LETTER AGREEMENT
No. R3-90-86-PGE

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Richard Bradford, Manager

International Brotherhood of
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Jack McNally, Business Manager

March 22, 1991

Local Union No. 1245
International Brotherhood of
Electric Workers, AFL-CIO
P.O. Box 4790
Walnut Creek, CA 94596

Attention: Mr. Jack McNally, Business Manager

Gentlemen:

This letter cancels and supersedes the letter dated January 4, 1991 on the same subject.

Attached is the Drug-free Pipeline Program and a list of understandings reached by the parties.

If you are in accord with the foregoing and agree thereto, please so indicate in the space provided below and return one executed copy of this letter to the Company.

Very truly yours,

PACIFIC GAS AND ELECTRIC COMPANY

By _____
Manager of Industrial Relations

The Union is in accord with the foregoing and agrees thereto.

LOCAL UNION NO. 1245,
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS AFL-CIO

March 26, 1991

By _____
Business Manager

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ITEMS OF UNDERSTANDING

1. Establish a Labor-Management Committee to review and audit the Drug Free Pipeline Program. It will meet on a quarterly basis.

2. Company will meet and confer with Union on the selection of HHS-certified laboratories and Medical Review Officers used in the Drug Free Pipeline Program.

3. Substances will be added to the panel for testing only with agreement of the parties or as required by DOT Guidelines following discussions between the parties.

4. Employees will have the option to be informed in writing of negative test results if requested on the chain of custody form.

5. At the time of chemical testing, employees shall be informed in writing of their Shop Steward representation rights. Employees shall have the right to a Shop Steward under the following conditions:

   A. Prior to a reasonable cause test (during discussion with management).

   B. Prior to an interview with the Medical Review Officer.

   C. Prior to a discussion to determine a rehabilitation program following a verified positive.

6. An employee who has self-referred to EAP and has been following EAP's recommended course of treatment will not be put into the First Time Offender policy restrictions if they should test "verified" positive for a drug within the 30-day period after April 20, 1990. They will, however, be required to complete MRO recommended rehabilitation and post-rehabilitation testing.

7. An employee who has a second verified positive test for illegal drugs, where no on-the-job impairment is apparent, will be considered eligible for rehire with evidence of completion of an acceptable rehabilitation program.

8. An employee in a covered position who tests positive the second time for illegal drugs when there was no on-the-job impairment evident, will be given another opportunity for rehabilitation if they had previously self-referred to EAP and were following EAP's recommended course of treatment in the prior 30 days. A subsequent positive test on this employee will result in discharge.

9. If 60 months have elapsed since a verified positive test occurred that did not involve on-the-job impairment and there have been no further positive tests, the first positive test will not be used to support action on a future positive test that might result.

10. Union may request reanalysis of a specimen if it is an issue in the grievance procedure.

11. Information provided to the MRO or EAP by the employee will be released by the MRO EAP only as it relates to issues raised in the grievance procedure or on accident investigations.

Covered Positions

1. Employees to be covered under these guidelines are considered to be any person who performs on a pipeline (transmission and/or distribution facilities), any operating, maintenance or emergency response functions as regulated by D.O.T. under Part 192, 193, or 195, and pertains to employees performing functions directly related to the pipeline safety regulations.

2. This does not include employees involved with clerical, truck driving, accounting or any other functions not regulated by Part 192, 193, or 195.

3. This does not apply to employees who perform design or construction functions regulated by Part 192, 193, or 195. These functions are either subject to varying levels of reviews or the facilities are subjected to various types of qualification tests before they are put into operation.

4. Both management and bargaining unit employees on rotational assignments may occasionally fall within the legal definition of a covered employee, depending upon actual work assignment.

5. Contract workers are included when they are engaged in covered work as defined by 49CFR, Paragraph 149. They may meet these guidelines by implementing their own program which meets the DOT's and the Company's requirements.

6. The following is a listing by Business Unit and job classification of those positions who will be subject to random testing:

ENCON - Gas Construction

NON-MANAGEMENT PERSONNEL

Classification

Apprentice Gas Technician
Apprentice Welder
Backhoe Operator
Carpenter A
Carpenter B
Carpenter C
Crane Operator
Miscellaneous Equipment Operator A
Miscellaneous Equipment Operator B
Field Engineer Technician
Field Engineer ESC
Gas Technician

ENCON - Gas Construction (Cont'd)

NON-MANAGEMENT PERSONNEL (Cont'd)

Classification

Helper
Large Pipe Wrapper
Special Driver
Senior Field Engineer Technician
Street Fitter
Technician Subforeman A
Technician Subforeman B
Tractor Operator A
Tractor Operator B
Trencher Operator
Truck Driver Heavy
Truck Driver
Welder
Working Foreman A
Working Foreman B
Working Foreman C

MANAGEMENT PERSONNEL

Classification

Manager
Superintendent
General Foreman
Area Foreman
Technical Foreman
Inspector A
Safety Coordinator

GSBU

NON-MANAGEMENT PERSONNEL

Classification

Supervising Gas Trans. Tech.
Gas Transmission Tech.
Gas Control Mechanic
Apprentice Gas Control Mechanic
Unassigned Gas Control Mechanic
Mechanic-Welder
Trans. Mechanic
Machinist
Apprentice Trans. Mechanic
Unassigned Trans. Mechanic
Helper
Utility Helper

GSBU

NON-MANAGEMENT PERSONNEL

Classification

PL Mechanic/Line Mechanic
Corrosion Mechanic
Maintenance Assistant
Lead Comp. Mechanic
Compressor Mechanic
Apprentice Comp. Mechanic
Unassigned Comp. Mechanic
M&C Mechanic
Apprentice M&C Mechanic
Unassigned M&C Mechanic
Field Meterman
Orifice Meterman
Senior Gas Trans. Operator
Gas Trans. Operator
Gas Supply Coordinator
Operator Mechanic
Gas Control Technician
Maintenance Man
Utility Leadman (Topock)

MANAGEMENT PERSONNEL

Classification

Area Manager
Superintendent
Superintendent of Tran. and Coll.
Senior Gas Engineer
Gas Engineer
District Foreman
Maintenance Specialist
Maintenance Supervisor
Operations Supervisor
Tech. Mtce. Supervisor
Chief Gas Dispatcher
Assistant Chief Gas Dispatcher
Senior Gas Dispatcher
Gas Dispatcher
Assistant Gas Dispatcher
T&R Supervisor
Transmission and Regulation Foreman
Operations Superintendent
Supervising Gas Resvs. Engineer
District Superintendent
Tech. Analyst
Tech. Assistant
Resvs. Engineer
Sr. Resvs. Engineer
Coordinator (Gas Control)

DBU

NON-MANAGEMENT PERSONNEL

Classification

Gas Crew Foreman (Welding)
Gas Crew Foreman
Gas Mechanic
Fitter
Unassigned Fitter
Apprentice Fitter
Fitter - Arc
Heavy Equipment Operator
Equipment Operator
Fieldman
Heavy Truck Driver
Helper
Utility Underground Installer
Underground Installer
Underground Construction Journeyman
Troubleman (assigned gas service work)
Service Mechanic
Serviceman
Serviceman, Utility
Reserve Gas Serviceman
Chartman
Service Operator
Relief Service Operator
Gas Control Technician
M&C Mechanic
Unassigned M&C Mechanic
Apprentice M&C Mechanic
Corrosion Mechanic
Orifice Meterman
Field Meterman
Pressure Operator
Relief Pressure Operator
Compressor Engineer
**Associate Distribution Engineer (ADE)

**Note: Positions to be tested if they stand on-call.

DBU

MANAGEMENT PERSONNEL

Classification

Gas and Electric Operations Manager
**Distribution Planning Supervisor
**Senior/Gas Distribution Engineer
**Senior/Gas Distribution Planning Engineer
**Division Gas Engineer
Division Service Superintendent
Gas Service Superintendent/Spl.
Chief Service Operator
Service Foreman
General Foreman
Construction Supervisor
Operating Supervisor
*T&R Supervisor
**Other Division Gas Supervisors
**Region Gas Manager
**Region Gas Engineer
**Region Gas Service Superintendent
Region Superintendent of Gas Operations
*T&R Foreman (Load Center)
*T&R Supervisor (Load Center)
*T&R Superintendent (Load Center)
Gas Plant Foreman (Load Center)
Operations Supervisor (Load Center)
**All Other Region Gas Supervisors

**Note: Positions to be tested if they stand on-call.

Contract Employees

1. PG&E, as "operator", is responsible for ensuring that contractors, subcontractors, and vendors are aware of, and comply with, provisions of 49 CFR Part 199, Control of Drug Use in Natural Gas Pipeline Operations.

2. PG&E's policy is applicable only when the contractor is engaged in "covered" work as defined by 49 CFR Part 199, which is maintenance, operations and/or emergency response. If the work being done by the contractor is qualifying the pipeline for operation or the contractor is working in a pipeline that is gassed up and considered "hot", they could be performing covered work.

   Examples of covered work include without limitation the following:

   - o Leak Survey
   - o Cathodic Protection
   - o Radiographing Pipeline Repairs
   - o Pressure Qualifying Tests (air, water)
   - o Air Patrols
   - o "Hot Tie-In" Work

3. Contractors are required to establish, maintain, and certify to PG&E that they observe the requirements of the DOT regulations.

4. Contractors will certify to PG&E that the Company, CPUC, and other appropriate agencies, will be given audit access to the contractor's records for establishing compliance to DOT regulations.

5. If a contractor does not comply with the provisions of the contract or does not have a viable drug prevention program as specified by the DOT regulations, PG&E will declare the contractor not qualified.

6. Should questions arise with regard to contractors qualifications with regard to the DOT regulations, contact the contract administrator within each Business Unit, or the Program Coordinator.

PRE-EMPLOYMENT/COMPANY TRANSFER DRUG TESTING

A. Pre-Employment

1. Applicants for covered positions governed under D.O.T. regulations for drug testing will be provided with a summary of the policy at the time application is made. Also, they shall be informed of the testing required by PG&E's pre-employment Drug and Alcohol examination. These testing requirements will result in <u>two</u> tests being conducted for a new hire.

2. Applicants will be asked if they have previously been tested for D.O.T. requirements and what the results were, either positive or negative. Then they must sign a form which states they acknowledge and understand the D.O.T. requirements.

3. At the time a job is extended to an applicant, the offer must be made contingent upon passing the D.O.T. required test and any other Company paid prerequisites (i.e., pre-employment physical; PG&E's Alcohol/Drug screening; pre-employment written test, if any).

4. The Human Resources Representative will make an appointment for the collection of the specimens for testing.

5. The Human Resources Representative shall provide the selected collection site facility with the following:

   - o Both the PG&E Pre-Employment Drug and Alcohol test and the D.O.T. drug test forms.

   - o Supplies related to urine samples (caps from vials, evidence tape, labels for sample vials, mailer cartons, optional plastic bags for sample vials, etc.) and a postage-paid courier envelope(s) for transportation of samples to the laboratory will have been supplied to the contract collector ahead of time.

6. The PG&E pre-employment test for Alcohol and Drugs and the D.O.T. drug test will both be used to determine if the prospective applicant should be hired.

7. A prospective applicant who has a "verified" positive drug test is not eligible for hire.

B. Company Transfers*

1. Employees wishing to transfer from a non-covered position to a covered position will be required to take and pass the required D.O.T. drug test only. This testing will occur when the job offer is extended.

2. Employees already in a covered position transferring to another covered position are not required to take the D.O.T. drug test.

3. Transfer candidates who test negative will be notified as well as their transferring Human Resources Department so the transfer process can be concluded. The notification of negative results will be handled by the MRO's office through the Program Coordinator.

4. Transfer candidates who test positive will be contacted by the Medical Review Officer to discuss results.

5. MRO will contact the Program Coordinator to conclude the transfer request which at this time would be rejected for an employee testing positive.

6. Transfer employees who test positive will be required to complete a rehabilitation program and post-rehabilitation testing as prescribed by the MRO. This will not be considered as a first time positive test under the First Time Offender policy. Another positive test when the employee is not in a covered position will put the employee in the First Time Offender Program.

7. An employee who tests positive during a subsequent attempt to transfer into a covered position or after they have already been awarded a job and are in a covered position, will be considered to have two verified positive tests and will be discharged.

8. Employees who test positive the first time during a transfer request can be returned to their existing position upon authorization by the MRO. This could be during their rehabilitation program.

*For purposes of this section "transfers" include employees bidding, demoted, or displaced into covered positions.

Post-Accident Testing

1. The Department of Transportation (DOT), 49 CFR, Part 199, requires testing of any employee(s) whose performance either directly or indirectly may have contributed to an accident or incident. The employee should be tested as soon as possible, but no later than 32 consecutive hours after the accident.

2. The immediate management supervisor shall compile a list of those employee(s) to be tested.

3. An "accident" on a gas pipeline is defined as an "incident" (DOT, 49 CFR, 191.3); or,

   3.1 An event that involves the release of gas from a pipeline AND;

   3.2 The death, or personal injury necessitating inpatient hospitalization; or property damage of $50,000 or more; OR

   3.3 An event that is significant, in the judgement of the operator, i.e., management/investigative personnel, even though it does not meet the criteria of 3.1 and 3.2 of this section. This must be a reportable incident under Part 191 or applicable CPUC requirements.

4. The employee list and reasons for testing may be reviewed with another management supervisor of equal or higher authority if possible. The supervisor shall confirm that the employee list is valid and those noted on said list shall be drug tested. The supervisor(s) shall notify the appropriate Company Representative, and a post-accident drug test will be scheduled and conducted in compliance with DOT, 49 CFR, Part 199.

5. Where all employees are conscious and not hospitalized the Company Representative shall immediately contact the designated collection site facility where testing will be conducted. If an employee is conscious, but hospitalized, the Company Representative shall request the hospital, or medical facility, to obtain the urine sample as identified in DOT Guideline(s). The Company Representative shall provide the facility with a copy of the DOT collection procedure(s), supplies, materials, and relevant required forms. If the medical care provider refuses to take a specimen, the Company Representative shall thoroughly document the attempts made to obtain the specimen, including the names and titles of all hospital personnel contacted, and shall contact the Program Coordinator to determine if an alternative specimen collection service can be obtained within the 32 hour limit, if authorized by the treating physician.

6. In an exceptional event where the employee to be tested is unconscious and hospitalized, the medical care provider will make a medical evaluation to determine if a specimen can be collected. If the medical care provider refuses to take a specimen, the Company Representative shall thoroughly document the attempts made to obtain the specimen, including the names and titles of all hospital personnel contacted.

7. The Company Representative will notify the immediate supervisor(s) of the test schedule/location for each employee to be tested.

8. A management supervisor will accompany the employee(s) to the collection facility (i.e., approved medical care provider) where the test and the custody transfer form will be completed.

9. If an employee subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional), and refuses to be tested, the exempt supervisor will take immediate steps to remove the employee from duty as defined in Appendix J.

10. Employee(s) whose test is "verified" positive shall be removed from their covered position and be considered under the First Time Offender policy. Upon receipt of the test results, the Human Resources Department shall notify the supervisor that the employee will be off for medical reasons. The employee cannot be returned to duty until released by the MRO. The MRO may release the employee while they are still in a rehabilitation program.

Reasonable Cause Testing

1. An exempt supervisor who suspects drug use by an employee may require that the D.O.T. drug test be administered. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. When a second exempt supervisor is at the site, a second observation will be made. One of the observing exempt supervisors must have received Company training on the detection of possible drug use. Both exempt supervisors will substantiate and concur in the decision.

2. If a decision to test is made, the employee's immediate exempt supervisor will contact the Company Representative to make arrangements for the test.

3. The exempt supervisor may remove the employee from covered duties pending the test if, in the opinion of both reviewing exempt supervisors, the employee's physical condition or behavior pose an immediate safety problem. The exempt supervisor has the authority to require the DOT drug test, but it is a doctor who determines whether or not the employee can be released back to work pending the test results.

4. The Company Representative will make the necessary arrangements with the designated collection site facility and will notify the immediate supervisor of the time and place the employee must report to for testing.

5. An exempt supervisor will accompany the employee to the Collection Site Facility (an approved physician, i.e., panel physician).

6. If an employee refuses to be tested, the immediate supervisor will take immediate steps to remove the employee from duty, and they will be treated as if they were a "verified positive" as defined in Appendix J.

7. Employees whose test is "verified" positive shall be removed from their covered position and considered to be under the First Time Offender program. Upon receipt of the test results, the Human Resources Department shall notify the supervisor that the employee will be off for medical reasons. The employee cannot be returned to duty until released by the MRO. The MRO may release the employee while they are still enrolled in a rehabilitation program.

Random Drug Testing

1. A designated Company representative for each Business Unit will maintain a list of all classifications subject to random drug testing, along with a list of all current regular and temporary employees in these classifications.

2. The separate listings from each Business Unit will be combined into one main listing containing all of the classifications subject to random drug testing.

3. Five percent of the employees from this list will be randomly selected each month. The selection process will utilize a random number generator within a computer.

4. To meet DOT random requirements the covered employees will be subject to selection each month even though they may have been previously selected.

5. The selections will be grouped by site, classification, employee name, and sex.

6. The monthly list of employees to be tested will be sent confidentially to the contracted specimen collector. The collector will also be given the name of a Company Representative to contact at each site.

7. The contracted specimen collector will schedule the testing such that all the monthly collections are completed within that month.

8. Company employees will not be aware of the collector's schedule. The Human Resources Representative will be notified by the collector during the working day prior to testing.

9. The collection contractor will notify the appropriate immediate supervisors on the day of testing when employees under their supervision have been selected for a random drug test.

10. The immediate exempt supervisor or a designated alternate will make notifications to employees along with the reporting time and location. In general, notification shall precede testing by no more than two hours.

11. If necessary, the immediate exempt supervisor will report back to the Company Representative if an individual is unavailable at that time for legitimate reason (e.g., sick, day off, vacation, transferred to another shift, etc.).

12. The immediate exempt supervisor will provide the employee with the "Random Drug Testing Program Checklist For Employees" form and request they complete all necessary paperwork.

13. The employee will take the pre-test informative form to the collection site facility.

14. The designated testing lab will be responsible for reporting back to the Program Coordinator the number of tests administered to assure that the D.O.T. minimum of 50 percent of the work force is tested within a 12-month period.

15. An employee who has a verified positive drug test result will be immediately removed from their work responsibility and be considered as a first time offender under the First Time Offender program. They will be required to complete the required rehabilitation program as specified by the MRO. At the MRO's discretion, they can return to work while completing the rehabilitation program's requirements.

Post-Rehabilitation Testing

1. The Company representative will obtain recommendations from the Medical Review Officer (MRO) for the duration and frequency of post-rehabilitation drug testing for employees returned to duty upon completion of rehabilitation. The duration will not exceed 60 months.

2. The Company representative will schedule post-rehabilitation testing, in addition to random testing, for rehabilitated employees and will notify the immediate supervisor of the appointment and location for collection.

3. The immediate exempt supervisor or a designated alternate will notify the employee of the testing along with the reporting time and location. In general, notification shall precede testing by no more than two hours.

4. If necessary, the immediate exempt supervisor will report back to the Company representative to reschedule an appointment if an individual is unavailable at that time for legitimate reason (e.g., sick, day off, vacation, transferred to another shift, etc.).

5. If an employee does not arrive at the designated collection site at the appointed time the collection site person will notify the Company representative, who will investigate and, if necessary, take appropriate action. The employee may be subject to disciplinary action up to and including discharge if the reason for failure to arrive at the designated time is not acceptable. The employee will still be required to provide a specimen.

6. If it is necessary to reschedule an individual for testing due to a legitimate reason, the Company representative will advise the immediate exempt supervisor of the new appointment time.

Medical Review Officer

1. The Medical Review Officer (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program. He or she has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information. The following information is to be provided to the Medical Review Officer (MRO):

   A. The HHS-certified laboratory shall report test results, for each specimen only to the Medical Review Officer (MRO). They shall be provided within 5 working days of receipt of the specimen at the laboratory. The report for each specimen shall include the following information:

      1. PG&E identification of specimen.

      2. Laboratory identification of specimen.

      3. Initial test or retest.

      4. Substances tested for.

      5. Cut off level for each substance.

      6. Qualitative test result for each substance: "positive" if above cut off level; "negative" if below cut off level.

   B. The HHS-certified laboratory also shall send only to the MRO a certified copy of the original Chain of Custody Form attesting to the validity of the test report for each specimen. The Chain of Custody Form and a copy of the test report shall be attached to each other in a single submittal.

   C. The HHS-certified laboratory shall send on the same day, whenever possible, the test reports and Chain of Custody Forms for all specimens that were received on a single day.

2. Requirements for Review and Notification of Test Results

   A. The MRO must review and evaluate all "positive" test results, as described in Section 4, prior to notifying the Program Coordinator.

B. Any "positive" test result received from the laboratory shall be considered a "confirmed positive" test until the MRO has completed his/her evaluation. If the MRO determines that the result is positive, only then shall the result be considered to be "verified positive". A confirmed positive will require an interview process as described in Paragraph 3A.

C. Prior to notifying the Program Coordinator of a verified positive test result the MRO must notify the individual who was tested positive.

D. The MRO must notify immediately the Program Coordinator if he/she determines that the individual presents a threat to his/her own safety or the safety of others (consistent with current legal and ethical obligations of medical professionals).

E. Upon receipt of urine specimen test results from the HHS-certified laboratory, the MRO shall review and evaluate all positive test results and report to the Program Coordinator test results (positive and negative) within 10 days of the initial screening performed at the HHS-certified laboratory.

F. The MRO shall notify the Program Coordinator of all negative and verified positive test results.

G. All reporting and notification to PG&E management by the MRO shall be made to the Program Coordinator.

3. Interview of Individuals

A. The main element in the review and evaluation of a positive test result received by the MRO from the laboratory is a confidential interview by the MRO with the individual who tested positive in order to examine possible alternate medical explanations for the positive test result.

B. The MRO shall contact the individual at the contact specified on the Chain of Custody Form, inform the individual of the positive result, and provide for an opportunity to discuss the result confidentially. If necessary, the MRO will make arrangements for a mutually agreeable meeting (location, date and time) within no more than five calendar days. The employee and the MRO are encouraged to meet as soon as is possible. If the employee decides to visit the MRO during work hours, and so notifies his supervisor, it will be on Company time. If the employee elects <u>not</u>

to notify his supervisor that he is seeing the MRO, the time off will be shown as a doctors appointment and he will be allowed to take sick leave. Any meetings outside of the employees normal work hours will be on personal time.

C. The MRO shall request the individual to make available any prescription for medication he/she has taken within the last 30 days, including prescriptions not made out in the individual's name (e.g., prescriptions for relatives that were taken by the individual).

D. During the interview the MRO shall inquire about the individual's medical history, use of legal and illegal drugs, and other biomedical factors. The MRO shall review and consider medical records and other information made available by the individual to determine if the positive test result could have resulted from legally prescribed medication or can be explained on another basis.

E. In addition, for a positive test result for opiates the MRO shall determine during the interview if there is clinical evidence (in addition to the urine specimen test) of an unauthorized use of any opium, opiate, or opium derivatives (e.g., morphine or codeine). Clinical signs of abuse include recent needle tracks or behavioral and psychological signs of acute opiate intoxication or withdrawal. This requirement does not apply if the confirmatory testing by gas chromatograph/mass spectroscopy for opiates confirms the presence of six-monoacetylmorphine.

4. Evaluation and PG&E Notification of Test Results

A. The MRO shall determine if further information or verification is required to reach a "verified positive" determination. This additional information can include consultation with the individual's physician or a reanalysis of the initial specimen if there is any question regarding the accuracy or validity of the positive test result. The MRO shall request the assistance, as needed, of the HHS-certified laboratory and other qualified individuals.

B. If the MRO determines that a positive test result for drugs can be attributed to the use of DOT prohibited drugs not prescribed to the individual (e.g., prescription drugs for relatives), in such cases the MRO shall declare the test result as "verified positive".

C. The MRO shall also authorize a reanalysis of the initial specimen if he/she deems necessary to complete the analysis.

D. In his/her evaluation and interpretation of the positive test result from the laboratory the MRO shall not consider the results of any tests that were not obtained or processed in accordance with the PG&E Drug Testing Program.

E. Within one day of receipt of all available information on the positive test result (i.e., test report, Chain of Custody Form, interview information, both verbal and documents, etc., reanalysis of test results, if applicable, consultation with physician) the MRO must determine, if the test result is "verified positive" or "negative" in accordance with the following guide lines:

1. The MRO determines that there is a legitimate explanation for the positive test results and the use of substance, as identified through the testing. In this case the MRO shall declare the test result as negative, record the result as negative in the individual's file, and report the result as negative to Program Coordinator.

2. The MRO determines that the positive result of the specimen is scientifically insufficient for further action. In this case the MRO shall declare the test result as negative, record the result as negative in the individual's file, and report the result as negative to the Program Coordinator, indicating that the negative determination is based on the result being scientifically insufficient.

   a. The Program Coordinator shall maintain records that summarize any negative findings based on scientific insufficiency.

   b. In order to declare a test result as negative on the basis of being "scientifically insufficient" the MRO must have considered all available information as described in Sections 3 and 4.

c. The MRO determines that the test result is positive and therefore declares the test as "verified positive". The individual did not present any or inadequate information to explain the results. The MRO shall record the result as "verified positive" in the individual's file, and report the result as "verified positive" to the Program Coordinator.

F. In the case of a verified positive test, the MRO must also assess the individual's immediate fitness for duty and determine the individual's work status.

G. The MRO shall notify the Program Coordinator of all "verified" positive test results. The Program Coordinator will notify the respective Human Resources Department who will in turn notify the employee (the supervisor will be informed that the employee is off work for medical reasons).

H. Once the employee is notified by the Company of a verified positive he/she must contact the MRO within one work day to begin discussion of rehabilitation programs. During that time, the employee may consult with their shop steward, and EAP or an alternative source.

I. If the employee chooses rehabilitation, he or she will have a further discussion with the MRO to develop a rehabilitation program, including consideration of the employee's medical coverage, various program/provider options consistent with the rehabilitation requirements normally prescribed by the MRO for similar test result evaluations, and any personal or financial issues presented by the employee.

J. The MRO will then specify a rehabilitation program which will be communicated through the Program Coordinator to the employee's Human Resources Representative.

K. During rehabilitation, EAP will monitor compliance with the treatment plan and will notify the MRO when treatment is completed.

5. Post Treatment Evaluation

A. The MRO shall perform, at the request of the EAP Counselor, a medical evaluation of an individual to determine his/her fitness for duty within the scope of the Drug Test Program and to make a recommendation regarding the individual's return to work status.

B. Such evaluation must be made prior to the reinstatement to their normal job duties.

C. The MRO shall consider in the evaluation, as applicable, the results of the individual's rehabilitation program (to be provided by the Employee Assistance Program Counselor) and of any follow-up testing performed within the scope of this program. The MRO shall perform, as deemed necessary, an interview with the individual.

D. The MRO shall notify the Program Coordinator of his/her determination and recommendation by confidential correspondence.

6. Quantitation of Test Results

A. The MRO shall request from the HHS-certified laboratory quantitation of test results on positive tests. The MRO shall not disclose quantitation of test results for an individual to the Program Coordinator or other PG&E personnel or management unless required in a formal appeals process by the individual.

B. The MRO shall provide quantitation of test results to the Program Coordinator Manager without any information that potentially could identify an individual (name, number, date, etc.) as is needed to compile statistical summaries for program evaluation.

C. The MRO shall provide quantitation of test results to the individual if he/she submits a written request to the MRO.

7. Information Transmittal

A. The HHS-certified laboratory shall transmit any test result to the MRO in a manner that ensures the confidentiality of the information. Results shall not be provided verbally by telephone from the laboratory to the MRO. The transmittal by various electronic means (e.g., teleprinters, facsimile or computer) is acceptable, however, the sender shall clearly mark the transmittal as confidential and ensure that the transmittal is confidential (e.g., inform the MRO by phone immediately prior to the forthcoming transmittal).

B. Any information transmitted by U.S. Mail or courier service must be clearly identified as confidential and to be opened by addressee only.

C. The MRO shall inform the Program Coordinator of any test result (both positive and negative) in a manner that ensures the confidentiality of the information. If the information is provided verbally by telephone the MRO shall first inform the recipient that the subject to be discussed involves confidential information. The Program Coordinator shall not receive such information over a speaker phone or while other persons are in the vicinity. The Company will receive only the following information specific to an individual from the MRO interview:

- o Negative Test Results
- o Positive Test Results
- o Rehabilitation Program Recommendations
- o Expected Date of Return to Work

D. Information provided to the MRO by the employee during the interview will be released by the MRO only as it relates to issues raised in the grievance procedure.

E. Any test result or information that was transmitted verbally (by phone or in direct conversation) shall also be documented by follow-up letter or memorandum clearly marked confidential.

F. The MRO shall conduct his/her interaction with an individual, in a confidential manner and maintain any records confidentially.

"Verified" Positive Test Procedure

1. The Medical Review Officer (MRO) shall notify the Program Coordinator of all "verified" positive tests.

2. The Program Coordinator shall promptly notify the responsible Human Resources Manager to have the employee removed from his/her work responsibilities.

3. Upon notification from the Program Coordinator, the HR Manager will work with the exempt supervisor to promptly remove the tested individual from his/her work responsibilities. If the employee qualifies for the "First Time Offender Program", they will be sent home pending startup of a rehabilitation program. If already off duty, the individual will remain off duty until a rehabilitation program commences.

4. An employee who is unable to perform his/her normal work duties because they have been removed due to a verified positive test, will be placed, at their option, on paid sick leave or vacation, if available, or unpaid leave.

5. The individual will be reinstated to full job duties upon approval of the MRO. This could occur while an employee is in a rehabilitation program or after the successful completion of one. After the rehabilitation program, the employee will be required to have random post-rehabilitation specimen analysis for up to 60 months.

6. If an employee does not agree to the MRO's decision of a verified positive test, he/she can request that the MRO authorize the lab to conduct another analysis of the original specimen or an analysis of the second part of the "split sample" being held by the laboratory. This analysis will be performed by another PG&E contracted laboratory. The specimen is tested for the presence of the drug(s) for which a positive result was obtained in the test of the first part. The results of this test are transmitted to the MRO without regard to the cutoff values stipulated in the DOT regulations. The MRO shall honor such request if it is made within 72 hours of the employee's having actual notice that he or she tested positive.

7. If the results of the test on the second part of the "split sample" are positive, the "verified positive" test result is validated and the employee will be required to follow the Medical Review Officer's instructions.

8. If the results of the test on the second part of the "split sample" are negative, the "verified positive" test will be changed to a negative test result and reported to the Program Coordinator.

9. The cost of the analysis of the second part of the "split sample" will be borne by the employee only if the second test verifies the presence of the drug(s) for which a positive result was obtained in the test of the first part. The employee will be reimbursed for such expense if the re-analysis is negative.

10. Testing of an additional urine specimen is not authorized by the D.O.T. regulations and, therefore, will not be allowed.

Test Refusal; Specimen Alteration; Test Procedure Compliance

1. If the employee refuses to provide a test specimen (be tested) or willfully fails to follow test procedures causing the test to be invalid, the exempt supervisor will immediately remove the employee from their work responsibility for insubordination and their refusal will be treated as if they had a "verified" positive test. The employee will be required to cooperate with the MRO, follow his instructions, and comply with the treatment recommendations and be subject to post rehabilitation testing. Failure to follow the above MRO requirements will result in discharge.

2. If the employee willfully tampers with the test specimen, the exempt supervisor will remove the individual from their work responsibility and the employee will be discharged.

LABORATORIES

1. The laboratory used for performing testing of the urine specimen must be certified by the Department of Health and Human Services (DHHS) and the National Institute on Drug Abuse (NIDA).

2. Blind performance test specimens shall be submitted to the testing laboratory to insure its continued certification by DHHS/NIDA.

3. The following is a listing of DHHS/NIDA certified laboratories in California.

   A. AMERICAN BIOTEST LABORATORIES, INC.
   3350 Scott Boulevard, Building 15
   Santa Clara, CA 95054
   (408) 727-5525

   B. COMPUCHEM LABORATORIES, INC., WESTERN DIVISION
   600 West North Market Boulevard
   Sacramento, CA 95834
   (916) 923-0840

   C. LABORATORY SPECIALISTS, INC.
   P.O. Box 4350
   Woodland Hills, CA 91365
   (818) 781-0115

   D. NICHOLS INSTITUTE SUBSTANCE ABUSE TESTING (NISAT)
   8985 Balboa Avenue
   San Diego, CA 92123
   (800) 642-4657/(714) 661-8000

   E. PHARMCHEM LABORATORIES, INC.
   1505-A O'Brien Drive
   Menlo Park, CA 94025
   (800) 446-5177/(415) 328-6200

   F. POISONLAB, INC.
   7272 Clairemont Mesa Road
   San Diego, CA 92111
   (619) 279-2600

4. The ENCON, Distribution, and Gas Supply Business Units will be contracting the specimen laboratory analysis to one of the laboratories listed in Paragraph 3.

Employee Assistance Program Guidelines

1. Training

   A. EAP will participate in training supervision to implement DOT regulations. All affected supervisors will be trained prior to start up, and on an ongoing basis. The training will focus on 1) behavioral observation: how to recognize when a problem exists and how to take appropriate action when necessary, 2) information about drugs targeted in DOT, chemical dependency treatment, and recovery from the addiction process. The use of the DOT Regulation Guidebook, Company Policy, EAP and HR resources will be reviewed.

   B. EAP will continue to give updated chemical dependency trainings to employees. The objectives will focus on prevention and treatment options in addition to policy updates from HR.

2. Rehabilitation

   The MRO will contact EAP on all verified positives with a recommendation for specific treatment. EAP will 1) help the employee access MRO-recommended treatment services, 2) monitor their employees' progress through the treatment provider, and 3) notify the MRO upon treatment completion.

3. Consultation

   EAP staff will provide guidance and information to the company in areas of EAP expertise.

4. EAP Services

   The Employee Assistance Program will continue to operate within its usual scope of business (Standard Practice 722.1-1) and provide crisis intervention, assessment and referral, supervisory consultation, training, and coordination with the medical community.

Record Keeping

1. Accurate documentation is essential to facilitate periodic analyses and audits. This information will enable the Company, CPUC and any other appropriate agencies to evaluate the effectiveness of the Company's established program.

2. With the exception of training records, all drug testing records and files are considered confidential. Employee records shall be stored in a secure location and shall not be made a part of the employee's 701 file.

3. Any employee who is the subject of a drug test conducted hereunder shall, in accordance with Part 40.37 and upon written request to the Program Coordinator, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review, or revocation-of-certification proceedings concerning the laboratory which tested his or her specimen(s). The employee will be given access to PG&E's records in the Program Coordinator's office upon reasonable notice in writing. Only the copies of the MRO's determination will be sent to the employee by mail or confidential fax.

4. With the exception of the testing laboratory, Medical Review Officer, and the Program Coordinator, results of individual drug tests may not be released without express written authorization of the tested individual, except upon written request of the Research and Special Programs Administrator (RSPA) or the State Agency Officials as part of a post-accident investigation.

5. An individual's drug test and rehabilitation records may not be released to a subsequent employer without that individual's written consent.

6. The Program Coordinator is responsible for ensuring respectively that:

   A. Records showing an employee passed a drug test are retained for at least one year.

   B. Records demonstrating that the collection process conforms to DOT regulations are retained for at least three years.

   C. A record of the number of employees tested by type of test (e.g., post-accident) is retained for at least five years.

D. Records documenting confirmed positive test results that received the concurrence of the Medical Review Officer and related personnel actions (e.g., rehabilitation, termination, etc.) are retained for at least five years.

E. Statistical information regarding the status of the Company's program is compiled and submitted to Corporate Human Resources on a regular basis.

F. Records containing copies of training materials and confirming that supervisors and employees have been trained as required by DOT regulations are retained for at least three years.

G. Audit records and statistical information regarding the status of the Company's program are developed and properly maintained. Audit records shall be retained for at least three years. Statistical information generated may include:

1. The number of employees tested by type of test.
2. The number of employees who passed a drug test.
3. The number of employees who failed a drug test by type of test.
4. The functions performed by employees who failed a drug test.
5. The prohibited drugs that were used by employees who failed a drug test.
6. The age of employees who failed a drug test.
7. The disposition of employees who failed a drug test.

Training Program

1. Exempt supervisors who will determine whether an employee must be drug tested based on reasonable cause will receive a minimum of 1-hour training from EAP.

2. Training for exempt supervisors and employees on this program, and drug use awareness in general, will be logged and kept on file.

Collection Site Procedures

1. A contract organization is responsible for the specific activities of specimen collection, including:

   A. Collection, processing, documentation and shipment of all specimens to the HHS-certified laboratory.

   B. Maintaining the integrity of each specimen, including the secure and appropriate storage, from the collection of the specimen to the shipment of the specimen.

   C. Making an initial assessment of the specimens (temperature, volume, clarity, color, unusual observations).

   D. Notifying the Company representative of any unusual circumstances during the collection process (late arrival of individual, need for second urine specimen, failure to cooperate).

   E. Notifying the Company representative of any failure by the individual to cooperate with the urine specimen collection, including refusal to provide a specimen, to complete or sign paperwork and to follow specific instructions.

   F. Obtaining approval for second urine specimen from Company representative.

   G. Ensuring the modesty and privacy of the individual collecting a urine specimen and avoiding any conduct or remarks that might be construed to be accusatory, suggestive or otherwise offensive or inappropriate.

   H. Assuring the cleanliness and orderly appearance of the entire Collection Site Facility, in particular of the processing room and restroom facilities.

   I. Monitoring, as necessary, the toilet control agent (bluing agent).

   J. Monitoring of the restroom facility for any unauthorized equipment and supplies.

2. Employees to be tested are responsible for the following:

   A. To attend the PG&E Drug Testing Program presentations.

   B. To know and understand the provisions for drug abuse and the consequences for violating them.

C. To report for specimen collection testing upon notification and cooperate with the process.

3. Precautions

The following precautions shall be taken at all times throughout the specimen collection process.

A. Privacy

Ensure the privacy of the individual during his/her collection of the urine specimen, except for conditions stated in paragraph 3C.

B. Collection Site Person/Individual Interface

1. The Collection Site Person must ensure the modesty and privacy unless an observed specimen collection is required of the individual and avoid any conduct or remarks that might be construed to accusatorial, suggestive, or otherwise offensive.

2. The Collection Site Person shall not make any conclusions or remarks, except as provided for in this procedure, or provide any interpretation regarding any specimen.

3. The Collection Site Person shall not make any remarks or provide any information or interpretation of a specimen with respect to the employment status of the individual.

C. Second Specimen

1. If there is reason to believe that the first specimen was substituted or adulterated the collection of a second urine specimen must be approved by the Company representative.

2. The collection of a second urine specimen by the individual must be observed by an appropriately trained person of the same gender as the individual.

D. Confidentiality

All information provided by the individual and recorded on the Chain of Custody Forms must be treated as confidential.

E. Observation of Individual and Specimen

The Collection Site Person must observe the individual and the specimen(s) at all times, however, as stated in paragraph 3A, the specimen collection will only be observed if tampering or substitution is suspected.

F. Unusual Circumstances

In the case of any conditions during the specimen collection process that is not covered by these procedures, the Collection Site Person shall not proceed with the specimen collection process but shall request further direction from the Company representative.

Instructions for Specimen Collection

4. Check-in and Preparation

A. Check-in

1. The individual scheduled for the collection of urine specimen shall report to the designated Collection Site at the specified time.

2. The arrival time and departure time shall be recorded by the Collection Site staff.

3. Drinking of liquids (e.g., water, juice, etc.) in sealed containers may be provided by the Site Collection Person.

4. The individual shall remain in the reception room or other area designated by the Collection Site Person until requested to enter the processing area.

B. Failure to Report

1. If the individual cannot report at the specified time, he/she shall promptly notify his/her supervisor, explain the circumstances and indicate the exact time when he/she can report. The supervisor or the Company representative shall determine if the delay is acceptable, taking into consideration such factors as other scheduled tests, previous testing history of the individual, and type of test to be conducted (preaccess, random, for-cause, follow-up).

2. If the individual does not inform his/her supervisor of any anticipated delay and reports to the Collection Site later than the scheduled time, the Collection Site Person shall promptly notify the Company representative requesting further guidance.

C. Documents and Forms

1. Upon signing in, the individual shall be provided with the following:

   a. Guidance and requirements for the individual regarding his/her conduct and function in the collection of the specimens. (Attachment IV)

   b. The Chain of Custody Form (Attachment II) is for the initial specimen. If a second urine specimen is taken, an additional form will be used.

2. The individual shall familiarize himself/herself with the document and form, while remaining in the reception room.

3. The Collection Site Person records the time of entry into the process room and all other required information.

4. From the time of entry into the process room until leaving the Collection Site Facility, the individual shall always remain in view of the Collection Site Person, except when providing an unobserved specimen collection.

D. Identity of Individual

1. The Collection Site Person shall establish the identity of the individual on the basis of an official picture ID such as his/her PG&E badge or current driver's license. The individual shall not be tested until his/her identity has been established.

2. If no positive identification can be made, the Collection Site Person shall notify the Company representative and request further direction.

E. Chain of Custody Form

1. The Collection Site Person, in the presence of the individual, shall complete the following items on the "Drug Testing Custody and Control Form" (Attachment II):

   a. Name of individual
   b. Social Security
   c. Duty Location
   d. Birth Date
   e. Job Title

2. Each Chain of Custody Form must accompany its specimen at all times.

3. Each specimen, its Chain of Custody Form and other records and documents must at all times be under the control of the Collection Site Person.

F. Preparation

1. The Collection Site Person shall request the individual to remove any unnecessary outer garments that might conceal items or substances that could be used to tamper with or adulterate the urine specimen (for example coat, overcoat, jacket, hardhat, etc.).

2. The Collection Site Person shall request the individual to remove all objects from his/her pockets using a container provided for storage. The individual may keep his/her wallet.

3. The garments and personal belongings such as purse, briefcase, tools or lunch box shall be kept out of the restroom facilities but at the collection site in a secured place.

G. Failure to Cooperate

The Collection Site Person shall notify the Company representative and request further guidance if, at any time during the specimen collection process the individual does not cooperate. This includes refusal to provide a specimen, to complete or sign required paperwork or to follow specific instructions. Such refusal shall be recorded on the Chain of Custody Form.

5. Urine Specimen Collection

A. Collection Process

1. The individual shall wash his/her hands thoroughly with soap and water, rinse and dry. The area will be kept separate from the restroom facilities, if at all possible.

2. The Collection Site Person shall escort the individual to the restroom or stall in the restroom, maintaining constant visual contact and assuring that the individual has no access to any material or objects that could be used too adulterate the urine specimen (for example, water fountain, beverage container, faucet, soap dispenser, coffee pot, cleaning materials).

3. The Collection Site Person shall request the individual to select and unwrap a separately sealed specimen cup.

4. The Collection Site Person shall direct the individual not to flush the toilet until the specimen is delivered to him/her.

5. The Collection Site Person shall request the individual to provide a urine specimen.

6. The Collection Site Person monitors the individual at all times prior to entering the restroom/stall (visual and audible) and while in the restroom/stall (audible only). Any unusual circumstances, behavior or appearance is recorded (for example, excessive liquid splashing, sound of opening container, sound of pouring of liquid, paper noise, very short or very long time spent in restroom/stall).

7. The individual collects his/her urine specimen, leaves the restroom/stall, and returns the specimen cup to the Collection Site Person.

8. After the Collection Site Person is in possession of the specimen, the individual shall be instructed to flush the toilet.

B. Specimen Acceptability

The Collection Site Person shall determine the acceptability of the urine specimen with respect to temperature, observations, and volume in accordance with paragraphs 5C through 5F.

C. Temperature Measurement - Time Limit

1. The Collection Site Person immediately measures the temperature of the urine specimen. The measurement must be performed within 4 minutes after the individual provides the specimen to the Collection Site Person. If the temperature has not been measured within 4 minutes, due to the collector's error, the employee will not be required to submit an additional specimen. However, if the delay was caused by the employee, another specimen will be collected.

2. The temperature of the second specimen shall be measured immediately (i.e., in less than 4 minutes) and the specimen shall be processed in accordance with Section 5D. The first specimen is discarded by the Collection Site Person in the designated sink in the process room and in view of the individual. The specimen will be identified as a second specimen, with appropriate explanation, on the Chain of Custody Form.

D. Temperature Range

The measured temperature shall be recorded on the Chain of Custody Form. If the measured temperature of the specimen falls in the range from 90.5 degrees Fahrenheit to 99.8 degrees Fahrenheit (32.5 C to 37.7 C) the specimen processing continues following Section 5E; if the measured temperature falls outside this range the evaluation continues following 5I.

E. Observations

The Collection Site Person evaluates the observations noted in Section 5A and determines if, on the basis of that information or any other indication, there is reason to believe that the individual may have altered or substituted his/her urine specimen. If no tampering is suspected the urine specimen process continues in accordance with Section 5F; if tampering is suspected the processing shall continue in accordance with Section 5K.

F. Volume

The Collection Site Person shall determine the volume of the urine specimen provided and shall record the volume on the Chain of Custody Form. If the volume is 60 ml or more, the processing of the specimen continues in accordance with Section 5G; if the volume is less than 60 ml the processing continues following Section 5K.

G. Color and Clarity

The Collection Site Person shall visually inspect the specimen and determine its color (for example, white, orange, yellow, no color, brown, bluish) and its clarity (for example, clear, suspected matter, cloudy). The results are recorded in the Permanent Record Book and on the Chain of Custody Form. Any unusual appearance or condition will be recorded.

H. Temperature Outside Range

1. If the measured temperature falls outside the temperature range in Section 5D, the measurement shall be repeated immediately with another thermometer of the same type. The time lapse between measurements shall be recorded on Chain of Custody Form.

2. If the second measurement falls within the temperature range in Section 5D the temperature is considered acceptable and the urine specimen preparation process shall continue with Section 5E.

3. If the second measurement also falls outside the temperature range, the Collection Site Person shall notify immediately the Company Representative and request permission to have the individual provide a second urine specimen under direct observation by a person of the same gender as the individual or to obtain further direction.

4. The Collection Site Person shall inform the individual that he/she may elect, prior to providing a second specimen, to have his/her oral temperature taken to provide evidence that the urine specimen temperature being outside the specified temperature range in Section 5D is supported by his/her oral temperature. An oral temperature measurement that is within 1.8 degree Fahrenheit of the specimen temperature is considered to be acceptable evidence.

5. If the individual elects to have his/her oral temperature taken and the oral temperature supports the specimen temperature, the specimen processing continues with Section 5E.

6. If the individual does not elect to have his/her oral temperature taken or if the oral temperature does not support the specimen temperature a second specimen must be obtained and the specimen collection process continues with Section I.

7. All information obtained shall be recorded on the Chain of Custody Form.

I. Collection of Second Specimen Based on Temperature

After the Collection Site Person has determined, as a result of the steps taken in Section 5H that a second urine specimen is required, the following procedures shall be followed:

1. The Collection Site Person informs the individual that a second urine specimen is required and explains the basis. Approval for the second specimen must be obtained by the Collection Site Person from the Company Representative and shall be recorded in the Permanent Record Book. A new Chain of Custody Form must be prepared for the second specimen.

2. Prior to initiating the collection of the second specimen, the first specimen must be completely processed, sealed, and prepared for shipment in order to eliminate any potential for any switching or discrepancies between the two specimens and their associated documentation and records.

3. In order to be able to provide a second specimen the individual will be given the opportunity to drink a reasonable amount of plain water (sealed bottle of water), to be provided by the Collection Site Person, and to wait a reasonable time. Any water not consumed and the container shall be returned to the Collection Site Person prior to entering the restroom/stall.

4. The individual shall remain at the Collection Site Facility or be escorted and observed at all times by the Collection Site Person or other designated person.

5. The individual shall be provided with a new receiving cup (see Section 5.A.3), enter the stall with a same gender Collection Site Person or other person designated by the Program Coordinator and provide a second specimen under direct observation of the same gender person.

6. The Collection Site Person shall immediately take two successive temperature measurements of the second urine specimen with two, same type, thermometers and record both temperatures in the Permanent Record Book on the Chain of Custody Form.

7. The Collection Site Person shall promptly inform the Company Representative of the results. The specimen preparation process continues with Section 5E.

J. Collection of Second Specimen Based on Other Observation.

1. The Collection Site Person shall immediately notify the Company Representative and request permission to have the individual provide a second urine specimen under direct observation by a same gender person as the individual or obtain further instructions.

2. The Collection Site Person shall inform the individual that a second specimen must be taken and explain the reasons.

3. A new Chain of Custody Form must be proposed for the second specimen.

4. The second specimen shall be provided in accordance with Section 5.

5. The Collection Site Person shall promptly inform the Company Representative of the results and request further directions if necessary.

K. Additional Specimen - Inadequate Volume

1. If there is less than 60 ml of urine the individual will be informed that more urine is needed.

2. The individual will be offered water or other liquids.

3. The initial specimen will be discarded in the individual's presence.

4. Repeat Section 5A with clean disposable cup when individual is able to urinate again.

5. Proceed with steps 5C through 5G.

6. If the individual fails to provide for any reason a volume of 60 ml of urine, the Collection Site Person will inquire of the individual about the reason, document the information on the Chain of Custody Form and promptly inform the Company Representative for directions for further action.

L. Cleanup

1. After the Collection Site Person finds the urine specimen acceptable or after other action has been initiated in accordance with specific instructions by the Company representative, the individual shall wash his/her hands in the designated sink in the Collection Site facility.

2. All disposable equipment and supplies shall be discarded promptly in a container (trash compactor).

M. Specimen Splitting, Sealing and Identification

The splitting, sealing and identification labeling of urine specimens must be performed in full view of the individual and the Collection Site Person as follows:

1. The splitting of a urine specimen (split samples) into two specimens for analysis will only occur when testing for reasonable cause, post-rehabilitation, pre-transfer or random. Pre-employment will only have one specimen sample collected and will not be split.

2. All specimens collected, which includes both parts of the "split sample", will be forwarded to the contracted HHS-certified laboratory for storage and analysis.

3. The individual will be requested to select two individually wrapped shipping packages for his/her urine specimen.

   NOTE: At a minimum, 10 shipping packages shall be available for selection.

4. The Collection Site Person unpacks the shipping package, prepares the shipping bottle (opens bottle, inspects for cleanliness and breakage) that has been previously selected when specimen was collected and transfers the specimen into the two bottles.

5. The first bottle is to be used for the DOT-mandated test, and 60 ml of urine shall be poured into it. If there is no additional urine available for the second specimen shipping bottle, the first specimen bottle shall nevertheless be processed for testing.

6. Up to 60 ml of the remaining urine shall be poured into the second specimen shipping bottle.

7. The Collection Site Person shall tightly close the bottle, securely attach the tamper-evident seal/identification label over the top and down the sides of the bottle, enter the required information on each label, request the individual to initial the seal/identification label, and date and sign the seal/ identification label.

8. Both the individual and the Collection Site Person shall ensure that the specimen identification on each bottle, on the Chain of Custody Form and in the Permanent Record Book is identical. The employee shall initial the seal/identification label on each bottle to certify that the specimen in each bottle was collected from him/her.

9. The completion of the records and preparation of the urine specimen for shipment shall continue in accordance with the procedures in Section 6.

6. Records and Shipment of Specimens

A. Specimen Visibility

During the completion of records and preparation for shipment, every specimen collected from the individual (with the exception of a first urine specimen as discussed in Section 5C) shall remain in full view of the Collection Site Person and the individual until each specimen is placed in its shipping container.

B. Recorded Information

The Collection Site Person, in the presence of the individual, completes or verifies completion of the following information on the Chain of Custody Form for each specimen collected from the individual.

1. Name or other identification of individual.
2. Specimen collection date.
3. Specimen shipment date.
4. Collection Site Person (name and position).
5. Type of specimen collected.
6. Any unusual or noteworthy observation/experience during collection of specimen.
7. Specimen temperature.

C. Specimen Information Review by Individual

1. The individual shall review the information on the Chain of Custody Form for each specimen which he/she provided to the Collection Site Person or which he/she entered on the form.

2. The individual shall revise and/or add/delete any information which he/she considers necessary and shall initial such changes.

3. The individual shall sign and date each Chain of Custody Form certifying the authenticity of the specimen and the accuracy and completeness of the information.

D. Specimen Information Review by Collection Site Person.

1. The Collection Site Person certifies the completion of the Chain of Custody Form for each specimen by his/her signature and dates the form.

2. A copy of the Chain of Custody Form is removed and will be filed in the file for the individual.

3. The original, signed Chain of Custody Form (white color) and all remaining copies of the form are placed with the specimen for shipment to the HHS-certified laboratory.

4. The Collection Site Person places each specimen with its Chain of Custody Form into a shipping container. The container will be sealed with tamper-evident tape when it is to be shipped.

E. Debriefing and Dismissal of Individual

1. The individual shall be offered the opportunity to ask any question pertaining to the collection of specimen(s), the test performed, and the Drug Testing Program in general. Questions that cannot be answered immediately shall be answered as soon as possible by Company representative.

2. The Collection Site Person will dismiss the individual and note the time of dismissal.

F. Storage and Shipment of Specimens

1. The Collection Site Person shall place each sealed specimen into a shipping container with its Chain of Custody Form. When the shipping container is full, it shall be secured in accordance with specific shipping instructions from the HHS-certified laboratory.

2. The Collection Site Person shall seal the container with a tape to eliminate the possibility of undetected tampering and will indicate the shipment date on the tape.

3. All specimens collected during a single day and prepared for shipment in accordance with Step 2 above shall be shipped on the same day for overnight delivery to the HHS-certified laboratory using a pickup time and location prearranged with an overnight courier service.

4. A list of all shipments for a single day shall be maintained and telefaxed to the HHS-certified laboratory on that day. The laboratory shall inform the Collection Site Person daily and immediately after receipt of any shipment on the list that was not received, that shows any indication of having been tampered with, or that has been received in a damaged condition.

RANDOM DRUG TESTING PROGRAM

CHECKLIST FOR SUPERVISORS

Some of your employees have been identified for random drug testing by urinalysis. Please read this checklist to familiarize yourself with the collection process. If you have previously experienced testing at your facility and are already familiar with the process, review the information so that you might provide advice to others who need assistance.

On the actual date of testing, a Company Representative or the Contract Specimen Collector will notify you which of your employees have been selected for drug testing. This information is confidential. The following procedures should be followed in notifying employees of the collection process. Also see the attached "Checklist for Employees" that will be given to your selected employees.

If possible:

1. Approximately 15 - 30 minutes prior to the actual collection but no sooner than two hours, inform the employee verbally, that he/she has been identified through a random selection process for drug testing by urinalysis. Clearly inform the employee as to the time and the exact location to report for testing and instruct him/her to take photo identification.

2. Employees normally will be scheduled to report to the collection area at 10-minute intervals. Coordinate any scheduling changes necessary to maintain work operations. Do not make any unilateral changes.

3. An employee not identified on the official test list will not be tested. The exception will be if the manager volunteers to be tested at this time along with the other employees.

4. The collection will be performed by a contracted collector who will ensure the process is properly administered. Advise employees to be prepared to provide a urine specimen at the scheduled collection time.

5. Give the attached Checklist for Employees, which provides helpful information about the collection process, to scheduled employees.

6. When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, leave), you must inform the Company Representative, who will annotate the random test list to indicate the reason for that employee not being tested. Once a facility has been notified of testing, any leave requests submitted by employees for the testing day should be carefully scrutinized.

7. Immediately report any problems encountered during employee notification to the Company Representative. Employees who willfully fail to cooperate with the collection procedures will be subject to disciplinary actions consistent with the Company Drug Testing policy. The Company Representative will be able to address employee problems (i.e., refused to test).

8. If an employee who is notified to report for testing is unable to provide a sufficient quantity of urine, you will be notified by either the collector or the Company Representative. The employee will be given a reasonable period of time to provide a specimen (maximum 2 hours). During this time, the employee should remain at the collection site and be instructed to drink at least 8 ounces of liquid each half hour as supplied by the contractor. If the Company Representative concurs that the employee: is essential to work operations, he/she may allow the employee to return to the work site while waiting to provide a specimen. The Company Representative will alert you to the fact that the employee has not yet provided a specimen, and you should direct him/her to continue to drink liquid. If at the end of the waiting period the employee still cannot provide a specimen, the collector will notify the Company Representative and the employee will be scheduled to see a physician the same day for a medical evaluation.

9. If the employee refuses to provide a test specimen or refuses to follow the specimen collection procedures, their action will be treated as insubordination and they will be suspended from work. In addition, it will be treated as a "verified" positive test, and they will be required to cooperate with the Medical Review Officer and follow his/her instructions. If they fail to do so, it will be considered a second "verified" positive and they will be discharged.

10. If the employee willfully tampers with or alters the test specimen he/she will be discharged.

11. An employee who is a Union member is entitled to shop steward representation under the following conditions:

    A. Prior to a reasonable cause test (during discussions with management).

    B. Prior to an interview with the Medical Review officer concerning the results of a confirmed positive laboratory test.

    C. Prior to a discussion to determine rehabilitation program following a verified positive test.

12. The splitting of a urine specimen (split sample) into two specimens for analysis will occur only when testing for reasonable cause, post-rehabilitation, Company transfer or random.

13. If the test of a specimen is determined to be "verified positive" after review by the MRO, the employee has 72 hours after they have been notified by the MRO of the positive result within which to request that the MRO authorize the lab to conduct an analysis of the second bottle (split sample).

RANDOM DRUG TESTING PROGRAM

CHECKLIST FOR EMPLOYEES

You have been identified through a process of random selection for drug testing by urinalysis as required by the Department of Transportation. Please take a few minutes to read the following information which describes your role in the collection process.

1. You will be asked to present a photo identification to the collector upon arrival at the site. Acceptable I.D. would be a PG&E Identification Card, Driver's License, Passport, etc. If you do not bring a photo I.D. to the collection area, a Company Supervisor will be asked to identify you to the site collector.

2. When instructed by the collector, complete the Custody of Transfer form. On this form you will be asked to provide your name, work location, date of birth, job title and work or home phone number. Make sure you can be reached through that phone number, because if the Medical Review Officer (MRO) receives a positive test result for you from the laboratory, he or she will call you directly to determine if there is an acceptable alternative explanation. If so, the positive result will NOT be communicated to PG&E. However, if you cannot be reached within 3 days, the MRO will ask PG&E to help locate you. If the MRO has not spoken to you within 5 days, your name will be submitted to PG&E as a "verified positive" and you will be removed from your job.

3. PG&E will provide you with written confirmation of a negative test result if you so choose. If you want a confirmation, simply state you would like a confirmation letter on the bottom of the MRO's copy of the Custody of Transfer form. Be sure to include the address to where you want it mailed.

4. The collector will ask you to remove any unnecessary outer garment (e.g., coat, jacket, all personal belongings, purse, briefcase). Those items must remain with the outer garments. You may retain your wallet.

5. When instructed by the collector, wash and dry your hands.

6. You may provide the specimen in the privacy of a stall or an otherwise partitioned area that allows for individual privacy. It will be necessary for you to provide a specimen of at least 60 milliliters. If you are unable to provide the specified quantity, you will be allowed two (2) hours in which to provide the specimen. You must remain at the collection site during that two hour period. During this time you will be given water to drink. If at the end of the waiting period you still cannot provide a specimen, you will be required to meet with a physician that same day for a medical evaluation.

7. You should observe the entire collection and documentation procedure used by the collector.

8. Note the temperature reading of the specimen and verify that the temperature was correctly recorded by initialing in the proper space on the form.

9. When instructed, read, sign and date the D.O.T. urine custody and control form, certifying that the specimen in the bottle is yours and that it came from your body at the time of collection.

10. If you refuse to provide a test specimen or you refuse to follow the specimen collection procedures, you will be removed from work. In addition, it will be treated as a "verified" positive test and you will be required to cooperate with the Medical Review Officer and follow his/her instructions. If you fail to do so, it will be considered a second "verified" positive and you will be discharged.

11. If you willfully tamper with or alter the test specimen you will be discharged.

12. If you are represented by a Union, you are entitled to shop steward representation under the following conditions:

    A. Prior to a reasonable cause test (during discussions with management).

    B. Prior to an interview with the Medical Review Officer concerning the results of a confirmed positive laboratory test.

    C. Prior to a discussion to determine a rehabilitation program following a verified positive test.

13. If you should have any questions or concerns, share them with the site coordinator, your Supervisor, or the Drug Program Coordinator (in most cases the Human Resources Department).

14. The splitting of a urine specimen (split sample) into two specimens for analysis will only occur when testing for reasonable cause, post-rehabilitation, pre-transfer or random.

15. If the test of a specimen is determined to be "verified positive" after review by the MRO, you have 72 hours within which to request that the MRO authorize the lab to conduct an analysis of the second specimen bottle (split sample). The split will be analyzed only for the existence of the drug identified in the original positive test, without regard to levels.

RANDOM DRUG TESTING PROGRAM

PROGRAM IMPLEMENTATION

In order to implement the Drug-Free Pipeline Program and provide services on a continuing basis, the Program Coordinator will be responsible for the creation and administration of contracts with a specimen collection contractor, a NIDA certified laboratory, and a Medical Review Officer consistent with the requirements herein, including Items of Understanding.

Contractor Agreements

1. Any contract(s) with specimen collection contractor(s) shall include, at a minimum, the following:

   A. That contractor at all times comply with PG&E's Drug-Free Pipeline Program requirements, including interpretations thereof and directives of the Program Coordinator.
   B. That contractor arrange the order of site visits for testing so as to maximize efficiency within the parameters given by PG&E and minimize the predictability of the sequence of sites to be visited.

2. Any contract(s) with a testing laboratory shall including, at a minimum, the following provisions:

   A. That contractor have and maintain NIDA certification.
   B. That contractor notify PG&E immediately if contractor's NIDA certification is suspended or revoked.
   C. That contractor maintain compliance with the Laboratory Personnel requirements of 49 CFR Part 40.27.
   D. That contractor maintain compliance with the laboratory analysis procedures of 49 CFR Part 40.29.
   E. That contractor maintain compliance with the quality assurance and quality control requirements of 49 CFR Part 40.31.
   F. That contractor's facilities will be subject to unannounced inspections by PG&E, CPUC and RSPA in accordance with the requirements of 49 CFR 199.13 (b).
   G. That contractor retain positive specimens for at least one (1) year as required by 49 CFR Part 199.17(a).

H. That contractor cooperate in transferring the "split" of any sample confirmed by contractor as positive to another PG&E designated laboratory upon request of PG&E's Medical Review Officer or the employee from whom the sample was taken (49 CFR 199.17 (c)), and that such transfer should be in compliance with the chain of custody requirements of CPU Part 40.25 (c) and (f).

3. Any contract(s) for Medical Review Officer (MRO) services shall contain, at a minimum, the following provisions:

A. That contractor maintain on file with PG&E's Employee Assistance Program manager a current copy of the standards and procedures used by the MRO and any affiliates or subcontractors to decide whether a specimen confirmed as positive by PG&E's laboratory will be verified positive by the MRO.

B. That any MRO services performed by a physician who is not ASAM certified will be under the guidance and supervision of the physician designated as PG&E's MRO.

C. That the MRO maintain records identifying samples put through the confirmatory process by the laboratory and make them available to RSAP or an independent auditor designated by PG&E for the purpose of auditing test results which are close to the designated cut-off levels.

4. PG&E may elect to meet its blind sampling obligations under 49 CFR Part 40.31 (d) through a contracted agent, in which case the implementing contract shall require compliance with all relevant provisions of 49 CFR Parts 40 and 199, if applicable.