

ATTACHMENT B

DRUG AND ALCOHOL PLAN

IT IS A REQUIREMENT THAT MEMBER EMPLOYERS AND THEIR PARTICIPATING MEMBERS REVIEW AND AGREE TO THE FOLLOWING DRUG AND ALCOHOL PLAN. MEMBER EMPLOYER MUST FILL OUT PAGE 26 AND RETURN AS PART OF APPLICATION FOR GOQ MEMBERSHIP. MEMBER EMPLOYER IS RESPONSIBLE FOR REVIEWING AND UNDERSTANDING RESPONSIBILITIES AND ANY RELEVANT PENALTIES ASSOCIATED WITH NON-COMPLIANCE OF THE PHMSA REGULATIONS. THE PLUMBING FOUNDATION IS NOT RESPONSIBLE FOR THIS PLAN OR FOR DISSEMINATING THE PLAN TO PARTICIPATING MEMBERS.

Alcohol Misuse and Controlled Substance Abuse Prevention Plan

In Compliance with the Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements of 49 CFR Part 199 and 40.

This Plan applies to employees under **["COMPANY"]** that are participating members of **["COMPANY's"]** Gas Operator Qualification Membership with the Plumbing Foundation City of New York, Inc.

Table of Contents

I.	PURPOSE	2
II.	SCOPE	2
III.	REFERENCES	2
IV.	POLICY / RULES OF CONDUCT	3
V.	AUTHORIZED USE OF CONTROLLED SUBSTANCES	4
VI.	TESTING FOR DRUGS AND ALCOHOL	4
VII.	TEST RECORDS	20
VIII.	CONSEQUENCES OF PROHIBITED CONDUCT	21
IX.	EDUCATION AND TRAINING	22
X.	DRUG-FREE WORKPLACE EDUCATION	23
XI.	ACKNOWLEDGEMENT OF RECEIPT OF NOTICE AND CONSENT TO RELEASE RECORDS	24

I. PURPOSE

["COMPANY"] has established this alcohol and controlled substances testing program in response to Case No. 14-G-0357 wherein the New York State Public Service Commission (the "PSC") proposed a change to the definition of "service line" which will require New York City licensed master plumbers (LMPs) to conduct interior natural gas distribution jurisdictional piping safety inspections and leak surveys in accordance with all local, state, and federal requirements, including State and Federal Pipeline Safety rules specified in 16 NYCRR Part 255 and 49 CFR Part 192, and jurisdictional Utility Operator procedures. These changes require LMPs and their employees performing U.S. Department of Transportation ("DOT") jurisdictional piping inspections, connections, and maintenance to take a course and examination relevant to the Operator Qualification Tasks 86 and 87 as defined herein, and require LMPs to participate in a drug and alcohol monitoring program including a pre-employment (or sometimes referred to as "baseline") drug and alcohol test and be subject to random and reasonable suspicion drug and alcohol testing in compliance with the Pipeline and Hazardous Materials Safety Administration ("PHSMA") of the DOT, 49 CFR Part 40 and 49 CFR Part 199 . The overall goals of this drug and alcohol testing program are to ensure a safe and drug-free environment, to reduce the potential for accidents and casualties related to accidents, and to cooperate with the DOT and the gas industry in efforts to eliminate the misuse of alcohol and the illegal use of controlled substances by our employees. With these objectives in mind, ["COMPANY"] has established the following policy and procedures for covered employees. Full compliance with this policy is a condition to do work on gas piping in the City of New York.

II. SCOPE

["COMPANY"]'s Drug and Alcohol Policy for Covered Employees, outlined below, applies to all full-time, part-time, and temporary employees who are "covered employees" as defined in Section VI [A]. In those circumstances that are not addressed by DOT regulations or in this policy, covered employees remain subject to rules and testing as defined in this Drug and Alcohol Policy for all employees.

III. REFERENCES

Title 49 CFR § 199, et al., Drug and Alcohol Testing Title 49 CFR §40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs Title 41 U.S.C. §§ 403, 701 et. Seq., Drug-Free Workplace Act of 1988.

Note: If there are conflicts between federal regulations and this policy, attributed in part to revisions to the law or changes in interpretations, and when those

changes have not been updated or accurately reflected in this policy, the federal law shall prevail.

IV. POLICY / RULES OF CONDUCT

An employee who violates the PHMSA prohibitions of this policy (Section VI[B]), including a refusal to be tested, must be immediately removed from all covered functions in accordance with 49 CFR Part 199.233, PHMSA rules and regulations. Under each employer's independent authority, the employee will be subject to disciplinary action up to and including termination of employment. An employer also reserves the right to take action against an employee, where appropriate, for violation of other general employer policies, procedures and/or rules that may be defined in rules that are separate from this policy.

- A. A covered employee may not engage in any of the conduct(s) prohibited in Section VI [B].
- B. Under independent authority, **["COMPANY"]** prohibits the possession of alcohol, or the sale, purchase, manufacture, possession or transfer of an illegal drug, or being under the influence of alcohol or of an illegal drug, during all work time, including meals and breaks, or at any time while on Company property, at a Company's job site, on Company business, or in a Company owned / leased vehicle. An employee who possesses alcohol, or who uses alcohol while on duty, will be terminated from employment.
- C. Under independent authority, **["COMPANY"]** prohibits the use of any over-the-counter medication by an employee during working time or any time while on Company property, at a job site, on Company business, or in a Company owned or leased vehicle if such use may detrimentally affect or impair the safety of coworkers, customers or members of the public, or an employee's job performance, or the safe or efficient operation of the Company, or its property.
- D. Cases of suspected trafficking, possession or use of illegal substances or drug paraphernalia on Company property, in or on Company vehicles, and/or at job sites, will be referred to law enforcement authorities, under each employer's independent authority.
- E. **["COMPANY"]** encourages participants who wish to voluntarily seek assistance for questions or problems related to drugs and alcohol to do so by contacting the **["COMPANY"]'s** Employee Assistance Program.
- F. If an employee is called to duty to respond to an emergency during the employee's typical "off-duty" time, the employee may report to work only if he/she has not consumed alcohol within the time period after the employee has been notified to report for duty.

- G. **["COMPANY"]** considers a conviction for criminal drug activity to be very serious. An employee who has a workplace-related drug conviction must report that conviction to his/her supervisor within five (5) days of receiving it. An employee who fails to report such a conviction will, upon discovery of the conviction, be subject to immediate termination from employment.

V. AUTHORIZED USE OF CONTROLLED SUBSTANCES

If an employee undergoes prescribed medical treatment with a drug or controlled substance, the employee is required to report this treatment to his/her employer, who will take steps to investigate whether the employee's job assignment should be temporarily changed during the period of treatment, or whether other accommodations may be appropriate. **["COMPANY"]** requires an employee to make such notification as soon as possible, and prior to performing covered functions, and to provide written documentation from the prescribing licensed medical practitioner that the medication(s) will not affect the employee's ability to perform covered functions safely. Each employer reserves the right to obtain an independent medical opinion regarding the potential effects of a prescription or over-the-counter drug on an employee's ability to perform covered functions or other aspects of his/her job. Further, each employer reserves the right to place any employee taking medication(s) on a leave of absence pending a decision as to whether the employee may continue to perform his/her regular job duties while taking the medication(s). Each employer may, as it determines necessary, and when possible, temporarily reassign an employee to non-covered functions for the duration of his/her use of such drug(s). However, due to the safety-sensitive nature of many jobs in the construction industry, no employee can be guaranteed that these accommodations can always be made.

VI. TESTING FOR DRUGS AND ALCOHOL

["COMPANY"], through the Plumbing Foundation City of New York, Inc., will conduct drug and alcohol testing of their employees/applicants and their employees in compliance with regulations established by DOT and 49 CFR §§ 40 and 199 for covered work as defined below.

A. COVERED EMPLOYEES

Employees subject to drug and alcohol testing are those employees who provide operation, maintenance and/or emergency response functions, as defined as "covered work" below.

B. PHMSA PROHIBITIONS

An employee shall not:

- i. Report for duty or remain on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. Under PHMSA regulations, an employee who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may not perform or continue to perform covered functions until the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following the test, or until the employee provides an alcohol test result of less than 0.02 on a subsequently conducted alcohol test.
- ii. Use alcohol, including medications that contain alcohol, while performing covered functions.
- iii. Perform covered functions within four (4) hours after using alcohol, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. This prohibition includes the use of medications that contain alcohol.
- iv. Use alcohol for eight (8) hours following an accident in which his/her performance of covered functions has not been discounted by the **["COMPANY"]** as a contributing factor to the accident, or until the **["COMPANY"]** has determined that the employee's performance could not have contributed to the accident, or until the employee has undergone a post-accident alcohol test, whichever occurs first.
- v. Refuse to submit to a pre-employment, post-accident, random, reasonable cause/suspicion, or follow-up alcohol or drug test.
- vi. Report for duty, remain on duty, or perform covered functions if he/she tests positive for controlled substances. If an employee engages in any of the conduct(s) prohibited in (B) above, the employee must be immediately removed from all covered functions, and is subject to Section VIII, Consequences of Prohibited Conduct. An employee who engages in prohibited conduct a second time will be immediately terminated from employment. As stated under paragraph (i) of this section, under PHMSA regulations, an employee who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may not perform or continue to perform covered functions until the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following the test, or until the employee provides an alcohol test result of less than 0.02 on a subsequently conducted alcohol test.

C. DEFINITIONS

- i. Accident means an incident reportable under 49 CFR Part 191 involving gas pipeline facilities.
 - a. An accident on a gas pipeline or LNG facility is defined as an incident as follows: (1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and either: a. death, or

personal injury necessitating inpatient hospitalization OR b. Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the **["COMPANY"]** or Utilities or others, or all, exceeding \$50,000; (2) An event that results in an emergency shutdown of an LNG facility; OR (3) An event that is significant, in the judgment of the **["COMPANY"]** OR the Local Distribution Company having jurisdiction, even though it did not meet the criteria of paragraphs (1) or (2) above.

- ii. Administrator means the Administrator of PHMSA or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.
- iii. Adulterated specimen means a specimen that contains a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.
- iv. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- v. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (BrAC).
- vi. Alcohol screening device (ASD) means a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.
- vii. Alcohol screening test means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- viii. Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- ix. Aliquot means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.
- x. Applicant means a person, independent contractor, or person working for an independent contractor, who applies to become an employee of **["COMPANY"]**, and includes a person who has received a job offer made contingent on the person passing a drug test.
- xi. Breath Alcohol Technician (BAT) is an individual who is certified as trained to operate an Evidential Breath Testing device (EBT) and who is proficient in breath- testing procedures.
- xii. Canceled test means a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is otherwise required, by Part 40, to be canceled. A canceled test is neither a positive nor a negative test. There will be no adverse job action based on a canceled test.
- xiii. **["COMPANY"] is the Licensed Master Plumber Firm listed in Addendum I.**

- xiv. Collection site means a place designated by the drug and alcohol testing provider in contract with the Plumbing Foundation City of New York, Inc. where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances, or for purposes of providing a saliva or breath sample to be analyzed for alcohol concentration.
- xv. Company Property means all employer-owned and/or -leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, and employer-owned and/or -leased vehicles, lockers, and desks.
- xvi. Confirmatory test
 - a. For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15 minutes later, that provides quantitative data of alcohol concentration. This test is conducted on an EBT, and is conducted by a Breath Alcohol Technician (BAT).
 - b. For controlled substances testing, a confirmatory test is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.
- xvii. Confirmatory validity test means a second test performed on a different aliquot of the original urine specimen to further support a validity test result.
- xviii. Consortium means an entity, including a group or association of employers or contractors, that provides services related to alcohol or controlled substances testing as required by the DOT rules and regulations and that acts on behalf of the employer. For purposes of this policy, the Plumbing Foundation City of New York, Inc. serves as the consortium for participants who are employed by Gas Operator Qualification Members.
- xix. Controlled substances means marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).
- xx. Covered employee, employee, or individual to be tested means a person who performs covered functions, including persons employed by utilities, contractors engaged by utilities, and persons employed by such contractors.
- xxi. Covered function or covered work refers to the covered tasks defined below as developed by the Northeast Gas Association (“NGA”):
 - a. Covered Task 86 with regard to Conducting Interior Jurisdictional Piping Safety Inspections, which was developed by NGA in collaboration with and approved by Utilities, and which is fully compliant with applicable requirements of Utility operating procedures and 49 CFR 192 with regard to

Operator Qualification, Periodic Atmospheric Corrosion, Leak Survey Inspections, and Inspection for Abnormal Operating Conditions (AOC's) also known as Substandard Conditions; and

- b. Covered Task 87 with regard to Conducting Interior Jurisdictional Piping Construction and Maintenance Activities, which was developed by NGA in collaboration with and approved by Utilities, and which is fully compliant with Utility operating procedures and applicable requirements of 49 CFR 192 for inspection and maintenance of DOT interior jurisdictional piping and appurtenances and making connections of de-energized piping to energized, isolated and secured DOT jurisdictional service piping.
 - c. For purposes of Covered Task 86 and Covered Task 87, DOT jurisdictional gas piping means the visibly accessible interior building piping, fittings, and appurtenances from the point-of-entry through the outlet of the meter.
- xxii. Designated employer representative (DER) means an employee authorized by each employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results, SAP reports, and other communications on behalf of his/her employer. An employer may designate more than one DER.
- xxiii. DHHS-approved laboratory means a laboratory that is certified under the U.S. Department of Health and Human Services Mandatory Guidelines for federal workplace drug testing programs. Drug tests for DOT covered employees will be performed by a DHHS-certified laboratory.
- xxiv. Dilute specimen means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
- xxv. Drug test means a test conducted for controlled substances, including marijuana, cocaine, amphetamines, opiates, and phencyclidine.
- xxvi. Employee (see Covered employee, above).
- xxvii. Employee Assistance Program or "EAP" means the same as defined by 49 CFR §199.113 and which is a program offered by **["COMPANY"]**.
- xxviii. Initial test (for drugs) means an immunoassay test to eliminate "negative" urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing.
- xxix. Initial validity test means the first test used to determine if a urine specimen is adulterated, diluted or substituted.
- xxx. Invalid drug test means the result reported by a laboratory for a urine specimen that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid test result.

- xxxi. Limit of Detection (LOD) means the lowest concentration at which an analyte can be reliably shown to be present under defined condition.
- xxxii. Medical Review Officer means a licensed physician responsible for receiving laboratory results generated the drug and alcohol testing program through the Plumbing Foundation City of New York, Inc. who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- xxxiii. Non-negative specimen means a urine specimen that is reported as adulterated, substituted, positive for drug(s) or drug metabolite(s), and/or invalid.
- xxxiv. Oxidizing adulterant means a substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.
- xxxv. Performs covered functions includes actually performing, being ready to perform, or being immediately available to perform covered functions.
- xxxvi. PHMSA means Pipeline and Hazardous Materials Safety Administration, an Operating Administration of the Department of Transportation.
- xxxvii. Pipeline means all parts of the physical facilities through which a product moves in transportation. This includes pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, delivery stations, holders, and fabricated assemblies.
- xxxviii. Pipeline facilities means pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of a product.
- xxxix. Positive Test (alcohol) occurs when an employee's confirmatory test result reads 0.04% BrAC or higher.
 - xl. Positive Test (drug) occurs when an employee's confirmatory test or retest result is at or above cutoff levels specified by DHHS in DOT rules and regulations and has been verified by the MRO to be a positive test.
 - xli. Prohibited drug means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
 - xlii. Random selection means a scientifically valid method for selection of employees to be tested that results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and does not give an employer discretion to waive the selection of any employee under the mechanism. Thus, an employee might be selected more than once during a year.
- xliii. Reasonable cause, reasonable suspicion means a belief that an employee has violated alcohol or controlled substances prohibitions, based on specific, contemporaneous, documentable observations concerning the appearance, behavior, speech, or body

odors of that employee. In the case of controlled substances, the observations may include indicators of chronic and withdrawal effects of controlled substances.

- xliv. Refusal to submit to a required alcohol test includes failure to appear for any test, failure to provide a breath or saliva specimen for a required test, failure to remain at the testing site until the testing process is complete, failure to provide a sufficient breath specimen without a medical explanation, failure to undergo a medical examination following inability to provide a sufficient breath specimen, refusal to sign the Alcohol Testing Form, and failure to cooperate with the testing process.
- xlv. Refusal to submit to a required drug test includes failure to appear for any test within a reasonable time, failure to remain at the collection site until the testing process is complete, refusal to provide a urine specimen for a required drug test, failure to permit a directly observed or monitored collection when required, failure to provide a sufficient amount of urine without a medical explanation, failure to take a second test when required by a collector or by his/her employer, failure to undergo a medical examination following inability to provide a sufficient urine sample, and failure to cooperate with the collection/testing process (including refusing to empty pockets at the collection site and refusing to wash hands when instructed, behaving in a confrontational way that disrupts the collection process, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, or admitting to the collector or MRO that the specimen had been adulterated or substitute. Under each employer's independent authority, an employee who refuses to submit to required alcohol and drug testing will be terminated from employment.
- xlvi. Screening test (for alcohol) means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a saliva or breath specimen.
- xlvii. Screening Test Technician (STT) means a person who instructs and assists employees in the alcohol testing process and operates an ASD (Alcohol Screening Device).
- xlviii. State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq.)
- xlix. Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, marriage and family therapist (MFT), or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission [NAADAC] or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse [ICRC]), or by the National Board of Certified Counselors, Inc. and Affiliates/MAC[NBCC], with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. A SAP evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

- i. Substituted specimen means a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.
- ii. Testing levels means levels established by the U.S. DHHS, at which a specimen or sample is determined to be either negative or positive, according to 49 CFR §40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
- iii. Utilities means, collectively, National Grid and Consolidated Edison.

D. TESTS REQUIRED

As provided in U.S. Department of Transportation rules and regulations, a covered employee shall be subject to pre-employment (drug only), random (drug only), reasonable cause/reasonable suspicion, post-accident, return-to-duty and follow-up testing for alcohol and controlled substances.

i. Pre-employment / Pre-placement Testing

Every employee and applicant for a position with duties which fall under covered work (i.e. for a “covered position”) must submit to a urine drug test. To engage in such covered work is contingent on the employee/applicant providing a negative test result. Each employee/applicant will be asked whether he/she has tested positive, or refused to test, on any DOT pre-employment drug or alcohol test during the previous two years. An applicant is not required to submit to a pre-employment drug test if he/she is covered by an anti-drug program that conforms to PHMSA requirements, provided that the prospective employer can verify to its satisfaction that the program is in complete compliance with DOT's rules and requirements. If the applicant is a new hire, the testing must be completed, and a negative test result must be received, before the employee will be permitted to provide covered functions. If the pre-employment test result is positive, the job offer will be immediately withdrawn, and the applicant will be provided with names, addresses and phone numbers of qualified SAPs. The applicant cannot be reconsidered unless and until he/she completes a SAP assessment and recommended assistance (Section VIII, Consequences of Prohibited Conduct). An applicant who has previously refused to be tested or who provided a positive test result on a DOT pre-employment test for controlled substances for any other employer will be expected to report those test results at the time of application. Under each employer's independent authority, failure to do so will constitute falsification of application information, and when discovered, will result in removal from consideration for employment, or, if already hired, immediate termination of employment. An employer who wishes to reconsider the individual for employment will make such consideration only after the individual has completed a SAP assessment, complied with the SAP's recommendations, and provided a negative result on a Return-to-Duty test.

If an applicant has previously complied with an SAP's recommendations as the result of a violation under a previous employer, the applicant's pre-employment test will be considered to also be a Return-to-Duty test. When significant time has lapsed since the SAP's report of compliance, an employer may require an additional, second follow-up evaluation to be conducted by an SAP, designated by the employer, to verify that the applicant is currently free of drug use, prior to being considered for hire. The cost of this SAP evaluation will be paid by ["COMPANY"].

An applicant is required to sign a form authorizing ["COMPANY"] to obtain from all previous employers (in the previous two [2] years) a report of all DOT violations, including positive test results and refusals to be tested. ["COMPANY"] will also request copies of SAP reports related to each of these violations. An applicant with a violation cannot be hired until the hiring employer has received an SAP's report of compliance, including a follow-up testing requirement.

If the applicant is a current employee who is being transferred to a covered position, a negative pre-employment drug test result must be received before the employee assumes the new position or assignment. If the test result is positive, the offer of promotion or transfer will be immediately withdrawn, and the employee will be subject to rules that the employer may have established in a separate drug and alcohol policy for non-DOT employees. ["COMPANY"] will report to the Plumbing Foundation City of New York, Inc. that employee's status to be updated in the system administered by the Plumbing Foundation City of New York, Inc. to show such employee's status for covered work as "unqualified."

Once pre-employment / pre-placement testing is completed, the qualification status (i.e. whether employee passed) shall be shared with the Plumbing Foundation City of New York, Inc. and such covered employee will be placed in a consortium for random drug testing, the procedure for which is described below.

ii. Post-accident Testing

As soon as possible following an accident, the covered employee(s) whose performance either contributed to the accident, or that cannot be completely discounted as a contributing factor to the accident, must be tested for alcohol and drugs.

A post-accident alcohol test, when required, must be administered as soon as possible, but within eight (8) hours following the accident. If testing is required but is not conducted within two (2) hours, the reasons the test was not conducted must be documented. If testing is required but is not able to be conducted within the next six (6) hours, the reasons the test

was not conducted must again be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test.

A post-accident drug test, when required, must be administered as soon as possible, but within thirty-two (32) hours following the accident. If testing is required but is not able to be conducted within thirty-two (32) hours, the reasons the test was not conducted must be documented. After thirty-two (32) hours, there will be no more attempts to conduct a drug test.

[COMPANY'S] decision not to test a covered employee following an accident will be based on the best information immediately available at that time that the employee's performance could not have contributed to the accident, or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

An employee who is subject to post-accident testing shall remain readily available for such testing. If the employee is not available for any reason, except for leaving the accident scene for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care, an employer will consider the employee to have refused to submit to testing.

Under independent authority, an employee who has submitted to a post-accident test will be permitted to return to covered functions only at the direction of a supervisor.

iii. Random Testing (drugs only)

A percentage of employees in the consortium administered by the Plumbing Foundation City of New York, Inc. will be subject to random drug testing each year. The percentage of employees to be tested will be determined annually by PHMSA and published in the Federal Register in January. (At the effective date of this policy, the minimum annual percentage is **50%** percent of the average number of covered positions.) Selections of employees to be tested shall be done by a scientifically valid method that provides that each employee will have an equal chance of being selected each time that selections are made. While an employee is subject to testing, the employee's name is never removed from the pool. Thus, an employee might be selected more than once during a year.

Random tests will be unannounced; the dates for random tests will be spread throughout the year. An employee who is selected for random testing will be required to report to the collection site immediately upon notification. If the employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct will be considered

as a refusal to submit to a test. The employee will be in a duty status (paid) from the time he/she leaves to go to the collection site until the time he/she returns from the collection site.

A random drug test can be scheduled at any time the employee is on duty and is not related to when the employee is performing covered functions.

The drug and alcohol testing provider in contract with the Plumbing Foundation City of New York, Inc. will administer its own random selection through a scientifically valid means and will maintain all necessary records as required in 49 CFR §199.117, Recordkeeping.

iv. Reasonable Suspicion Testing

DRUG TESTING: **["COMPANY"]** shall require a covered employee to submit to a reasonable cause drug test when a supervisor has reason to believe that the employee has used a prohibited drug, based on observation of the employee's appearance, behavior, speech, and/or body odor. For reasonable cause drug testing, the employee's conduct must be witnessed and documented by two supervisors, one of whom has been trained in compliance with PHMSA rules and regulations. Concurrence between the two supervisors may be by telephone. If the supervisors determine that an employee might have used a prohibited drug, the employee must submit to testing. When **["COMPANY"]** has 50 or fewer employees subject to testing under 49 CFR §199, the observation, documentation and decision to conduct a reasonable cause drug test may be carried out by only one supervisor, provided the supervisor has been trained.

Observation and testing for reasonable cause for prohibited drug use can occur at anytime the employee is on duty, and is not related to when he/she performs covered functions. A trained supervisor's determination will be based on observation of an employee's appearance, behavior, speech and/or body odor. An employee who is suspected of prohibited drug use must be immediately withdrawn from covered functions and is required to undergo drug testing.

ALCOHOL TESTING: **["COMPANY"]** shall require a covered employee to submit to a reasonable suspicion alcohol test when a supervisor has reason to believe that the employee has violated an alcohol prohibition as set forth herein based on observation of the employee's appearance, behavior, speech, and/or body odor. For reasonable cause drug testing, the employee's conduct must be witnessed and documented by one supervisor who has been trained in compliance with PHMSA rules and regulations.

Observation and testing for reasonable suspicion for alcohol use can occur only just prior to, during, or just after the employee's performance of covered functions, or at any time that the employee is in readiness to provide covered functions. A trained supervisor's determination of suspected alcohol use will be based on observation of an employee's appearance, behavior, speech and/or body odor. An employee who is suspected of alcohol misuse must be immediately withdrawn from covered functions and cannot return unless an alcohol test has been conducted with an alcohol concentration that measures less than 0.02, or (if no test is conducted) twenty-four (24) hours have elapsed since the reasonable suspicion determination occurred.

An alcohol test for reasonable suspicion should be administered within the first two (2) hours, or within the next six (6) hours, but no more than eight (8) hours after the initial observation occurred.

If alcohol testing is not conducted within two (2) hours, the reasons the test was not conducted must be documented. If alcohol testing then is not conducted within the next six (6) hours, the reasons the test was not conducted must again be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test. If no alcohol test is conducted at all, the employee cannot perform covered functions until eight (8) hours have elapsed following the original determination of reasonable suspicion of alcohol use, or until another alcohol test is conducted with a test result below 0.02.

Documentation is required for both drug and alcohol reasonable cause/suspicion.

An employee who is represented by a bargaining unit and who is requested by a supervisor to submit to reasonable suspicion testing may request to have a union representative present, provided the employee signs a consent for the supervisor to notify the union representative of the request for testing. When the suspicion involves drugs only, the employer will allow a maximum of one-half hour for the union representative to arrive and accompany the employee through the collection process. When the suspicion involves alcohol only, or alcohol and drugs, the union representative may be notified, but because DOT requires alcohol testing to occur in a timely manner, the half hour time allowance will not apply. If the union representative is not immediately available, he/she may have to arrange independent transportation to the collection site, as regulations do not allow for delay of the collection process.

v. Return-to-Duty Testing

Under DOT regulations, before an employee can be considered for reinstatement after having engaged in prohibited conduct as explained herein, the employee must provide a

negative Return-to-Duty drug and/or alcohol test, depending on the substance(s) involved in the prohibited conduct. An SAP may, however, order testing for both alcohol and controlled substances. In accordance with DOT rules, a return-to-duty drug test must be an observed collection. **["COMPANY"]** reserves the right to withhold a final decision regarding reinstatement of an employee until after a negative result of a Return-to-Duty test has been received. A positive Return-to-Duty test result is considered to be an employee's second violation and is therefore cause for termination. An employee with a positive Return-to-Duty test will be required to complete an entirely new SAP process and will be subject to Follow-Up testing plans for each of the violations. An employee will not be returned to covered functions until a negative test result is obtained. Under independent authority, **["COMPANY"]** may require that the cost of Return-to-Duty tests will be borne by the employee.

vi. Follow-up Testing

An employee who returns to duty after complying with the recommendation(s) of a Substance Abuse Professional and after providing a negative result on a Return-to-Duty test, is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional. Follow-up testing may be scheduled for a period of up to sixty (60) months, and must include no fewer than six (6) tests to be conducted in the first twelve (12) months after the employee's return-to-duty date. Follow-up alcohol testing shall be conducted only just prior to, during, or just after the employee's performance of covered functions, or when the employee is in readiness to perform covered functions.

In accordance with DOT rules, every follow-up drug test must be an observed collection. Under independent authority, each employer may require that the cost of all follow-up tests will be borne by the employee.

If **["COMPANY"]**, under independent authority, has terminated an employee from employment, the responsibility for any remaining follow-up tests recommended by a SAP must be assumed by the employee's gaining employer, provided the employee is offered employment as a DOT covered employee with a new employer.

If a newly-hired employee is subject to follow-up testing due to a previous violation while working for a previous employer, that employee will, under independent authority, be responsible for the cost of any remaining follow-up tests as required by SAP, and such costs, if not paid by cash or personal check, will be deducted from the employee's next paycheck.

E. GENERAL TESTING INFORMATION (STANDARDS AND INTEGRITY OF THE TESTING PROCESS)

All tests shall be conducted as specified in 49 CFR §40.

An applicant or employee has the right to request and receive from his/her employer a copy of the test result report on any drug or alcohol test for which he/she provided a urine or breath sample. The request, verbal or written, should be addressed to the employer's DER, (for alcohol test results) and to the MRO for drug test results.

Collection and testing procedures will be such as to protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct employee.

Results of additional tests arranged by an employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

When an employee is required to obtain a medical examination by a medical specialist (related to the employee's inability to provide a sufficient breath or urine specimen), under ["COMPANY"] independent authority, the employee will be required to pay the costs associated with that examination.

F. ALCOHOL TESTING AND THE REPORTING OF TEST RESULTS

Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and that meets the DOT's testing requirements.

When a specific time for an employee's test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the BAT will contact the employer's DER, who may determine that the employee has refused to be tested. For alcohol testing (screening and confirmatory), a breath sample will be collected and analyzed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT). For the screening test, a saliva sample may be collected by a Screening Test Technician, using an Alcohol Screening Device.

If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a Breath Alcohol Technician (BAT) will perform a confirmatory test, no less than fifteen (15) minutes after the completion of the screening test. 5. If the confirmatory test is positive (0.04

and above BrAC), the Breath Alcohol Technician (BAT) shall immediately notify the ["COMPANY"]'s DER, who shall immediately notify the Plumbing Foundation City of New York, Inc.

Reasonable suspicion and follow-up alcohol testing must be conducted just before, during, or just after an employee performs covered functions, or at any time the employee is in readiness to perform covered functions.

A required Return-to-Duty Alcohol test must be completed, with a negative result, prior to returning to performing covered functions.

G. CONTROLLED SUBSTANCES TESTING, THE MRO PROCESS AND REPORTING OF TEST RESULTS

All controlled substances testing specimens shall be analyzed by a laboratory that is approved by the U. S. Department of Health and Human Services (DHHS), and that observes applicable chain-of-custody procedures.

When a specific time for an employee's test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the collection site personnel will contact an ["COMPANY"]'s DER, who may determine that the employee has refused to be tested.

At the collection site, the employee will be required to empty his/her pockets and display the items in them. A refusal to empty all pockets as directed by the collector will be a refusal to be tested.

If a urine specimen temperature is outside the acceptable range (90 - 100 degrees F.), the collector must immediately require a new collection, under direct observation. An employee who refuses to provide a second specimen, or who refuses to permit a direct observation collection, will be determined to have refused to be tested. When a specimen for a drug test is collected under observed conditions, the observer must request the employee to raise his/her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer that the employee does not have such a device. The employee may then return clothing to its proper position for observed urination. The DIMS-approved testing laboratory shall forward the results of every drug test to the Medical Review Officer (MRO) for review.

If a test result is negative, the result will be reported by the MRO to the ["COMPANY"] DER, who either shall directly or through the drug and alcohol testing provider report the status to the Plumbing Foundation City of New York, Inc. If the test result is confirmed positive,

adulterated, substituted or invalid, the employee will be given an opportunity to discuss the test result with the MRO.

If a test result is verified as positive, or as a refusal to test because of adulteration or substitution, the MRO shall inform the employee of his/her right to request of the same specimen at a different DHHS approved laboratory and of the process for doing so. Such request must be made by the employee, verbally or in writing, within seventy-two (72) hours of the employee having been informed of a verified positive test result.

["COMPANY"], under independent authority, may require that the cost of a retest shall be borne by the employee, and will be deducted from the employee's subsequent paycheck. If the retest is negative, the employee will be reimbursed by the employer for the cost of the retest.

If, after making 3 attempts in a 24-hour period, the MRO is not able to contact an employee, the MRO shall report to the **["COMPANY"]'s** DER that all reasonable efforts have been made to contact the employee, without success. The DER shall then, as soon as practicable, ask the employee to contact the MRO within the next 72 hours, and shall apprise the MRO that the employee has been so notified.

The MRO may verify a test as positive without communicating with the employee if:

- The employee expressly declines the opportunity to discuss the test result; or
- The employer's DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employee was successfully contacted by the DER; or
- Neither the MRO nor the DER, after making all reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO receives the confirmed positive test result from the laboratory.

If a test is verified positive under the circumstances specified in the second or third case above, the employee may, within 60 days, present to the MRO information documenting that serious illness, injury or other circumstances unavoidably prevented the employee from being contacted by the MRO or **["COMPANY"]'s** DER, or from contacting the MRO, as applicable, within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative.

When a required drug test (pre-employment, return-to-duty, or follow-up) is canceled, the employee will be required to immediately take another test, with minimum advance notice.

A negative dilute drug test (or the report of an invalid specimen) will result in the employee's being required to immediately take another test, with minimum advance notice. A positive dilute drug test will be considered to be a positive test. When an MRO reports a negative dilute test result with creatinine level greater than or equal to 2 mg/dL but equal to or less than 5 mg/dL, DOT regulations require the employee to submit to an immediate recollection under direct observation, with minimum advance notice. (A refusal to provide this second specimen will be a refusal to be tested)

A negative dilute greater than 5 mg/dL will be considered a negative test result and no further testing will be required. OR A negative dilute drug test (or the report of an invalid specimen) will result in the employee's being required to immediately take another test, unobserved, with minimum advance notice. (A refusal to provide this specimen will be a refusal to be tested.)

If, in the MRO's opinion, the employee provides information that medically disqualifies the employee from providing covered functions, or that causes the MRO to have concern about the employee's ability to safely perform his/her safety-sensitive duties, the MRO is required to give that information to an employer's DER. 20. After verifying the test results, the MRO shall report the test results in a confidential manner to the ["COMPANY"]'s DER. The MRO's report will include;

- The employee's name and Social Security # or employee ID#
- The date of the collection
- The reason for the test (e.g., random, post-accident, etc.)

The test results will be reported as either positive (with the identity of the specific controlled substance), negative dilute, refusal to test, or canceled, and the date the result was verified by the MRO.

A required Return-to-Duty test must be completed with a negative test result prior to an employee returning to performing any covered function.

VII. TEST RECORDS

Records pertaining to the alcohol and controlled substances testing program shall be maintained in secured and locked confidential files in the office of each employer's DER. Access to these records shall be limited to each employer's management officials on a need-to-know basis. Records and report data shall be maintained as specified in U.S. DOT's rules and regulations. Except as required by law or expressly authorized or required by PHMSA's rules and regulations, employee testing information maintained under the alcohol and controlled substances testing program will be released only to the employee (on written

request), or to an identified person as directed by the specific, written consent of the employee authorizing the release of the information. ***The Plumbing Foundation City of New York, Inc. has authority to obtain records and/or status updates for purposes of maintaining the consortium's database (covered employees must sign acknowledgement below). Additionally, Utilities have the right to know whether a covered employee is authorized to do covered work and shall be notified in such a manner to limit the detailed results of a covered employee's drug and/or alcohol test (i.e. QR card issued through the Plumbing Foundation for each employee will indicate whether he/she is a "D/A Participant" which shall mean that employee took a pre-employment drug test, passed such test, and is active in the random testing pool).***

VIII. CONSEQUENCES OF PROHIBITED CONDUCT

If an applicant who has tested positive, or who refused to be tested, intends to re-apply to ["COMPANY"], or apply to another employer required to follow requirements described herein, he/she must successfully complete an SAP assessment and recommendation before he/she can be considered. When a DER receives notice of an employee's verified positive drug or alcohol test result, or of a verified refusal to be tested, or of any other violation of PHMSA rules, the employee will be immediately removed from all PHMSA covered functions—meaning ["COMPANY"]'s DER must notify the Plumbing Foundation City of New York, Inc.—and the employee will not be permitted or required to return to performing covered functions until or unless the employee successfully completes the return-to duty process that is required by PHMSA under this regulation. ["COMPANY"]'s DER will provide the employee with the phone number of ["COMPANY"]'s Employee Assistance Program, who will in turn direct the employee to qualified SAPs and available treatment resources. ["COMPANY"] will accept evaluations conducted only by DER-recommended SAPs. Additionally, DOT regulations do not permit an employee to obtain a second SAP's evaluation. If an employee does obtain a second SAP's opinion, DOT regulations do not permit an employer to acknowledge that second opinion. If an applicant intends to reapply to an employer, or to another transportation industry employer, he/she must first successfully complete an SAP assessment and recommendation.

An employee who refuses to submit to testing will, under each employer's independent authority, be immediately terminated from employment, and provided with names, addresses and phone numbers of qualified SAPs and of available treatment resources.

DOT rules and regulations do not permit ["COMPANY"] to consider an employee for return to covered functions until the employee has been evaluated by a qualified SAP and has complied with the SAP's recommendation(s) for rehabilitation and/or education. If and when possible, ["COMPANY"] may reassign an employee to non-covered functions while

he/she is following the SAP's recommended program of assistance and/or education. However, due to the safety-sensitive nature of most of the jobs in this industry, no employer can guarantee that these accommodations can or will be made.

For employers with more than 50 employees, an employee who is following an SAP's recommendation of treatment may access benefits under Family and Medical Leave Act (FMLA), provided he/she is eligible for such benefits. **["COMPANY"]** may permit an employee who has been removed from covered functions under these regulations to request to receive earned time off and/or vacation time benefits during the assessment and/or treatment phase. Upon receiving an SAP's report of compliance with recommendations, each employer will arrange for the employee's compliance to be reviewed by the MRO. If the MRO concurs with the SAP's report that the employee has successfully completed the SAP's recommendations for treatment and/or education, the employer may arrange for the employee to take a Return-to-Duty test. The SAP's report of compliance and the MRO's concurrence with the SAP's report must be completed before the employee can take a Return-to-Duty test. In order for the employee to then return to covered functions, the Return-to-Duty test must have a negative test result. Under independent authority, each employer will require that any costs incurred in regard to services provided by a SAP, or of treatment and/or education recommended by the SAP, which are not covered by an employee's insurance plan or by **["COMPANY"]**'s Employee Assistance Program ("EAP"), will be the responsibility of the employee. When a SAP requires an employee to participate in a program of aftercare, the employee's compliance with that requirement will be monitored by the EAP or the SAP. Any costs related to this monitoring will be the responsibility of the employee. The aftercare requirement will be included in a Return-to-Duty Agreement, which must be signed by the employee. Failure to sign such agreement, or failure to adhere to the terms of a signed agreement, will result in termination of employment.

IX. EDUCATION AND TRAINING

Any employee who has questions or concerns regarding this policy may seek clarification and further details from **["COMPANY"]**'s DER.

EMPLOYEE ASSISTANCE PROGRAM (EAP): In compliance with PHMSA regulations, **["COMPANY"]** shall provide a comprehensive Employee Assistance Program (EAP) for employees of all contractor participants in the association. The EAP is accessible by a toll-free phone number. Employees are encouraged to access the EAP for consultation and assistance regarding non-work-related problems that are or could potentially affect their ability to perform their jobs satisfactorily or safely, including problems with alcohol misuse or the use of drugs.

Educational materials, including a copy of this policy, and information concerning the effects of alcohol and drug use on an individual's health, work and personal life, signs and symptoms of an alcohol or drug problem (the employee's or a coworker's) and available methods for intervening when an alcohol or drug problem is suspected, will be provided to each employee. Additional materials may be requested and answers to questions about the materials may be obtained by contacting his/her employer's DER.

Attendance at training programs will be mandatory for supervisors and other employees involved in administering the drug/alcohol testing program.

Supervisors who are designated to determine whether or not reasonable cause/suspicion exists and who then order a DOT PHMSA-covered employee to undergo testing under PHMSA rules and regulations, will receive at least 60 minutes of training on recognizing alcohol misuse, and at least 60 minutes of training on recognizing prohibited drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of prohibited drugs. Cost of such training shall be at **["COMPANY"]**'s expense.

All supervisors who participate in training will be given a certificate of completion of such training. The original certificate will be kept in **["COMPANY"]** records, and a copy will be provided to each supervisor for his/her own records, when requested.

X. DRUG-FREE WORKPLACE EDUCATION

["COMPANY"] is committed to Drug-Free Awareness for all employees and will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug-Free Awareness program will inform employees and their families about the dangers of alcohol and drug abuse in the workplace, of the employer's alcohol and drug policy, the availability of treatment for employees who voluntarily seek such assistance (including the Employee Assistance Program), and the consequences imposed by the employer on employees who violate the alcohol and drug policy.

THIS DRUG AND ALCOHOL POLICY IS NOT AN EMPLOYMENT CONTRACT, OR AN OFFER OF AN EMPLOYMENT CONTRACT. Based on changes in law or public policy, the Plumbing Foundation City of New York, Inc. may change, alter, or eliminate any or all portions of this policy as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstance. An up-to-date copy of the policy must be kept in the

office of each employer's DER. Employees may request to see the policy at any time during normal business hours.

XI. ACKNOWLEDGEMENT OF RECEIPT OF NOTICE AND CONSENT TO RELEASE RECORDS

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY [“COMPANYS”]’S ALCOHOL MISUSE AND CONTROLLED SUBSTANCE ABUSE PREVENTION PLAN. I AM AWARE THAT THIS PLAN AND THE COMPANY’S DRUG AND ALCOHOL POLICY OUTLINE THE PROCEDURES CONCERNING ALCOHOL AND CONTROLLED SUBSTANCE REQUIRED BY THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OF THE U.S. DEPARTMENT OF TRANSPORTATION, AND MORE SPECIFICALLY FOR COMPLIANCE WITH RECENT CHANGES TO THE NEW YORK CODES, RULES, AND REGULATIONS BY THE NEW YORK STATE PUBLIC SERVICE COMMISSION. SPECIFICALLY, IN CASE NO. 14-G-0357, THE NEW YORK STATE PUBLIC SERVICE COMMISSION (THE “PSC”) PROPOSED A CHANGE TO THE DEFINITION OF “SERVICE LINE” WHICH WILL REQUIRE LMPS CONDUCTING INSPECTION AND MAINTENANCE WORK, INCLUDING CONNECTIONS, TO INTERIOR BUILDING DOT JURISDICTIONAL GAS DISTRIBUTION PIPING BE PERFORMED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REQUIREMENTS, INCLUDING STATE AND FEDERAL PIPELINE SAFETY RULES SPECIFIED IN 16 NYCRR PART 255 AND 49 CFR PART 192, AND JURISDICTIONAL UTILITY OPERATOR PROCEDURES. THESE CHANGES REQUIRE LMPS AND THEIR EMPLOYEES TO MEET TRAINING AND OPERATOR QUALIFICATION REQUIREMENTS DESCRIBED HEREIN AS COVERED WORK AND REQUIRE LMPS TO TAKE A BASELINE DRUG AND ALCOHOL TEST AND BE SUBJECT TO RANDOM AND REASONABLE SUSPICION DRUG AND ALCOHOL TESTING IN COMPLIANCE WITH THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION. IN ADDITION, I AGREE AND CONSENT TO MY ALCOHOL AND DRUG TEST RESULTS PURSUANT TO THE OPERATOR QUALIFICATION MEMBERSHIP WITH THE PLUMBING FOUNDATION CITY OF NEW YORK, INC. AS DESCRIBED IN THIS PLAN TO BE RELEASED TO MY COMPANY’S DESIGNATED EMPLOYER REPRESENTATIVE, AS WELL AS THE DRUG AND ALCOHOL TESTING STATUS REPORTED TO THE PLUMBING FOUNDATION CITY OF NEW YORK, INC., AND MY STATUS IN THE D&A POOL TO BE RELEASED TO THE UTILITY COMPANY (E.G. NATIONAL GRID OR CONSOLIDATED EDISON) WHEN I AM ENGAGED IN COVERED WORK, AND AS OTHERWISE REQUIRED BY LAW. THE DRUG AND ALCOHOL TESTING PROVIDER IN CONTRACT WITH THE PLUMBING FOUNDATION CITY OF NEW YORK, INC. SHALL HAVE THE AUTHORITY TO RELEASE SUCH TEST STATUSES TO THE PLUMBING FOUNDATION, AGENTS OR OFFICIALS OF THE DOT, OSHA, OR ANY NEW YORK STATE OR NEW YORK CITY GOVERNMENTAL OR REGULATORY AGENCY WITH REGULATORY AUTHORITY, AND SHALL HAVE AUTHORITY TO RELEASE SUCH TEST RESULTS OR RELATED INFORMATION TO COMPLY WITH

REQUESTS RESULTING FROM A LEGAL ACTION, INCLUDING BUT NOT LIMITED TO UNEMPLOYMENT HEARING, WORKER'S COMPENSATION HEARINGS, OR OTHER LEGAL HEARINGS, WHEN INITIATED BY THE TESTED INDIVIDUAL.

Employee Name (Print)

Employee Signature

Date

ADDENDUM I

THE TERM "COMPANY" AS USED IN THIS DRUG AND ALCOHOL PLAN REFERS TO THE NYC LICENSED MASTER PLUMBER (LMP) FIRM THAT APPLIES TO THE PLUMBING FOUNDATION CITY OF NEW YORK, INC. FOR GOQ MEMBERSHIP. THIS AGREEMENT IS BETWEEN SAID COMPANY AND SAID COMPANY'S PARTICIPATING MEMBERS AS DEFINED IN ATTACHMENT A OF THE GOQ MEMBERSHIP APPLICATION.

COMPANY MUST FILL OUT THE BELOW INFORMATION AND SIGN BELOW AGREEING THAT THIS IS COMPANY'S DRUG AND ALCOHOL PLAN FOR PURPOSES OF THE GOQ MEMBERSHIP AND THAT COMPANY AGREES TO THE TERMS HEREIN. FURTHERMORE, COMPANY AGREES TO DISTRIBUTE TO PARTICIPATING MEMBERS (I.E. THEIR EMPLOYEES) FOR SIGNATURE AS IS REQUIRED PER ATTACHMENT A OF THE GOQ MEMBERSHIP APPLICATION.

COMPANY'S INFORMATION IS AS FOLLOWS (MUST BE SAME AS GOQ MEMBERSHIP APPLICATION):

LMP NAME: _____

LMP #: _____

COMPANY NAME: _____

COMPANY ADDRESS: _____

COMPANY PHONE: _____

COMPANY FAX: _____

COMPANY E-MAIL: _____

SIGNATURE OF LMP: _____