol or controlled substances test, then the test shall be treated as a positive test. Refusal to submit to and fully cooperate includes but is not limited to:

a) Failure to provide adequate breath for alcohol testing without a valid medical explanation.

b) Failure to promptly provide adequate urine for controlled substances testing or, in the case of a “shy bladder,” failure without a valid medical reason to provide it within two hours of the first attempt.

c) Engaging in conduct that obstructs the testing process or tends to cause a diluted or adulterated sample or result or an attempt to introduce a substitute sample or the introduction of a substitute sample into the testing process.

7. Post-Accident Information Procedures and Instructions

DOT regulations require post-accident drug and alcohol testing in the following cases:

a) Where there is human fatality even if there is no citation issued.

b) Where the driver is issued a citation and:

1. the accident involved bodily injury to any person who immediately receives medical treatment away from the scene of the accident; or

2. there is disabling damage to any motor vehicle requiring it to be transported away by tow truck or other motor vehicle.
c) In addition to the foregoing DOT required testing, a driver will be tested for drugs and alcohol when he has had an OSHA recordable work related injury or an accident involving damage to property or equipment.

The time frame for alcohol testing is within 2 hours and no later than 8 hours after the accident. The time frame for drug testing is within 32 hours of the accident.

8. Post-Accident/Injury Procedures

a) Evaluate the situation. Call police and emergency medical help as needed.
b) Promptly call your supervisor and follow his instructions
c) Be readily available for drug and alcohol testing
d) Regardless of whether DOT regulations require post-accident drug or alcohol tests, do not ingest any alcohol until after you have had a post-accident alcohol test or at least eight hours have elapsed following the accident.

Sources of Information about Alcohol Misuse and Drug Abuse

Information concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management is available from the following sources:

Employee Assistance Program through Fabick CAT
Lifeworks-1-888-267-8126
www.lifeworks.com

Drug Abuse Information and Treatment Referral Hotline
800-622-HELP

Alcoholics Anonymous
Contact Directory Assistance

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<th>Issuing Authority:</th>
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<tr>
<td>Vice President or Director Safety, Environmental &amp; HR</td>
<td>Kimberly Gerdes</td>
<td>01/01/2014</td>
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DISCIPLINARY PROCEDURES RELATED TO ALCOHOL MISUSE AND DRUG ABUSE

Discipline

Based on its independent authority, the Company will discipline (including follow-up testing) DOT regulated drivers for drug (controlled substance) and/or alcohol related conduct as follows:

An alcohol breath test of 0.02-0.039…

1st offense: A driver will be immediately removed from driving and performing safety sensitive functions for 24 hours. In addition, the driver is subject to alcohol tests (at the driver’s expense) at any time but not to exceed 6 tests per year for the next 5 years.

2nd offense: Appropriate disciplinary action up to and including termination.

A positive drug test OR an alcohol breathe test equal to or greater than 0.04…

1st offense: Appropriate disciplinary action up to and including termination.

In the case of an applicant, he will not be hired.

Failure to submit to a drug or alcohol test ….

If a driver or applicant fails to submit to an alcohol or drug test or fails to cooperate fully in such test, it will be treated as a positive test.

Drug related crime…

Any driver who is convicted of or who pleads guilty or no contest to a drug related crime will be terminated.
CERTIFICATION

I hereby certify that on this __________day of __________, _______, I was given a copy of Fabick CAT’s Policy on Testing Drivers of Commercial Motor Vehicles for Drugs and Alcohol to which there was attached a copy of the Company Policy and Disciplinary Procedures Related to Alcohol Misuse and Drug Abuse. I further acknowledge that I have been instructed to promptly read these documents and if I do not understand them or have any questions regarding them I am to immediately contact the Company’s Drug and Alcohol Testing Representative (see Driver Policy) for an explanation of the Policies.

Name (print) _____________________________________

Signature _____________________________________

Return to:  George Webb, Safety Technical Specialist--Fenton
APPENDIX A

DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: Kimberly Gerdes
TITLE: Director of Human Resources
EMPLOYER: Fabick-CAT
ADDRESS: 1 Fabick Dr.
          Fenton, MO 63026
HOME PHONE: NA
WORK PHONE: 636-680-1577
CELL: 314-313-2828

HOURS WHEN AVAILABLE: 24 hours per day, 7 days per week
FMCSA POST-ACCIDENT DECISION TREE

Was there a fatality??

- NO
  - Was the employer’s driver cited for a moving traffic violation??
    - NO: No test required
    - YES: Test required

- YES
  - Was there an injury that required the injured person to leave the scene of the accident for immediate medical treatment?
    - NO: No test required
    - YES: Test required

- Did one or more motor vehicles incur disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle?
  - NO: No test required
  - YES: Test required