

## **SUBSTANCE ABUSE POLICY FOR DOT/FAA DRUG AND ALCOHOL TESTING**

**Lufthansa Technik Puerto Rico (LTPR)** is committed to protecting the safety, health and wellbeing of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

LTPR complies with the drug and alcohol testing regulations of the US Department of Transportation (DOT) (49 CFR part 40) and the Federal Aviation Administration (FAA) (14 CFR part 120) and with the Law 59 of August 8, 1997 of Puerto Rico, to regulate the detection of controlled substances in the private labor sector, through the establishment by the employer, of testing programs to detect the use of controlled substances.

LTPR recognizes that the use and/or abuse of controlled substances and alcohol by commercial aviation present a serious threat to the safety and health of the individual employee, the general public, and the aviation transportation industry. It is, therefore, the policy of the Company that its employees should be free of the effects of the use of controlled substances and alcohol. **“Any employee who tests positive on a drug or alcohol test, or has refused to test will be subject to all terms and conditions established in this policy.”**

### **FAA Required Testing**

- **Pre-employment testing** - Occurs prior to hire or transfer into a safety-sensitive function. Having a negative pre-employment drug test is a condition of employment and employee will be subject to additional mandatory testing after employment.
- **Random testing** - Unannounced on an ongoing basis, spread reasonably throughout the calendar year, using a scientifically valid method in which each covered employee will be randomly selected for drugs / alcohol testing.
- **Post-accident testing** - Occurs following a FAA qualifying accident (employee's serious injury or substantial damage to the aircraft).
- **Reasonable Cause/Suspicion testing** - Occurs when a company official - based on their training, believes the employee shows signs of drugs abuse and/or alcohol misuse.
- **Return-to-duty testing** - Occurs after an employee has a verified positive drug test, positive alcohol test result or refusal to test. The employee must take a DOT return-to-duty test prior to returning to safety-sensitive functions.
- **Follow-up testing** - Upon returning to safety-sensitive duties, following a drug or alcohol violation, an employee shall be subject to unannounced follow-up tests. The employee will be subject to a minimum of 6 unannounced follow-up tests in the first 12 months. Depending on the Substance Abuse Professional's recommendations, follow-up testing may occur for up to 60 months.

**LTPR reserves the right to require employees' attendance to unannounced drugs testing on approved days off, including vacations.**

### **Employee on duty travel**

An employee who is on extended duty travel will be notified and required to report for drug testing immediately upon his/her return to the work location.

### **Safety-Sensitive Functions**

The provisions of this Program will apply to any individual who performs or performed directly or by contract, any of the following safety-sensitive or security-related functions.

1. Flight crew member duties
2. Flight attendant duties
3. Flight instruction duties
4. Ground security coordinator duties

5. Aircraft dispatcher duties
6. Aircraft maintenance or preventive maintenance duties
7. Aviation screening duties

An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

### **Controlled Substances**

Any drug test required under this program will use an individual's urine to test for the presence of the following substances or metabolites of the same.

1. Marijuana
2. Cocaine
3. Opiates/Opioids (Including morphine, codeine, heroin(6AM), hydrocodone, hydromorphone, oxycodone, and oxymorphone)
4. Amphetamines (Including amphetamine, methamphetamine, MDMA, and MDA)
5. Phencyclidine

**The Company, under its own authority, reserves the right to test employees for other substances than these and to use other types of samples.**

### **Alcohol**

Alcohol tests conducted under this program will use an individual's breath or saliva specimen to test for the alcohol concentration present in expired breath or saliva. Alcohol tests will only be conducted just before, during or just after the individual is performing safety-sensitive functions.

### **Consequences of using Drugs or Alcohol while performing Safety-Sensitive Functions**

A covered employee who has engaged in prohibited drug use or alcohol misuse during the performance of a safety-sensitive function will be immediately removed from performing safety-sensitive functions and will be terminated from employment.

### **Consequences of a Verified Positive Drug Test or Positive Alcohol Test**

A covered employee, who receives a verified positive drug test result or alcohol violation on a FAA required test, will be immediately removed from safety-sensitive duties. An employee who has a FAA drug and/or alcohol violation cannot return to the performance of safety-sensitive duties until the employee has been evaluated by a Substance Abuse Professional (SAP) and successfully completed the return-to-duty process outlined in 49 CFR Part 40, Subpart O.

The employer is required to provide a listing of qualified SAPs to individuals who violate the drug and alcohol testing regulations. **The employee is responsible for all arrangements for the SAP evaluation, including all associated costs for education and treatment. The employee will have 48 hours to coordinate an appointment with a SAP and must provide evidence to the employer.** Absences of an employee to attend a rehabilitation program with the SAP can be charged first to sick leave and then to vacation leave. After exhausting the days of leave with pay, the employee shall be entitled to a leave without pay for a maximum of thirty (30) days while attending a rehabilitation program.

### **Consequences of a Second Drug/Alcohol Test Violation**

A covered employee who receives a verified positive drug test or an alcohol test result of 0.04 BAC or higher on a FAA required test after having received a previous positive drug test or alcohol test result of 0.04 or higher BAC will be immediately removed from performing safety-sensitive functions and therefore, will be terminated from employment. The employee is permanently prohibited from performing the same safety-sensitive function for an FAA-regulated employer.

### **Consequences of an Alcohol Test with a BAC of 0.02 but less than 0.04**

Immediate removal from safety-sensitive functions for eight (8) hours or the start of the employee's next regularly scheduled duty period. For a second alcohol test result of 0.020-0.040, the Company will take disciplinary action up to and including termination of employment.

### **Consequences of Refusing to Submit to a Required Drug or Alcohol Test**

Immediate removal from performing safety-sensitive functions until or unless the employee successfully completes the return-to-duty process outlined in 49 CFR Part 40, Subpart O. (49 CFR §40.23(d)) A verified adulterated or substituted drug test result will be considered a refusal to test (49 CFR §40.23(b)).

### **What is a Refusal to Test?**

Regarding drug and/or alcohol testing, refusal to test, refuse to submit to testing, and refused to test include the following:

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- Fail to remain at the testing site until the drug or alcohol testing process is complete; provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- Fail to provide a specimen for any drug or alcohol test required by this part or DOT agency regulations; provided, that an employee who does not provide a specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a urine specimen;
- Fail to provide a sufficient amount of urine, breath or saliva when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fail or decline to take a second test the employer or collector has directed you to take;
- Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- Fail to cooperate with any part of the drug or alcohol testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- Submit a specimen that is reported as a verified adulterated or substituted test result; or
- Fail to sign the certification at Step 2 of the Alcohol Testing Form.

### **Reporting to the FAA**

The Company must notify the FAA of any employee who holds an airman medical certificate issued under 14 CFR Part 67 and violates the provisions of the FAA/DOT regulations, as described above. (14 CFR 120.113(d)(1)). In addition, any employee who holds a certificate under 14 CFR Part 61, Part 63, or Part 65 Airman Certificate and who has refused to submit to a FAA required drug or alcohol test must be reported to the FAA.

### **Consequences of Use of Marijuana (Cannabis)**

DOT and FAA regulations do not authorize the use of Schedule I drugs, including marijuana, for any reason. Therefore, employees are prohibited from using “medical marijuana or cannabis” based on a physician’s recommendation in a state or jurisdiction that has passed “medical marijuana/cannabis” initiatives. Nor is the use of marijuana in a state or jurisdiction that has “legalized marijuana for recreational purposes” permitted. Marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the DOT’s drug testing regulations to use marijuana. Any employee under the influence of “medical marijuana or cannabis” will be removed from performing safety-sensitive duties and cannot return to the performance of safety-sensitive duties until the employee has been evaluated by a Substance Abuse Professional (SAP) and successfully completed the return-to-duty process outlined in 49 CFR Part 40, Subpart O.

### **Consequences of Possession and/or Use of Substances or Items to Adulterate or Substitute a Urine Specimen**

In addition to a report of an adulterated or substituted specimen under FAA regulations, the Company, under its own independent authority, prohibits the possession and/or use of “synthetic urine”, masking agents, or any other substances or items to alter and manipulate drugs tests results on its premises, including the parking lot, security checkpoint and all areas inside the Company. **Any employee who engages in this conduct will be terminated.** The Company reserves the right to conduct searches on its property to ensure compliance with the above.

### **Mandatory Training**

All FAA-covered safety sensitive employees will complete a 60 minutes drug and alcohol awareness training course

that includes: information on the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of a substance abuse problem; and ways to get help.

All supervisors and managers of FAA safety-sensitive employees will complete a 2-hour training course on Reasonable Suspicion Testing, including an overview of the FAA drug and alcohol testing requirements and the signs and symptoms of drug and alcohol use that would trigger a reasonable suspicion drug and/or alcohol test. As required by FAA regulation, supervisory personnel are required to participate in recurrent training.

### **Employee Assistance Program**

In addition to the education and training programs described above, if the employee is a participant of a health insurance plan and it offers this service, the Employee Assistance Program will provide information and referral for qualified Substance Abuse Professionals to assist employees in resolving problems associated with alcohol and drug abuse.

Employees are encouraged to voluntarily seek assistance from the EAP for any problems related to alcohol and/or drug abuse. Employees who voluntarily come forward for assistance with alcohol and/or drug abuse problems will ordinarily be afforded the opportunity to take a medical leave of absence in order to participate in an appropriate rehabilitation program.

### **For More Information about DOT and FAA Requirements or our Company Policy, contact:**

**Carmen Sud** - HR Business Partner / Designated Employer Representative (DER) at (787) 230-7708

**Liza Hernández** - HR Business Partner / Designated Employer Representative (DER) at (787) 230- 7712.

Please refer to our *FEDERAL AVIATION ADMINISTRATION (FAA) ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PLAN* for additional information.

For more information relating to the FAA/DOT program requirements, visit the following Web sites:

For FAA : [https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/drug\\_alcohol/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/)

For DOT: <http://www.dot.gov/odapc/>

For LTPR: <http://www.lht-puertorico.com/policies>